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POLICY MANUAL AND ADMINISTRATIVE REGULATIONS

**GADSDEN INDEPENDENT SCHOOL DISTRICT
GADSDEN, DONA ANA COUNTY, NEW MEXICO**

INTRODUCTION

This manual contains the policies of the Local Board and administrative regulations of the Superintendent. Policy and administrative regulation development in a modern, forward-looking school system is a dynamic, ongoing process. New problems, issues, and needs give rise to the continuing necessity to develop new policies and regulations or to revise existing ones. The loose leaf format of the printed manual has been selected to facilitate the print copy of the manual being kept up to date.

Each person to whom a printed copy of this manual is assigned is charged with keeping it up to date as new policies and regulations are distributed by the central office.

How to Use This Manual

The Gadsden Independent School District is operated in accordance with policies established by the Board and regulations developed by the Superintendent. The Board, which represents the state and local community, adopts policies after careful deliberation, and the school administration implements the policies through specific regulations and procedures. The Board and administration evaluate the effects of the policies and procedures and revise them as necessary.

To promote harmony, efficiency, uniformity of interpretation, coordination of effort, and fairness to all concerned, the print copy of the manual will be accessible at the District office and at such other places as designated by the Superintendent.

How the manual is organized. The manual is organized according to the classification system of the National School Boards Association. The system provides an efficient means of coding, filing, and locating policies.

Please note: All copies of this manual are the property of the Gadsden Independent School District.

There are 12 major classifications, each identified by an alphabetical code:

A	FOUNDATIONS	AND	BASIC	COMMITMENTS
B	SCHOOL BOARD	GOVERNANCE	AND	OPERATIONS
C	GENERAL	SCHOOL	ADMINISTRATION	
D	FISCAL		MANAGEMENT	
E	SUPPORT		SERVICES	
F	FACILITIES		DEVELOPMENT	
G	PERSONNEL			
H	NEGOTIATIONS			
I	INSTRUCTIONAL			PROGRAM
J	STUDENTS			
K	SCHOOL	-	COMMUNITY	RELATIONS
L	EDUCATION AGENCY RELATIONS			

Subclassification under each heading is based on logical sequence and alphabetical subcoding. For an example of the subcoding system, examine the page immediately following the tab for Section A: FOUNDATIONS AND BASIC COMMITMENTS.

The pages that follow the tabs for each major section present the classification system, section by section, and serve as the tables of contents for the sections or "chapters" of this manual. The table of contents is not specific to the District but contains national titles and codes.

How to find a policy. There are two ways to find a policy *in the printed manual*:

- Consider where the policy would be filed among the 12 major classifications. Turn to the table of contents for that section and glance down the listing until you find the term that most closely fits the topic you are seeking. Use the code letters given for the term to locate the sheet that appears in alphabetical order by code within the particular section. (All pages of the manual are coded in the upper right-hand corner.) *Or* -
- Turn to the Code Finder Index at the end of the printed manual. The code finder is an alphabetical index of terms commonly used in

education. Look up your topic as in any index, note its related code, and use the code to locate the sheet in the manual.

What if you can't find the term you are seeking? The code finder lists more than 1,800 terms, but no index of useful size could include every possibility. If the term you are seeking is not included, look up a synonym or another term, either more general or more specific, that you believe is related to the topic.

What if you can find the term and code, but there is no policy? This probably means that the school system has not adopted a written policy in the particular area. All terms used in the classification system appear in the sectional tables of contents and code finder to accommodate the coding, insertion, and location of policies that may be adopted later. But there is another possibility. A brief statement related to the policy you are seeking may be incorporated in a "superior" policy that covers the more general area. This "superior" policy will be coded under the broader category. To find it, read up the classification system. For example, a policy statement that encompasses all meetings of the Board might be filed under "School Board Meetings" (BE) rather than the more restrictive heading "Regular Board Meetings" (BEA).

Using the signs and symbols. Various symbols are used in connection with the classification system. They are for your use in locating and/or recognizing the authority of the statements. Included are the following:

-R This symbol following a code indicates that the statement is a regulation, not a policy, and is generally the direction of the Superintendent to the staff for the implementation of a Policy. If there is more than one regulation, the "-R" will be followed by a letter; e.g., "-RA," "-RB," et cetera.

REGULATION	REGULATION
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-E Exhibit. This symbol following a code indicates that the statement is a reference document. The exhibit is there to show the form to be used or for the purpose of information which may support the policy or regulation. If there is more than one reference document, the "-E" will be followed by a letter; e.g., "-EA," "-EB," et cetera.

EXHIBIT	EXHIBIT
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Using References. Implementation of policies requires coordination with other policies and regulations. A policy does not usually stand alone, rather, there are other policies or regulations that may apply. For example the policy on Suspension is an integral part of the implementation of the policy on Weapons in the School. The Weapons policy specifies what weapons are and how extensive the discipline may be but does not contain the step by step due process procedure necessary to accomplish the suspension of the student. That is found in the policy on Student Suspension. To assist districts with this complexity of policy, there may be a side heading at the bottom of each policy (not regulation) identifying cross referenced material and/or legal references. When implementing policies, these cross references and laws should be reviewed for applicability to the circumstances or fact pattern bringing about the use of the policy.

LEGAL REF.: Pertinent legal references are given to inform the reader where in law certain statutes that relate to a policy may be found. References direct the reader to the federal or state laws, pertinent regulatory pronouncements, important legal opinions and will occasionally cite case law. It is important to mention here that other laws and/or court decisions may also be applicable to a particular policy but not all can be cited. The following abbreviations are used in legal references:

C.F.R.	Code of Federal Regulation
N.M.A.C.	New Mexico Administrative Code
N.M.S.A.	New Mexico Statutes Annotated
P.L.	Public Law (federal law as it is identified by Congress). Such laws will at some time after passage be codified in the United States Code
U.S.C.	United States Code

CROSS REF.: Certain policies are related to other policies. Cross references are provided following many statements to help the reader find the related information. This related information should be referenced for an in depth understanding of policy.

About Board Policies

Generally, the role of a Board is to set policy, and the role of the administration is to execute it. The basic distinction as set forth by the National School Boards Association is:

- *Policies* are principles adopted by the Board to chart a course of action. They tell what is wanted and may include also why and how much.

They are broad enough to indicate a line of action to be taken by the administration in meeting a number of day-to-day problems; they need to be narrow enough to give the administration clear guidance.

- *Regulations* are the detailed directions developed by the administration to put policy into practice. They tell how, by whom, where, and when things are to be done.
- *Exhibits* are checklists, sample documents, forms, and other informational items to assist in implementing policies or procedures.
- The state and federal governments at times require governing boards to make detailed rules, or the Board may decide that such rules are necessary. In spite of the detailed nature of such rules, once adopted by the Board they become policy.

Therefore:

- Where the Board has voluntarily adopted statements of principle or written regulations required by law or has established a position in particularly sensitive areas, and one or more of them are incorporated into policy, the entire statement is presented as policy.
- Where the Board has adopted rules concerning its *own operations* (for instance, how it conducts meetings), these statements concerning operations of the Board also appear as policy.

As long as the administration operates within the guidelines of policy adopted by the Board, it may issue regulations without prior Board approval unless Board action is required by law or unless the Board has specifically directed that certain types of regulations be given Board approval. The Board, of course, is to be kept informed of all District regulations issued by the administration, and all are subject to Board review.

In keeping with the definitions and rules of thumb, the current policies of the Board are presented in this manual.

Is the Manual Complete?

No. The manual contains all of the current written policies of the Board. However, there is an almost continual need to draft and adopt new written policies and revise the existing ones. Additionally, changes in state law and Secretary of Public Education regulations may necessitate policy modifications. No matter how well a policy manual is conceived and developed, it can never be totally comprehensive and absolutely up to date.

Therefore, as new policies are developed, they will be coded according to the classification system and issued for insertion into the manual.

Order of precedence. Board policies must be read and interpreted in conformance with the applicable state and federal statutes and regulations. Wherever inconsistencies of interpretation arise, the law and regulations prevail.

Terminology

Whenever the term *Superintendent* appears in this manual it is to be interpreted as "Superintendent or a person designated by the Superintendent."

Whenever the term *principal* appears in this manual it is to be interpreted as "principal or a person designated by the principal."

Whenever the term *District* appears in this manual it is to be interpreted as the "Gadsden Independent School District."

Whenever the terms *Board* or *Local Board* appear in this manual they are to be interpreted as the "*Local Board* of the Gadsden Independent School District."

Whenever the term *day* appears in this manual it is to be interpreted as any day in which the District or School Administrative Offices conduct business.

Whenever the term *school day* appears in this manual it is to be interpreted as any day in which the students are present for instruction.

Whenever the term *parent* appears in this manual it is to be interpreted as parent or legal guardian and the legal guardian is a person to whom custody of the child has been given by order of a court.

It is the expectation of the Board that this collection of policies provides a platform for harmony and efficiency in all areas of school operations. This enables the Board to focus on its primary duty: the development of long-range plans and policies for the future of the School District.

Local Board

Date of Manual Adoption:

SECTION A

FOUNDATIONS AND BASIC COMMITMENTS

A-0000

©

A

**DISTRICT MISSION AND
BELIEF STATEMENT**

The Gadsden Independent School District will ensure that all students will learn by putting education first. Then provide quality educational opportunities conducive to learning that will facilitate students' individual goals

Adopted: date of manual adoption

A-0050

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AA

SCHOOL DISTRICT LEGAL STATUS

The official name of the District shall be: GADSDEN INDEPENDENT SCHOOL DISTRICT NO. 19, but for all purposes of business, except where the name is mandatory, GADSDEN INDEPENDENT SCHOOL DISTRICT may be used as the business title of the District.

Adopted: date of manual adoption

LEGAL REF.: 22-1-4 NMSA (1978)

A-0150
COMMUNITY INVOLVEMENT
IN EDUCATION

ABA

The Gadsden Independent School District (GISD) functions as an agency of the public. The public schools belong to the people. The people govern the schools under rights guaranteed them under the Constitution and the statutes of the State of New Mexico. The people exercise their responsibility through the elective process. The people elect a school board to represent them as trustees to oversee the use of public funds and policy.

The School Board is mindful that the people are the ultimate governors of public education and that the Board is directly accountable to the people through the elective process. The School Board also believes that accountability is a shared responsibility involving the entire school community. Therefore, the School Board affirms these beliefs:

- Students should be educated at home and by the schools so that they learn to hold themselves accountable for their own lives, actions and decisions as maturing members of a democracy.
- Teachers shall hold all students accountable for achieving within the limits of each student's abilities the objectives of each learning experience.
- The Superintendent shall hold all employees accountable for achieving the objectives directly related to their stated job responsibilities.
- The School Board shall appoint the most capable person available to hold the position of Superintendent and hold him accountable for providing creative professional leadership in all aspects of the School District's program.
- The School Board will be held accountable to make policy and to identify the use of District resources necessary for their achievement.
- The public holds the School Board accountable for maintaining an interest in and a concern for the schools. The School Board shall be held accountable for allocating the resources necessary for the schools and staff to accomplish the goals and objectives of the School District.
- Stakeholders, which include employees, students, parents, business, community members, and higher education have a right and

responsibility to be represented in the activities of the district and district leadership, as designated by the superintendent, will develop procedures, processes and structures to assure the meaningful involvement of stakeholders as appropriate in Curriculum/ Instruction, Finance, Student Services, Human Resources and Support Services. The superintendent shall publicize annually the flowcharts and timelines delineating the district processes for these activities.

Adopted: date of manual adoption

CROSS REF.: IJ - Instructional Resources and Materials

KB - Parental Involvement in Education

**A-0200 ©
PARENTAL INVOLVEMENT**

ABAA

Based on the philosophy of the District, it is the intent of the Board that parental involvement in the District, at both the District and site levels, be defined in the broadest possible terms.

Further, it is the intent of the Board, under such a definition, that the Superintendent will, within the capabilities of the District staff and the financial limitations of the District, at both the District and site levels, incorporate to the maximum extent possible, a variety of activities, strategies, and mechanisms into the District and site structures that provide for the:

- active involvement of,
- active support to,
- effective interaction with, and
- development of

parents as active partners in a student support team effort that will enhance the capacity of all students to reach their optimum potential.

Adopted: date of manual adoption

CROSS REF.: KB - Parental Involvement in Education

NONDISCRIMINATION / EQUAL OPPORTUNITY

The Board is committed to a policy of nondiscrimination in relation to race, color, religion, sex, sexual orientation, age, national origin, and disability. This policy will prevail in all matters concerning staff members, students, the public, educational programs and services, and individuals with whom the Board does business.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 1400 *et seq.*, Individuals with Disabilities
Education Act
20 U.S.C. 1681, Education Amendments of 1972, Title IX
20 U.S.C. 1703, Equal Employment Opportunity Act of 1972
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)
42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII
42 U.S.C. 12101 *et seq.*, Americans with Disabilities Act
28-1-2 NMSA *et seq.*

CROSS REF.: ACA - Sexual Harassment
GBA - Equal Employment Opportunity
GCQF - Discipline, Suspension, and Dismissal of
Professional Staff Members
GDQD - Discipline, Suspension, and Dismissal of
Support Staff Members
IHBA - Special Instructional Programs and
Accommodations for Disabled Students
JB - Equal Educational Opportunities
JII - Student Concerns, Complaints, and Grievances
JK - Student Discipline
JKD - Student Suspension/Expulsion
KED - Public Concerns/Complaints about Facilities or
Services

REGULATION**REGULATION****NONDISCRIMINATION / EQUAL OPPORTUNITY****Compliance Officer**

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

Complaint Procedure

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violation that are raised by the Board, even though no complaint has been made.

If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with policy may be initiated.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension without pay, recommend dismissal, or impose other appropriate discipline.

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with policies JK and JKD.

If the Superintendent's investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional working days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

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EXHIBIT **EXHIBIT**

NONDISCRIMINATION / EQUAL OPPORTUNITY

COMPLAINT FORM

(To be filed with the compliance officer as provided in AC-R)

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to complain against:

Name of person, school (department), program, or activity _____

Address _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Date of the action against which you are complaining _____

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name Address Telephone Number

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

The compliance officer, as designated in AC-R, shall give one (1) copy to the complainant and shall retain one (1) copy for the file.

**A-0300 ©
SEXUAL HARASSMENT**

ACA

All individuals associated with this District, including, but not necessarily limited to, the Board, the administration, the staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when made by a member of the school staff to a student or to another staff member, or when made by a student to another student where:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive employment or education environment.

Sexual harassment may include, but is not limited to:

- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, or display of sexually suggestive objects, pictures, or cartoons.
- Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
- Implying or withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; suggesting that probation will be failed; implying or actually withholding grades earned or deserved; or suggesting that a scholarship recommendation or college application will be denied.

- Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee; or engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- Offering or granting favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Anyone who is subject to sexual harassment, or who knows of the occurrence of such conduct, should inform the compliance officer, as provided in ACA-R.

A substantiated charge against a staff member in the District shall subject such staff member to disciplinary action.

A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion.

All matters involving sexual harassment complaints will remain confidential to the extent possible.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 1681, Education Amendments of 1972, Title IX
 20 U.S.C. 1703, Equal Employment Opportunity Act of 1972
 42 U.S.C. 2000, Civil Rights Act of 1964 as amended, Title VII

CROSS REF.: AC - Nondiscrimination/Equal Opportunity
 GBA - Equal Employment Opportunity
 GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members
 GDQD - Discipline, Suspension, and Dismissal of Support Staff Members
 IHBA - Special Instructional Programs and Accommodations for Disabled Students
 JB - Equal Educational Opportunities
 JII - Student Concerns, Complaints, and Grievances
 JK - Student Discipline
 JKD - Student Suspension/Expulsion
 KED - Public Concerns/Complaints about Facilities or Services
 KFA - Public Conduct on School Property

REGULATION**REGULATION****SEXUAL HARASSMENT****Compliance Officer**

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or who has been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

Complaint Procedure

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violation that are raised by the Board, even though no complaint has been made.

If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with policy may be initiated.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension without pay, recommend dismissal, or impose other appropriate discipline.

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with policies JK and JKD.

If the Superintendent's investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided in policy the Superintendent will have ten (10) working days to respond in writing to the complaining party.

If the Superintendent does not respond within the ten (10) days, then the complaining party may bring the complaint before the Board. They will then review and have thirty (30) days to respond to the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional working days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

EXHIBIT **EXHIBIT**

SEXUAL HARASSMENT

COMPLAINT FORM

(To be filed with the compliance officer as provided in ACA-R)

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to complain against:

Name of person, school (department), program, or activity _____

Address _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Date of the action against which you are complaining _____

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

The compliance officer, as designated in ACA-R, shall give one (1) copy to the complainant and shall retain one (1) copy for the file.

A-0650

AD

**EDUCATIONAL PHILOSOPHY /
SCHOOL DISTRICT MISSION**

The Gadsden School Board believes that it must provide a planned educational program. Continuous improvement of its schools affords the opportunity for high expectations. Each student shall strive for maximum development as an individual and as a contributing member of our democratic society. Through interaction with the educational program each student shall develop:

- Creative, critical and analytical thinking;
- An appreciation of those intrinsic values that are conducive to a full and rewarding life;
- An understanding of the changing career opportunities and their role within it;
- An appreciation of, compliance with, and respect for the rules of society;
and
- A positive attitude for family life and our country.

Adopted: date of manual adoption

SECTION B SCHOOL BOARD GOVERNANCE AND OPERATIONS

B-0050 © SCHOOL BOARD OPERATIONAL GOALS

BA

The state legislature has granted to the people the power to form school districts and boards of education, which, under the law, are empowered to exercise legislative authority over the public schools within their respective districts pursuant to applicable laws.

As representatives of the people, the Board accepts the responsibility to identify community attitudes and opinions and District needs and to require short- and long-range strategies that are responsive within the budgetary limitations of the District.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

B-0100 ©
EVALUATION OF SCHOOL BOARD /
BOARD SELF-EVALUATION

BAA

The Board shall meet as necessary for the purpose of appraising its functioning as a Board and to evaluate Board performance. The appraisal plan approved by the Board will be facilitated by the Board President working with the Superintendent.

Evaluation instruments for Board operation may be used in the process.

The Superintendent and others who regularly work with the Board may be asked to participate in all or a portion of the appraisal.

Areas of Board operations and relationships that may be appropriate to consider during the evaluation of Board procedures may include, but are not limited to:

- Board meetings/decision-making process.
- Policy development/implementation.
- Board/District goal setting.
- Curriculum and instruction management/program.
- Fiscal management/resource allocation.
- School plant planning/management.
- Board member orientation.
- Board member development.
- Board officer performance.
- Board member relationships.
- Board-Superintendent relationship.
- Board-community relationship.
- Legislative and governmental relationships.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

CROSS REF.: BDD - Board-Superintendent Relationship

EXHIBIT**EXHIBIT**

EVALUATION OF SCHOOL BOARD / BOARD SELF-EVALUATION

(Annual Self-Appraisal of the Board)

The following list of items pertaining to the operation of the Board is the basis for an annual self-evaluation. This may be carried out in conjunction with the annual evaluation of the Superintendent.

Please check the appropriate box for each item (S = satisfactory, N = needs improvement, U = unsatisfactory).

A. Board Relationship with the Superintendent:

S N U

- (1) The Board imparts information on issues, needs, and complaints in a manner allowing the Superintendent the opportunity to solve related problems in a professional manner.
- (2) The Board clearly interprets its position on controversial matters pertaining to the District, thereby enabling the Superintendent to properly carry out the wishes of the Board.
- (3) The Board disregards personalities and considers the recommendations of the Superintendent in an unbiased and objective manner.
- (4) The Board communicates views of personnel effectiveness, including views related to the Superintendent, in a confidential and professional manner.

B. Board Relationship with the Community:

S N U

- (1) The Board recognizes that the citizens have entrusted them with the educational development of the children and youth of this community.
- (2) The Board recognizes that the community expects their first and greatest concern to be in the best interest of each and every one of the young people without distinction as to who they are or what their background may be.
- (3) The Board enacts policies supporting the efforts of the administration in helping the people of this community to have the facts about their schools, to the end that they will readily provide the finest possible school program, school staff, and school facilities.

C. Board Relationships Between Members During Meetings:

S N U

- (1) Individual members of the Board treat other members of the Board and professional staff with respect during Board meetings.
- (2) Differences of opinion influencing Board member votes are based on the issues at hand and not on a personality basis.
- (3) All members of the Board conduct themselves in such a manner as to emphasize that individual Board members have authority only when convened in a legally conducted Board meeting with at least a quorum present.

D. Board Relationships with Staff and Personnel:

S N U

- (1) The Board members make every effort to become acquainted with the personnel of the District.
- (2) The Board members' personal friendships with District personnel are maintained without allowing them to affect overall Board decisions and/or policies.

E. Board Relationship to the Instructional Program:

S N U

- (1) The Board makes an effort to keep informed about the instructional program by providing for periodic reports as deemed necessary and by periodic visitation in the schools.
- (2) The Board attempts to gain information from the community pertaining to instructional program needs.
- (3) The Board maintains policies necessary to enable the educational staff to develop the educational program required to meet the needs of the community.

F. Board Relationship to the Financial Management of the Schools:

S N U

- (1) The Board establishes the policies and provides the necessary resources to properly manage the finances of the District.
- (2) The Board requires the proper accountability for the expenditure of funds in the District.
- (3) The Board provides justified funding to maintain a high quality educational program in this District.
- (4) The Board keeps the community informed about the financial needs of the District.

G. General Statements:

- (1) List in order of priority the four (4) major problems the Board faces:
 - (a)
 - (b)
 - (c)
 - (d)
- (2) List any weaknesses you have observed in the operation of the school system:

(3) List any significant accomplishments made by the school system during the past year:

B-0150 ©
SCHOOL BOARD LEGAL STATUS

BB

The New Mexico Constitution places the responsibility of establishing and maintaining public schools on the New Mexico Legislature and directs the establishment of a Public Education Department and Public Education Commission with powers and duties as provided by law. The Department shall be a cabinet department headed by the Secretary of Public Education who shall have administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law. It is further provided that school districts under the general supervision of the Secretary of Public Education shall be maintained, developed, and operated by locally elected boards. A school district is a political subdivision of the State for the administration of public schools and derives authority from the New Mexico Constitution, New Mexico statutes, and the rules of the Secretary of Public Education.

Adopted: date of manual adoption

LEGAL REF.: New Mexico Constitution Article XII
22-1-2 NMSA

**^B-0200 ©
BOARD POWERS AND
RESPONSIBILITIES**

BBA

The Board shall have the following powers or duties in accord with statutes:

- subject to the rules of the Secretary of Public Education, develop educational policies for the School District;
- employ a superintendent for the School District and fix the salary;
- review and approve the School District budget;
- acquire, lease and dispose of property;
- have the capacity to sue and be sued;
- acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code [42A-1-1 to 42A-1-33 NMSA 1978];
- issue general obligation bonds of the School District;
- provide for the repair and maintain all property belonging to the School District;
- for good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school boards;
- except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code [13-1-28 NMSA 1978];
- adopt rules pertaining to the administration of all powers or duties of the Local School Board;
- accept or reject any charitable gift, grant, devise or bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of the School District or the public school to which it is given;
- offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities

of offenders in case of theft, defacement or destruction of School District property. All such rewards shall be paid from School District funds in accordance with rules promulgated by the Secretary of Public Education; and

- give prior approval for any educational program in a public school in the school district that is to be conducted, sponsored, carried on or caused to be carried on by a private organization or agency.

The Board shall, in accord with the Administrative Code of the Secretary of Education:

- approve and support the District's Educational Plan for Student Success (EPSS) and each school site-level EPSS action plan;
- employ and evaluate the Local Superintendent on an annual basis in accordance with Section 22-10-3.1 NMSA 1978;
- ensure that each member of the Board participates in a planned program of training which will assist in the performance of specified duties. All Local School Board members must receive a total of five (5) hours of annual training.
 - For newly elected or appointed Local School Board members who are in office for less than a year, they shall receive three (3) of the five (5) hours from attending a training course developed by the State Public Education Department (PED) and sponsored by the New Mexico School Boards Association (NMSBA). This course shall be offered no later than three (3) months after a local school board election. The PED will periodically announce the dates of these courses which will cover numerous topics including PED policies and procedures, statutory powers and duties of local boards, legal concepts pertaining to public schools, finance and budget. For the additional two (2) hours of annual training for these new board members, these board members shall attend sessions sponsored by the NMSBA, approved by the PED.
 - For all existing local school board members, they shall attend five (5) hours of annual training sponsored by the NMSBA, approved by the PED.
 - In order to be credited with attendance at these courses, each attendee must comply with written attendance procedures established by the PED. Prior to September 1st, the NMSBA

shall provide each local superintendent with a list of training hours earned annually by each local school board member.

- delegate administrative and supervisory functions to the Local Superintendent;
- refrain from involvement in delegated administrative functions;
- review, revise as needed, and submit policies to PED on an annual basis;
- award diplomas to students who have successfully completed graduation requirements;
- ensure the alignment of District curricula with Content Standards with Benchmarks;
- ensure that District funds are appropriately managed and disbursed;
- be responsible for oversight of revenue and expenditures within the District budget;
- accept responsibility for ensuring the success of each school in the District.

The Board performs the following basic functions necessary to the discharging of its responsibilities: legislative, executive, and appraisal.

- The legislative function is the policy-making aspect of the school system. It is the policy of the Board to retain and exercise full legislative authority and control over the schools by adopting general policies or by acting directly in matters not covered by its policies.
- The executive function of the Board is concerned with placing in operation existing Board policy. Most of this function is delegated by the Board to its executive and administrative officer, the Superintendent.
- The appraisal function involves the determination of the efficiency of the school operation and an evaluation of the educational program of the District based on the policies as outlined in the policy manual.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA (1978)
6.30.2.10 NMAC

B-0250 ©
BOARD MEMBER AUTHORITY
AND RESPONSIBILITIES

BBA

All powers of the Board lie in its action as a public body. A member of a board of education is a public officer, but has no authority or power individually. Individual Board members exercise authority over District affairs only by way of votes taken at a legal meeting of the Board. An individual Board member has authority only when and to the extent that the Board, by vote, has so delegated such authority.

A board shall not be bound in anyway by an action or statement made on the part of an individual board member except when such action or statement is pursuant to specific instructions from the respective board.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA (1978)

CROSS REF.: AA - School District Legal Status
 BBA - Board Powers and Responsibilities

**B-0350 ©
BOARD MEMBER QUALIFICATIONS**

BBBA

(Board Membership)

A person who is a qualified elector of this state, physically resides in the District and physically resided in the District on the date of the school board's proclamation calling a regular school district election.

A convicted felon shall not be qualified to be appointed or elected to public office unless pardoned or restored to political rights.

Adopted: date of manual adoption

LEGAL REF.: 1-22-3 NMSA
 10-1-2 NMSA

B-0400 ©
BOARD MEMBER OATH OF OFFICE

BBBB

Oath of Office

All elected or appointed members of local school boards shall take the oath of office prescribed by Article 20, Section 1 of the constitution of New Mexico.

Adopted: date of manual adoption

LEGAL REF.: 22-5-9.1 NMSA

EXHIBIT

EXHIBIT

BOARD MEMBER OATH OF OFFICE

Oath of Office

State of New Mexico, County of Dona Ana, I, [type or print name], do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of New Mexico; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of School Board Member according to the best of my ability, so help me God (or so I do affirm).

(Signature of officer or employee)

(Date)

B-0450 ©
BOARD MEMBER RESIGNATION

BBBC

Any Board member who desires to resign from the Board shall send a letter of resignation to the Board in care of the office of the Superintendent giving the effective date of resignation. The resigning Board member should furnish a copy of such letter to each other member of the Board and the Secretary of Public Education prior to the date on which the resignation is to become effective.

Adopted: date of manual adoption

LEGAL REF.: 22-5-12 NMSA

B-0500 ©
BOARD MEMBER REMOVAL
FROM OFFICE

BBBD

If a Board member misses four (4) consecutive regular meetings, the office of such a member may be declared vacant by a majority vote of the remaining members. If a member misses six (6) consecutive regular meetings the office of such member shall be automatically vacated. Board members may also be recalled through the procedures set forth in state law.

Adopted: date of manual adoption

LEGAL REF.: 22-5-12 NMSA
 22-7-1 NMSA
 22-7-16 NMSA

**B-0550 ©
UNEXPIRED TERM FULFILLMENT**

BBBE

The Board shall have the power to fill a vacancy in their membership through an appointment by a majority vote of the remaining members. An appointee will hold the office until the next succeeding election for members of the Board.

If a qualified person is not appointed to fill the vacancy or a special election is not called by the Board within forty-five (45) days from the date the vacancy occurred, the Secretary of Public Education shall appoint a qualified person to fill the vacancy until the next succeeding regular Board election.

In the event of the resignation of a majority of the members of the Board, the Secretary of Public Education shall appoint qualified persons to fill the vacancies. Those persons appointed shall hold office until the next regular or special school district election when an election shall be held to fill the vacancies for the unexpired terms.

Adopted: date of manual adoption

LEGAL REF.: 22-5-9 NMSA

**^B-0700 ©
BOARD MEMBER CONDUCT**

BC

A Board member or candidate for Board member, or that person's family, shall not knowingly accept from a restricted donor a gift of a market value greater than two hundred fifty dollars (\$250). A restricted donor is a person or agent of a person:

- seeking a transaction with the donee's agency.
- who will be directly and substantially affected financially by performance of the donee's duties or the effect will be greater on a class of persons to whom the donor belongs than to the general public.
- with a matter pending before a regulatory agency in which the donee has discretionary authority.
- who is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

A Board member shall not solicit gifts or donations for a charity in such a manner that it appears that the purpose of the donor in making the gift is to influence the Board member in the performance of an official duty.

Definitions for the terms gift, family and restricted donor can be found in the Gift Act cited below for purposes of interpreting this policy.

Adopted: date of manual adoption

LEGAL REF.: 10-16B-1 NMSA - Gift Act
6.60.9.9 NMAC

B-0750 ©
BOARD MEMBER ETHICS

BCA

The Board endorses the Code of Ethics of the National School Boards Association:

- As a member of the Board of Education, representing all the citizens of my District, I recognize:
 - That my fellow citizens have entrusted me with the educational development of the children and youth of the community;
 - That the public expects my first and greatest concern to be in the best interests of each and every one of these young people without distinction as to who they are or what their background may be;
 - That the future welfare of this community, of this state, and of this nation depends in the largest measure upon the quality of education we provide in the public schools to fit the needs of every learner;
 - That my fellow Board members and I must take the initiative in helping all the people of this community to have all the facts, all the time, about their schools, to the end that they will readily provide the finest possible school program, staff and facilities;
 - That legally the authority of the Board is derived from the state which ultimately controls the organization and operation of the school system and which determines the degree of discretionary power left with the Board and the people of this community for the exercise of local autonomy; and
 - That I must never neglect my personal obligations to the community and my legal obligation to the State, nor surrender these responsibilities to any other person, group or organization, but that beyond these, I have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States are kept free and strong.
- In view of the foregoing consideration, it shall be my constant endeavor:

- To devote time, thought and study to the duties and responsibilities of a school board member so that I may render effective and creditable service;
- To work with my fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue;
- To base my personal decisions upon all available facts in each situation; to vote my honest conviction in every case not swayed by partisan bias of any kind; and therefore abide by and uphold the final majority decision of the Board;
- To remember at all times, that as an individual, I have no legal authority outside the meetings of the Board, and to conduct my relationships with the school staff, local citizenry and all media of communication on the basis of this fact;
- To resist every temptation and outside pressure to use my position as a Board member to benefit either myself or any other individual or agency apart from the total interest in the school system;
- To contribute to, and maintain the professional atmosphere of, personal relations in the District by voicing concerns regarding school employees only to the Superintendent;
- To bear in mind under all circumstances, that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the employed Superintendent and the professional and support staff;
- To welcome and encourage active cooperation by citizens organizations and the communications media in the system with respect to establishing policy on current school operations and proposed future developments;
- To support my State and National School Board Associations, and
- To strive, step by step, toward ideal conditions for most effective Board service to my community in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

Adopted: date of manual adoption

B-0800 ©
BOARD MEMBER CONFLICT
OF INTEREST

BCB

A Board member shall not have any direct pecuniary interest in a contract with the School District, nor shall a Board member furnish directly any labor, equipment, or supplies to the District.

Voting Restriction

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods and services to the District, the Board member shall declare the interest and refrain from debating and voting upon the question of contracting with the company.

Nepotism

A person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-law, sister, sister in law of a member of the Board may not be initially employed or approved for employment in any capacity in the District. Nothing in this section of this policy shall prohibit the continued employment of such a person employed on or before March 1, 2003.

Prohibited Acts

It is unlawful for a public officer or licensed employee to take an official act for the primary purpose of directly enhancing a personal financial interest or position.

A Board member or licensed employee shall not, directly or indirectly, solicit, sell or be a party to a transaction to solicit or sell a product or service to the school or district with which they are associated. This does not apply to a person making a sale in the regular course of business while complying with the procurement laws and rules of the State of New Mexico.

No person shall sell or use a student, faculty or staff list with personal identifying information obtained from the District for the purpose of direct

marketing of goods or services except for legitimate educational purposes or with the authorized release of each individual on the list(s).

Adopted: date of manual adoption

LEGAL REF.: 10-16-3 NMSA
10-16-4 NMSA
22-5-6 NMSA
6.10.6.8 NMAC

CROSS REF.: BBBA - Board Member Qualifications

EXHIBIT **EXHIBIT**

**BOARD MEMBER CONFLICT
OF INTEREST**

I, _____, do hereby indicate:

1. That I am presently an officer/employee of the Gadsden Independent School District;

2. That I (or my relative[s]: _____) have a substantial interest in the contract, sale, purchase, or service to or decision by the Gadsden Independent School District Board as described below.

3. That I shall refrain from participating in any manner in my capacity as an employee or officer of Gadsden Independent School District in such contract, sale, purchase, service to, or decision by the Board unless specifically permitted to do so by law.

Date

Signature

Description of Conflict:

**B-0900 ©
BOARD ORGANIZATIONAL MEETING**

BDA

The officers of the Board shall consist of a president, vice president and secretary, all of whom shall hold office for one (1) year or until their successors are elected and have been qualified. For the purpose of organization of the Board, the Board shall at its first regular meeting in March administer the oath of office to newly elected members and elect from its membership a President, vice-president, and secretary.

The meeting shall be called to order by the President of the Board for the preceding year. If that person is not a member of the Board, a temporary president shall be elected and the meeting shall be called to order by the temporary president. The person calling the meeting to order shall preside until a successor is chosen.

The new President of the Board shall take office upon election. Election for the vice-president shall then take place and following that the election of the secretary. Each officer shall take office upon election to that position.

Whenever there is a vacancy in a Board office, the Board shall elect a new officer to fill the vacancy during the unexpired term of office.

At any other time as determined by a quorum of the School Board, the President will open the meeting, announce the reorganization, and call for motions and nominations. A vote will be taken to elect a new president followed by any other changes in offices.

Adopted: date of manual adoption

LEGAL REF.: 22-5-7 NMSA
 22-5-8 NMSA
 22-5-9 NMSA
 22-5-9.1 NMSA

CROSS REF.: BDB - Board Officers
 BE - School Board Meetings
 BEC - Executive Sessions/Open Meetings
 BEDA - Notification of Board Meetings

President:

- Preside over all meetings and conduct meetings in accordance with New Mexico law, Secretary of Public Education rules and policies of the District.
- Call special or emergency meetings.
- Consult with the Superintendent on the agenda for each meeting.
- Encourage and maintain orderly and democratic participation.
- Keep all discussions factual and on the subject at hand.
- Allow for full and complete exploration of each item of business.
- The President may not act for, or on behalf of the Board, without prior specific authority from a majority of the Board, and
- The President shall perform other duties as assigned by the Board or required by law.

Vice President:

The Vice-President shall perform the duties of the President in the absence of the President and shall perform other duties as assigned by the Board.

Secretary:

The Secretary shall perform all duties as required by law and perform other duties assigned by the Board. The secretary shall be responsible for all records of Board meetings and shall assist the Superintendent, custodian of public records for the District, in providing access to these documents as required by law.

Surety Bonds

A surety bond shall be obtained by the District for all officers prior to their taking office.

Adopted: date of manual adoption

LEGAL REF.: 22-5-7 NMSA

CROSS REF.: BEDB - Agenda

BEDBA - Agenda Preparation and Dissemination

B-1050

©

BDD

BOARD - SUPERINTENDENT RELATIONSHIP

The establishment of policies is the responsibility of the Board, and the execution of those policies is a function of the Superintendent.

The Superintendent is the chief executive officer of the School District and is responsible for the professional leadership and skill necessary to translate the policies of the Board into administrative action.

The Superintendent is responsible for the administration of the District. The Superintendent may delegate the necessary authority to other employees and develop such procedures and regulations as the Superintendent considers necessary to ensure efficient operation of the District.

Adopted: date of manual adoption

B-1100 ©
BOARD COMMITTEES

BDE

Committee work of the Board shall usually be done by members of the Board sitting as a committee of the whole. The Board shall not establish standing or permanent committees, and there shall be no standing or permanent committees composed of the Board members. If a temporary committee is appointed, it shall serve only for the time needed for its designated purpose. Committee recommendations shall be advisory only.

Adopted: date of manual adoption

CROSS REF.: BDF - Advisory Committees

**B-1200 ©
ADVISORY COMMITTEES**

BDF

The Board may, by majority vote, appoint ad hoc committees when deemed advisable. Recommendations of such committees cannot be binding on the Board; they may be advisory only. These committees will be responsible for presenting to the Board recommendations for action based on research and facts. Any such committee shall automatically be dissolved upon completion of its assignment.

The Board President shall develop guidelines for each committee. These guidelines shall be approved by the Board prior to the first meeting of each committee and will include, but not necessarily be limited to, the following:

- A written, specific statement of the purpose of the committee.
- The dates on which interim and final reports of the committee are to be rendered.
- The date or event upon which the committee will be terminated.
- The extent to which facilities, supplies, equipment, and clerical support will be provided to each committee.

The Superintendent will ensure that the following actions are taken for each committee established by the Board:

- Each committee member will be briefed on the requirements of the New Mexico Open Meeting Law as it applies to committees of the Board.
- Notices and agendas of all meetings of the committee will be posted.
- Minutes will be kept of each meeting.

A representative of the Board and the Superintendent will serve as ex-officio members of all advisory committees.

Adopted: date of manual adoption

**B-1250 ©
SCHOOL ATTORNEY**

BDG

The Board recognizes the need for quality legal counsel in light of the increasing complexity of the statutes, regulations and policies under which the District operates.

Board attorneys are retained by the Board as counsel for the Board to provide legal service on any matter related to the operation of the District. The attorneys may be asked to provide legal advice, render legal opinions, prepare resolutions, review proposed Board actions, represent the Board in a court of law, or provide other legal service the Board or Superintendent may request on behalf of the District.

The Board designates the Superintendent as the sole administrative access to the Board's attorney for legal information regarding the day to day operations of the District. The Superintendent may, on a needs basis, delegate the responsibility for contact with the attorneys to a member of the staff.

With consensus of the Board, the School Board President shall have access to the attorneys and may request legal advice about school business. Such requests for advice may be in writing, in person, or by telephone. The attorneys shall provide the advice in writing and provide a memorandum of the advice given orally. Such communication from the attorneys shall specify the person requesting the advice, the question presented, any background facts provided in connection with the question, and detail the legal analysis or advice provided. Copies of each letter or memorandum of advice shall be sent to each Board member and to the Superintendent of Schools.

Copies of all written requests for opinions shall be furnished by the Superintendent to all Board members. Requests for opinions requiring research or substantial amounts of work on the part of private counsel shall be in writing when practicable.

All advice received from the attorneys is privileged under the attorney-client privilege and all recipients of such advice and the written letters/memoranda thereof shall keep such advice strictly confidential.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

B-1300 ©
BOARD CONSULTANTS

BDH

The District may employ consultants when appropriate to carry out tasks or projects that enhance the effectiveness of District operations (1) when the District does not have the specialized competency on its staff or (2) when such assignments would be burdensome to the school staff when added to their full-time assignments. The kinds of assistance sought from consultants may include, but will not necessarily be limited to (1) conducting fact-finding studies, surveys, and research; (2) providing counsel or services requiring special expertise; and (3) assisting the Board in developing policy and program recommendations. The employment of specific consultants, within the budgeted funds of the District, will be the responsibility of the Superintendent.

All consultants shall be engaged pursuant to appropriate rules of procurement.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

**B-1400 ©
SCHOOL BOARD MEETINGS**

BE

The Board shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to the School District.

The Board shall transact all business at official meetings of the Board. These may be either regular or special meetings, defined as follows:

- Regular meeting - A meeting of the members of a local school board at which at least a quorum is present, about which notice has been published and at which normal school district business is transacted.
- Special meeting - an official legal-action meeting called between scheduled regular meetings to consider only specifically identified topics.

A local school board shall hold at least one (1) regular meeting each month of the calendar year.

Every meeting of the Board, regular or special, shall be open to the public except for an executive session that is held in accordance with state law. A "meeting" is defined as the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action, that has been properly noticed, pursuant to law.

Regular Board Meetings

The second (2nd) and fourth (4th) Thursdays of each calendar month are designated as the regular Board meeting dates.

A regular meeting may be rescheduled by agreement of a majority of the Board.

Written notice of the date, hour, place, and subject (agenda) of each regular meeting of the Board shall be given as follows:

- Notice shall be posted at least ten (10) days preceding the scheduled time of the meeting, with the exception of an actual emergency, in which case such notice as is appropriate to the circumstances shall be given.

- Notice shall be posted in prominent places, convenient to the public, and available for reading at all time during the posting.
- The notice shall include an agenda or information as to when and where an agenda can be obtained at least twenty-four (24) hours prior to the meeting.

Every regular meeting of the Board shall be open to the public to listen and observe the actions of the Board.

Special Board Meetings

Special meetings may be called whenever deemed necessary by the Board President or when requested by a majority of the Board. Written or telephoned notice of all special meetings shall be given to the members of the Board, and written notice shall be posted, at least three (3) days prior to the time stated for the meeting to convene. The notice shall include an agenda or information as to when and where an agenda can be obtained. The agenda shall be made available to the public at least twenty-four (24) hours prior to the special meeting. The Superintendent's office shall transmit copies of the written notice to those broadcast stations licensed by the federal communications commission (FCC) and newspapers of general circulation that have made written request for notice of public meetings. No business other than the matters specified in the notice shall be transacted at such meeting.

Special meetings shall be open to the public to listen and observe the actions of the Board.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA *et seq.*
22-5-12 NMSA

CROSS REF.: BEC - Executive Sessions/Open Meetings
BEDA - Notification of Board Meetings
BEDB - Agenda
BEDC - Quorum

B-1550 ©
EXECUTIVE SESSIONS / OPEN MEETINGS

BEC

The Board may enter into executive session after the following requirements have been met:

- The Board has first been convened in open meeting, for which notice, stating the specific provision of law authorizing the executive session, has been given.
- The Board President has identified the section or sections of 10-15-1 NMSA 1978 that authorize the holding of the executive session and has stated the language of the section(s) and with reasonable specificity the subject to be discussed.
- The executive session is authorized by a majority vote of a quorum in open session. The vote of each member shall be recorded in the minutes.

No final action, decision, or vote shall be taken while the Board is in executive session, except as provided by law.

The Board shall provide a statement in the minutes of the open meeting in which the executive session was held or at the next meeting following the executive session meeting, if it is a separate meeting, that the matters discussed in the executive session were limited only to those specified in the motion for closure or in the notice of the separate executive session meeting.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA

CROSS REF.: BEDG - Minutes
 BHDA - Confidential Communications
 JKD - Student Suspension/Expulsion

B-1600 ©
MEETING PROCEDURES / BYLAWS

BED

The President of the Board is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented, and the suitability of the time for such a presentation. All such rulings shall be consistent as to length of time allowed for discussion and viewpoint neutral. These rulings are subject to review by the Board at a subsequent meeting, properly noticed, as long as the matter is included on the agenda.

Adopted: date of manual adoption

LEGAL REF.: O.A.G. 90-26.

B-1650 ©
NOTIFICATION OF BOARD MEETINGS

BEDA

The posting place for all notices of meetings shall be in an area available to the public twenty-four (24) hours per day, well lighted and with at least one (1) of the locations reasonably close to the District office.

Notice of regular meetings shall be posted throughout the community at the following locations:

- District office;
- All District schools; and
- Other locations as appropriate.

At least ten (10) days notice shall be given for any regular meeting and three (3) days for any special meeting time and place with the exception of an actual emergency, in which case such notice as is appropriate to the circumstances shall be given. Notice shall be provided to Board members at least ten (10) days prior to the regular meeting and three (3) days prior to the special meeting of time and place so that they may make plans to be present.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA (1978)

CROSS REF.: BE - School Board Meetings
 BEC - Executive Sessions/Open Meetings

Only those items on the agenda will be discussed and deliberated by the Board at a meeting. The order of business should be as follows unless reordered by the President:

Regular meetings:

- Call to order and roll call
- Pledge of Allegiance and Mission Statement
- Program, reports and correspondence
- Modification and adoption of agenda
- Consent agenda
- Open forum
- Action Items
- Discussion Items
- Items suggested for future meetings
- Adjournment

Special meetings:

- Call to order
- Items for which special meeting was called
- Announcements
- Adjournment

Executive sessions:

- An executive session may be scheduled, as necessary, during either a regular or special meeting.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA (1978)

CROSS REF.: BEC - Executive Sessions/Open Meetings

REGULATION**REGULATION****AGENDA****(Consent Agenda Items)**

The agenda of each regular Board meeting may contain a consent agenda.

Consent agenda items will be determined by the Superintendent following discussion with the Board President at the time agendas are prepared for the regular meetings of the Board. Consent agenda items are acted upon as a group with one motion and second for all identified items. Items to be included on the consent agenda will be listed on the agenda in the normal manner. All backup material relating to any consent agenda items will be included in the Board's agenda packet.

Consent agenda items may be removed from consent status by any member of the Board before the regular Board meeting or at the time of modification and adoption of the agenda. When so removed they are to be acted upon just as other agenda items.

B-1750 ©
AGENDA PREPARATION AND DISSEMINATION

BEDBA

Regular Meetings

The Superintendent will prepare Board meeting agendas in consultation with the Board President.

The agenda format will include time allotments for each item as recommended by the Superintendent.

Any staff member, student, or citizen of the district may suggest items of business. The inclusion of items suggested by staff members, students, or citizens will be at the discretion of the Board President or Superintendent. The Superintendent or Board members may place items on the agenda. Any Board member desiring to place an item on the agenda will notify the Superintendent of the particular item of business at least five (5) central office working days before the meeting agenda is finalized (at least six [6] days prior to the meeting). Inclusion on the next agenda will depend upon the amount of time necessary to provide information to the Board for deliberation and decision making. The Superintendent will make this decision in consultation with the Board President.

The agenda and supporting materials shall be distributed to the Board members not less than twenty-four (24) hours prior to the meeting.

Meeting notices shall include the date, time and place of the meeting and an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four (24) hours prior to the meeting. Reasonable public notice of a meeting shall be by a notice given at least ten (10) days before a scheduled meeting and distributed to broadcast stations licensed by the federal communications commission (FCC) and newspapers of general circulation that have provided a written request for such notice.

Special Meetings

Whenever possible, the procedures for agenda preparation and dissemination used for regular meetings will be used for special meetings.

These procedures may be altered by the Superintendent during an emergency or when compliance would be impractical. However, the Superintendent shall comply with all legal requirements in scheduling special meetings.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA (1978)

B-1800 ©
QUORUM

BEDC

A quorum consisting of a majority of the Board membership shall be necessary to conduct any business.

The Board may allow a member to participate in the business of the Board using a device configured in a manner that conversations from all participants can be heard on both ends of the deliberations, when it is otherwise difficult or impossible for the member to attend the meeting in person.

Adopted: date of manual adoption

B-1850
RULES OF ORDER

BEDD

The Board prescribes rules for its meetings as follows:

Action by the Board

The Board shall proceed by motion. Any member, including the president, may make a motion.

Second not required

A motion need not be seconded.

One Motion at a Time

A member may make only one motion at a time.

Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of New Mexico. The president is permitted to vote on all motions.

Debate

The president shall state the motion and then open the floor to debate on it. The president shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Procedural Motions

In addition to substantive proposals, the following procedural motions and no others shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority (if applicable), the procedural motions are as follows:

1. To adjourn. The motion to adjourn may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.
2. To take a recess. The motion is in order at any time. Under these rules, the board president also has the power to call a brief recess, without board action.

3. Call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.
4. To suspend the rules. For adoption, the motion requires a vote equal to the number required for a quorum.
5. To divide a complex motion and consider it by paragraph. This motion is the same as the motion to divide a question and consider it by paragraph and is debatable.
6. To defer consideration. The board may vote to defer action or consideration of a pending matter indefinitely. A substantive motion consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted.
7. Call of the previous question. The motion is not in order until there has been debate and every member has had an opportunity to speak.
8. To postpone to a certain time or day. Allows the board to defer consideration to a specified time or day and is appropriate when more information is needed or deliberations are likely to be lengthy.
9. To refer to a committee. Sixty days after a motion has been deferred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
10. To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended, and an amendment may be amended, but no further amendments may be made.
11. To revive consideration. The motion is in order anytime for 100 days after a vote to defer consideration.
12. To reconsider. The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken, it cannot interrupt deliberation on a pending matter but is in order at anytime before actual adjournment.
13. To rescind or repeal. Only for those measures adopted by the board that may legally be repealed or rescinded.
14. To ratify. This motion appears on the principle that a board may later ratify that which it could have authorized.
15. To prevent reconsideration for six months. The motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption, the motion must receive a vote equal to the number required for a quorum. It is valid for

six months or until a new board member is appointed, whichever occurs first.

Renewal of Motion

A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

Withdrawal of Motion

A motion may be withdrawn by the introducer at anytime before a vote.

Duty to Vote

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the president, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order, which is adopted by a majority vote, that sets forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker, etc. At the appointed time, the president or his designee shall call the hearing to order and then preside over it, unless a hearing officer is chosen to preside. When the allotted time expires, or when one wishes to speak who has not already done so, the president or his designee shall declare the hearing ended.

Minutes

Pursuant to the New Mexico Open Meetings Act, written minutes shall be kept of all public school board meetings and all minutes shall be open to public inspection.

Appointments

The board shall use the following procedure to make appointments to various subordinate offices:

The president shall open the floor to nominations. At this time, the names of possible appointees shall be put forward by the members and debated. When the debate ends, the president shall call the roll of the members, and each member shall cast his vote. The votes shall not be tallied until all members have voted.

Reference to Robert's Rules of Order (RRO)

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the board may refer to Robert's Rules of Order, Revised for unresolved procedural questions.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

CROSS REF.: BED - Meeting Procedures/Bylaws
BEDA - Notification of Board Meetings
BEDB - Agenda
BEDBA - Agenda Preparation and Dissemination
BEDC - Quorum
BEDF - Voting Method
BEDG - Minutes
BEDH - Public Participation at Board Meetings
BGF - Suspension/Repeal of Policy

B-2050 ©
VOTING METHOD

BEDF

Votes on all motions and resolutions shall be by a voice or roll-call vote and the vote of members shall be recorded. No secret ballots shall be used.

Each member of the Board shall have one (1) vote and a proposal shall pass by the affirmative vote of a majority of the members present at the meeting.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA

CROSS REF.: BEDC - Quorum
 BEDD - Rules of Order
 BEDG - Minutes

Minutes shall be kept of all regular and special Board meetings. Draft copies of minutes of each Board meeting will be available for public review in the District administrative office ten (10) working days after the date of the meeting. The Board will take action at a subsequent meeting to amend and/or approve these minutes.

The minutes of the Board of Education shall include:

- The date, place and classification of the meeting (regular, special, etc.).
- Record of the roll call of Board members.
- A notation of the presence or absence of the Superintendent.
- A record of any modification of the published agenda.
- A record of any corrections to the minutes of any previous meeting and the action approving them.
- A record of any communications, petitions, or reports presented to the Board.
- A record of each motion placed before the Board, the member making the motion and the member seconding it (if any), the declaration of the person presiding as to whether the motion passed or failed and the name of each person voting "aye" or "nay," or abstaining on other than unanimous votes.

All reports, resolutions, agreements and other written documents which require Board action may be made part of the minutes by reference only, but shall be kept on file as part of the permanent record.

A "draft" copy of the minutes will be made available for public inspection within ten (10) working days of the meeting and should clearly indicate that they are "not official". Minutes become official when approved by the Board.

Minutes shall be permanently filed and kept in the Superintendent's office after approval by the Board. They shall be kept for inspection by any citizen at any time the Superintendent's office is open during regular business hours. The minutes shall not be removed from the Superintendent's office.

Summary of the Minutes

On or before the tenth (10th) day of each month the Superintendent shall prepare a summary of the minutes of all meetings held by the Board during the preceding calendar month, such summary shall contain a full and correct account of all business transacted, showing all matters presented, the action taken thereon, or other disposition thereof. A statement of all moneys received during the preceding calendar month shall be prepared showing the source and the amount received from each source with a detailed statement of all expenditures made during such preceding calendar month, including a list of all warrants issued, to whom issued, the amount of each warrant and the purpose for which the warrant was issued.

The summary of minutes shall be filed with the Board Secretary and shall be a public record open to inspection of the public and a copy thereof shall be mailed to each and every legal newspaper published in the county for such use as such newspaper may see fit.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA
10-17-1 NMSA
10-17-2 NMSA

**B-2150 ©
PUBLIC PARTICIPATION AT
BOARD MEETINGS**

BEDH

All regular and special meetings of the Board shall be open to the public.

The Board invites the viewpoints of citizens throughout the District, and considers the responsible presentation of these viewpoints vital to the efficient operation of the District. The Board also recognizes its responsibility for the proper governance of the schools and therefore the need to conduct its business in an orderly and efficient manner. The Board therefore establishes the following procedures to receive input from citizens of the District:

- Any individual desiring to address the Board shall complete a form (Request to Address Board) and give this form to the Superintendent prior to the start of the Board meeting.
- The Board President shall be responsible for recognizing speakers, maintaining proper order, and adhering to a time limit of thirty (30) minutes for all presentations and a maximum of five (5) minutes per speaker. In order to ensure that each individual has an opportunity to address the Board, the President may also set a time limit of less than five (5) minutes for individual speakers based upon the length of the comment period and number of requests received.
- Questions of fact asked by the public shall, when appropriate, be answered by the President or referred to the Superintendent for reply. No action or discussion shall transpire among Board members regarding such questions or comments. Questions requiring investigation shall be referred to the Superintendent for later report to the Board. Questions or comments on matters that are currently under legal review will not receive a response.
- Members of the public or invited guests may be recognized by the President to assist the Board with information for the conduct of its official business.
- Personal attacks upon Board members, staff personnel, or other persons in attendance or absent by individuals who address the Board are discouraged. Presenters are cautioned that statements or representations concerning others that convey an unjustly unfavorable impression may subject the presenter to civil action for defamation. Policies KE, KEB, KEC, and KED are provided by the Board for

disposition of legitimate complaints, including those involving individuals.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA

CROSS REF.: BDB - Board Officers
BHC - Board Communications with Staff Members
BHD - Board Communications with the Public
KEB - Public Concerns/Complaints about Personnel

EXHIBIT

EXHIBIT

**PUBLIC PARTICIPATION AT
BOARD MEETINGS**

REQUEST TO ADDRESS BOARD

The Board President shall be responsible for recognizing speakers, maintaining proper order, and adhering to a time limit of thirty (30) minutes for all presentations and a maximum of five (5) minutes per speaker. In order to ensure that each individual has an opportunity to address the Board, the President may also set a time limit of less than five (5) minutes for individual speakers based upon the length of the comment period and number of requests received.

Questions of fact asked by the public shall, when appropriate, be answered by the President or referred to the Superintendent for reply. No action or discussion shall transpire among Board members regarding such questions or comments. Questions requiring investigation shall be referred to the Superintendent for later report to the Board. Questions or comments on matters that are currently under legal review will not receive a response.

Personal attacks upon Board members, staff personnel, or other persons in attendance or absent by individuals who address the Board are discouraged. Presenters are cautioned that statements or representations concerning others that convey an unjustly unfavorable impression may subject the presenter to civil action for defamation. Policies KE, KEB, KEC, and KED are provided by the Board for disposition of legitimate complaints, including those involving individuals.

I request permission to address the Board on the following topic:

(Date)

(Name and Telephone Number)

(Street Address)

(City)

(State)

(Zip)

(E-mail Address)

(Representing)

**B-2200 ©
NEWS MEDIA SERVICES AT
BOARD MEETINGS**

BEDI

Local news media representatives shall be welcome to attend all regular or special meetings of the Board with the exception of executive sessions. In the event that representatives of the news media are unable to attend a regular or special meeting, the Superintendent may provide a periodic summary of Board actions.

Adopted: date of manual adoption

B-2450 ©
SCHOOL BOARD POLICY PROCESS

BG

It is the intent of the Board to adopt policies so that they may serve as guidelines for its own operations and for the successful and efficient functioning of the District.

Policy adoption is one of the Board's chief responsibilities. Suggestions regarding the content of policies may originate with a member of the Board, the Superintendent, a staff member, a parent, a student, a consultant, a civic group, or any resident of the District. A careful and orderly process shall be used in examining such proposals. The policy proposals shall be referred to the administration for detailed study prior to recommendation(s) being provided to the Board. The Board may take action in accordance with Policy BGB after hearing the Superintendent's recommendations.

The policies of the Board are framed and intended to be interpreted within the context of applicable laws and regulations.

Changes in needs, conditions, purposes, and objectives may require revisions, deletions, and additions to the policies. The District will welcome suggestions for ongoing policy review and revision.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

B-2600 ©
POLICY ADOPTION

BGB

Adoption of new policies or the revision or repeal of existing policies is the responsibility of the Board. The Board shall adhere to the following procedure in considering and adopting policy proposals to ensure that they are fully studied before final action:

- First meeting - the proposal shall be presented for review.
- Second meeting - the proposal shall be presented for discussion and action.

During discussion of a policy proposal, the views of the public, staff members, and the Board may result in changes. A change shall not require that the policy go through an additional review except as the Board determines that the change requires further study and that an additional review would be desirable.

Policies may be adopted or amended at a single meeting of the Board in a Board-declared emergency.

Adopted: date of manual adoption

**B-2650 ©
POLICY REVISION AND REVIEW**

BGC

In an effort to keep its written policies up to date so they may be used consistently as a basis for Board action and administrative decision, the Board authorizes the Superintendent to seek consulting assistance from a source that provides such services. The District shall rely on the consulting service in conjunction with the functioning of the District as indicated by reactions of the school staff, the students, and the community to provide insight into the effect of the policies it has adopted. The Superintendent shall develop procedures to permit the District to utilize the policy consulting service in a manner that assures maximization of the District's return on its investment in the service.

The Superintendent is responsible for calling to the Board's attention policies that are out of date or in need of revision.

Adopted: date of manual adoption

CROSS REF.: BGE - Policy Communication/Feedback

REGULATION**REGULATION****POLICY REVISION AND REVIEW**

The District is a subscriber to the Policy Services Program of the New Mexico School Boards Association (NMSBA). This service will assist the District in the amendment of District policies or in the adoption of new policies originated by the District.

The procedure listed below will be followed to ensure the expeditious review and consideration of policy updates received from the NMSBA Policy Services Program and all newly proposed policies:

- A master file of policy updates (Policy Services Advisories) will be kept by the Superintendent.
- Upon receipt, a copy of each update will be forwarded to the appropriate member(s) of the Superintendent's staff.
- The designated staff member may review and evaluate the update and recommend action to the Superintendent, including any proposed changes needed to adapt the update to specific circumstances within the District.
- If changes or new policies are recommended, the Superintendent will send a copy of the update to NMSBA Policy Services for review or contact NMSBA Policy Services by phone to discuss the proposed changes.
- Following review by NMSBA Policy Services, the updated policy or any newly proposed policies will be placed on the Board agenda for a first review by the Board.
- Following the first review, if any proposals are made for further changes, such changes will be sent to NMSBA Policy Services for review or discussed with them by phone.
- If no changes are proposed, or after any such proposed changes have been reviewed by NMSBA Policy Services, the updated policy will be placed on the Board agenda a second time for action by the Board.
- Following adoption by the Board, the Superintendent will send a copy of the adopted policy and the date of adoption to NMSBA Policy Services.

- NMSBA Policy Services will produce the final adopted copy of the policy and return the final copy to the District.
- The Superintendent will reproduce sufficient copies of the new policy, as received from NMSBA Policy Services, and forward a copy to each person who is assigned a printed policy manual, with instructions as to how it is to be incorporated into the print copy of the policy manual.

B-2750

©

BGD

BOARD REVIEW OF REGULATIONS

The Superintendent has the responsibility for carrying out, through administrative regulations, the policies established by the Board. The administrative regulations shall specify required actions and reflect the detailed arrangement under which the District will be operated.

Before issuance, regulations shall be properly titled and coded in conformance with the policy classification system selected by the Board.

The Board reserves the right to review all administrative regulations. The Superintendent shall provide a copy of each District regulation to each Board member prior to distribution and enforcement.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

B-2800 ©
POLICY COMMUNICATION / FEEDBACK

BGE

The Superintendent shall develop procedures to ensure that employees, patrons, and Board members shall have access to a current policy manual that contains the policies and administrative regulations of the District.

The manual is intended both as a tool for District management and as a source of information to patrons, staff members, and others about how the District operates. To that end, each Board member and administrator shall have ready access to the manual either through print copy or electronic media at the discretion of the Board. In addition, a print copy of the manual shall be available at such places as the Superintendent may determine for use by staff members, students, and patrons.

Each administrative regulation shall be so designated and included in the manual on a separate sheet(s) accompanying the policy with which it is associated.

All print copies of the policy manual shall remain the property of the District and shall be subject to recall at any time.

The Board's policy manual shall be considered a public record and shall be open for inspection during regular business hours at the District administration office and at places designated by the Superintendent.

The master copy of the manual will be securely maintained in the Superintendent's office. It is this copy that will be used to resolve any discrepancies in language existing in other copies.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

REGULATION**REGULATION****POLICY COMMUNICATION / FEEDBACK**

Each person to whom a printed copy of the policy manual is issued will be responsible for the maintenance, control, and updating of the manual.

All changes to the policy manual will be issued by the Superintendent, with a change memorandum listing codes, pages to be removed, and pages to be inserted. After making the changes, a copy of the change memorandum shall be filed by the Superintendent. After the updated pages have been placed into a policy manual, the outdated pages that have been superseded must be removed and destroyed. All policy manuals are subject to recall and/or inspection at any time to ensure that they are properly updated.

The master print copy of the policy manual shall be maintained by the Superintendent. It is this copy that shall be used to resolve any discrepancies in language existing in other copies.

The Superintendent will maintain one (1) copy of all outdated pages for historical and reference purposes.

As soon as the changes to your copy of the manual are accomplished, please date, sign, and return this memorandum.

B-2850 ©
SUSPENSION / REPEAL OF POLICY

BGF

The operation of any section or sections of Board policies not established and required by law or vested by contract may be temporarily or permanently suspended by a majority vote of Board members present at a regular or special meeting. An action under this policy would not require the two (2) presentations indicated in Policy BGB (Policy Adoption) to reinstate a suspended policy.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

**B-3050 ©
BOARD COMMUNICATIONS
WITH STAFF MEMBERS**

BHC

Official communication between the Board and employees will occur as follows:

- An employee will first communicate on school- or employment-related matters at the administrative level. Any employee who exhausts the opportunity of discussing a matter at the various administrative levels may then communicate in writing with the Board on the matter. No anonymous communication will be considered by the Board.
- Official communications, policies, directives, Board concerns, and Board action(s), as appropriate, will be communicated to employees by the Superintendent.

The Board requires all employees to follow the proper channels of authority in reporting or attempting to resolve problems. It is considered to be insubordination whenever an employee knowingly circumvents the proper "chain of command".

Whenever an employee has a complaint, knowledge of wrongdoing in the workplace, a problem which requires administrative attention or information pertaining to their job assignment or location, they must follow the chain of command in reporting to their supervisor.

No supervisor is to retaliate against any employee who follows this policy and is acting in "good faith".

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

CROSS REF.: BEDH - Public Participation at Board Meetings

**B-3100 ©
BOARD COMMUNICATIONS
WITH THE PUBLIC**

BHD

Official communication between the Board and the community is subject to the following:

- Any community member who exhausts the opportunity of discussing a matter at the administrative level may communicate with the Board in writing. No anonymous communication will be considered by the Board.
- A member of the community who wishes to address the Board in person may do so by following the procedures in Policy BEDH.
- Official communications, policies, Board concerns, and Board action, as appropriate, will be imparted to the community by the Superintendent.

Adopted: date of manual adoption

CROSS REF.: BEDH - Public Participation at Board Meetings

**B-3150 ©
BOARD MEMBER CONFIDENTIAL
COMMUNICATIONS**

BHDA

Confidential Communications

The Board recognizes that confidential information will be brought to the attention of individual Board members and/or the Board that includes, but is not limited to, the following:

- Matters relating to the employment or dismissal of, or charges against, specific District personnel.
- Matters relating to litigation or proposed litigation in which the Board is or may become a party, or attorney-client communications.
- Matters of consideration regarding the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor.
- Consideration of wages and benefits during salary discussions.
- Considerations of the suspension, expulsion or disciplinary action related to a student(s).
- Matters relating to discussions of bargaining strategy preliminary to collective bargaining and information relating to actual collective bargaining sessions.

The Board further recognizes that public disclosure of such information may result in injury to individuals or potential harm and possible liability to the District and that Board members are honor-bound by the Board's Code of Ethics to respect the confidentiality of information that is privileged under applicable law. Thus, Board members shall discuss or disclose confidential information only in connection with legitimate District business and only with individuals having a legitimate right to know.

All information discussed or documents provided to Board members which fall within the parameters of confidential information, or which are presented in an executive session authorized to be closed by the Open Meetings Act, shall be kept confidential unless otherwise authorized by a majority vote of the Board.

Adopted: date of manual adoption

CROSS REF.: BEDH - Public Participation at Board Meetings

B-3200 ©
NEW BOARD MEMBER ORIENTATION /
HANDBOOK

BIA

A member-elect - or any person designated for appointment as a member-elect - of the Board is to be afforded the Board's and the staff's fullest measures of courtesy and cooperation. The Board and staff shall make every effort to assist the member-elect to become fully informed about the Board's functions, policies, procedures, and problems.

In the interim between election or appointment and actually assuming office, the member-elect shall be invited to attend appropriate meetings and functions of the Board and is to receive appropriate reports and communications normally sent to Board members.

The member-elect is to be provided access to appropriate publications and aids, including the Board's Policy Manual and Administrative Regulations and publications of the state and national school boards associations.

The Board President and members of the administrative staff will also confer with the member-elect as necessary on special problems or concerns.

Board members-elect will be encouraged to attend meetings or workshops specifically designed for Board members-elect. Their expenses at these meetings may be reimbursed by the District in accordance with law.

Adopted: date of manual adoption

LEGAL REF.: 22-5-12 NMSA
 22-5-13 NMSA

B-3250 ©
BOARD MEMBER DEVELOPMENT
OPPORTUNITIES

BIB

Board members are encouraged to attend workshops presented by the county, state, and school boards associations. Professional journals and books in the school libraries shall be available to every Board member.

Adopted: date of manual adoption

LEGAL REF.: 22-5-13 NMSA

B-3300 ©
BOARD MEMBER CONFERENCES,
CONVENTIONS, AND
WORKSHOPS

BIBA

In keeping with the need for continuing in-service training and development for its members, the Board encourages the participation of all members at appropriate Board training, conferences, workshops, and conventions. However, in order to control the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidance:

- The Board will provide funds for members to participate in State Public Education Department mandatory training, State Association and National Association training each year.
- Funds for participation at such meetings will be budgeted on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting. With the prior approval of the Board, Board members may participate in meetings other than those authorized in the budget.
- When a conference, convention, or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and material acquired at the meeting.

Adopted: date of manual adoption

LEGAL REF.: 22-5-13 NMSA

CROSS REF.: DKC - Expense Authorization/Reimbursement

B-3400
BOARD MEMBER COMPENSATION
AND EXPENSES

BID

Elected and appointed members of the local Board of Education shall be entitled to receive per diem in the amount of seventy-five (\$75.00) for full attendance at regularly scheduled school board meetings that are approved for each fiscal year. Per diem shall not be paid for committee meetings, special meetings or emergency meetings.

Elected and appointed members of the local Board of Education shall be entitled to claim mileage reimbursement for attendance at committee meetings, Board workshops, Board emergency meetings, and Board special meetings.

Elected and appointed members of the local Board of Education shall be entitled to usage of a district supplied cellular phone or reimbursement for the cost of a base plan not to exceed sixty dollars (\$60.00) per month and must follow guidelines for procurement as established by the district.

Board members may be reimbursed for expenses incurred in connection with any school business authorized by the Board.

Reimbursement amounts shall not exceed the maximum amounts established pursuant to 6.20.2.19 NMAC.

The Board may grant approval for a Board member to be reimbursed actual expenses in lieu of per diem. Reimbursement for meals is limited to a maximum of thirty dollars (\$30) per day instate and forty-five dollars (\$45) per day out-of-state provided that the Board member submits receipts for the actual expenses incurred. Reimbursement for lodging is limited to actual lodging costs provided the Board member submits receipts for the actual expenses incurred.

The Superintendent or the Superintendent's designee may grant travel advances. The traveler must submit required forms to receive advancement. The advancement will be processed at eighty percent (80%) of the total reimbursable trip cost. If a trip is not taken following advancement for such trip, all legal means will be employed to ensure proper reimbursement to the District.

Adopted: date of manual adoption

LEGAL REF.: 10-8-1 NMSA *et seq.*
22-5-5 NMSA
6.20.2.19 NMAC

CROSS REF.: DKC - Expense Authorization/Reimbursement

B-3500

©

BJ

SCHOOL BOARD LEGISLATIVE PROGRAM

The Board will participate in legislative programs through conferences with the state and national school boards associations.

The Board authorizes the Superintendent to actively participate in the development of legislation that has a positive effect on educational programs of the District.

Adopted: date of manual adoption

B-3650

©

BK

SCHOOL BOARD MEMBERSHIPS

The Board may choose to be a member of and participate in school boards associations at the state, county, regional, and national levels. The Superintendent will ensure that the subject of school boards association membership is addressed during budget preparation.

Adopted: date of manual adoption

B-3700 ©
LIAISON WITH SCHOOL
BOARDS ASSOCIATIONS

BKA

In addition to informational liaison between itself and the various school boards associations, the Board shall be officially represented in the associations' affairs through the election and appointment of delegates and/or observers to the governing bodies of these organizations.

Adopted: date of manual adoption

SECTION C

GENERAL SCHOOL ADMINISTRATION

C-0050 © ADMINISTRATION GOALS / PRIORITY OBJECTIVES

CA

The District administration is responsible, within the guidelines established by Board policy, for the direction and coordination of students and staff members in their efforts to reach educational goals adopted by the Board.

The Board expects the administration to specialize in:

- the processes of decision making and communication;
- planning, organizing, implementing, and evaluating educational programs;
- the demonstration of educational leadership;
- the development and maintenance of close working relationships and channels of communication within the District and the community;
- the minimization of misunderstandings; and
- the development of cooperation toward attaining the educational goals adopted by the Board.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA

**^C-0100 ©
SUPERINTENDENT**

CB

The Board shall employ a Superintendent, who shall enforce the statutes of the state of New Mexico, the rules of the Secretary of Public Education, and the policies of the Local Board of the District. The Superintendent shall:

- carry out the educational policies and rules of the State Board and Local School Board;
- administer and supervise the School District;
- employ, fix the salaries of, assign, terminate or discharge all employees of the School District;
- prepare the School District budget based on public schools' recommendations for review and approval by the Local School Board and the department. The Local Superintendent shall tell each school principal the approximate amount of money that may be available for their school and provide a school budget template to use in making school budget recommendations;
- perform other duties as required by law, the department or the Local School Board.
- administer Local Board policies and state and federal regulations including the Public School Code;
- be accountable for student achievement, budget management, expenditure of funds, dissemination of information, District communications, and the development, implementation, and evaluation of the EPSS, and all other District business;
- attend all Board meetings or, when necessary, designate a licensed administrator to attend;
- ensure that school patrons and the public are informed and involved in the acquisition, planning, and development of school facilities, and that students are provided with adequate facilities which conform to state and federal mandates;
- ensure that all students are supervised; and

- administer and implement the District's approved staff accountability plan and procedures.

The administration of the school system in all aspects is the responsibility of the Superintendent, whose functions shall be carried out in accordance with the policies of the Board.

The Superintendent may establish regulations for the administration of the District that are in compliance with applicable statutes or regulations of the Secretary of Public Education and the policies of the Board. These regulations are binding on the employees of this District and students in the schools.

Superintendent's Contract

The Board may contract with a Superintendent for a term not to exceed three (3) years. The contract year for the Superintendent shall be twelve (12) months and shall begin on July 1 of the year and end on June 30. The Board will take action on an existing Superintendent's contract no later than February of the year the contract expires. The Board may extend the contract in the intervening year of a multiple year contract. The Superintendent's benefits shall be determined at the time of appointment or reappointment and shall be made part of the written contract. The Board may also issue a contract addendum outlining any specific conditions or requirements negotiated by the Board and the Superintendent that extend beyond the regular contractual provisions.

Adopted: date of manual adoption

LEGAL REF.: 22-5-14 NMSA
22-10A-21 NMSA

C-0150 ©
QUALIFICATIONS AND DUTIES
OF THE SUPERINTENDENT

CBA

(Performance Responsibilities)

The Superintendent shall have appropriate certification. Further, the Superintendent shall supervise, either directly or through delegation, all activities and all personnel of the school system according to the laws of the state of New Mexico, rules of the New Mexico Secretary of Public Education, and adopted policies of the Board. The Superintendent shall employ, fix the salaries of, assign, terminate or discharge all employees of the School District.

The Superintendent is the District's chief executive officer and the administrative head of all divisions and departments of the school system. It is the Superintendent's duty to administer the policies of the Board and to provide leadership for the entire school system. The Superintendent is the professional consultant to the Board and, in this capacity, makes recommendations to the Board for changes in Board policies and the educational program.

The Superintendent provides the initiative and the technical guidance for the improvement of the total program of the school system. The delegation of authority for the operation of the various functions of the school system is one (1) of the Superintendent's duties. The Superintendent is, however, responsible to the Board for all functions of the District, including those listed below.

Education:

- Administers the development, coordination, maintenance, and evaluation of the educational program, including the special education program.
- Supervises methods of teaching, supervision, and administration in effect in the schools.
- Keeps informed of modern educational thought and practices by advanced study, by visiting school systems elsewhere, by attending educational conferences, and by other appropriate means.

- Keeps the public informed about modern education practices, educational trends, and the policies, practices, and problems in the District schools.

Management:

- Ensures that all activities of the District are conducted in accordance with the laws of the state of New Mexico, the regulations of the New Mexico Secretary of Education, and the policies of the Board.
- Assumes responsibility for the overall financial planning of the District and for the preparation of the annual budget, and submits it to the Board for review and approval.
- Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with the adopted budget, subject to direction and approval of the Board.
- Maintains or has maintained adequate records for the schools, including financial accounts; business and property records; and personnel, school population, and scholastic records.
- Provides suitable instructions and regulations to govern the maintenance of District properties.
- Provides suitable instructions and regulations to govern the safety and transportation of students.
- Assumes responsibility for the use of buildings and grounds.
- Recommends the locations and sizes of new school sites and of additions to existing sites; the locations and sizes of new buildings; the plans for new school buildings; all appropriations for sites and buildings; and improvements, alterations, and changes in the buildings and equipment of the District.
- Oversees the processing and submission of required reports.
- Interprets the budget and finances to the community.
- Remains current on new legislation and implements laws to the best advantage of the District.

Board:

- Attends and participates in all meetings of the Board and its committees, except when excused by the Board.
- Takes prompt action to implement all directives of the Board.
- Advises the Board on the need for new and/or revised policies.
- Provides timely advice to the Board on the implication of changes in statutes or regulations affecting education.
- Informs and advises the Board about programs, practices, and problems of the schools, and keeps the Board informed of the activities operating under the Board's authority.
- Prepares and submits to the Board recommendations relative to all matters requiring Board action, placing before the Board such facts, objective information, and reports as are needed to ensure the making of informed decisions.
- Develops and implements rules and regulations in keeping with Board policy.
- Acts as chief public relations agent for the District.
- Acts on own discretion if action is necessary in any matter not covered by Board policy, reports such action to the Board as soon as practicable, and recommends policy guidance in the future.

Personnel:

- Ensures that all employees are evaluated in accordance with the schedule established by the Board.
- Determines assignments, defines the duties, and coordinates and directs the work of all employees of the District.
- Communicates to all employees all actions of the Board relating to personnel matters, and receives from employees all communications to be made to the Board.

Adopted: date of manual adoption

LEGAL REF.: 22-5-14 NMSA

CROSS REF.: CBI - Evaluation of Superintendent

C-0600
EVALUATION OF SUPERINTENDENT

CBI

Process

The Gadsden Independent School District (GISD) School Board may choose to be advised or assisted in the process by an attorney and/or consultant. The evaluation shall be based on the performance expectations as detailed in the job description of the position of Superintendent. The job description and any revision thereof shall be developed in consultation with the Superintendent and adopted by the GISD School Board.

Evaluation Process

Criteria used to evaluate the Superintendent will be based on the job description of the Superintendent. The major areas of responsibility of the Superintendent, performance expectations (competencies), and behavioral indicators of each performance competency to the job description are specified in the accompanying policy CBA as defined in law, Local Power and Duties of the Superintendent. The evaluation shall focus on the performance expectations as well as the achievement of the Superintendent's annual goal(s). It shall be based on valid and reliable data sources, including direct observation, goal attainment, and gains in student achievement, client surveys, and other appropriate indicators of performance. Survey forms, goal forms, and other forms, will be developed for use in the process.

Annual Goal(s)

The Superintendent, in conjunction with the Gadsden Independent School Board, will set annual goals for improvement that are congruent with the schools' District goals. A plan for goal achievement will be developed and will include a schedule for goal attainment with indicators of interim progress. The goal(s) will be reviewed and adjusted as necessary. The Superintendent will report progress on achieving the goal(s) at regularly scheduled intervals throughout the evaluation process. Indicators of goal attainment include documentation via the Superintendent's oral and written reports and other material.

Evaluation Conferences

Quarterly conferences between the Superintendent and Board will be scheduled in order to provide continuity and enhance communication during the process of evaluation. An implementation schedule creates a real ongoing process in which all parties know when each regular meeting is scheduled during the process. It is suggested that regular Executive Board meeting agendas actually reflect the evaluation sessions as agenda items in accordance with the following schedule:

- First (1st) Board Meeting in July - meet with Board to jointly review action plan for annual goals.
- First (1st) Board Meeting in November - Superintendent meets with the Board to discuss progress made on goal attainment and receives feedback on overall performance.
- First (1st) Board Meeting in January - Superintendent meets with Board to discuss progress made on goal attainment and receives feedback on overall performance via an Interim Review document.
- First (1st) Board Meeting in April - Superintendent meets with Board to discuss the annual Summative Evaluation.
- Second (2nd) Board Meeting in April- Superintendent meets with Board to discuss progress made on goal attainment and receive feedback on overall performance and to determine goals for upcoming year.

The conferences shall include, but shall not be limited to, a review of the Superintendent's performance based on the job description; a review of the Superintendent's progress in goal achievement; and a review of appropriate indicators of student progress and growth.

The purpose of the annual summative conference is to provide a comprehensive review of the year's work, identify strategies for improvement and future goal setting, and recognize achievement and good professional practice. Adequate time will be allotted for the conference in order to address the required topics of discussion as well as to permit full exploration of solutions to any identified problems.

The Board President will sign the annual summative evaluation report at the time of the conference and the Superintendent will sign it within five (5) working days. The report will be filed in the Superintendent's personnel file and a copy will be provided to the Superintendent.

There are two (2) major considerations in assessing job performance during summative evaluation: the actual competencies and how well they are performed. The performance competencies and performance indicators provide a description of well-defined Superintendent expectations.

After collecting information gathered through goal achievement, observation, student performance measures, review of artifacts, and other appropriate sources, the Gadsden Independent School Board will use a four (4)-point rating scale to evaluate the performance of the Superintendent. The rating scale provides a description of different levels of how well the duties (i.e., competencies) are performed on a continuum from "exceeds expectations" to "unsatisfactory". The use of the four (4)-level rating scale enables GISD School Board members to acknowledge effective performance (i.e., "exceeds expectations" and "meets expectations") and provides two (2) levels of feedback for Superintendents' not meeting expectations (i.e., "improvement required" and "unsatisfactory").

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA
22-5-14 NMSA

CROSS REF.: CBA - Qualifications and Duties of Superintendent

EXHIBIT

EXHIBIT

EVALUATION OF SUPERINTENDENT

Evaluation Rating Symbols

O = Outstanding; S = Satisfactory; N = Needs Improvement; U = Unsatisfactory; X = Not Observed

Note: Any rating of outstanding, needs improvement, or unsatisfactory requires the evaluator to list specific information in the Comments section that justifies and supports such rating.

A. Education

O S N U X

- Administers the development, coordination, maintenance, and evaluation of the educational program, including the special education program.

O S N U X

- Supervises methods of teaching, supervision, and administration in effect in the schools.

O S N U X

- Keeps informed of modern educational practices and thought by advanced study, by visiting school systems elsewhere, by attending educational conferences, and by other appropriate means.

O S N U X

- Keeps the public informed about modern education practices, educational trends, and the policies, practices, and problems in the District schools.

Comments regarding Section A:

B. Management

O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Ensures that all activities of the District are conducted in accordance with the laws of the state of New Mexico, the regulations of the New Mexico Board of Education, and the policies of the Board.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Assumes responsibility for the overall financial planning of the District and for the preparation of the annual budget, and submits it to the Board for review and approval.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with the adopted budget, subject to direction and approval by the Board.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Maintains or has maintained adequate records for the schools, including financial accounts; business and property records; and personnel, school population, and scholastic records.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Provides suitable instructions and regulations to govern the maintenance of school properties.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Provides suitable instructions and regulations to govern the transportation of students.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Assumes responsibility for the use of buildings and grounds.
O	S	N	U	X		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Recommends the locations and sizes of new school sites and of additions to existing sites; the locations and sizes of new buildings; the plans for

new school buildings; all appropriations for sites and buildings; and improvements, alterations, and changes in the buildings and equipment of the District.

O S N U X

- Oversees the processing and submission of required reports.

O S N U X

- Interprets the budget and finances to the community.

O S N U X

- Remains current on new legislation and implements laws to the best advantage of the District.

Comments regarding Section B:

C. Board

O S N U X

- Attends and participates in all meetings of the Board and its committees, except when excused by the Board.

O S N U X

- Takes prompt action to implement all directives of the Board.

O S N U X

- Advises the Board on the need for new and/or revised policies.

O S N U X

- Provides timely advice to the Board on the implication of changes in statutes or regulations affecting education.

O S N U X

- Informs and advises the Board about programs, practices, and problems of schools, and keeps the Board informed of the activities operating under the Board's authority.

O S N U X

- Prepares and submits to the Board

recommendations relative to all matters requiring Board action, placing before the Board such facts, objective information, and reports as are needed to ensure the making of informed decisions.

O S N U X

- Develops and implements rules and regulations in keeping with Board policy.

O S N U X

- Acts as chief public relations agent for the District.

O S N U X

- Acts on own discretion if action is necessary in any matter not covered by Board policy, reports such action to the Board as soon as practicable, and recommends policy guidance in the future.

Comments regarding Section C:

D. Personnel

O S N U X

- Ensures that all employees are evaluated in accordance with the schedule established by the Board.

O S N U X

- Determines assignments, defines the duties, and coordinates and directs the work of all employees of the District.

O S N U X

- Communicates to all employees all actions of the Board relating to personnel matters, and receives from employees all communications to be made to the Board.

Comments regarding Section D:

Summary:

C-0900

©

CCB

LINE AND STAFF RELATIONS

Unless otherwise specifically limited by statute or Board action, any of the powers and duties specifically assigned to the Superintendent may be delegated to others serving under the Superintendent. However, the Superintendent shall continue to be responsible to the Board for the satisfactory execution of the delegated power and duties.

Lines of authority shall be outlined by the Superintendent by means of organization charts, job descriptions, administrative regulations or directives.

In the absence of the Superintendent for any reason, the Deputy Superintendent shall serve as the chief executive officer of the District and shall report directly to the Board of Education

The Superintendent shall make his/her whereabouts known to the Superintendent's office staff and the Board at all times. If the Superintendent leaves the District, the Superintendent shall make every effort to communicate his/her itinerary to the office administrative assistant, who, in turn, shall inform others who want or need to know. In case of a bona fide emergency, every effort will be made to notify the Superintendent of the situation. If the Superintendent is unable to be reached, the responsibility and the authority to act for the District shall fall first to the Deputy Superintendent and in the absence of the Deputy, the Associate Superintendent for Education.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA
6.20.2.12 NMAC

**C-1100 ©
ADMINISTRATIVE COUNCILS, CABINETS,
AND COMMITTEES**

CE

The Board authorizes the Superintendent to establish advisory councils, cabinets, and committees when deemed necessary for proper administration of Board policies and for the improvement of the total educational program. All cabinets, councils, and committees created by the Superintendent shall be for the purpose of obtaining to a maximum degree the advice and counsel of the personnel, clients, and patrons of the District.

The number, composition, and work to be done by such cabinets, councils, and committees shall be defined by the Superintendent.

Adopted: date of manual adoption

**C-1200 ©
SCHOOL PRINCIPALS / BUILDING
ADMINISTRATORS**

CFA

The primary duty of a principal is to administer and supervise the instructional program. A principal, as the educational leader of the school, will administer and supervise the school in accordance with policies and administrative regulations of the District.

A principal will be directly responsible to and will report only to the Superintendent and will keep the Superintendent informed of the conditions and needs of the school. Duties, authority, and responsibilities of the principal will be delegated only by the Superintendent. These duties include, but are not limited to, the following:

- A principal is responsible for the operation of the educational program of the school.
- A principal is responsible for the supervision and evaluation of the building staff members and the development of professional development plans or job improvement plans to assist school employees to improve.
- A principal will recommend employment, promotion, transfer, discharge and termination of school employees in the assigned school.
- A principal will maintain discipline on the part of personnel and students.
- A principal will care for and protect the building, the equipment, the grounds, and other school property.
- A principal will maintain school records and prepare reports.
- A principal will develop a proposed budget for the public school, with input from the school council, and submit it to the Superintendent.
- A principal will take reasonable precautions to safeguard the health and welfare of students and staff members, will report accidents, will formulate plans for emergencies, and will conduct evacuation drills each school month and keep written records of such drills.

- A principal will be responsible for maintaining a close relationship with the community and should interpret the educational program to the citizens of the District.
- A principal will remain well informed relative to modern educational thought and practice.
- A principal will perform other duties assigned to him by the Superintendent to implement the policies of the Board.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-18 NMSA

(School Councils)

The Board authorizes the establishment of a school council at each school site. The school council shall work with the school principal and give advice, consistent with state and school district rules and policies, on instructional issues and curricula and on the public school's proposed and actual budgets.

The school council shall develop creative ways to involve parents in the schools, champion for students, build community support and encourage community participation in the public schools.

Develop strategies/designs that may coordinate with any existing work force development boards or vocational education advisory councils to connect students and school academic programs to business resources and opportunities.

This shared decision making shall not supersede Board, Superintendent, or principal decision-making responsibilities unless waived by the Board.

Membership

The school council at each school shall reflect an equitable balance between school employees, parents, and community members and shall be composed of:

- Two (2) parents of students enrolled in the school who are not employed by the District.
- One (1) teacher.
- One (1) nonlicensed employee.
- Two (2) community members, one (1) who must represent the business community if such person is available.

The initial representatives shall be selected at public meetings held at the school site, and, thereafter, representatives shall be selected by their groups at an annual organizational meeting. Each group specified above shall select

its school council appointees and shall submit the names of its respective representatives to the principal. Schools shall give notice of the public meeting where the representatives of the groups shall be selected, clearly stating its purpose, time and place. The notice shall be posted in at least three (3) different locations at the school site and in the community and shall be given to pupils for delivery to their parents or guardians. Should a council member resign or move the principal may appoint an interim member of the group until the next organizational meeting.

The principal will call advisory council meetings and maintain minutes, post the agenda, and provide necessary resources for their functions in accord with Statutes, Secretary of Public Education regulations and District policy and regulations.

Adopted: date of manual adoption

LEGAL REF.: 22-5-16 NMSA

CROSS REF.: BDD - Board-Superintendent Relationship
CCB - Line and Staff Relations

REGULATION**REGULATION****SCHOOL - BASED MANAGEMENT****(School Councils)****Role and Responsibility of
the School Council**

The council:

- Is advisory to the school administrative staff.
- Is a representative group that solicits input from parents, community, and staff members.
- Reviews literature and data.
- Makes recommendations for school improvement.
- Monitors implementation structure for new instructional designs.
- Provides local leadership and representation in the school decision-making structure.

EXHIBIT**EXHIBIT****SCHOOL - BASED MANAGEMENT****(School Councils)**

Research has identified characteristics of effective schools. Such research makes it clear that the most influential unit of effective school change or improvement is the individual school demonstrating the following characteristics:

- Consensus on explicit instructional goals and beliefs (mission statement).
- District-level support for school improvement; Board, administration, and staff commitment to current research and the District-adopted mission statement.
- Ongoing staff development and training.
- High level of parental involvement and support.
- Individual school autonomy and flexibility in the development of new curricular and instructional designs.
- Collaborative, collegial instructional planning.
- A focus on basic skills acquisition.
- An emphasis upon higher-order cognitive skills.
- Teacher responsibility for effective instructional and classroom management decisions and practices.
- Teacher/parent accountability and acceptance of responsibility for student performances.
- A safe, orderly, and disciplined school climate.
- Strong instructional leadership.
- Frequent monitoring of student progress.

- Measurable student performance outcomes.

C-1950 ©
POLICY IMPLEMENTATION

CH

The Superintendent has the responsibility for carrying out, through administrative regulations, the policies established by the Board. The administrative regulations shall specify required actions and reflect the detailed arrangement under which the District will be operated.

The policies adopted by the Board and the administrative regulations developed to implement policy are designed to promote an effective and efficient school system. All employees and students shall comply with Board policies and administrative regulations.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA
 22-5-14 NMSA

REGULATION

REGULATION

POLICY IMPLEMENTATION

Principals, directors, and others designated by the Superintendent shall establish procedures for conducting activities within their individual units that are consistent with administrative regulations and Board policies.

**C-2150 ©
HANDBOOKS AND DIRECTIVES**

CHCA

Curriculum guides, manuals, handbooks, pamphlets, and similar publications will be presented to the Superintendent for approval prior to publication. The Superintendent shall ensure that all such publications are consistent with Board policies and administrative regulations.

Copies of all such publications shall be provided to the Board.

Adopted: date of manual adoption

C-2200 ©
ADMINISTRATION IN THE
ABSENCE OF POLICY

CHD

The Superintendent shall have the authority to implement action if a situation should develop that is not covered by established Board policy. It is the Superintendent's duty to inform the Board of any such action and of the need to develop an official policy.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA
22-5-14 NMSA

**C-2450 ©
SCHOOL DISTRICT ANNUAL
ACCOUNTABILITY REPORT**

CM

The Board shall make an annual accountability report as determined by the Public Education Department containing such information and surveys as may be required by state statute or administrative code. Preparation of the report shall be in accord with the relevant statutes.

The District's annual accountability report shall be adopted by the Board. No later than November 15 of each year the report shall be published in a newspaper of general circulation in the county where the District is located. The report, titled "The School District Report Card", shall be disseminated in accordance with guidelines established by the Secretary of Public Education.

Adopted: date of manual adoption

LEGAL REF.: 22-1-6.1 NMSA
 22-2C-11 NMSA
 22-8-23.3 NMSA

SECTION D

FISCAL MANAGEMENT

D-0050 © FISCAL MANAGEMENT GOALS / PRIORITY OBJECTIVES

DA

The Board recognizes that money and its management constitute the foundation of the entire school program. To make that support as effective as possible, the Board intends to:

- Encourage short- and long-range planning through the best possible budgeting procedures.
- Explore all practical and legal sources of monetary income.
- Guide the expenditure of funds to achieve the greatest educational returns.
- Require maximum efficiency in accounting and reporting procedures.
- Maintain, within budget limits, a level of per-student expenditure needed to provide high-quality education.
- Follow the Manual of Procedures for Public School Accounting and Budgeting.

Adopted: date of manual adoption

**D-0150 ©
ANNUAL BUDGET**

DB

The annual operating budget for the District is a written plan for the allocation of financial resources predicated upon estimated revenues and expenditures. The District's Educational Plan for Student Success (EPSS) shall serve as the basis for developing the budget. The Superintendent shall establish a budget development process which ensures the involvement of all stakeholders; employees, students, parents, citizens, community organizations, etc. Such representation, at least in part, should be selected from that body of stakeholders that developed the EPSS recommendations. Recommendations from stakeholders will be made to the Superintendent for review and adjustment with the Superintendent's recommendations submitted to the Board for review and final adoption. The Manual of Procedures for Public School Accounting and Budgeting will be followed in all instances.

Fiscal Year

The fiscal year for the District will be from July 1 to June 30.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA
 22-8-9 NMSA

**D-0300 ©
BUDGET PLANNING, PREPARATION,
AND SCHEDULES**

DBC

**Deadline and Schedule
Requirements**

The Superintendent will present the tentative District budget to the Board for final review prior to the submission deadline of the State Public Education Department, Public School finance division. The Board will conduct at least one (1) preliminary review of the Superintendent's budget recommendations prior to the final review. Public comment and input will be taken at all such preliminary meetings. Ten (10) days prior to the budget hearing scheduled by the State Public Education Department, Public School Finance Division, the tentative District budget for the ensuing fiscal year will be submitted to the State Public Education Department. On or before July 1 of each year a tentative operating budget will be approved for the District by the State Public Education Department, pending approval of the final budget. Before the first Monday of September of each year, the State Public Education Department, Public School Finance division, will approve and certify the final budget for the District. Adjustments made by the State Public Education Department, Public School Finance Division, will be made prior to the final approval. The Superintendent shall develop a process for allocating resources from the budget to the schools and work sites. The allocation process shall address the priorities identified in the District's Educational Plan for Student Success (EPSS) action plans.

Adopted: date of manual adoption

LEGAL REF.: 22-8-6 NMSA
6.20.2.9 NMAC

REGULATION**REGULATION****BUDGET PLANNING, PREPARATION,
AND SCHEDULES**

The business office will prepare a schedule of budget deadlines for presentation to the Superintendent each year. This schedule will cover all actions necessary to prepare the budget for the following school year.

The following items may be included in the recommended budget schedule:

- Specific date for receipt of unit budgets from administrators.
- Date for initial meeting with appropriate staff members on the budget.
- Dates for the eightieth (80th) day and one hundred twentieth (120th) day enrollment.
- Date(s) for estimates on the maintenance and operations and capital budgets.
- Date for completion of salary consideration(s).
- Date for publication of proposed budget.
- Date for notice of budget hearing to be published.
- Date(s) to submit reports or information to the state school offices.
- Date for budget hearing on following year's budget.

D-0750 ©
BUDGET IMPLEMENTATION

DBI

The Superintendent will be responsible for the monthly reconciliation of the budget. The Board will be provided with monthly reports concerning the status of the budget and a mid-year report projecting budget revenues and expenditures for the remainder of the year.

Adopted: date of manual adoption

LEGAL REF.: 22-8-12 NMSA
6.20.2.10 NMAC

D-0800 ©
BUDGET TRANSFERS

DBJ

Periodically throughout the year, the budget will be reconciled to the actual expenditures of the District.

Budget Line Item Transfers

The Board may authorize a transfer within the operational budget if the transfer is within the same budget series. Approval of the State Public Education Department, Public School Finance Division, is required for between-series budget transfers after the Board has approved such transfers. All transfers shall be made in compliance with State law and regulation.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.10 NMAC

**D-0950 ©
FUNDING PROPOSALS, GRANTS,
AND SPECIAL PROJECTS**

DD

All grant applications must relate directly to the school and/or the District's Educational Plan for Student Success (EPSS). All requests will have approval prior to submittal from the building administrator (if applicable), Associate Superintendent for Finance and the Superintendent.

Grants accepted by the Board are subject to accounting rules and regulations as set forth by the School Budget Planning Unit of the New Mexico Public Education Department.

Grant proposals for external funds shall be submitted to the District Business Office for fiscal evaluation and determination of availability and/or system of funding. The reviewed proposals will then be submitted to the Board for further evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the Superintendent is authorized to approve it for submission.

As soon as practical thereafter, the Superintendent shall review the grant proposal with the Board. The Board reserves the right to reject funds associated with any grant that has been approved.

Adopted: date of manual adoption

EXHIBIT**EXHIBIT****FUNDING PROPOSALS, GRANTS,
AND SPECIAL PROJECTS****RESOLUTION**

WHEREAS, participation in programs funded in whole or in part by federal funds requires that a participating district demonstrate that the district meets the requirement of comparability between schools that receive federal funding and those that do not receive such funding, and that the district provide for equivalency of access to district staffing, equipment, and materials by all district schools, based on student per-capita allocations and individual schools' needs analyses, and, in addition, that all schools and programs have equivalent access to district support operations including but not limited to maintenance, transportation, and warehousing operations support; and

WHEREAS, budgets for staffing, textbooks, equipment, supplies, and services for district schools will be provided for at all schools without supplanting special funding provided from any source with nonsupplanting requirements; and

WHEREAS, expenditures budgets for schools participating in Title I programs will be provided for on the same per-capita basis as budgets for schools not participating in the program; and

WHEREAS, the Gadsden Independent School District intends to participate in such programs and receive federal funds;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Gadsden Independent School District hereby directs the Superintendent to ensure that said district does in fact comply with such mandates for comparability and equivalency of access for the period of any grant under which such funds are received.

This resolution was moved, seconded, and passed at a meeting of the Gadsden Independent School District Governing Board on _____, 20____.

ATTEST:

President

**D-1350 ©
REVENUES FROM INVESTMENTS**

DFA

The Superintendent is responsible for the effective investment of District funds. Such investments shall comply with all regulatory agency standards.

Funds, eligible for investment but not required for current operations, should be invested considering the following objectives:

Investment Objectives:

- Safety of Principal – Every District investment will be made with safety as the primary concern. Each investment transaction shall ensure that the loss of capital, whether from credit or market risk, is avoided.
- Liquidity – The maturity and marketability of District investments will be considered so that the District's anticipated cash flow needs are met.
- Rate of Return – The highest return on District investments will be sought, consistent with the preservation of principal and prudent investment principles.
- Public Trust – The Board and District officials will avoid investment transactions or practices which in appearance or fact might impair public confidence. The Superintendent, or designated financial officer, shall make periodic reports to the Board addressing the overall performance of the District's investment portfolio, any compliance problems with current policy and should detail investments by type, issuer, interest rate, maturity and collateral.

Adopted: date of manual adoption

LEGAL REF.: 22-8-40 NMSA

D-1550

©

DFD

GATE RECEIPTS AND ADMISSIONS

Admission receipts from school events shall be adequately controlled. The Superintendent is responsible for the proper collection, supervision, disbursement, and/or remittance of these fees.

Admission to school events for which an admission is charged ordinarily will be by purchased ticket or special pass only. Adequate records will be maintained for accounting purposes.

Adopted: date of manual adoption

**^D-1750 ©
BANKING SERVICES**

DG

The Board, by majority vote, shall designate one (1) or more banks as depository for the safeguarding of school auxiliary and revolving funds.

Each designated depository shall furnish proper security for such deposits in the amount designated by the Board and in accordance with law.

Each designated depository shall be advised not to cash checks payable to the District but to deposit checks only to the District auxiliary accounts.

Adopted: date of manual adoption

LEGAL REF.: 22-8-40 NMSA

D-1800 ©
AUTHORIZED SIGNATURES

DGA

Authorized signatures for all checking accounts shall be approved by the Board.

All checks, except in case of an emergency authorized by the business office, will be generated electronically. The signatures of the officials approved by the Board appear on each check. These signatures may be affixed by machine through the use of signature plates. The business office is responsible for the security of all signature plates. The business office shall be responsible for the justification and origination of all District issued checks.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.12 NMAC

D-1950

DGD

CREDIT CARDS / TELEPHONES

The Board recognizes the need for use of District credit cards when purchasing on behalf of the District. District credit cards will be issued from the Central Business office for approved to selected staff as designated by the Superintendent.

- Credit cards will be issued on a yearly basis and/or trip request basis.
- Gasoline credit cards will be issued as needed..

Cell Phones

Cell phones paid for with District funds are intended for business use. The user will be liable for all additional billing costs if the monthly plan is exceeded because of personal calls. If all calls are business related and the monthly plan is exceeded, the District will pay for all calls.

If a cell phone is paid for by the District, the phone bill may be reviewed by the user's supervisor at any time. In addition, the Accounts Payable office may forward a bill with unusual activity to the user's supervisor for verification.

Service providers and cell phone plans will be handled through the purchasing department. GSA contracts, State Pricing Agreements, or bids will be required for cell phone services. District provided cell phones will be authorized by the Superintendent according to the following criteria:

- Twenty-four (24) hour emergency notification personnel.
- Non-emergency personnel whose services require immediate communication access.

Adopted: date of manual adoption

D-2050 ©
BONDED EMPLOYEES
AND OFFICERS

DH

Board members and those employees responsible for the safeguarding and handling of money and securities shall be bonded in accord with applicable laws and regulations. The cost of bonding shall be paid by the District.

Adopted: date of manual adoption

LEGAL REF.: 22-5-7 NMSA

D-2150 ©
FISCAL ACCOUNTING AND REPORTING

DI

The Board is responsible for the control of all funds of the District including funds collected at individual schools. The Superintendent shall be responsible for the development and maintenance of all procedures necessary to ensure adequate fiscal control. The Superintendent and business staff shall establish and maintain a complete auditable financial system which meets all statutory and regulatory requirements and guidelines of the State of New Mexico (The Manual of Procedures for Public School Accounting and Budgeting). Such system shall be defined in administrative procedure and presented to the Board for review.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.12 NMAC
6.20.2.13 NMAC

D-2200 ©
ACCOUNTING SYSTEM

DIA

The District shall establish and maintain a general ledger in accordance with generally accepted accounting practices (GAAP). The general ledger will be comprised of individual funds and account groups using the State Public Education Department (PED) uniform chart of accounts.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.13 NMAC

CROSS REF.: DIC - Financial Reports and Statements

**D-2300 ©
FINANCIAL REPORTS
AND STATEMENTS**

DIC

The Board shall submit periodic financial reports to the State Public Education Department (PED) using the PED approved format. Reporting shall be either monthly or quarterly at the discretion of the PED. The School District shall be notified of its required reporting frequency in writing by the PED. Required reporting frequency may be changed by the PED at any time during the year. Reports are due at the PED by the last working day of the month following the end of the required reporting period, unless extended to a later date by the Secretary of Education. The Superintendent shall also ensure that a report of expenditures of public funds and student activity funds is provided to the Board on a monthly basis.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.10 NMAC

D-2350 ©
INVENTORIES

DID

The District will maintain a complete and accurate inventory of all District owned property. The District will prepare an annual inventory of all District property prior to the annual audit of the District's business operations. The Superintendent shall develop administrative procedures governing the conduct of all such inventories.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.22 NMAC

REGULATION**REGULATION****INVENTORIES**

The business office has responsibility to assist the Superintendent in developing procedures for maintaining District inventories. A copy of the complete inventory shall be on file in the business office. A detailed listing of land, buildings, and equipment must be established as prescribed by the Governmental Accounting Standards Board (GASB). Assets, including lands and buildings, and improvements to land and/or existing buildings, having a total acquisition cost of five thousand dollars (\$5,000) or more will be tagged, marked, and capitalized and included in the general fixed-assets listing unless the Board adopts a lower threshold. Depreciation schedules shall be created for all capital assets items and maintained in accord with GASB requirements.

A stewardship list shall also be maintained for all equipment, including vehicles, with a cost of one thousand dollars (\$1,000) or more but less than the capital asset threshold. The list must identify each item's description, identification (tag) number, location, and the month and year of acquisition.

For insurance and other purposes, an inventory listing of items with an acquisition cost of less than one thousand dollars (\$1,000) may be maintained.

A comprehensive physical inventory of District property on the capital assets listing shall be conducted at least every two (2) years, and items on the stewardship listing shall be conducted every three (3) years.

Facility administrators shall implement the procedures, providing reports as requested on the contents of their buildings.

Facility administrators shall require any employee who removes an item from one school for use in another to have a written request for such removal signed by the business office.

Each administrative unit shall assist in completing an annual inventory of all capital furniture and equipment, library media, and textbooks at its location.

Supply records shall be kept, which will show:

- The name of the individual receiving the supplies.
- The date received.
- The disposition of the supplies.

An inventory shall be maintained for all supplies warehoused by the District.

D-2400 ©
AUDITS / FINANCIAL MONITORING

DIE

The Board directs the Superintendent to implement procedures that assure District compliance with all state and federal requirements for financial monitoring and audits. Contingent upon prescribed qualifying criteria, such requirements may include, but are not limited to, entering into contract with an auditor approved by the State Auditor on a fiscal year basis and being audited based upon the federal Single Audit Act Amendments of 1996.

The procurement of the necessary services shall be consistent with the District's policy on bidding and purchasing procedures.

A final report of each separate fiscal management review shall be presented to the Board for examination and discussion. After a report has been presented to the Board, it will become a matter of public record, and its distribution will not be limited. Copies of a final report shall be filed with appropriate state and other authorities.

Adopted: date of manual adoption

LEGAL REF.: 12-6-3 NMSA
6.20.2.13 NMAC
6.21.2.8 NMAC

REGULATION**REGULATION****AUDITS / FINANCIAL MONITORING**

Each program, instructional unit, and department shall prepare and maintain such financial records as are directed by the Superintendent. The documents shall be accurate and of essential sufficiency to enable the District to comply with all requirements for financial monitoring and audits, both internal and external.

In addition to special reviews that may be conducted as necessary, the District will comply with the following minimum requirements to demonstrate proper management of and accountability for its fiscal resources:

- Whenever the District's expenditure of federal financial assistance is five hundred thousand dollars (\$500,000) or more during a fiscal year, the District shall contract with an approved independent auditor to conduct an annual financial audit. The audit shall be performed in accordance with generally accepted auditing standards in compliance with the requirements of the federal Single Audit Act Amendments of 1996 and any implementing regulations of the Office of Management and Budget (OMB).

The Superintendent shall be promptly informed of any material deficiency that is discovered during a monitoring or auditing process.

D-2450 ©
PURCHASING

DJ

All purchases from District funds shall be carried out in manner most beneficial to the District and in accordance with applicable laws and regulations. The Superintendent shall designate a Purchasing Agent for the District who shall manage a central purchasing function pursuant to law, and promulgate District administrative procedures consistent with law and regulation. The procedures shall indicate requirements relative to bids, proposals and small purchases as they apply to the procurement of all materials, equipment and services. All procurements, other than emergency, that entail bids and proposals shall require Board review and approval prior to the award. Subsequent contract award amendments, which exceed ten percent (10%) of the original contract award, shall also be submitted to the Board for review and approval. Change orders on construction contracts do not require prior approval of the Board if the dollar amount does not exceed the provision for contingencies within the basic contract, or the contract as amended and approved by the Board. Change orders will, however, be reported to the Board at the next scheduled meeting.

Adopted: date of manual adoption

LEGAL REF.: 13-1-28 NMSA
6.20.2.17 NMAC

D-2550

DJB

BIDDING / PURCHASING PROCEDURES

The Gadsden Independent School District Board of Education authorizes the Superintendent to approve vouchers for payment prior to a Board meeting. A summary monthly listing of the vouchers shall be presented at a regularly scheduled Board meeting for formal approval and entry in the minutes.

Adopted: date of manual adoption

LEGAL REF.: 13-1-28 NMSA
10-16-13 NMSA
22-5-10 NMSA

REGULATION**REGULATION****BIDDING / PURCHASING PROCEDURES**

All authorized invoices will be processed in accordance with their specified payment terms.

Invoices that do not reference a purchase order number or other identifying information may be returned to the supplier for additional information.

All invoices must match an authorized purchase order and receiving document before payment will be made. If shipment is received at the warehouse, the warehouse staff will obtain all necessary signatures and forward the receiving copy to Accounts Payable for payment. If a shipment is made to the site, or if the purchase order is for a hand-carry transaction, the user will submit the receiving copy to the building level supervisor, who will sign and forward to Accounts Payable for payment.

Payment over the purchase order amount may be made without a change order if the increase is less than fifteen percent (15%) of the purchase order total. If the invoice total exceeds the purchase order total by greater than fifteen percent (15%), or if items are changed, added or deleted, Accounts Payable will call the site and request that a change order be processed through the purchasing office prior to payment.

The accounts payable staff will regularly review their files for missing invoices, receiving documents, etc., and will call either the site or the vendor for missing information. However, the school/department is ultimately responsible for ensuring the timely payment of their transactions by reviewing transactions electronically, through reports available on the system, or by working with accounts payable staff.

A prepayment is a request for payment before goods/services have been received. A prepayment is an exception to Gadsden Independent School District and State policy, which require that all goods and services must be received before payment can be made. Prepayments should only be made when required for certain commodities (i.e., software, books) or when prepayment is the normal form of payment (i.e., memberships, subscriptions, conferences).

Accounts Payable must receive all necessary paperwork by Wednesday at noon in order to process a check that week. Checks will be issued on Thursday and mailed on Friday.

The accounts payable staff will rotate, on a weekly basis, the responsibility of printing, collating and distributing checks. The staff not handling that week's batch will use the extra time to review their paperwork and files.

Checks may be picked up at the accounts payable office on Friday mornings. Checks not picked up by 2:30 Friday afternoon will be mailed in the regular mail.

In accordance with 6 NMAC 2.2, petty cash funds shall be utilized in rare instances and shall not exceed one hundred dollars (\$100) without prior approval. Petty cash funds are charged to the requesting school/department and expensed when issued.

Change funds are used in connection with a specific activity and are not to be used for making loans to employees or for cashing checks. A purchase order is issued to the person responsible for the activity. That person will cash the check, obtain the funds and monitor their use. Once the activity is over, the original change fund amount is redeposited to the account from which it was issued.

D-2750 ©
BIDDING / PURCHASING PROCEDURES

DJE

The purchase of tangible goods, services and construction shall be conducted in adherence to the stipulations of the New Mexico Procurement Code, 13-1-28 through 13-1-199, NMSA 1978 and the purposes stated therein. The Manual of Procedures (PSAB) Supplement 13 will be followed. The District has a Central Purchasing Office responsible for ensuring fair and equal treatment of all persons involved in procurement, for maximizing the purchasing value of the District's funds and for providing safeguards for maintaining a procurement system of quality and integrity.

Adopted: date of manual adoption

LEGAL REF.: 10-16-13 NMSA
 13-1-28 NMSA
 22-5-10 NMSA

EXHIBIT

EXHIBIT

BIDDING / PURCHASING PROCEDURES

(Note)

All contracts and solicitations therefor shall contain reference to the criminal laws prohibiting bribes, gratuities and kickbacks.

LEGAL REF.: 13-1-191
30-24-1 NMSA (1978)
30-24-2 NMSA (1978)
30-41-1 to 30-41-3 NMSA (1978)

D-2900 ©
SALES CALLS AND DEMONSTRATIONS

DJGA

Sales representatives for school services, supplies, or other materials are not permitted to call on teachers or other school staff members except with prior authorization from the Superintendent.

Adopted: date of manual adoption

REGULATION**REGULATION****SALES CALLS AND DEMONSTRATIONS**

When appropriate, the principal may give permission to sales representatives of educational products to see members of the school staff at times that will not interfere with the educational program.

**D-2950 ©
PAYMENT PROCEDURES**

DK

In order to receive appropriate discounts and maintain good vendor relations, the Board directs the prompt payment of salaries and bills, but only after due care has been taken to assure that such amounts represent proper obligations of the District for services and/or materials received.

The Superintendent will implement procedures for the review of purchase invoices to determine that items or services are among those budgeted, itemized goods or services have been satisfactorily supplied, funds are available to cover payment, and invoices are in order and for the contracted amounts.

Adopted: date of manual adoption

PAYROLL PROCEDURES / SCHEDULES

No individual shall be placed on the payroll or receive salary adjustments without prior written authorization of the Superintendent.

Salary checks will be issued semi-monthly during the term of contract or agreement with the District in twenty-four (24) equal installments. The pay dates shall be on the fifteenth (15) and end of each month unless on a week end or holiday, then payment is on the Friday prior to that date. During summer breaks, paychecks will be mailed to the address authorized, designated to be picked up or direct deposited.

An employee who quits the service of the District shall be paid all wages due on the regular payday for the pay period during which termination occurs. Such wages may be paid by mail if requested.

Adopted: date of manual adoption

LEGAL REF.: 50-4-2 NMSA
6.20.2.18 NMAC

CROSS REF.: GCQF - Discipline, Suspension, and Dismissal of
Professional Staff Members
GDQD - Discipline, Suspension, and Dismissal of
Support Staff Members

**D-3100 ©
SALARY DEDUCTIONS**

DKB

The Superintendent shall establish procedures that conform to all requirements of the law and all policies of the District, and that ensure that employees receive paychecks not later than the stated payroll dates.

Involuntary Deductions (Public Record)

Federal and New Mexico income taxes, Social Security (OASI/FICA), and employee contributions to the educational retirement system will be deducted as mandated by state and federal statutes. All other deductions must be authorized by the Board and the employee unless ordered by a court of competent jurisdiction.

**Voluntary Deductions and Redirections
(Not Public Record)**

The following deductions and redirections have been authorized by the Board:

- Insurance premiums for staff members or dependents who are being covered under Board-approved Section 125 cafeteria programs.
- Direct deposits of net payroll with financial institutions.
- Tax-sheltered annuities for companies approved by the District.
- Credit union deposits.
- Professional dues.

Adopted: date of manual adoption

REGULATION**REGULATION****SALARY DEDUCTIONS**

Inasmuch as payroll deduction services for non-District purposes does incur a cost to the District and oftentimes creates additional work for staff, such requests must be scrutinized.

Prior to any agency, commercial venture or non-profit organization or other entity requesting new payroll deduction services, the following procedure must be followed:

- Approval from the Superintendent must be secured before signing up employees for a program requiring payroll deduction.
- Adequate notice and sufficient time for implementation will be provided to a group or business. A contractual agreement for such services will be honored.
- The District reserves the right to require an evaluation of any existing group or business that currently is involved in District payroll deductions when employee participation drops significantly.
- Nothing in this policy will prevent the Board, at its discretion, from adding or deleting a group or business from receiving payroll deduction services that the Board determines to be of paramount importance to the employees or District.

***Compliance with Internal Revenue Code 61,
Treasury Regulation 1.61-21(a)***

Notwithstanding any other specific law to the contrary, gross income means all income from whatever source including, but not limited to fees, commissions, fringe benefits and similar items. Fringe Benefits are defined as any property or service or cash, other than salary and are taxable unless excluded specifically by law.

All District employees issued property, equipment and/or uniforms will be subject to income tax except where an Accountable Plan, as defined by the Internal Revenue Code, is in place.

The District's Accountable Plan is:

- All District issued property, equipment and/or uniforms are issued to District employees in connection with services performed as an employee.
- District issued uniforms are issued as a condition of employment for the security officers, food service workers, custodial and maintenance employees.
- Use of the District-issued uniform outside of the regular work assignment is prohibited.
- The employee is required to adequately account for the expense within sixty (60) days after the expense was incurred.
- The employee must reimburse the District for any excess charges and/or personal use within sixty (60) days after the expense was incurred.

Non-Taxable Benefits

Working Condition Fringe Benefit: Job related educational expenses and/or reimbursements.

Accountable Plan Exclusion: Cell phones, radios, laptop computers and District issued uniforms, excluding denim clothing suitable for everyday use.

Taxable Benefits

District Issued Vehicles: The personal use portion of District vehicles issued to District employees on a twenty-four (24) hour basis.

Employee Awards: All cash prizes or awards, performance awards, non-cash awards exceeding twenty-five dollars (\$25) (gift certificates, gifts, etc.).

Non-Accountable Plan: The value of denim pants purchased as part of a District-issued uniform; the value of personal usage of District-issued property, equipment when not reimbursed as outlined in the District's Accountable Plan.

**D-3150 ©
EXPENSE AUTHORIZATION /
REIMBURSEMENT**

DKC

School Board members and employees who incur expenses in carrying out their authorized duties shall be reimbursed by the District upon submission of allowable supporting receipts, provided that prior authorization has been granted.

Reimbursement amounts shall not exceed the maximums established pursuant to 10-8-1 through 10-8-8.

Adopted: date of manual adoption

LEGAL REF.: 10-8-1 NMSA *et seq.*
6.20.2.19 NMAC

CROSS REF.: EEB - Business and Personnel Transportation Services

D-3300 ©
CASH IN SCHOOL BUILDINGS

DM

Monies collected by school employees shall be handled in accordance with prudent business procedures. All monies collected shall be receipted, accounted for, and directed without delay to the proper location of deposit.

In no case shall money be left overnight in school buildings, except in safes provided for safekeeping of valuables.

Adopted: date of manual adoption

D-3350 ©
SCHOOL PROPERTIES DISPOSITION

DN

If any item listed on the District property inventory becomes unnecessary, unsuitable or inconvenient for School District use, the Superintendent may recommend to the Board that such item(s) be deleted from the inventory, declared surplus and sold. The disposal of such items must be accomplished in accordance with state law and regulation. The business office shall establish administrative procedures governing the disposal of District property.

Adopted: date of manual adoption

LEGAL REF.: 13-6-1 NMSA *et seq.* (1978)
22-15-10 NMSA (1978)

CROSS REF.: IJJ - Textbook/Supplementary Materials Selection and
Adoption

REGULATION**REGULATION****SCHOOL PROPERTIES DISPOSITION**

Property will be disposed of as required under NMSA 13-6-1 "Disposition of Obsolete, Worn-out or Unusable Tangible Personal Property".

Schools and departments will keep an inventory of fixed assets kept at their site. When furniture or equipment is no longer usable, a "Turn-In of Obsolete Equipment" Form will be completed and sent to the Inventory Specialist. For computer hardware, forward the request first to the Technology Department, who will evaluate the equipment. If it is not salvageable, Technology will erase the hard-drives and turn in the request to the Inventory Specialist.

The Inventory Specialist will reconcile all deletions as necessary.

The Inventory Specialist will periodically compile a list of items to be deleted, and submit it to the Purchasing Office. The Purchasing Office will send a resolution to dispose of the items to the Board. Once the resolution is approved, it will be forwarded along with the required forms, to the State Auditor's Office for approval to dispose. If notice is not provided within thirty (30) days, the items will be disposed of.

An advertisement will be placed in the Las Cruces Sun News and bids will be sent to qualified bidders. The invitation to bid will also be sent to any 503C entities in the area or who have indicated an interest in surplus property.

Items will be sold to the highest bidder as indicated by a formal solicitation. Successful bidders will be required to pay for and pick up their property within twenty-four (24) working hours of notification of the bid award, or the award will be made to the next highest bidder. An indemnification form must be signed by the successful bidder before equipment is released.

If, after a formal sealed bid, no bids are received, the items may be disposed of by any/all of the following methods:

- By donation to a 503C organization;
- Disposal by the Warehouse staff into a District trash receptacle or;

- A list of unpurchased items will be posted in the Purchasing Office. Anyone interested in purchasing the items can offer a bid to the Purchasing Office.

Obsolete or damaged equipment or furniture, if not considered a fixed-asset, may either be disposed of at the site with the approval of the site supervisor or by warehouse staff.

If the threshold for a fixed asset changes (for example, from \$500/unit to \$1000/unit), the Inventory Specialist will compile a list of equipment and submit it to the purchasing office. Once the purchasing office has review/approved the list, it will be returned to the Inventory Specialist for removal. A hard copy of the documentation will be retained by the Inventory Specialist for six (6) years following deletion of the items.

SECTION E

SUPPORT SERVICES

E-0050 © SUPPORT SERVICES GOALS / PRIORITY OBJECTIVES

EA

The Board recognizes that the daily support service operations of the District are essential, yet auxiliary, to the primary educational goals of the District. To ensure that the support services contribute to the achievement of the District's educational goals in the most effective way possible, the Board intends to:

- Ensure the proper operation and maintenance of District buildings, vehicles equipment and services. Set high standards of safety. Promote the health of pupils and staff. Reflect the expectations of the community. Support environmentally the efforts of the staff to provide the highest level of instruction.
- Encourage, through the Superintendent and staff, the establishment of efficient and appropriate procedures for the management of buildings and grounds, offices, vehicles, equipment, supplies and food services.
- Ensure the adherence to generally accepted management principles and applicable laws and regulations in implementing the responsibilities delegated to support service functions.

Adopted: date of manual adoption

**E-0150 ©
ENVIRONMENTAL AND
SAFETY PROGRAM**

EB

The Superintendent will establish procedures to protect the safety of all students, employees, visitors, and others present on District property or at school-sponsored events.

The practice of safety shall also be considered a facet of the instructional plan of the District schools by virtue of educational programs in traffic and pedestrian safety, driver education, fire prevention, and emergency procedures, appropriate for students at different grade levels. General areas of emphasis shall include, but not be limited to: in-service training; accident record keeping; plant inspection; driver and vehicle safety programs; fire prevention; school site selection; and emergency procedures and traffic safety problems relevant to students, employees, and the community.

Adopted: date of manual adoption

REGULATION**REGULATION****ENVIRONMENTAL AND
SAFETY PROGRAM*****Responsibilities of the maintenance supervisor:***

- Maintain an overall safety program in maintenance and operation of buildings and grounds.
- Provide specialized assistance as requested by school principal.

Responsibilities of the school principals:

- Schedule regular inspections.
- Post required state and federal safety regulations and maintain appropriate safety records.
- Arrange for the correction of defects reported to them by employees in the building by requesting assistance from the maintenance department.
- Cooperate in the correction of defects reported by the maintenance department or other school administrators.

Responsibilities of the transportation supervisor:

- Maintain standards for certification of school bus drivers.
- Maintain standards for periodic inspection and maintenance of school buses.
- Maintain standards for school bus operation.
- Maintain standards for personnel operating and using school vehicles.

Responsibilities of other employees:

- Report promptly to the principal of the school or immediate supervisor any defects in buildings, grounds, or equipment that might prove

injurious to the safety, health, or comfort of students, employees, or other persons.

- Take reasonable precaution for the safe use of buildings, grounds, and equipment by students.

Responsibilities of students:

- Avoid the following behaviors:
 - Setting off a false fire alarm.
 - Misusing the fire alarm system, fire extinguishers, or other fire protection and safety equipment.
 - Setting a fire in the building or on the school grounds.
- Report promptly to the principal of the school or other appropriate school employee any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of employees, students, or other persons.

Responsibilities of other individuals utilizing school buildings:

- Refrain from abusing safety equipment, such as fire extinguishers, alarm systems, et cetera.
- Report promptly to the Superintendent or another school employee any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of students, employees, or other persons.

**E-0250 ©
REPORTING OF HAZARDS /
WARNING SYSTEMS**

EBAA

(Pesticide Application Notice)

The intent of this policy is to provide adequate management of pesticide applications to reduce the impact on students, employees, and parents/guardians.

In accord with 6.30.2.10 NMAC, the District shall:

- Use no pesticide or device except those currently registered for legal use in this state.
- Have no pesticide applied except by a person certified in the applicable category and currently licensed by the state.
- Apply pesticides only when an infestation is present and only when the property will not reasonably expected to be occupied for at least six (6) hours from time of the application.
- Maintain list of those students, parents and guardians who wish to be notified when pesticides will be applied.
- Maintain written records of pesticide application.

The District shall provide to the school contact person notice prior to the date and time the application of pesticides is to occur and shall provide the following information:

- The area or areas where the pesticide is to be applied.
- The date and time the application is to occur.
- The pesticide to be used.

Notice will be provided to those persons so requesting and signs will be posted indicating the location of the application of pesticides. In case of pesticide applications performed for or by public health agencies or

emergency applications because of immediate threat to the public health, the office shall provide oral and, if possible, written notice, with posting of the area to be treated.

The Superintendent shall prepare regulations for the implementation of this policy.

Adopted: date of manual adoption

LEGAL REF.: 6.30.2.10 NMAC

CROSS REF.: IKEA - Make Up Opportunities

REGULATION**REGULATION****REPORTING OF HAZARDS /
WARNING SYSTEMS****(Pesticide Application Notice)**

The site administrator shall be the contact person for providing information regarding pesticide application activities at the school, including but not limited to giving oral and written notification, supervising the posting of notifications as required, and maintaining records of pesticide-application notifications.

Oral and Written Notice

All oral and written notification shall contain, at a minimum, the date and time of the pesticide to be applied. During the *regular school session*, and not less than twenty-four (24) hours prior to pesticide application, notification shall be provided in the manner indicated below.

- Oral notification to all students and school employees shall be provided by means of:
 - School public address systems; *or*
 - Assembly communications; *or*
 - Staff meeting announcements; *or*
 - Any similar means reasonably calculated to provide sufficient notice in advance of pesticide application.
- Written notification to the parents or guardians of enrolled students shall be provided by means of:
 - Weekly school lunch menus; *or*

- Special communications; *or*
- Newsletters; *or*
- Any similar means reasonably calculated to provide sufficient notice in advance of pesticide application.

Posting of Notice

No less than twenty-four (24) hours prior to pesticide application, signs shall be posted to identify pesticide application areas. The signs shall display:

- The words "warning - pesticides."
- The date and time of the application.
- A phone number for the school contact person.

The signs shall be placed at:

- The main entrance to all buildings where pesticide is to be applied.
- Playing fields where pesticide is to be applied.

The signs may be removed no less than twenty-four (24) hours after the pesticide is applied.

CROSS REF.: IKEA - Make Up Opportunities

**E-0300 ©
HAZARDOUS MATERIALS**

EBAB

The Superintendent shall develop and implement an effective Hazard Communication Program (HCP) as required by law. The HCP shall at all times meet the requirements of the federally-approved State Plan. The program shall be reduced to writing, including all associated documents and will be maintained in the Superintendent's office and each school site for review by employees and the public. The program will ensure:

- The development and distribution of a list of toxic substances used by District employees accompanied by procedures for their proper and safe containment and use.
- The development and provision of procedures and training regarding the purchase, storage, use, transportation and disposal of hazardous materials. Emergency response and evacuation plans will be part of the procedures.
- That whenever possible, District staff shall substitute non-hazardous materials for hazardous substances and minimize the quantity of hazardous substances stored in school facilities.
- That before any staff member begins a position requiring work with hazardous materials on a regular basis, the staff member attends an approved training course.

Adopted: date of manual adoption

E-0400 ©
ACCIDENT PREVENTION AND
SAFETY PROCEDURES

EBB

Accidents are undesirable, unplanned occurrences which may result in tragic consequences; bodily harm; loss of school time; property damage; legal action and even fatality. To guard against such occurrences, the Board intends for the District to take every precaution to protect the safety of all students, employees, visitors and others while on District property or at school-sponsored events.

The Superintendent shall develop administrative procedures to meet the intent of this policy in areas that include, but are not limited to:

- Plant inspection.
- Fire prevention.
- Traffic and parking safety.
- Accident record keeping.
- Inclement weather conditions.
- First aid and emergency care.
- Bicycle and scooter use.
- Safety patrol program.
- Student supervision.

Adopted: date of manual adoption

**E-0500 ©
ACCIDENT REPORTS**

EBBB

Adequate and prompt accident reporting is essential if similar accidents are to be prevented. If there are injuries or property damage, prompt reports are also vital in assuring the District of insurance coverage.

Reports will be filed on accidents that take place on school property or that involve school vehicles, students, or staff members on school-sponsored trips, including staff members on authorized school business trips. Such reports are required whether or not there are any immediately evident injuries or damage to property.

Injury accidents should be promptly reported to the District's liability carrier. The meaning of *promptly* is defined in the District's insurance policy with the carrier.

The administration shall establish procedures for filing accident reports, and shall make sure reports include details that (1) might be helpful in preventing similar accidents in the future, (2) are needed for filing insurance claims, and (3) might be important in case of litigation.

Adopted: date of manual adoption

LEGAL REF.: 10-7-13 NMSA

CROSS REF.: GBGC - Employee Assistance
 GBGD - Workers' Compensation

REGULATION**REGULATION****ACCIDENT REPORTS****(Student Accidents)**

Employees are to report to the nurse or office any accident involving a student who is at school.

For any student who is injured on school grounds, in a school building, or in connection with a school-related or approved activity, an accident report form is to be completed by an employee who is at the scene of the accident.

A student who is ill should be sent to the office, with an appropriate pass. If a student is sent home (only with parent knowledge), the teacher will be notified. Students are discharged to go home only from the office.

Any special health concern should be reported to the nurse.

A written report of an accident shall be made by the school principal to the Superintendent not later than noon of the school day following the incident. The insurance carrier shall be notified as appropriate.

EXHIBIT

EXHIBIT

ACCIDENT REPORTS

STUDENT ACCIDENT REPORT

School _____ Date of report _____
 Name _____ Sex: Male Female Grade _____
 Age _____ Home address _____
 Phone _____ Teacher _____
 E-mail address _____

Time of accident: Hour _____ a.m. p.m. Date _____

Place of accident: School building School grounds To or from school
 Interscholastic athletics

Witness name _____ Address _____

Description of Accident

How did the accident happen? What did the student state? (Use quotes.)
 Where was the student? Describe first aid given.

 reporting

 Signature of person

Was the parent or other individual notified? No Yes
When? _____

Name of individual notified _____ How? _____

By whom? _____

First aid treatment _____ By whom? _____

Called 911; Sent to: Home Physician Class _____ Hospital

How was student transported?

District office notified. Time _____ By whom? _____

Location Athletic field Playground Classroom Corridor
of Cafeteria Dressing room Gymnasium Home ec.
accident: Bus Science lab Rest room School grounds Shop
 Showers Stairs Bus stop Other: _____

Follow-up

Total number of days absent: _____ Nature of injury: Abrasion
 Amputation Animal bite Avulsed tooth Fracture
 Human bite Laceration Puncture Scratches Sprain
 Strain Other: _____

Part of body injured: Ankle Arm Back Clavicle Elbow
 Eye Face Finger Foot Hand Head Knee Leg
 Nose Scalp Toe Tooth Wrist Other: _____

Superintendent's signature Date

H/A or Nurse signature Date

Disaster can strike at any time and cause wide-spread damage and injury.

Such disasters can be created by humans or the result of natural causes and can occur with little, if any, warning. Thus, it is the intent of the Board to create a systematic means to minimize the negative impact of any disaster on students, employees, visitors and others while on District property or at school-sponsored events. To this end, the Superintendent, with staff and community input, shall develop a tactical emergency response plan which will include, but not be limited to the threat of:

- Chemical, biological and nuclear incidents.
- Bomb threats.
- Building collapse.
- Hostage situations.
- Conditions of nature.
- Arson.
- Civil disturbances.
- Explosions.
- Vehicular accidents.

A tactical emergency response plan is a safe school plan that details risk assessments and establishes the plans or procedures to manage an emergency event after it has occurred and includes, but is not limited to, emergency routes and staff assignments as they relate to immediate actions, delayed actions, mitigation actions, facility evacuations and facility reentry. The plan shall clearly outline the requirements and discretion afforded each school with regard to the administration of the plan. The plans will also designate specific emergency drills to be conducted. The plan shall be

presented to the Board for approval but shall not be released to the public due to the student wellness and safety issues related to the information.

Adopted: date of manual adoption

LEGAL REF.: 22-13-14 NMSA
59A-52-1 NMSA
6.12.6.7 NMAC
6.12.6.8 NMAC
6.30.2.10 NMAC

CROSS REF.: JL - Student Wellness

REGULATION**REGULATION****EMERGENCIES**

Each principal or other appropriate unit administrator will develop emergency plans for fire or other threats. Such plans will be submitted by September of each year. These plans will provide for such emergencies as are outlined in policy or required by the Superintendent.

- Inside emergencies, such as but not limited to a fire, actual or potential explosion, propane leak, or collapsing structure.
- Outside emergencies, such as but not limited to a fallen electrical wire, plane crash on campus or nearby, sniper, or earthquake.

The plans will specify the conditions under which evacuation of the building will occur (and the procedures therefor). The plans will also designate specific emergency drills to be conducted. A diagram of the school floor plan will be posted in each room showing emergency exits to be used.

REGULATION**REGULATION****EMERGENCIES****(Emergency Drills)**

Emergency drills will be scheduled and conducted at least once each week during the first four (4) weeks of the school year and at least once each month during the school year by the school administrator. The purpose of a drill is to train students, under staff direction, to move safely, quickly, and quietly from any location within the building to a designated position or location. Two (2) drills shall be shelter-in-place drills, one (1) shall be an evacuation drill and the remainder shall be fire drills.

The following rules and procedures will be complied with in all schools:

- Evacuation routes will be posted in each room. These routes will indicate the primary and alternate exits and the evacuation area to which the student should proceed upon leaving the building. During the first week of the school year, rules for emergency evacuation will be discussed with each class using the room.
- A distinct alarm signal will be used for emergency drills only; another signal will be established by the principal for return to class.
- No student or staff member is to remain in the building during emergency drills.
- All persons should exit according to their posted evacuation routes and proceed to assigned locations a safe distance away from the building.
- It is each student's responsibility to move quickly, quietly, and in an orderly manner through the assigned exit to the assigned evacuation area.
- The teacher will be responsible for:
 - Maintaining order during the evacuation.
 - Taking the grade book and checking roll when the class is in the assigned evacuation area. The name of any student not accounted for will be reported immediately to the principal, who shall promptly notify the Superintendent.

- A report stating the date and time that the drill was conducted, and the time required to complete the evacuation will be made.

The fire department (if one [1] is maintained within the District boundaries) shall be requested to attend for instruction and constructive criticism.

REGULATION**REGULATION****EMERGENCIES****(First Aid)**

If a student is injured or becomes ill during the school day or while attending a school-sponsored activity, it is the responsibility of any staff member present to render assistance and to summon aid.

First aid procedures shall be based on the following fundamental concepts:

- The school is responsible for the emergency handling of accidents and sudden illness occurring at school or on school property. The school is not responsible for subsequent treatment.
- At the time of an emergency, the school has the responsibility for:
 - Caring for the student.
 - Notifying the student's parents or guardian, or, if these cannot be reached, following directions given on the student's enrollment card.
 - In extreme cases, getting the student under professional care with or without family permission.
- In the absence of family transportation or ambulance service, an authorized District employee may have to take the sick or injured student home, to the physician's office, or to the hospital. A sick or injured student should be accompanied from the school by an adult. If the destination is the student's home, the adult shall have ascertained that a responsible person is at home to assume responsibility.
- In case of any serious injury or illness, the parent or responsible person should always be notified as soon as possible. Emergency care of the student has priority.
- Medication administered by any school personnel, shall be in compliance with JLCD and JLCD-R.

- A written report of an accident shall be made by the school principal to the Superintendent not later than noon of the school day following the incident.

CROSS REF.: JLCD - Administering Medicines to Students

**E-0750 ©
WEATHER - RELATED AND
EMERGENCY CLOSINGS**

EBCD

The decision to delay opening of school or to dismiss school early will be made by the Superintendent.

Except for teachers and other staff members who work only on student days, all personnel will report to work as soon as possible on days when school is closed.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.9 NMAC

REGULATION**REGULATION****WEATHER - RELATED AND
EMERGENCY CLOSINGS****Delayed Opening**

If the Superintendent decides to delay the opening of school, the law enforcement and the local broadcast media will be notified, requesting that they assist in disseminating the information.

All staff members will report to their assigned schools to assist in the supervision of students.

School Closing

If the Superintendent decides to cancel classes for the day, law enforcement and local broadcast media will be notified and asked to assist in disseminating the information.

Early Dismissal

If the Superintendent decides to dismiss school early, the procedure shown below will be followed for early dismissal of students:

- Students will be released from school only after the principal has ascertained that appropriate notice has been given to parents or guardians. Staff members may be released by the principal when they are no longer needed to supervise students.
- The principal will remain at the school until all students have departed.

E-0900 ©
SECURITY

ECA

The Superintendent will develop plans and procedures that will:

- Enhance the security of District property.
- Minimize fire hazards.
- Provide for the keeping of records and funds in a safe place.
- Protect against vandalism and burglary.
- Provide for the prosecution of vandals.
- Provide for and encourage employee responsibility for furniture, textbooks, reference material, and other District materials, equipment, and supplies assigned to the employee's care.

Adopted: date of manual adoption

REGULATION**REGULATION****SECURITY**

Access to school buildings and grounds will be established by the Superintendent in accordance with the following:

- Unlimited access - the Superintendent, assistant superintendent, and maintenance supervisor.
- Limited access - school principals, assistant principals, teachers, custodians to their assigned buildings, and extracurricular sponsors, counselors, and supervisors for their respective areas or activities.

Possession of keys shall be in accordance with the following principles:

- A log of key assignments shall be maintained by the office of the Superintendent or other designated office.
- Unassigned duplicate keys shall be maintained in a safe or a secured box.
- Individuals assigned keys may not duplicate or loan them.
- All keys must be surrendered when no longer needed or upon request by the Superintendent.
- The loss of a key must be reported to the Superintendent upon discovery of the loss, and the employee may be required to pay for rekeying or replacing all affected locks.
- Use of keys for unauthorized purposes will be cause for surrender of keys. Employees will be subject to discipline and/or dismissal for unauthorized use of keys.
- A set of master keys and/or duplicates of keys shall be kept in the custody of the Superintendent.
- The employee will sign a receipt for keys assigned. The receipt will list the applicable rules.

E-1050 ©
VANDALISM

ECAC

A school administrator, teacher or other school employee who observes or has direct knowledge from a participant or victim of an act of vandalism to public school property shall file an incident report describing the incident pursuant to established procedures. A person who files an incident report shall not be discriminated against in any manner or discharged by a superintendent because of the filing of that report.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-33 NMSA (1978)

REGULATION

REGULATION

VANDALISM

The principal will establish a system through which students and members of the school community can report any instance of vandalism or suspected vandalism. Each employee of the District shall report to the principal or other administrator every perceived incident of vandalism and, if known, the names of those responsible.

**E-1100 ©
SCHOOL AND PERSONAL PROPERTY
REPLACEMENT / RESTITUTION**

ECAD

(Personal Property)

The District shall not assume responsibility for the loss of, or damage to, personal property stored, installed, or used on school premises.

Adopted: date of manual adoption

**E-1200 ©
BUILDING AND GROUNDS
MAINTENANCE**

ECB

Adequate maintenance of buildings, grounds and property is essential to efficient management of the District.

The Board directs that the administration develop and implement a preventive maintenance plan following guidelines adopted by the public school capital outlay council pursuant to Section 22-24-5.3 NMSA 1978; and participate in the facility information management system pursuant to the schedule adopted by the public school capital outlay council.

Adopted: date of manual adoption

**E-1600 ©
MATERIALS AND EQUIPMENT
MANAGEMENT**

ED

The District shall provide for the central purchasing, receiving, warehousing, and distribution of supplies, equipment, and materials common to the requirements of all schools.

A District warehouse shall be operated as an adjunct of the business office to store and distribute supplies as requisitioned by staff members.

All materials needed for instruction, business, and custodial operations of the individual schools shall be ordered from the warehouse when available from that source.

Adopted: date of manual adoption

REGULATION**REGULATION****MATERIALS AND EQUIPMENT
MANAGEMENT**

The Gadsden Independent School District warehouse performs a preliminary inspection on all goods received. However, the department originating a purchase is responsible for the final inspection and acceptance/rejection of deliveries. The user will determine whether the quantity and quality are as specified in the purchase order. If inspection reveals that the delivery does not conform to the quantity or quality specified, either the department or the warehouse will notify the vendor that the delivery has been rejected and will work with the vendor to obtain a satisfactory replacement or a supplementary delivery. A Return Material Authorization (RMA) must be obtained from the vendor before merchandise is returned.

The warehouse will deliver to each site, at one (1) central location, on at least a weekly basis. For schools/departments with Monday deliveries, delivery shall be made on the Tuesday following any Monday holiday.

Warehouse personnel will deliver all items to the schools/departments. They will not conduct a secondary inspection with the school/department at the site. The receiving location will inspect the delivery and let the warehouse know as soon as possible if a problem exists.

The warehouse carries some supplies as warehouse inventory stock. An electronic catalog displays items available and their cost. Items are ordered electronically through a warehouse requisition that the user generates. Requisitions are posted, printed and filled by the warehouse staff. Deliveries are made to the sites on their regularly scheduled delivery days.

Periodically, the physical inventory levels will be counted by warehouse staff and compared to either the written or electronic balances. Adjustments will be made accordingly to reconcile both accounts. All adjustments of warehouse stock items should be approved by the purchasing office. Obsolete items in the warehouse inventory will also be identified and removed from the listing after approval of the Purchasing Agent. These items will be properly disposed of promptly.

For at least three (3) days before the last day of the fiscal year, no orders will be filled from the warehouse inventory. On the final working day of the fiscal year, warehouse staff will conduct a physical count of the inventory. An inventory listing will be generated by the electronic system and compared to the physical inventory. Any adjustments to the inventory should be approved by the Purchasing Agent.

The warehouse stores the District records archives. All documents to be stored in the warehouse must be boxed according to the following guidelines:

- Only boxes with the specifications listed below shall be accepted.
 - Letter size 12" wide, 24" deep, 10 1/4" high.
 - Legal size 14" wide, 24" deep, 10 1/4" high.
- Boxes must be uniformly labeled on the end panel for identification.
- The identification must include, at a minimum:
 - A brief description of the contents;
 - Appropriate date of contents; and
 - Destruction date.
- Each department is responsible for maintaining a log of the files stored at the warehouse with the box number and description of records contained for ease in retrieval at a later date. Warehouse staff may assist departments in removing boxes from the shelves but are not responsible for finding records on behalf of another department.
- Each department is responsible for disposing of its records in accordance with state regulation. If the department has exceeded its allocated space, it will need to dispose of some of its own records to make room for incoming files.

All bank deposits, postal and interdepartmental mail will be picked up and delivered to all sites and schools in accordance with the daily delivery schedule. Board member packets will be delivered to each Board member by warehouse staff.

A shredding machine is located in the warehouse and is available for use by schools and departments. A school or department with materials to be shredded must complete the shredding process the same week the materials are delivered to the warehouse to prevent a back-log of unshredded documents. If the materials are not shredded after one (1) week, the

warehouse will return the files to the school/department.

E-1700 ©
MAINTENANCE AND CONTROL
OF MATERIALS AND EQUIPMENT

EDB

Employees are responsible for the proper care of all District facilities, equipment, and property in their custody or control.

Control of District property shall be through, but not limited to, an accurate fixed inventory system of all District furniture and equipment.

The Superintendent may establish procedures for transferring surplus or other materials and equipment.

Preventive Maintenance

The Superintendent shall establish a preventive-maintenance program that will extend the useful life for District equipment.

The Superintendent is authorized to use the services of specialists for such maintenance, and provision(s) shall be made in the annual budget for such services.

Adopted: date of manual adoption

CROSS REF.: DID - Inventories

REGULATION**REGULATION****MAINTENANCE AND CONTROL
OF MATERIALS AND EQUIPMENT****Surplus Equipment**

Property that is surplus at any unit shall be transferred to the business office for reassignment to other District locations where a need may exist for the equipment.

Transfer of Equipment

All transfer of property within a school or other District location must first have the approval of the principal or department head. Transfers of equipment from one school to another must be approved by the business office, whether the transfer is temporary or permanent.

**^E-1750 ©
MAINTENANCE AND CONTROL
OF INSTRUCTIONAL MATERIALS**

EDBA

Students using District-provided textbooks, subject-matter materials, supplementary books, or instructional computer software are responsible for loss of or any damage to these items. Accurate records of distribution or assignment of materials or textbooks to students shall be maintained.

Adopted: date of manual adoption

CROSS REF.: DN - School Properties Disposition
IJ - Instructional Resources and Materials
IJL - Library Materials Selection and Adoption
KEC - Public Concerns/Complaints about Instructional
Resources

E-1800 ©
AUTHORIZED USE OF SCHOOL - OWNED
MATERIALS AND EQUIPMENT

EDC

District equipment may be used by school or nonschool agencies and individuals for purposes that are not in conflict with any New Mexico Revised Statute(s), federal or state rules or regulations, or Board policies, subject to the following:

- The District shall not incur any expense due to the use of materials or equipment.
- The Superintendent shall establish procedures for approval of the use of materials or equipment, or shall submit requests to the Board for review and action.
- The District shall not be in competition with any local business firm that could provide like equipment.
- Rental fees will be charged or waived, as appropriate, by the District.
- Any person or agency using such materials or equipment that is lost or damaged during such period of use shall be required to reimburse the District for repair or replacement.

Adopted: date of manual adoption

CROSS REF.: KF - Community Use of School Facilities

**E-1950 ©
TRANSPORTATION SERVICES**

EE

In the budgeting process, the Board may grant appropriations for transportation.

Transportation of students is a privilege extended to students in the District, and is not a statutory requirement except for necessary transportation of students with disabilities as indicated in their respective individual education programs.

The responsibility for the operation of student transportation shall be vested in the Superintendent. Reasonable efforts shall be made to eliminate any particular hazards that might adversely affect the safety and welfare of any student.

Adopted: date of manual adoption

LEGAL REF.: 22-16-1 NMSA *et seq.* (1978)

E-2050 ©
WALKERS AND RIDERS

EEAA

The Board authorizes the administration to provide regular school bus transportation to and from school for the following categories:

- Students with disabilities who require transportation, as indicated in their respective individual education programs including three (3) and four (4) year-old developmentally disabled children.
- Students living within a two (2) mile radius of the school where hazardous or difficult routes exist and where other arrangements cannot be provided.
- Students who are residents within a school attendance area and:
 - If students in grades kindergarten through six (6), live more than one (1) mile from the school.
 - If students in grades seven (7) through nine (9), live more than a mile and a half (1 1/2) from the school.
 - If students in grades ten (10) through twelve (12), live more than two (2) miles from the school.
- Transportation for homeless students to their school of enrollment, if it is the school of origin, will be arranged as needed by the school liaison for homeless students.

Transportation Zones

The following stipulations will define bus transportation zones and other items that may affect students in open enrollment.

Student(s) who select the freedom of choice alternative in school attendance, and commute from one zone to another must provide individual means of transportation. The District assumes no responsibility in freedom of choice transportation endeavors nor will the District provide transportation for the students.

Transfers must be made at the beginning of a semester. If an emergency arises or reasonable justification can be provided, the school principal will review the request. In the event the principal negates the request, the

matter may be presented to the Superintendent and ultimately to the Board for a decision. Transfer students will be expected to remain in the school of their choice until the close of the semester in which they are enrolled.

Students may be denied enrollment in a school out of their attendance boundary if the school of their choice is overcrowded.

Adopted: date of manual adoption

LEGAL REF.: 22-16-4 NMSA (1978)
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: JFABD - Admission of Homeless Students

**E-2250 ©
BUS SAFETY PROGRAM**

EEAE

The safety and welfare of student riders is to be the first consideration in all matters pertaining to transportation. Toward that end, all District transportation department personnel, bus operators, and bus passengers shall comply with the applicable regulations and shall immediately report to the Superintendent any violation of rules or state statutes that threatens the safety of a passenger.

Bus evacuation drills shall be conducted at least twice every school year at the school and shall include every passenger who rides a school bus and is in school on the day of the evacuation drill.

All vehicles used to transport students shall be maintained in such condition as to provide safe and efficient transportation service with a minimum of delays and disruption of such service due to mechanical or equipment failure. Buses shall be replaced at such intervals as will provide good equipment at all times.

Students shall not be put off the bus until reaching their destination.

In addition to the regular state inspections, each school bus shall be inspected by the driver daily, before each use, to ascertain that it is in safe condition and equipped as required by all provisions of law, and that all equipment is in good working order.

Each school bus owned by, or contracted to, the District will conform to all applicable federal and state requirements as provided by the Commercial Motor Vehicle Safety Act of 1986.

Each driver of a District-owned or District-contracted school bus, as defined by and covered by the Commercial Motor Vehicle Safety Act of 1986, will conform to all requirements of said act and such statutes as may govern the operation of the vehicle.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.8 NMAC
6.41.4.9 NMAC

REGULATION

REGULATION

BUS SAFETY PROGRAM

Student behavior on a school bus should be the same as that in a well-ordered classroom with the exception that students are free to talk, but with no screaming or shouting.

EXHIBIT**EXHIBIT****BUS SAFETY PROGRAM**

This checklist may be used by District officials as a guide for transportation documents or transportation handbooks.

Arriving at pickup point:

- Be on time. Leave home in good time so that you will arrive at the pickup point before the school bus.
- If you have to walk along the road to reach the bus stop, walk on the left side facing oncoming traffic.
- Walk on the shoulder of the road where possible, and not on the traveled portion.
- If other students are waiting at the bus stop, get in line without pushing or crowding and stay off the roadway.

Board the bus:

- Line up in single file parallel to the roadway, with younger students in front, so they can board first.
- Wait until the bus comes to a complete stop before attempting to get on board.
- Board the bus quickly but without crowding or pushing.
- Never run on the bus, as the steps or floor may be slippery, especially in wintertime. Place your foot squarely on the step, not on the edge, and use the handrail.
- Be particularly careful if you are carrying books or parcels, as it is difficult to see the steps and to hold the handrail.
- Go directly to your seat and sit straight, well to the back of the seat, and face the front of the bus.

Conduct on the bus:

- The bus will not move until all passengers are seated.
- Remain seated throughout the trip, and leave your seat only when the bus has reached its destination and comes to a complete stop.
- Keep your books and parcels on your lap or put them under the seat or on the luggage rack.
- Keep the aisle clear.
- Do not talk to the driver except in case of emergency.
- Avoid doing anything that might disturb or interfere with the driver. Refrain from loud or boisterous talking or yelling.
- Never stick hands, arms, head, or feet out of the windows of the bus.
- Do not open windows without the driver's permission.
- Do not throw anything within the bus or out of a window; you might injure a pedestrian or force a motorist to make a dangerous maneuver.
- Do not touch the emergency door or exit controls or any of the bus safety equipment.
- Do not discard refuse in the bus.
- Eat at home or school, but not on the bus.
- Obey promptly the directions and instructions of the school bus driver.

Prohibited items:

- Tobacco is not allowed in a school bus.
- Alcoholic beverages shall not be carried in a school bus.
- Insects, reptiles, or other animals shall not be transported in a school bus.
- No weapon, explosive device, harmful drug, or chemical shall be transported in a school bus.

Exit from the bus:

- Remain seated until the bus has reached its destination and comes to a complete stop.
- Do not push or crowd when leaving the bus.

Crossing the highway:

- If you must cross the road, walk to a point about ten (10) feet in front of bus but do not cross until you can see that the driver has indicated that it is safe to do so.
- As you cross the road, look continuously to the right and left. At an intersection, look in all directions.
- Cross at right angles. Never cross the highway diagonally.
- Walk briskly across the road, but do not run.
- Never cross the road behind the bus.

Accident or other emergency:

- In case of an accident or emergency, older students should help the driver to maintain order and assist younger students.
- Stay in the bus unless otherwise directed by the driver.
- If you have to leave the bus, stay in a group and obey the driver's instructions.
- Do not expose yourself or others to needless hazard.
- Medical needs for students with disabilities are to be handled in accord with the individualized educational program (IEP).
- All medications required by disabled students will be carried and administered by the person designated by the IEP.

**Procedures Followed Upon Student
Misbehavior on School Bus**

All students or children are subject to having their school bus riding privileges temporarily suspended or permanently revoked. The following disciplinary measures will be used as guidelines. Each case, however, may require alternative measures depending on the seriousness of the infraction.

Elementary (Grades K-6):

- *First (1st) and Second (2nd) Offense* - Student will receive a written warning with a report sent to the school principal. Student will take the warning home and return it with parent's signature to the bus driver. Depending upon the seriousness of the infraction, the school principal may take disciplinary action.
- *Third (3rd) Offense* - Student's riding privileges will be automatically suspended for one (1) day. The school principal and student will receive a written report. Student will take the report home and return it with the parent's signature to the bus driver. Reasonable efforts will be made by the bus contractor to notify the parent and a copy of the suspension notice will be mailed to the parents and the District Transportation office by the bus contractor's office.
- *Fourth (4th) Offense* - Same as third (3rd) offense except riding privileges will be suspended for three (3) days.
- *Fifth (5th) Offense* - Riding privileges are suspended until a conference is held with the contractor, bus driver, school principal and parents to determine whether riding privileges will be reinstated. Reasonable efforts will be made by the bus contractor's office to notify the parent, and a copy of the suspension notice will be mailed to the parents and the District Transportation office by the bus contractor's office.

Secondary (Grades 7-12)

- *First (1st) Offense* - Student will receive a written warning with a report sent to the school principal, and the District transportation office. Student will take the warning home and return it to the bus driver with parent's signature.
- *Second (2nd) Offense* - Student's riding privileges may be suspended for one (1) to three (3) days depending upon the seriousness of the infraction. The school principal, the District transportation office and the student will receive a written report. Student will take the report home and return it with parent's signature to the bus driver. Reasonable efforts will be made by the bus contractor's office to notify the parent and a copy of the suspension notice will be mailed to the parents and the District Transportation office by the bus contractor's

office. If the student is not suspended, the procedures will be the same as the first (1st) offense.

- *Third (3rd) Offense* - Student's riding privileges will be automatically suspended for three (3) to five (5) days depending upon the seriousness of the infraction. The procedures outlined in the second (2nd) offense will then be followed.
- *Fourth (4th) Offense* - Riding privileges are suspended until a conference is held with the contractor, bus driver, school principal and parents to determine whether riding privileges will be reinstated. Reasonable effort will be made by the bus contractor's office to notify the parent and a copy of the suspension notice will be mailed to the parents by the bus contractor's office.

Severe Disruption. The following inappropriate and dangerous behavior will result in immediate suspension of transportation privileges.

- Physical harm to other students.
- Physical harm to the driver or aide.
- Physical damage to the bus.

Students involved in such activities as water balloon fights, egg fights, shaving cream fights, etc., whether it be in the process of waiting for the school bus, boarding the school bus, riding the school bus, or getting off the school bus will not be tolerated. These activities are dangerous to the well-being of all students and are a disruption of the educational process.

Students involved in such activities shall be denied riding privileges on all school bus transportation whether it be to and from school transportation, after school transportation, or field trip transportation for the balance of the school year. In addition, students shall be referred by the school principal to the Superintendent, and a hearing shall be held to determine when or if the student's riding privileges shall be continued for the following school year.

Suspension from the bus does not mean that a student is suspended from school. It does mean that the parent will be responsible for transporting the student to and from school. In addition to the suspension of transportation privileges, criminal action may be taken against the student and/or parent.

(This section on student misbehavior shall be made available to parents and students in copy form.)

EXHIBIT

EXHIBIT

BUS SAFETY PROGRAM
SCHOOL BUS INCIDENT REPORT

Bus No.

Driver's Name

Date

Type of Incident

Student's Name

Incident:

- | | |
|--|---|
| <input type="checkbox"/> Failure to remain seated | <input type="checkbox"/> Throwing objects on bus |
| <input type="checkbox"/> Refusing to obey driver | <input type="checkbox"/> Hanging out of window |
| <input type="checkbox"/> Fighting | <input type="checkbox"/> Spitting |
| <input type="checkbox"/> Profanity | <input type="checkbox"/> Disobeying bus monitor |
| <input type="checkbox"/> Lighting matches | <input type="checkbox"/> Bothering others (see comment) |
| <input type="checkbox"/> Smoking on bus | <input type="checkbox"/> Vandalism |
| <input type="checkbox"/> Throwing objects out of bus | <input type="checkbox"/> Other (see comment) |

Comments: _____

Signature: _____

Action taken by school:

Signature of School Official

E-2300 ©
BUS DRIVER REQUIREMENTS, TRAINING,
AND RESPONSIBILITIES

EEAEA

Bus drivers employed by the District or employed by contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 and all applicable requirements of the state of New Mexico.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.13 NMAC

E-2350 ©
DRUG AND ALCOHOL TESTING OF
TRANSPORTATION EMPLOYEES

EEAEAA

The District is committed to the establishment of a drug and alcohol misuse prevention program that meets or exceeds all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act). All statements in this document will be interpreted so as to conform to the Department of Transportation rules.

Each employee of the District who is required to have a commercial driver's license (CDL) for performance of job functions shall be prohibited from:

- Reporting for duty or remaining on duty to perform safety-sensitive functions as defined in 49 CFR 382.107 while having an alcohol concentration of 0.04 or greater. [49 CFR 382.201]
- Being on duty or operating a commercial motor vehicle (school bus) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken. [49 CFR 382.204]
- Using alcohol while performing safety-sensitive functions. [49 CFR 382.205]
- Performing safety-sensitive functions within eight (8) hours after using alcohol. [49 CFR 382.207]
- Using alcohol within four (4) hours following an accident or prior to undergoing a postaccident alcohol test, whichever comes first. [49 CFR 382.299]
- Refusing to submit to an alcohol or controlled substance test as required under postaccident, random, reasonable suspicion or follow-up testing requirements in DOT rules. [49 CFR 382.211]
- Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. [49 CFR 382.213]

- Reporting for duty, remaining on duty, or performing a safety-sensitive function if the driver tests positive for controlled substances. [49 CFR 382.215]

A driver will inform the supervising administrator of any therapeutic drug use. [49 CFR 382.213]

Drugs as used in this policy refers to controlled substances as covered by the Omnibus Act and to drugs circumscribed by the New Mexico Revised Statutes.

All drivers shall be subject to preemployment/preduty drug and alcohol testing, including reasonable suspicion, random, and postaccident testing in accord with the regulations of the Omnibus Act. If applicable, return to duty and follow up testing shall be required in accord with regulations of the Omnibus Act. [49 CFR 382.301 *et seq.*]

All offers of employment with the District for drivers will be made contingent upon preemployment test results. An applicant testing positive for alcohol or controlled substances will not be employed. [49 CFR 382.505]

Each driver who engages in the conduct prohibited herein shall:

- Be advised of resources available to the driver in evaluating and resolving problems associated with drug or alcohol use, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
- Be evaluated by a substance abuse professional, who shall determine what assistance, if any, the employee needs to resolve drug or alcohol problems.
- Before return to duty in a safety-sensitive position, undergo a return-to-duty alcohol test with a result indicating less than 0.02 or a substance test with a verified negative result.
- If identified as needing assistance by a substance abuse professional, be evaluated by a substance abuse professional to determine if that driver has properly followed any rehabilitation program prescribed, and be subject to unannounced follow-up tests following return to duty in accord with federal regulations. [49 CFR 382.605]

The District shall assume the cost for the initial evaluation by a substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. Evaluation and rehabilitation of the employee, if the

employee is allowed to return to work in any position, shall be in accordance with 49 CFR 382.605 and by a substance abuse professional paid by the employee.

The Superintendent is responsible for supervision of the District drug and alcohol misuse prevention program. The Superintendent will develop procedures for the implementation of the program in compliance with the applicable provisions and regulations of the Omnibus Transportation Employee Testing Act of 1991.

Adopted: date of manual adoption

LEGAL REF.: 49 U.S.C. 31306, (Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 40
49 C.F.R. Part 382
49 C.F.R. Part 395

CROSS REF.: GBEC - Drug-Free Workplace
GBECA - Nonmedical Use or Abuse of Drugs or Alcohol

REGULATION**REGULATION****DRUG AND ALCOHOL TESTING OF
TRANSPORTATION EMPLOYEES****Circumstances Under Which Tests
for Drivers Are to Be Given**

All information obtained in the course of testing of drivers shall be protected as confidential medical information. Except as required by law or expressly authorized or required in 49 CFR 382.405, no information that is to be maintained pursuant to 49 CFR 382.401 shall be released.

Random:

- A minimum of fifty percent (50%) of drivers shall be tested annually for drugs and twenty-five percent (25%) of drivers shall be tested annually for alcohol, subject to the Federal Highway Administration's administrator raising or lowering the annual percentage rate in accordance with regulations. [49 CFR 382.305] Random testing selection shall be as follows:
 - Employees are to be placed in and remain in a pool for random selection.
 - A valid random selection procedure will be used.
 - Tests will be given at least once each quarter.
 - Dates of testing will not be announced.
- Random drug and alcohol testing may be combined. For example, when testing at fifty percent (50%) drug random rate and twenty-five percent (25%) alcohol random rate, half of the randomly selected drivers chosen for testing could be tested for both drugs and alcohol, while the rest could be tested only for drugs.

Postaccident:

- Drivers are required to submit to drug and alcohol testing as soon as possible following a "Department of Transportation (DOT) accident" that involves the loss of human life or for which the driver receives a citation under state or local law for a moving traffic violation arising from the accident. [49 CFR 382.303]
- A *DOT accident* is defined as an occurrence involving a commercial motor vehicle operating on a public road that results in:
 - A fatality; *or*
 - Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; *or*
 - One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. [49 CFR 390.5]
- If a driver is seriously injured and cannot submit to testing at the time of the accident, the driver shall provide the necessary authorization for obtaining hospital reports and other documents that may indicate whether there were any drugs or alcohol used by the driver prior to the accident. [49 CFR 382.303]
- A driver who is subject to postaccident testing shall remain readily available for such testing or may be deemed by the District to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical treatment or to prohibit the driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident, or to obtain necessary medical care. [49 CFR 382.303]
- No driver required to take a postaccident alcohol test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a postaccident alcohol test, whichever occurs first. [49 CFR 382.303]
- The following actions are to be taken in a postaccident testing situation:
 - Treat injuries.
 - Work with law enforcement officials.
 - Explain the need for testing.
 - Obtain the driver's permission for testing, if possible.

- Work with the medical facility to obtain the necessary documents and test information.
- Collect specimens promptly.
- Document events.

The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the requirements for postaccident testing if the results are obtained by the School District. [49 CFR 382.305]

Reasonable suspicion:

- *Reasonable suspicion* is defined to mean that the District believes the behavior, speech, body odor, or appearance of a driver while on duty are indicative of the use of alcohol and/or controlled substances. The conduct must be witnessed by a supervisor or District official trained in the detection of probable alcohol and drug use by observing indicators in a person's appearance, behavior, speech, and performance, in accordance with 49 CFR 382.603. If it is at all possible, the witness should not conduct the alcohol test, in order to prevent the introduction of bias to the testing procedure.
- Alcohol testing is authorized only if the observations are made during, just before performing, or just after performing a safety-sensitive function. A written record shall be made of the observations leading to an alcohol and/or controlled substance test. This record is to be signed by the supervisor who made the observations.
- If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered. [49 CFR 382.307]
- Reasonable suspicion testing should include the following considerations:
 - Focus on safety.
 - Verify reasonable suspicion if possible.

- Observe the employee's appearance, behavior, speech, and performance.
- Inform the employee in private of any suspicion.
- Inquire in private about any observations or suspicions.
- Review the findings.
- Upon concluding that reasonable suspicion exists, transport the employee to a testing site.
- Document events.

Return-to-duty testing:

- A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding alcohol misuse or controlled substance use prohibited by U.S. Department of Transportation regulations, and before returning to duty, shall undergo a return-to-duty test, which must indicate a concentration of less than 0.02 for breath alcohol and/or a negative result for controlled substances. [49 CFR 382.309 and 382.605(C)]
- When a driver has been determined to be in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the driver will be subject to unannounced follow-up alcohol and/or controlled substance testing. The driver will be subject to a minimum of six (6) follow-up tests in the first twelve (12) months. The follow-up testing period shall not exceed sixty (60) months. Follow-up testing for alcohol shall be administered only when the driver is performing, just before performing, or just after performing a safety-sensitive function. [49 CFR 382.311 and 382.605(C)]

Referral:

- Each driver who engages in conduct prohibited by 49 CFR 382.201 *et seq.* shall be evaluated by a substance abuse professional, who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use. [49 CFR 382.605]

Driver Training

A copy of materials explaining the requirements of the Omnibus Act and the District's policies and procedures with respect to meeting such requirements

will be distributed to each driver prior to the start of alcohol and controlled substance testing and to each driver hired or subsequently transferred into a driving position. The District shall provide written notice to representatives of employee organizations of the availability of this information. [49 CFR 382.601]

These materials shall include detailed discussions of at least the following:

- The identity of the person designated to answer employee questions about the materials.
- The categories of employees subject to this part of the regulation.
- Sufficient information about safety-sensitive functions performed by such drivers to make clear what part of the work day a driver must be in compliance with the rule.
- Specific information concerning driver conduct that is prohibited by the rule.
- The circumstances under which a driver will be tested for alcohol and/or controlled substances by rule.
- The procedures that will be used to test for the presence of alcohol and controlled substances, to protect the driver and the integrity of the testing processes, to safeguard the validity of the test results, and to ensure that the results are attributed to the correct driver.
- The requirement that the employee submit to alcohol and controlled substance tests administered in accord with Omnibus Act regulations.
- An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test and the attendant consequences.
- The consequences for drivers found to have violated the rule, including requirements for removal from duty.
- Consequences for a driver having a concentration of 0.02 but less than 0.04 in a breath alcohol test.
- Information concerning the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem (the driver or a co-worker); and available methods of intervention, including confrontation and referral. [49 CFR 382.601]

Policies, regulations, and consequences based on the District's independent authority outside of the Omnibus Act shall be presented and clearly and obviously described as being based on independent authority [49 CFR 382.601]. All such references shall be placed in bold within the document and shall contain applicable statutory citations.

Each driver must provide a signed receipt for the materials. [49 CFR 382.401(c)(5)(iii)]. Written notice of the availability of this information shall be provided to representatives of employee organizations. [49 CFR 382.601(a)(2)]

Supervisor Training

Persons designated to determine whether reasonable suspicion exists to require a driver to undergo reasonable-suspicion testing shall receive at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. [49 CFR 382.603]

EXHIBIT**EXHIBIT****DRUG AND ALCOHOL TESTING OF
TRANSPORTATION EMPLOYEES****(Records Retention)**

The District shall maintain records of its alcohol misuse and prevention program in a secure location with controlled access. The records are to be kept as indicated below.

How long is the employer required to keep records? [49 CFR 382.401(c)(1)]

- *Five years:*
 - Records of alcohol test results showing concentrations of 0.02 or more.
 - Records of driver-verified positive controlled substance tests.
 - Documentation of refusals to take required tests.
 - Calibration documentation.
 - Driver evaluation and referrals.
 - A copy of each annual calendar year summary.
- *Two years:*
 - Records related to the alcohol and controlled substance collection process and training.
- *One year:*
 - Records of negative and canceled drug test results and alcohol test results with concentrations of less than 0.02.

What types of records must be kept?

- *Records relating to the collection process, as follows[49 CFR 302.401(c)(1)]:*

- Collection logbook, if used.
 - Documents relating to the random selection process.
 - Calibration documents for evidential breath testing devices.
 - Documentation of breath alcohol technician training.
 - Documents regarding decisions to administer reasonable-suspicion tests.
 - Documents regarding decisions of postaccident tests.
 - Documents verifying existence of a medical explanation of the inability of a driver to provide an adequate breath or urine specimen for testing.
 - Consolidated annual calendar year summaries as required by 49 CFR 382.403.
- *Records relating to driver's test results [49 CFR 382.401(c)(2)]:*
 - Employer's copy of alcohol test forms, including the results of the test.
 - Employer's copy of drug test chain of custody and control form.
 - Documents sent by the medical review officer (MRO) to the employer, including those required by 49 CFR 382.407(a).
 - Documents related to refusal by any driver to submit to a drug or alcohol test required by the rules.
 - Documents presented by a driver to dispute the results of an alcohol or substance abuse test required by the rules.
- *Records related to other violations.*
- *Records related to evaluations:*
 - Records pertaining to a determination by a substance abuse professional (SAP) concerning a driver's need for assistance.
 - Records concerning a driver's compliance with recommendations of the SAP.
- *Records relating to education and training:*

- Materials on alcohol misuse and drug use awareness, including a copy of the employer's policy on both.
 - Documentation of compliance with the requirements of 49 CFR 382.601, including the driver's signed receipt for materials.
 - Documentation of training provided to supervisors for determining the need for reasonable-suspicion testing for alcohol misuse or use of controlled substances.
 - Certification that any training that has been conducted complies with the requirements for such training.
- *Records relating to drug testing:*
 - Agreements with the collection site facilities, laboratories, medical review officers, and consortia.
 - Names and positions of officials and their roles in the employer's alcohol and controlled substance testing program.
 - Monthly laboratory statistical summaries of urinalysis required by 49 CFR 40.29(g)(6).
 - The employer's drug and alcohol testing policy and procedures.

How must these records be reported?

- All records must be kept in prescribed form and be supplied to DOT when requested. The District will be notified whether to submit the records. [49 CFR 382.403(b)]

What happens if records are not kept properly?

- Penalties can be severe; for example, just an error in paperwork can mean a fine of up to five hundred dollars (\$500) for each violation. Other violations can be penalized as high as ten thousand dollars (\$10,000) per occurrence and loss of federal funding. [49 U.S.C. Section 521(b)]

Where are records to be located?

- All records required shall be maintained as required by 49 CFR 390.31 and shall be made available for inspection at the employer's principle place of business within two (2) business days after a request by an authorized representative of the Federal Highway Administration. [49 CFR 382.401(d)]

What summary records are required?

- The District must prepare by March 15th of each year, and maintain, an annual calendar year summary of the results of all controlled substance and alcohol testing performed during the previous calendar year.
- Each summary that contains verified positive controlled substance test results and alcohol screening tests with concentrations of .02 or greater or any other violations or alcohol misuse must include the following elements:
 - The number of drivers subject to 49 CFR 382.
 - The number of drivers subject to testing under the alcohol misuse or drug use rules of more than one DOT Agency - identified by each Agency.
 - The number of urine specimens collected, by type of test (e.g., random, reasonable suspicion, etc.).
 - The number of positives verified by an MRO for type of test and type of drug.
 - The number of negative drug tests verified by an MRO, by type of test.
 - The number of persons denied a positions as drivers following preemployment verified positive drug testing and/or alcohol testing with concentrations of 0.04 or greater.
 - The number of drivers with MRO-verified positive tests for multiple controlled substances.
 - The number of drivers who refused to submit to alcohol or drug tests required by 49 CFR 382.
 - The number of supervisors who have received required alcohol training during the reporting period.
 - The number of supervisors who have received required controlled substances training during the reporting period.
 - The number of screening alcohol tests, by type of test.
 - The number of confirmation alcohol tests, by type of test.

- The number of confirmation alcohol tests with concentrations of 0.02 or greater but less than 0.04, by type of test.
 - The number of confirmation alcohol tests with concentrations of 0.04 or greater, by type of test.
 - The number of drivers returned to duty, after complying with a SAP's recommendation in this reporting period, who had previously had verified positive drug test results or engaged in prohibited alcohol misuse.
 - The number of drivers who were administered drug and alcohol tests at the same time with both verified positive drug test results and alcohol test results with concentrations greater than 0.04.
 - The number of drivers who were found to have violated any nontesting prohibition of 49 CFR 382.403(b) and any action taken in response to the violation.
- Each employer with an annual calendar year summary that contains only negative drug test results, alcohol screening test results of less than 0.02, and no other violations may prepare and submit either a standard summary form with information as listed above or an "EZ" report form. The abbreviated "EZ" form requires selected information from the list above. [49 CFR 382.403]

Who may have access to the records?

- The covered employee, to the employee's records, upon written request.
- The employer.
- The Secretary of Transportation, upon request.
- Any DOT agency, upon request.
- Any state or local official with regulatory authority over the employee, upon request.
- Any person or employer, upon the employee's written request.
- National Transportation Safety Board may review postaccident test information upon request and as a part of an accident investigation. [49 CFR 382.405]

Are the records relating to the drug and alcohol testing program confidential?

- Yes; therefore, they are not subject to disclosure under the Inspection of Public Records, with the possible exception of the Annual Calendar Year Summary once released to the DOT. [49 CFR 382.405]

E-2400 ©
BUS PURCHASING AND MAINTENANCE

EEAEB

The District and all contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 and all applicable requirements of the state of New Mexico that pertain to vehicle standards, periodic inspection, and maintenance of school buses.

Adopted: date of manual adoption

**E-2450 ©
STUDENT CONDUCT ON
SCHOOL BUSES**

EEAEC

Students are required to conduct themselves in the bus, prior to boarding the bus, and subsequent to leaving the bus in a manner consistent with established standards for classroom behavior.

When a student fails to practice proper conduct, the bus driver will inform the principal of the misconduct, which may then be brought to the attention of the parents.

Students who become serious disciplinary problems related to school transportation may have their riding privileges suspended. In such cases, the parents of the students involved become responsible for seeing that their children get to and from school safely. The principal is the only person authorized to suspend riding privileges.

Students riding on special-activity buses are under the direct supervision of the bus driver in cooperation with sponsor(s). Students who do not conduct themselves properly will be denied the privilege of riding on special-activity buses.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.9 NMAC

CROSS REF.: EEAE - Bus Safety Program
 JIC - Student Conduct
 JK - Student Discipline

E-2650 ©
EXTRACURRICULAR ACTIVITY
BUSES / SPECIAL EVENTS

EEAFA

The Director of Transportation will ensure that the activity buses receive proper care. District mechanics will provide routine maintenance on activity buses.

Scheduling of buses will be the responsibility of the Director of Transportation or designee. School personnel will adhere to the established guidelines on requesting transportation service.

Buses will not travel beyond a radius of five hundred (500) miles without Board approval.

No activity travel will be scheduled between 1:30 a.m. and 5:00 a.m. without Board approval. All activity travel must conform to current Department of Transportation (DOT) Regulations regarding on duty, continuous, and total driving time.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.8 NMAC
6.41.4.9 NMAC

CROSS REF.: EEAE - Bus Safety Program
JIC - Student Conduct
JK - Student Discipline

E-2690

EEAFB

**EXTRACURRICULAR ACTIVITY
EVENT DRIVER REQUIREMENTS**

Drivers operating a school-owned vehicle or school equipment for planned school-sponsored programs, functions or activities shall be employees of the School District. Before operating a school-owned vehicle or school equipment the driver or operator shall comply with the following requirements.

The Superintendent or designee is authorized to determine when the needs of the School District warrant the use of school-owned vehicles with a designed seating capacity of nine (9) persons or less or to operate school equipment in order to address the needs of the District's educational programs, activities, functions or events.

In carrying out this authority, the Superintendent or designee may authorize school employees to drive school-owned vehicles or to operate school equipment for such purposes; so long as the use is consistent with state law (i.e., the circumstances *do not require* the use of a school bus under state regulation) and the requirements of this policy are met.

This policy shall be interpreted in a manner which is consistent with applicable statutes and regulations adopted by the federal and state governments. In the event of inconsistency, the federal or state-adopted requirements shall prevail.

Drivers of school vehicles, including activity drivers, are not required to obtain a Commercial Drivers License (CDL) unless they operate a vehicle that is designed to carry ten (10) or more passengers, including the driver.

All drivers transporting students in school-owned vehicles, whether on school activity trips or in connection with school programs or functions, shall be required to successfully complete a pre-service training conducted by a school bus driver instructor certified by the State School Transportation Director. As required by state regulations (NMAC 6.41.4.13F), such training shall include a minimum of twelve (12) *hours of training*, four (4) hours of which shall be, classroom instruction; one (1) hour of which shall address familiarization with the vehicle and equipment. Classroom instruction shall also address and review the Standards for Providing Transportation Services to Eligible Students, District and/or employer safety policies and regulations, general motor vehicle operating procedures, and passenger management.

All existing drivers at the time of adoption of this policy shall present documentation of completion of such training or satisfy this training requirement within six (6) months of adoption of this policy.

Within the first year of driving a school-owned vehicle, all drivers shall complete training, unless documentation is provided for previous completion, in a nationally-recognized or state-approved first aid course, including cardiopulmonary resuscitation (CPR), and a nationally-recognized or state-approved defensive driving course.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.9 NMAC

CROSS REF.: EEB - Business and Personnel Transportation Services
EEAE - Bus Safety Program
JIC - Student Conduct
JK - Student Discipline

E-2700 ©
STUDENT TRANSPORTATION
IN PRIVATE VEHICLES

EEAG

During school or school-sponsored functions, students may be transported only in school-approved vehicles operated by District-authorized personnel unless specific approval by the Superintendent has been obtained.

The Board specifically forbids any employee to transport students for school purposes without prior authorization by the Superintendent.

The Superintendent may develop regulations to govern the use of private vehicles for transporting students.

Adopted: date of manual adoption

REGULATION**REGULATION****STUDENT TRANSPORTATION
IN PRIVATE VEHICLES**

The use of a private vehicle for transporting students requires written permission from the Superintendent.

- This permission may be in the form of a standing permit for employees who use their own vehicles regularly for school purposes. The permit will state the particular purpose, and whether it includes transportation of students.
- For each special trip involving students, including field trips, a special permit must be obtained in advance for the specific trip.
- Each employee authorized to use a private vehicle for school business purposes will be required to present proof of insurance to the District.
- No student will be sent on school errands with the student's own vehicle, an employee's vehicle, or a District-owned vehicle.

Per Capita Feeder Policy

The transportation department will provide per capita or per mile reimbursement to a parent or guardian in cases where regular bus transportation is impractical because of distance, road condition or sparse population. To be eligible for Per Capita Feeder Route, a pupil must live outside the legal walking distance to the nearest school bus route:

- Kindergarten through grade six (6) - One (1) mile radius.
- Middle School - One and one-half (1.5) mile radius.
- High School - Two (2) mile radius.

The transportation department will approve all agreement(s) made with parents or guardians for per capita feeder services. The agreement(s) will

define the term of service, the contract amount, and the responsibilities of the parent. It will be the responsibility of the parent or guardian to transport their students to the bus stop five (5) minutes prior to the scheduled bus arrival and in the afternoon be waiting for the bus to return.

A parent or guardian who has entered the per capita agreement must provide proof of insurance, vehicle registration and drivers license to the transportation department and shall maintain the insurance for the term of the agreement. If the identity of the vehicle or driver changes or number of pupils transported changes, this information must be reported. There will be no reimbursement or back payment for time lapsed if the participant's insurance expires.

The transportation department shall establish the mileage reimbursement rate. This will include the mileage from the home to the bus stop, the return mileage from the bus stop to the home during the day, and the reverse in order to pick up the students in the afternoon. In cases where the student is transported to school by parents and the parent remains in the community or goes to a job, the reimbursement would not apply other than one (1) round trip per day.

The system of accountability will be in place to ensure that services are rendered according to the terms of the agreement. The transportation department will verify student attendance on a monthly basis before payment is issued. The parent's signature on the monthly voucher will assure us that they have transported their child each day to and from. There will be no reimbursement for a day on which the student is not in school.

(District Travel Policy)

Administrative Requirements

Administrators shall be responsible for making certain that the use of school vehicles is not abused inside or outside the District, and it is the responsibility of such administrative personnel to assure that all travel has final approval from the District administration office. Use of private vehicles for school purposes may be approved by the Superintendent only if a school vehicle is unavailable.

Use of School Vehicles

No school vehicle shall be used for personal business, unless the personal business is incidental to a school-related trip. On a space-available basis, an employee's family may be included on an out-of-town trip if approval is granted by the Superintendent. Only Board members or District employees may drive the vehicle. A school vehicle shall not be taken to an employee's home at night unless the employee has permission from the Superintendent.

Use of Private Vehicle

Only when authorized by the Superintendent, a private vehicle may be used at the mileage rate set by the District, and reimbursement for mileage will be given to the owner of the private vehicle. Credit for mileage outside the District will be given for school business only. An employee using a private vehicle for a school trip shall not claim mileage for any purely personal use of the vehicle during said trip.

Accident Report

Any accident (no matter how minor) in a school vehicle or in any private vehicle while on school business is to be reported immediately to the District transportation office, or to an administrator if the accident occurs after school hours. The business office shall immediately report the accident to the District's insurance company.

Adopted: date of manual adoption

LEGAL REF.: 10-8-1 to 10-8-8 NMSA (1978)
6.20.2.19 NMAC

CROSS REF.: DKC - Expense Authorization/Reimbursement

E-3050 ©
BUSINESS TRANSPORTATION
RECORDS AND REPORTS

EEBD

Records and reports will be maintained as mandated by law or rules and as may be necessary to carry out transportation goals and objectives. The records shall be available for inspection by the Superintendent and other authorized officials.

Adopted: date of manual adoption

LEGAL REF.: 22-16-2 NMSA (1978)
6.41.2.9 NMAC

E-3100 ©
FOOD SERVICES

EF

The District may operate a school breakfast or lunch program for each school.

Food services will include lunches, and may include breakfasts, through participation in the National School Lunch Program.

The Board will approve the prices set for school meals.

As required for participation in the National School Lunch Program, the Board prescribes:

- That a school lunch be made available to students.
- That free and reduced-price lunches be provided students who qualify under federal guidelines.

Students will also be permitted to bring their lunches from home and to purchase beverages.

The Superintendent shall develop and implement procedures as necessary, which are designed to meet the necessary requirements for participation in the National School Lunch Program and for control of students using the cafeteria.

Adopted: date of manual adoption

LEGAL REF.: 22-13-13 NMSA
6.20.2.23 NMAC

REGULATION**REGULATION****FOOD SERVICES**

The District food service program will comply with the following:

- Any student may eat in a school cafeteria.
- A student may bring a sack lunch; milk may be purchased.
- Meal prices for students and adults will be recommended by the food service supervisor, with approval by the Board, at the beginning of each school year.
- Meal prices will be posted in each cafeteria.
- Under federal law, a school that operates on a commodity program is prohibited from serving free meals to adults or employees of the District from the commodity products. All meals for adults where federal commodities are used must be paid for when served.
- A guest must be cleared through the food service supervisor by the host to be eligible to eat in the cafeteria. The host must make arrangements to pay the full price of the meal.
- Food service employees have the right to refuse to serve anyone who is not either employed by the District or cleared through the food service supervisor.
- The cafeteria laundry facilities will be used only for school-sanctioned purposes.
- Facilities used by outside organizations or individuals must have approval from the Superintendent.
- If outside organizations or individuals use the food service facilities, a staff member must be on duty.
- The food service supervisor will develop in-service training programs, approved by the Superintendent, for the food service staff.

EXHIBIT**EXHIBIT****FOOD SERVICES****CODE OF STANDARDS**

The duties of any officer, employee, or agent of the District who has occasion to handle school food or monies shall be performed in a manner consistent with good business practices. This shall include prohibition of:

- Solicitation or acceptance of gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.
- Participation in awards or administration of contracts to firms in which the employee, or any member of the employee's immediate family, has a financial or other interest.

If financial interest is not substantial, or the gift is unsolicited and of nominal intrinsic value, the officer, employee, or agent of the District shall conform to the requirements of Policies BCB, DJ, or GBEAA.

Penalties or other disciplinary actions for infractions will be based on the seriousness of the violations. Disciplinary actions may include, but are not limited to:

- A written disciplinary report filed in the individual's personnel file.
- Suspension of duties.
- Termination of employment.
- Prosecution by legal authorities.

Distribution Instructions

These standards are incorporated into the general operation policy manual of the District and are reviewed regularly by the Superintendent or the Board. Copies of these standards are to be distributed to all personnel who have occasion to handle school food, monies, or supplies, together with their supervisors and program directors.

CROSS REF.: BCB - Board Member Conflict of Interest
DJ - Purchasing

GBEAA - Staff Conflict of Interest

GCQF - Discipline, Suspension, and Dismissal of
Professional Staff Members

GDQD - Discipline, Suspension, and Dismissal of
Support Staff Members

E-3300 ©
FREE AND REDUCED - PRICE
FOOD SERVICES

EFC

A program of free and reduced-price meals shall be established through Board approval and participation in the National School Lunch and School Breakfast Programs to provide meals for students who qualify. All parents, including those of students entering during the year, shall be informed of the program by letter. Applications shall be reviewed and maintained by the supervisor of food services.

The income poverty guidelines prescribed on July 1 of each year must be used for the ensuing fiscal year. Each state agency has special responsibilities for informing schools and service institutions of their obligation to provide free or reduced-price lunches and breakfasts to students who qualify. Furthermore, the Board will submit to the Food and Nutrition Office a policy and criteria that will be followed in determining the eligibility of all students for free or reduced-price meals.

The District will serve meals free or at a reduced price to any student who is a member of a family that has an annual income not above the applicable income level for the student's family size.

The adopted income guidelines must meet the income poverty guidelines prescribed by the federal Office of Management and Budget.

Adopted: date of manual adoption

**^E-3400 ©
COLLECTION OF MONEY /
FOOD TICKETS**

EFDA

Meal Charges

The Board shall permit students to incur reasonable charges for replacement meal tickets or special meal arrangements, and parents/guardians shall be contacted for payment.

The District shall inform students and parents/guardians in writing of the District's policy regarding missing tickets and the students' responsibility for their tickets. The notice shall be provided to all households at the time they begin participating in the food services program.

A minimum of three (3) replacements, or special meal arrangements resulting from three (3) lost or stolen tickets, shall be allowed each student within the school year (includes initial ticket plus three [3] replacements).

Each school shall maintain a list of students who have reported missing tickets in the current school year and the number of occurrences for each student. This list must always be reviewed to determine if the student already has the three (3) ticket replacements or special arrangements prior to denying a meal to a student without a lunch ticket.

At least one (1) advance written warning shall be given to the student and parent/guardian prior to refusal to allow additional meals or ticket replacements. The written warning shall outline previous problems with meal tickets and explain the procedure should the student fail to have a meal ticket during the remainder of the school year.

Meals shall be provided to students in pre-kindergarten, kindergarten, and for disabled students unable to take full responsibility for a meal ticket.

The District may not charge a fee for replacement meal tickets for computerized meal counting systems when the ticket is used only for food services purposes.

The District may charge a replacement fee for each meal ticket replacement when tickets are used for additional school activities and purposes.

Reasonable charges shall not exceed \$_____ per student for each school year.

No lunch charges will be allowed under any circumstances during the last ten (10) days of the school year.

Adopted: date of manual adoption

LEGAL REF.: 42 U.S.C. 1771 *et seq.*, The Child Nutrition Act

**^E-3450 ©
COMPETITIVE FOOD SALES /
VENDING MACHINES**

EFE

Vending Machines

Vending machines will only dispense foods that meet nutrition standard guidelines as set forth by the U.S. Department of Agriculture requirements for foods and beverages that are sold individually and the New Mexico Requirements for Competitive Foods Sold to Students. The requirements for vending machine sales in New Mexico schools are listed by designated school location of the sale.

- *Elementary:* Milk (two percent [2%] or less), soy milk, and water only may be sold or dispensed from vending machines and then only after the last lunch period is completed.
- *Middle schools:* No carbonated beverages and only drinks and food specified by 6.12.5.8 NMAC may be sold or dispensed from vending machines. Foods from vending machines may only be sold after the last lunch period.
- *High schools selling beverages from vending machines:* Beverages sold from vending machines must conform to 6.12.5.8 NMAC as to nutritional value and if sold after the last lunch period is completed may include the following: carbonated sugar free and caffeine free soft drinks, non-carbonated flavored water without added sweeteners, and sport drinks.
- *High schools selling food products by vending machine:* Food products shall conform to 6.12.5.8 NMAC as to nutritional value if sold from vending machines to students and may be sold at any time.

Competitive Food Sales

Competitive food sales and marketing will be consistent with nutrition education and health promotion.

The á la carte offerings in school meal programs shall follow the nutritional minimum requirements for reimbursable school meals as issued by the Secretary of Agriculture in The National School Lunch Act and The Child Nutrition Act (see references below).

In school sponsored fund-raisers, before, during and after school, healthy choices conforming to the requirements for high schools in food and beverage sales found in 6.12.5.8 NMAC shall be followed in at least fifty (50) percent of the offerings for sale.

Adopted: date of manual adoption

LEGAL REF.: 42 U. S. C. 1751 *et seq.*, The National School Lunch Act
42 U.S.C. 1771 *et seq.*, The Child Nutrition Act as amended.
6.12.5.8 NMAC, New Mexico Requirements for Competitive
Foods Sold to Students
6.12.6.8 NMAC, Wellness Requirements

CROSS REF.: JL - Student Wellness

**E-3550 ©
FOOD SERVICE SANITATION PROGRAM**

EFH

School food service programs must meet all sanitary regulations recommended by the State Department of Health for food-handling establishments and the respective county or federal inspection agency.

Cleanliness and sanitation should be an integral part of food production, and shall receive the proper emphasis to ensure that standards are high.

Food Handlers Cards

All Student Nutrition Services staff are required to have a current Food Handlers card issued by the Office of Environmental Health of the Indian Health Service. A copy of the card is to be on file in the Student Nutrition Services office and posted in the kitchen where the staff member is working. Substitute staff must have a current card on file in the Student Nutrition Services office and have the original with them while working. It is the staff member's responsibility to keep their card current.

Adopted: date of manual adoption

**E-3600 ©
FOOD SERVICES RECORDS
AND REPORTS**

EFI

The Secretary of Public Education prescribes regulations for keeping food services records and making reports. The accounts and records shall be available at all times for inspection and audit by authorized officials and shall be preserved for a period not to exceed five (5) years. The school lunch programs will be administered according to appropriate state and federal provisions and the regulations made by the Secretary of Public Education. The Secretary of Public Education conducts or causes to be conducted audits, inspections, and administrative reviews of accounts, records, and operations.

Adopted: date of manual adoption

A variety of machines and equipment for reproducing materials to assist staff in carrying out their educational assignments is available to staff in both the school and home setting.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, audio tape, video or computer-programmed materials, is a serious offense against federal law, a violation of Governing Body policy and contrary to ethical standards required of staff and students.

All reproduction of copyrighted material shall be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form. Permission forms are available in the office and media center.

"Fair use" guidelines are as follows:

Fair Use

Printed Materials:

- Permissible uses - school employees may:
 - make a single copy of the following for use in teaching or in preparation to teach a class:
 - ▲ A chapter from a book;
 - ▲ An article from a periodical or newspaper;
 - ▲ A short story, short essay or short poem, whether or not from a collective work;
 - ▲ A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
 - make multiple copies for classroom use (not to exceed one [1] copy per student in a course) from the following:

- ▲ A complete poem, if it has fewer than two hundred fifty (250) words and does not exceed two (2) printed pages in length;
 - ▲ A complete article, story or essay of less than two thousand five hundred (2,500) words;
 - ▲ Prose excerpts not to exceed ten percent (10%) of whole or one thousand (1,000) words, whichever is less;
 - ▲ One (1) chart, graph, diagram, cartoon or picture per book or per issue of a periodical;
 - ▲ An excerpt from a children's book containing up to ten percent (10%) of the words found in the text.
- All permitted copying must bear an appropriate reference. References should include the author, title, date and any other pertinent information.
 - Prohibited uses - school employees may not:
 - copy more than one (1) work or two (2) excerpts from a single author during one (1) class term;
 - copy more than three (3) works from a collective work or periodical volume during one (1) class term;
 - copy more than nine (9) sets of multiple copies for distribution to students in one (1) class term;
 - copy to create or replace or substitute for anthologies or collective works;
 - copy "consumable" works, such as workbooks, exercises, standardized tests and answer sheets;
 - copy the same work from term to term;
 - copy the same material for more than one (1) particular course being offered (may not copy every time a particular course is offered) unless permission is obtained from the copyright owner.
 - All sound recordings, including phonograph records, audiotapes, compact discs and laser discs, will be treated under the same provisions

that guide the use of print materials unless as may otherwise be excepted by regulations governing the reproduction of works for libraries/media centers.

Sheet and Recorded Music:

- Permissible Uses - school employees may:
 - make emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies will be substituted in due course;
 - make, for academic purposes other than performance, multiple copies (one [1] per student) of excerpts not constituting an entire performance unit such as a section, movement or aria, but in no case no more than ten percent (10%) of the whole work;
 - make, for academic purposes other than performance, a single copy of an entire performable unit such as a section, movement or aria if confirmed by the copyright holder to be out of print or the "unit" is unavailable except in a larger work. The copy may be made solely for the purpose of scholarly research or in preparation to teach a class;
 - edit or simplify printed copies which have been purchased provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist;
 - copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
 - make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
 - make a single copy of a sound recording, such as a tape, disc or cassette, of copyrighted music owned by the school or an individual teacher for constructing aural exercises or examinations and retained for the same purposes.
- Prohibited uses - school employees may not:
 - copy to create or replace or substitute for anthologies, compilations or collective works;

- copy works intended to be "consumable", such as workbooks, exercises, standardized tests and answer sheets;
- copy for the purpose of performance, except as noted above in emergencies;
- copy to substitute for purchase of music except as noted above;
- copy without inclusion of the copyright notice on the copy.

Television-Off-the-Air Taping:

- Permissible uses - school employees may:
 - record a broadcast program off-air simultaneously with the broadcast transmission, including simultaneous cable or satellite re-transmission, and retain the recording for a period not to exceed the first forty-five (45) consecutive calendar days after the date of the recording.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy will be subject to all provisions governing the original recording.

Unless authorized by the [library/media supervisor], at the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately.

Individuals who wish to retain programs beyond the 45-day period need to complete and return the preview portion of the "Request for Off-Air Video Taping" form to the [library/media supervisor] for each program videotaped. The [library/media supervisor] will coordinate requests for permission to use or retain copyrighted television programs beyond the 45-day retention period.

- edit or simplify printed copies which have been purchased provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist;
- copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
- make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;

- make a single copy of a sound recording, such as a tape, disc or cassette, of copyrighted music owned by the school or an individual teacher for constructing aural exercises or examinations and retained for the same purposes;
- retain videotapes of commercial programs only with written approval of appropriate copyright holders;
- use off-air recordings once for each class in the course of relevant teaching activities and repeat once only when instructional reinforcement is necessary and only within the first ten (10) consecutive school days of the 45-consecutive calendar day retention period;
- use off-air recordings for evaluation purposes only, after the first ten (10) consecutive school days up to the end of the 45-consecutive calendar day retention period. Evaluation purposes may include use to determine whether or not to include the broadcast program in the teaching curriculum;
- use off-air recordings made from a satellite dish if they conform to the 45-consecutive calendar day retention period established for broadcast or cable programming and are not subscription channels;
- use copies of off-air recordings, as stipulated in these guidelines, only if the copies include the copyright notice on the broadcast program;
- request that a library/media center record and retain for research purposes commercial television news programs from local, regional or national networks; interviews concerning current events; and on-the-spot coverage of news events. Documentary, magazine-format and public affairs broadcasts, however, are not included in the definition of daily newscasts of major events of the day;

Requests for retention of programs recorded off-air will be directed to the producers of those programs directly through the network (not affiliate).

- Prohibited uses - school employees may not:
 - copy to create or replace or substitute for anthologies, compilations or collective works;

- copy works intended to be "consumable", such as workbooks, exercises, standardized tests and answer sheets;
- copy for the purpose of performance, except as noted above in emergencies;
- copy to substitute for purchase of music except as noted above;
- copy without inclusion of the copyright notice on the copy;
- tape off-air programs in anticipation of an educator's requests;
- request that a broadcast program be recorded off-air more than once for the same educator, regardless of the number of times the program may be broadcast;
- use the recording for instruction after 45-consecutive calendar days;
- hold the recording for weeks or indefinitely because:
 - ▲ Units needing the program concepts are not taught within the 45-day use period;
 - ▲ An interruption or technical problem delayed its use; or
 - ▲ Another teacher wishes to use it, or any other supposedly "legitimate" educational reason.
- record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- alter off-air programs from their original content. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or derivative works. Off-air recordings, however, need not be used in their entirety;
- exchange program(s) with other schools without the approval of the [media/library supervisor];

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- use the recording for public or commercial viewing;

- copy or use subscription programs transmitted via subscription television cable services, such as HBO or Showtime. Such programs are licensed for private home use only and cannot be used in public schools.

"Pay" programs received via satellite dish are also subject to these prohibitions.

Rental, Purchase and Use of Videotapes:

- Permissible uses - school employees may:
 - use purchased or rented videotapes such as feature films as part of a systematic course of instruction, in accordance with school policy. Such use shall be for direct instruction and must take place in a classroom or similar area devoted to instruction;
 - use only rented lawfully-made videotapes;
 - arrange for the local school to transmit videotapes over their closed circuit television systems for direct instruction;
 - use off-air videotapes made at home for classroom instruction and only in accordance with television-off-air guidelines and school policy.
- Prohibited uses - school employees may not:
 - use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
 - use rented or purchased videotapes such as feature films for assemblies, fund-raising, entertainment or other applications outside the scope of direct instruction without public performance rights.

Computer Software:

- Permissible uses - school employees may:
 - make a copy of an original computer program for the purpose of maintaining the availability of the program should it be damaged during use. Either the copy or the original may be retained in archives. Only one (1), either the original or the copy, may be used at any one time;

- make a copy of a program as an essential step in using the computer program as long as it is used in conjunction with the machine and in no other manner;
 - make a new copy from the archival program in the event that the program in use is damaged or destroyed;
 - use a purchased program sent from a manufacturer labeled "archival" simultaneously with the original copy of the program provided its use is permitted (not excluded) by the terms of the sales agreement;
 - make an archival copy of a rightfully-owned disk that is labeled "archival" by the software manufacturer;
 - load a software program from a single disk into a distribution network or to individual stand-alone computers for simultaneous use when the distribution network is only accessible to the owner-user if not otherwise prohibited by terms of a sales agreement;
 - adapt a copyrighted program from one language to another for which it is not commercially available or add features to a program to better meet local needs.
- Prohibited uses - school employees may not:
 - load the contents of one (1) disk into multiple computers at the same time in the absence of a license permitting the user to do so;
 - load the contents of one (1) disk into local network or disk-sharing systems in the absence of a license permitting the user to do so;
 - make or use illegal copies of copyrighted programs on school equipment;
 - allow any student to surreptitiously or illegally duplicate computer software or access any data base or electronic bulletin board;
 - make copies of software provided by a software publisher for preview or approval;
 - make multiple copies of copyrighted software (or a locally produced adaptation or modification) even for use within the school;
 - make replacement copies from an archival or back-up copy;

- make copies of copyrighted software (or a locally-produced adaptation or modification) to be sold, leased, loaned, transmitted or even given away to other users;
- make multiple copies of the printed documentation that accompanies copyrighted software.
- use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
- use rented or purchased videotapes such as feature films for assemblies, fund-raising, entertainment or other applications outside the scope of direct instruction without public performance rights;
- record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- alter off-air programs from their original content. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or derivative works. Off-air recordings, however, need not be used in their entirety;
- exchange program(s) with other schools without the approval of the [media/library supervisor].

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- use the recording for public or commercial viewing;
- copy or use subscription programs transmitted via subscription television cable services, such as HBO or Showtime. Such programs are licensed for private home use only and cannot be used in public schools.

"Pay" programs received via satellite dish are also subject to these prohibitions.

- With permission from the copyright holder, prohibitions may be significantly modified or removed altogether.

Reproduction of Works for Libraries/Media Centers:

- Permissible uses - school employees may:
 - arrange for interlibrary loans of photocopies of works requested by users, provided that copying is not done to substitute for a subscription to or purchase of a work;
 - make for a requesting entity, within any calendar year, five (5) copies of any article or articles published in a given periodical within the last five (5) years prior to the date of the request for the material;
 - make single copies of articles or sound recordings or excerpts of longer works for a student making a request, provided the material becomes the property of the student for private study, scholarship or research;
 - make a copy of an unpublished work for purposes of preservation, of a published work to replace a damaged copy of an out-of-print work that cannot be obtained at a fair price;
 - make off-the-air recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes;
 - make one (1) copy of a musical work, pictorial, graphic, sculptural work, motion picture or other audiovisual work if the current copy owned by the library/media center is damaged, deteriorated, lost or stolen; and it has been determined that an unused copy cannot be obtained at a fair price.
- Prohibited uses - school employees may not:
 - make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually;
 - copy without including a notice of copyright on the reproduced material.

Performances:

- Permissible uses - school employees must:
 - contact the copyright holder in writing for permission whenever copyrighted works such as plays and musical numbers are to be performed.

This is particularly important if admission is to be charged or recordings of the performance are to be sold.

Violations:

- Employees in violation of copyright law may be required to remunerate the school in the event of loss due to litigation and may be subject to discipline up to and including dismissal.

Adopted: date of manual adoption

LEGAL REF.: 17 U.S.C. 101 *et seq.*

**E-3950 ©
MAIL AND DELIVERY SERVICES**

EGAE

A mail service system shall be maintained within the District so that in-District communications and communications from outside sources may be delivered to the intended recipients in the most practicable way.

The use of District mail facilities and personnel for the distribution of materials and communications shall be restricted to materials and communications that further the official school business and the educational purposes of the District.

The District shall not be liable for items lost or opened, nor for any damage or injury incurred by any individual as a result of the use of this mail service.

The Superintendent may establish procedures for implementation of this policy.

Adopted: date of manual adoption

**^E-4250 ©
USE OF TECHNOLOGY IN
OFFICE SERVICES**

EGD

Electronic communications (including records made with other software and sent in e-mail) which are sent or received by the Board or District employees pertaining to the business of the school may be subject to public disclosure and inspection as public records and discovery in litigation as evidence in support of a claim. Use of electronic mail should conform to the same standards of judgment, propriety, and ethics as other forms of school business-related communications. For these reasons a record keeping system for electronic communications shall be established in which those types of electronic communications:

- shall be categorized in the same manner as is required for paper records,
- shall be stored in a way permitting ease of record retrieval,
- and shall contain explicit sender and receiver identification.

All Board members and selected staff are encouraged to participate in Open Meeting Law (OML) and Public Records Law training within the first thirty (30) days after becoming a member of the Board or the date of employment, as is applicable. In order to encourage the Board, individual Board members, staff communicating with or on behalf of the Board and members of councils/committees of the Board to comply with the requirements of the OML and Public Records Law, the following guidelines shall be followed:

- E-mail or any other electronic messaging service shall not be used as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings.
- E-mail or any other electronic messaging service may be used to disseminate factual information, such as agenda packet, suggestions for public agenda items and reminders regarding committee meeting times, dates and places.
- Confidential information about employees, students or other Board members shall not be included in e-mail communications due to the risk of improper disclosure.

- Should electronic devices be utilized for participation or attendance at public meetings, the public in attendance including media representatives shall have the same access to the electronic input as the Governing Board members.
- The following statement shall be used on all Board member and staff electronic communications: "To ensure compliance with the Open Meeting Law, Board member recipients of this message should not forward it to other Board members nor should Board members reply to this message."
- Board members shall communicate with staff members and the public by following procedures established in policy.

The following procedures shall be adhered to in order to establish a record keeping procedure for such communications.

- A repository for electronic communications shall be established at the direction of the Superintendent.
- The determination of record status shall be on the same basis as is used for paper records.
- Once the communication is transferred to the records maintenance location and into the recordkeeping system the original electronic version may be deleted. The version maintained in the proper recordkeeping system is the official copy and must be retained for the same period as required for other forms of the same record series.
- A retrieval system for electronic mail and data transmitted with mail shall be established that will permit reasonable access to the records with a minimum of effort, identifying the recipient and the sender.

Records Retention:

- Each Board member or staff member computer user shall segregate or store electronic communications pertaining to the business of the District to or from members of the Board or staff to a file folder and then to a location designated by the District so that these records may be maintained and inspected by any person upon request, unless otherwise made confidential by law.

Compliance

In the event a Board member(s) fails to comply with the guidance of Board policy, the matter shall be referred to the Board President, who will meet

with and/or discuss the matter and the Board policy with the Board member(s). The Board President may request that the Board's legal counsel participate in the meeting and/or discussion.

In the event an employee fails to comply with the guidance of Board policy, that employee may be subject to disciplinary action, up to and including possible termination.

The Superintendent may develop procedures to assist in compliance with the Open Meeting Law and the Public Records Law.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA *et seq.*
14-3-6 NMSA
1.13.4 NMAC *et seq.*
New Mexico Commission of Public Records
(www.ncprs.state.nm.us/)

CROSS REF.: BDF - Advisory Committees
BEDH - Public Participation at Board Meetings
BHC - Board Communications with Staff Members
BHD - Board Communications with the Public
CFD - School-Based Management (School Councils)

**E-4550 ©
INSURANCE PROGRAMS /
RISK MANAGEMENT**

EI

The District shall provide and maintain the broadest, most complete insurance coverage of its facilities and for its employees at the most economical cost possible consistent with sound insurance principles, state and federal laws and regulations and the District's financial ability.

Annual review of all insurance programs shall be made to ascertain any needed changes. For administrative purposes, insurance coverage that is considered an employee benefit (health, dental vision, AD&D, etc.) shall be the responsibility of the District's Personnel office, with the risk insurance coverage (property, casualty, liability, fleet, etc.) being the responsibility of the District's Business office. Administrators shall develop procedures that detail the methods and processes by which each function shall be managed.

Adopted: date of manual adoption

LEGAL REF.: 52-1-1 NMSA (1978)
22-29-2 NMSA *et seq.* (1978)

SECTION F

FACILITIES DEVELOPMENT

F-0050 © FACILITIES DEVELOPMENT GOALS / PRIORITY OBJECTIVES

FA

Priority in the development of facilities shall be based on identified educational needs and on programs developed to meet those needs.

The Board establishes these broad goals for development:

- To integrate facilities planning with other aspects of planning in a comprehensive educational program.
- To base educational specifications for school buildings on identifiable learner needs.
- To design for sufficient flexibility to permit program modification or the installation of new programs.
- To design school buildings as economically as feasible, providing that learner needs are effectively and adequately met by the design.
- To involve the community, school staff members, available experts, and the latest in related current development and research in building plans and specifications.
- To analyze life-cycle costs as they compare with capital expenditures versus a maintenance and operations expense projection.
- To analyze the core facility as it relates to future expansion.
- To design school buildings for community use when feasible.

The Gadsden Independent School District (GISD) Board of education is committed to the use of long-range planning techniques in establishing school attendance boundaries/sites and in minimizing the necessity of frequent boundary changes.

The primary considerations that govern the determination of school attendance boundaries/sites shall be:

- The educational opportunity afforded to students in all schools;
- The efficient and educationally effective use of the facilities of each school;
- The geographic location of each school in its relationship to the surrounding student population;
- Utilization of safe walking conditions consistent with school transportation policy;
- Compatibility with the Gadsden Independent School District Master Plan; and
- Recognition of community interest.

The Gadsden Independent School District Board of Education, along with input from community members and recommendations from staff, determine the school attendance areas.

Adopted: date of manual adoption

**F-0650 ©
EDUCATIONAL SPECIFICATIONS
FOR CONSTRUCTION**

FEA

In the construction of new or remodeled educational facilities, the Board requires the Superintendent to develop a set of comprehensive educational specifications. In conferences with the architect, the following specifications shall be discussed for design inclusion:

- Information concerning the plan of school organization and estimated enrollment in the proposed building.
- A description of the proposed curriculum and the teaching methods and techniques to be employed.
- A schedule of space requirements, including an indication of relative locations of various spaces.
- A desired layout of special areas and the equipment needed for such areas.
- An outline of mechanical features and special finishes desired.
- Americans with Disabilities Act and Section 504.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 1400 *et seq.*, Individuals with Disabilities
Education Act
29 U.S.C. 794, Rehabilitation Act, (Section 504)
42 U.S.C. 12101 *et seq.*, The Americans with Disabilities Act

SECTION G

PERSONNEL

G-0050

©

GA

PERSONNEL GOALS / PRIORITY OBJECTIVES

The Board recognizes that dynamic and efficient staff members dedicated to education are necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff members.

Duties of these staff members shall be outlined and assigned by the Superintendent.

Important contributions to a successful education program are made by all staff members. The district's program will function best when it employs highly qualified personnel, conducts appropriate staff development activities, and establishes policies and working conditions which are conducive to high morale and which enable each staff member to make fullest contribution to district programs and services.

The goals of the District's personnel program shall include the following:

- To develop and implement those strategies and procedures for personnel recruitment, screening, selection and retention which will result in employing the best available candidates, i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the District's learning program.
- To develop a general deployment strategy for greatest contribution to the learning program, and to utilize it as the primary basis for determining staff assignments.
- To develop a climate in which optimum staff performance, morale, and satisfaction are produced and encouraged.
- To provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others.

- To provide positive programs of staff development designed to contribute both to improvement of the learning program and to each staff member's career development aspirations.
- To provide for a genuine team approach to education, including staff involvement in planning, decision making, and evaluation.
- To provide attractive compensation and benefits as well as other provisions for staff welfare.
- To develop and utilize for personnel evaluation positive processes which contribute to the improvement of both staff capabilities and the learning program.

Adopted: date of manual adoption

G-0200 ©
EQUAL EMPLOYMENT OPPORTUNITY

GBA

Discrimination against an otherwise qualified individual with a disability or any individual by reason of race, color, religion, sex, sexual orientation, age, or national origin is prohibited. Efforts will be made in recruitment and employment to ensure equal opportunity in employment for all qualified persons.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 1703, Equal Employment Opportunity Act of 1972
28-1-2 NMSA *et seq.*

CROSS REF.: AC - Nondiscrimination
ACA - Sexual Harassment
IHBA - Special Instructional Programs and
Accommodations for Disabled Students
JB - Equal Educational Opportunities
KED - Public Concerns/Complaints about Facilities or
Services

REGULATION**REGULATION****EQUAL EMPLOYMENT OPPORTUNITY****Compliance Officer**

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

Complaint Procedure

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violation that are raised by the Board, even though no complaint has been made.

If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with statutes may be initiated.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension without pay, recommend dismissal, or impose other appropriate discipline.

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with policies JK and JKD.

If the Superintendent's investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional working days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

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If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

EXHIBIT **EXHIBIT**

EQUAL EMPLOYMENT OPPORTUNITY

COMPLAINT FORM

(To be filed with the compliance officer as provided in GBA-R)

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to complain against:

Name of person, school (department), program, or activity _____

Address _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Date of the action against which you are complaining _____

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name _____ Address _____ Telephone Number _____

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

The compliance officer, as designated in GBA-R, shall give one (1) copy to the complainant and shall retain one (1) copy for the file.

(Statement of Ethics for School Employees)

We, professional educators of New Mexico, affirm our belief in the worth and dignity of humanity. We recognize the supreme importance of the pursuit of truth, the encouragement of scholarship, and the promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn and to teach with the guarantee of equal educational opportunity for all. We affirm and accept our responsibility to practice our profession according to the highest ethical standards. We acknowledge the magnitude of the profession we have chosen and engage ourselves, individually and collectively, to judge our colleagues and to be judged by them in accordance with the applicable provisions of this code.

Principle I: Commitment to the student. We measure success by the progress of each student toward achievement of their maximum potential. We therefore work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding and the thoughtful formulation of worthy goals. We recognize the importance of cooperative relationships with other community institutions, especially the home. In fulfilling our obligation to the student, we:

- deal justly and considerately with each student;
- encourage the student to study and express varying points of view and respect the student's right to form their own judgment;
- conduct conferences with or concerning students in an appropriate place and manner;
- seek constantly to improve learning facilities and opportunities.

Principle II: Commitment to the community. We believe that patriotism in its highest form requires dedication to the principles of our democratic heritage. We share with all other citizens the responsibility for the development of sound public policy. As educators, we are particularly accountable for participating in the development of educational programs and policies and for interpreting them to the public. In fulfilling our obligations to the community, we:

- share the responsibility for improving the educational opportunities for all;
- recognize that each educational institution has a person authorized to interpret its official policies;
- acknowledge the right and responsibility of the public to participate in the formulation of educational policy;
- evaluate through appropriate professional procedures conditions within a district or institution of learning, make known serious deficiencies and take action deemed necessary and proper;
- assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates of [or] partisan activities;
- protect the educational program against undesirable infringement and promote academic freedom.

Principle III: Commitment to the profession. We believe that the quality of the services of the education profession directly influence[s] the future of the nation and its citizens. We therefore exert every effort to raise educational standards, to improve our service, to promote a climate in which the exercise of professional judgment is encouraged, to demonstrate integrity in all work-related activities and interactions in the school setting and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, we contribute actively to the support, planning and programs of our professional organizations. In fulfilling our obligations to the profession, we:

- recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession;
- participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education;
- cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns and those colleagues new to their positions;
- accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
- refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student;

- refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues;
- keep the trust under which confidential information is exchanged;
- make appropriate use of the time granted for professional purposes;
- interpret and use the writings of others and the findings of educational research with intellectual honesty;
- maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts;
- respond accurately to requests for evaluation of colleagues seeking professional positions;
- provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

Principle IV: Commitment to professional employment practices. We regard the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. Sound professional personnel relationships with governing boards are built upon integrity, dignity and mutual respect between employees, administrators and local school boards. In fulfilling our obligations to professional employment practices, we:

- apply for or offer a position on the basis of professional and legal qualifications;
- apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates;
- fill no vacancy except where the terms, conditions and policies are known;
- adhere to and respect the conditions of a contract or to the terms of an appointment until either has been terminated legally or by mutual consent;
- give prompt notice of any change in availability of service, in status of applications or in change in position;

- conduct professional business through recognized educational and professional channels.

Adopted: date of manual adoption

LEGAL REF.: 6.60.9.8 NMAC
6.60.9.9 NMAC

Nepotism

A person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter or daughter-in-law, brother, brother-law, sister, sister in law of a member of the Board or Superintendent may not be initially employed or approved for employment in any capacity in the District. The local school board may waive the nepotism rule for family members of a local superintendent. Nothing in this section of this policy shall prohibit the continued employment of such a person employed on or before March 1, 2003.

Supervision

An employee shall not serve as the immediate supervisor of another employee who is a member of his/her immediate family. For the purpose of this policy, immediate family member shall be defined as: spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, and brother-in-law.

Prohibited Acts

It is unlawful for a public officer or licensed employee to take an official act for the primary purpose of directly enhancing a personal financial interest or position.

A Board member or licensed employee shall not, directly or indirectly, solicit, sell or be a party to a transaction to solicit or sell a product or service to the school or district with which he is associated. This does not apply to a person making a sale in the regular course of business while complying with the procurement laws and rules of the State of New Mexico.

No person shall sell or use a student, faculty or staff list with personal identifying information obtained from the district for the purpose of direct marketing of goods or services except for legitimate educational purposes or with the authorized release of each individual on the list(s).

Vendor Relations

No employee of the District will accept gifts from any person, group, or entity doing, or desiring to do, business with the District. The acceptance of any business-related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.

This policy should not be construed to deem unacceptable inexpensive novelty advertising items of general distribution. Acceptance of business lunches and holiday gifts for general consumption are acceptable under this policy.

Adopted: date of manual adoption

LEGAL REF.: 10-16-3 NMSA
10-16-4 NMSA
22-5-6 NMSA
6.10.6.8 NMAC

CROSS REF.: BCB - Board Member Conflict of Interest

EXHIBIT **EXHIBIT**

STAFF CONFLICT OF INTEREST

I, _____, do hereby indicate:

1. That I am presently an officer/employee of the Gadsden Independent School District;

2. That I (or my relative[s]: _____) have a substantial interest in the contract, sale, purchase, or service to or decision by the Gadsden Independent School District Board as described below.

3. That I shall refrain from participating in any manner in my capacity as an employee or officer of Gadsden Independent School District in such contract, sale, purchase, service to, or decision by the Board unless specifically permitted to do so by law.

Date

Signature

Description of Conflict:

(Standards of Professional Conduct)

Preamble

We, licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequence of each choice, the moral value best exemplified by the recommended choice and a reflection on how we would view the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are: respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all and personal integrity.

In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, it stimulates us into discussing the professional implications of our ethical choices and ethical recommendations, causes us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

Standard I – Duty to the student. We endeavor to stimulate students to think and to learn while at the same time we seek to protect them from any

harm. Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but by consistent and justifiable personal example. To satisfy this obligation, we:

- shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. 1401 *et seq.*, 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19 NMSA 1978), the Inspection of Public Records Act (Chapter 14, Article 2 NMSA 1978), the Public School Code (Section 22-1-8 NMSA 1978) and the Children's Code (Sections 32A-2-32, 32A-4-3 NMSA 1978), withhold confidential student records or information about a student or the student's personal and family life unless release of information is allowed, permitted by the student's parents/legal guardian or required by law;
- shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition;
- shall avoid using our position as a licensed school employee to exploit or unduly influence a student into engaging in an illegal act, immoral act or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;
- shall tutor students only in accordance with local board policies if any, only after written permission from the student's parents/legal guardian and only at a place or time approved by the local school or the student's parents/legal guardian;
- shall not give a gift to any one (1) student unless all students situated similarly receive or are offered gifts of equal value for the same reason;
- shall not lend a student money except in clear and occasional circumstances as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;
- shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:
 - all forms of sexual touching, sexual relations or romantic relations;

- inappropriate touching which is any physical touching, embracing, petting, hand-holding or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;
 - any open displays of affection toward mostly-boys or mostly-girls;
 - offering or giving a ride to a student unless absolutely unavoidable as where a student has missed their usual transportation and is unable to make reasonable substitute arrangements;
- shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:
 - making any sexual advances, requests for sexual favors, repeated sexual references and any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity and any display/distribution of sexually oriented materials where students can see them;
 - creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) of this subsection or Subparagraph (a) of this paragraph.

Standard II – Duty to the profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession and must strive consistently in educating the children all of whom will one day shape the future. To satisfy this obligation, we:

- shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;
- shall not orally or in writing misrepresent our professional qualifications;

- shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education or employment history;
- shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;
- shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;
- shall not disclose personal, medical or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;
- shall not knowingly make false or derogatory personal comments about an educational colleague, although First Amendment protected comments on or off campus are not prohibited;
- shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor or other item having monetary value whose market value exceeds one hundred dollars (\$100) and which compromises the integrity of the licensed educator, excluding approved educational awards, honoraria, plaques, trophies and prizes;
- shall avoid conduct connected with official duties that is unfair or is improper, illegal or gives the appearance of being improper or illegal;
- shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:
 - making any sexual advances, requests for sexual favors, repeated sexual references and name calling by means of sexual references or references directed at any gender-specific individuals named above;
 - making any other verbal or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;
 - displaying or distributing any sexually oriented materials where the above-named individuals can see them;
 - creating an intimidating, hostile or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors set forth above;

- shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. § 1604.1 *et seq.*) or contacting appropriate school human resources personnel;
- shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;
- shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;
- shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
- shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition;
- shall not engage in any outside employment:
 - the performance of which conflicts with our public school duties as where a licensed educator takes a private job that would require performance in the very school district where he or she is employed;
 - where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties;
 - that impairs our physical ability to perform our school duties;
- shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
 - in connection with our official school duties;
 - in connection with another licensed person's official school duties;
 - in connection with any standardized or non-standardized testing;
 - in connection with any school application or disclosure process;

- in connection with any writing submitted to the department of education related to our initial or continued licensure, including endorsements;
- shall not in connection with any secretary-approved teacher test knowingly make any misrepresentations about one's identity or engage in any false or deceptive acts of test-taking or test-registering;
- shall not engage in any conduct or make any statement:
 - that would breach the security of any standardized or non-standardized tests;
 - that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
 - that would give students an unfair advantage in taking a standardized or non-standardized test;
 - that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test;
 - that would assist students in obtaining services or benefits to which they do not qualify or are not entitled;
- shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace.

Sanctions

The standards of professional conduct establish minimal standards of accepted professional conduct with which all educators and administrators are required to comply. Therefore, the Secretary of Education through the professional licensure unit ("licensure unit") of the public education department (PED), may revoke or suspend the licensure of any person, or may deny applications for licensure or relicensure to any person, who is within the scope of this regulation and who after hearing is found to have failed to comply with one (1) or more of the enumerated provisions of the standards of professional conduct set forth in Section 6.60.9.9 NMAC, exclusive of the preamble.

In General

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students and District property. No employee shall, by action or inaction, interfere with or disrupt any District activity or encourage any such disruption. No employee, other than one who has obtained authorization from the appropriate school administrator, shall carry or possess a weapon on school grounds. All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.4 NMSA (1978)
6.60.9.9 NMAC
6.68.2 NMAC
6.68.3 NMAC

CROSS REF.: GCF - Professional Staff Hiring
JIC - Student Conduct
JK - Student Discipline
KFA - Public Conduct on School Property

REGULATION**REGULATION****STAFF CONDUCT**

No employee, while on or using school property, otherwise acting as an agent, or working in an official capacity for the District shall engage in:

- Physical or verbal abuse of, or threat of harm to, anyone.
- Causing damage, or threat of damage, to property of the District or property of a member of the community or a visitor to the school when the property is located on premises controlled by the District.
- Forceful or unauthorized entry to or occupation of District facilities, including buildings and grounds.
- Use, possession, distribution, or sale of alcohol or of drugs or other illegal substances.
- Use of profane or abusive language, symbols, or conduct.
- Failure to comply with lawful direction of District officials, security officers, or any other law-enforcement officer, or failure to identify oneself to such officials or officers when lawfully requested to do so.
- The carrying or possession of a weapon on school grounds without authorization from the appropriate school administrator.
- A violation of District policies and regulations.
- Any conduct violating federal, state, or applicable municipal law or regulation.
- Any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions of the District, or any other activity sponsored or approved by the Board.

In addition to the foregoing, all staff members are expected to:

- Thoroughly acquaint themselves with the rules, regulations, and other information applicable to them contained within the policies of the Board.

- Conduct themselves in a manner consistent with effective and orderly education and to protect the students and the District property.
- Maintain order in a manner consistent with District policies and regulations.
- Comply promptly with all orders of the Superintendent and the administrator who is their immediate supervisor.
- Dress and maintain a general appearance that reflects their position and does not detract from the educational program of the school.
- Comply with the requirement of 22-5-4.4 NMSA 1978 by immediately reporting student drug or alcohol use or abuse to the Superintendent or the administrator who is their immediate supervisor.
- Report apparent violations of law of which he or she has knowledge to the appropriate authority when such violations are committed in the discharge of duties on behalf of the district.
- Guard against misappropriation of school assets and immediately report suspected theft or fraud to their immediate supervisor and/or the Superintendent.

Employees of the District who violate these rules are subject to disciplinary action.

STAFF CONDUCT

Reporting Apparent Violations of Law

Any employee who obtains knowledge of facts that reasonably lead such employee to a good faith belief that any other employee or officer of the District is violating any state or federal law in the discharge of his or her duties, shall, within five (5) working days of learning such facts, report such facts in writing to the appropriate authority.

In the event that the employee reasonably believes the Superintendent is committing the apparent violation, or that the Superintendent is aware of and complicit in, the apparent violation, the employee's written report shall be submitted to the President of the Board of Education.

The confidentiality of reports submitted pursuant to this section shall be maintained.

Investigation of Reports

Reports submitted by employees pursuant to the above shall be promptly investigated by the appropriate authority, the Superintendent, or the Superintendent's designee, or, in cases in which such reports are submitted to the Board of Education, by the Board or its designee.

In any investigation conducted under this policy, the Board of Education or Superintendent may engage the assistance of District legal counsel or other outside investigators to assist in or conduct such investigation.

Investigations shall be conducted in confidence, consistent with an effective investigation.

All documents collected pursuant to each investigation shall be maintained in a confidential file.

Disposition of Report

Within ten (10) working days of receiving a written report submitted as directed above in this policy, the Superintendent or Board or investigative authority shall issue a written disposition stating the result or status of the investigation of the reported violation. The written disposition shall be kept in the investigatory file together with the materials previously filed.

A copy of a written disposition shall be provided to the employee who submitted the initiating report.

Nonretaliation

No employee who has in good faith submitted a report of an apparent violation of law pursuant to above shall be subjected to retaliation of any kind by another employee or officer of the District.

Any employee who believes he or she is being subjected to retaliation in violation of the terms of this policy should make such retaliation the subject of a grievance under the District's grievance procedure.

Any employee who subjects another employee to retaliatory conduct as described above shall be subject to discipline.

Any employee who is found to have submitted a report of an apparent violation of law pursuant to this policy in bad faith shall be subject to discipline.

G-0850 ©
STAFF CONDUCT WITH STUDENTS

GBEBB

Employees are expected to exercise general supervision over the conduct of students, not only while in the schoolroom, but also before and after school and during recess. At all times teachers and other staff members will accord students the dignity and respect that they deserve, and avoid embarrassing any student unnecessarily.

Students are expected to regard all school employees as individuals who are employed to provide direct or indirect contributions to learning. While students are to have considerable latitude in making choices for themselves, they shall be required to respect the rights of all school employees and other students, and interference with those rights will not be tolerated.

Students shall not have the right to interfere with the efforts of instructional staff members to coordinate or assist in learning, to disseminate information for purposes of learning, or to otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students. No student shall have the right to interfere with or disrupt any employee's work activities.

All personnel employed by the District are expected to relate to students of the District in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct.

Relationships between staff members and students that include "dating," "courtship," or "romantic involvement" are prohibited. These behaviors deviate from ethical or professional standards and shall be deemed unacceptable and contrary to the expectations of District governance.

Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process.

Violations of the above shall be considered serious and may result in severe disciplinary action.

Adopted: date of manual adoption

LEGAL REF.: 6.60.9.9 NMAC

CROSS REF.: JIC - Student Conduct

**^G-0900 ©
GIFTS TO AND SOLICITATIONS
BY STAFF MEMBERS**

GBEBC

Gifts

An employee, or that person's family, shall not knowingly accept from a restricted donor a gift of a market value greater than two hundred fifty dollars (\$250) and a licensed educator must not accept a gift with a market value exceeding one hundred dollars (\$100). A restricted donor is a person or agent of a person:

- seeking a transaction with the donee's agency.
- who will be directly and substantially affected financially by performance of the donee's duties or the effect will be greater on a class of persons to whom the donor belongs than to the general public.
- with a matter pending before a regulatory agency in which the donee has discretionary authority.
- who is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

An employee shall not solicit gifts or donations for a charity in such a manner that it appears that the purpose of the donor in making the gift is to influence the employee in the performance of an official duty.

(Definitions for the terms gift, family and restricted donor can be found in the Gift Act cited below for purposes of interpreting the above section of policy.)

Students, parents, and other patrons of the District shall be discouraged from the routine presentation of gifts to employees. This shall not be interpreted as intended to discourage acts of generosity in unusual situations, and simple remembrances expressive of affection or gratitude shall not be regarded as violations of this policy.

Gifts to students by staff members shall be discouraged. Simple remembrances on certain occasions to all students in a class or section shall not be regarded as a violation of this policy.

Solicitations

A school employee's position in the District shall not be used to influence parents or students to purchase books or other merchandise, except for materials approved by the Superintendent for use in the classroom.

Staff-member solicitation(s) of other employees and/or students for any profit, nonprofit, or charitable groups, institutions, or organizations must have the approval of the Superintendent in advance.

No other solicitations shall be made by or of employees during official duty time.

Adopted: date of manual adoption

LEGAL REF.: 10-16B-1 NMSA - Gift Act
6.60.9.9 NMAC

**G-0950 ©
DRUG - FREE WORKPLACE**

GBEC

No employee shall violate the law or District policy in the manufacture, distribution, dispensing, possession, or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

Workplace includes any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport staff members or students to and from school or school activities or on school business. Off school property, the workplace includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the District. In addition, the workplace shall include all property owned, leased, or used by the District for any educational or District business purpose.

Any employee who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined above, shall notify the supervisor within five (5) days thereof that such conviction has occurred.

As a condition of employment, each employee shall abide by the terms of the District policy respecting a drug-free workplace.

Any employee who violates this policy in any manner is subject to discipline, which may include, but is not limited to, dismissal.

Adopted: date of manual adoption

LEGAL REF.: P.L. 100-690 Title V, Subtitle D.
34 C.F.R. Part 85

CROSS REF.: EEAEAA - Drug and Alcohol Testing of Transportation
Employees

EXHIBIT

EXHIBIT

DRUG - FREE WORKPLACE

NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Policy GBEC for any employee to violate the law or District policy in the manufacture, distribution, dispensing, possession, or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

Workplace includes any place where work is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; and off school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the District. In addition, the workplace shall include all property owned, leased, or used by the District for any educational purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Policy GBEC, and will notify your supervisor of your conviction under any criminal drug statute for a violation occurring in the workplace, not later than five (5) days after such conviction.

Any employee who violates the terms of the District's drug-free workplace policy in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

.....

I have been provided with two (2) copies of this **Notice to Employees** for my review and signature. I understand that a signed copy will be placed in my personnel file.

Signature

Date

EXHIBIT**EXHIBIT****DRUG - FREE WORKPLACE**

In order to comply with federal funding requirements, the District shall:

- Gather information relative to availability of local community drug and alcohol counseling, rehabilitation, and reentry programs that are available to employees and make such information available to employees.
- Provide each employee a copy of standards of conduct and the statement of disciplinary sanctions that apply to alcohol and drug violations. Use exhibit GBEC-EA to notify employees that compliance with such standards is mandatory.

The District should perform a biennial review of the programs to:

- Ensure that disciplinary sanctions for employees are consistently enforced.
- Determine program effectiveness and implement change to the program if needed.

G-1000 ©
NONMEDICAL USE OR ABUSE OF
DRUGS OR ALCOHOL

GBECA

The District's posture in dealing with employees who engage in the nonmedical use of drugs and/or the abuse of alcohol is to be one of constructive confrontation in a supportive environment and supportive relationship. This approach is based on the following premises:

- Each employee is responsible for the employee's own actions.
- Each employee is a role model for students.
- Each employee who seeks help is to be given the opportunity to do so in a supportive environment.
- The District shall not ignore employee problems.
- Constructive confrontation will be utilized to make employees aware of opportunities and choices for help.
- Efforts to maintain confidentiality will be made by the District.
- Outside referrals to nonschool personnel will be provided, at employee expense, to employees who indicate an interest.
- Employees will be required to provide information on progress in dealing with problems.
- Supervisory staff members will receive orientation on methods of constructive confrontation.
- Opportunities for self-referral will be provided.
- As recommended by outside professional sources, the District will consider support to an employee during reentry into the workplace.
- The District's right to intervene is based on (1) a basic concern for the health and welfare of the persons whom it employs and (2) the right to expect quality job performance.
- School employees are human and should not be considered any less vulnerable or immune to human stress than any other person.

- In spite of the above, school employees whose nonmedical use of drugs or use of alcohol endangers the health and safety of students or other employees may of necessity be dealt with summarily.

Employee Drug Use or Abuse

The nonmedical possession or use or abuse of drugs and/or use of alcohol is forbidden on school property or at school-sponsored activities away from school property. Employees determined to be in possession of, using, or abusing drugs or using alcohol shall be reported immediately to the principal or other person in charge. The Superintendent shall be notified immediately.

The Superintendent will conduct an investigation in consultation with legal counsel as necessary. If the investigation shows sufficient evidence to suggest that the employee was involved with distribution or otherwise in violation of the law, law enforcement authorities shall be notified. If the results of the investigation show that the employee's actions endangered the health and/or safety of students or other employees, the Superintendent shall take disciplinary action or recommend disciplinary action to the Board in accordance with existing policies and statutes. If the results of the investigation suggest that the employee be provided options under the provisions of this policy, the Superintendent shall so direct the immediate supervisor of the employee.

Adopted: date of manual adoption

LEGAL REF.: P.L. 100-690 Title V, Subtitle D.
34 C.F.R. Part 85

CROSS REF.: EEAEAA - Drug and Alcohol Testing of Transportation
Employees

**G-1050 ©
ALCOHOL USE BY STAFF MEMBERS**

GBECB

(Illegal Drugs)

The use or possession of intoxicants or illegal drugs on school property or at school events is prohibited.

Any person in violation of the provisions of the above paragraph shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law.

Staff members of the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school regulations.

A staff member who apparently has consumed alcoholic beverages or illegal drugs on or off school property and/or before a school activity will not be allowed to be on school property or to participate in school activities. Staff members who violate this policy will be subject to the same penalties as for possession and/or consumption on school property.

An employee of the District who, pursuant to local conditions or an employment contract with the District, resides on District property or resides in District housing may possess and use alcohol at the employee's residence subject to the following restrictions:

- The employee shall not possess (except for possession at said residence), sell, offer to sell, transfer, use, or be under the influence of alcohol while on duty.
- Any alcohol consumption that occurs on school property when the employee is not on duty shall be done in moderation and shall occur within the employee's residence.

Adopted: date of manual adoption

G-1100 ©
TOBACCO USE BY STAFF MEMBERS

GBED

The possession or use of tobacco products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with New Mexico Revised Statute.

Adopted: date of manual adoption

LEGAL REF.: 6.12.4.8 NMAC
20 U.S.C. 6083

CROSS REF.: JICG - Tobacco Use by Students
KFAA - Tobacco Use on School Premises at Public Functions

**^G-1300 ©
STAFF PERSONAL SECURITY
AND SAFETY**

GBGB

Violence

Any employee who observes or has direct knowledge of an act of violence upon an employee during the performance of the employees duties or of an act of vandalism to school property shall file an incident report in accordance with procedures established by the New Mexico Secretary of Education.

Threats

The Superintendent shall establish procedures that provide for the protection of any employee who is threatened with harm by an individual or a group while carrying out assigned duties.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-33 NMSA (1978)
30-3-9 NMSA (1978)
30-3-9.1 NMSA (1978)
6.19.3.6 *et seq.* NMAC

REGULATION**REGULATION****STAFF PERSONAL SECURITY
AND SAFETY****Threats**

Any employee who is threatened with harm by an individual or a group while carrying out assigned duties shall immediately notify the school principal or supervisor. The principal or supervisor shall then immediately notify the Superintendent's office of the threat and together they shall take immediate steps in cooperation with the employee to provide every reasonable precaution for the employee's safety. Precautionary steps, including contacting law enforcement, seeking injunctive relief or any advisable legal action, shall be reported to the Superintendent's office at the earliest possible time.

**G-1350 ©
EMPLOYEE ASSISTANCE**

GBGC

When, in the opinion of the immediate supervisor and/or the Superintendent, the employee's physical or emotional condition warrants, the District may require a complete examination, at District expense, by a licensed physician selected by the District.

The Superintendent shall have procedures for complying with the requirements of the Occupational Safety and Health Administration (OSHA), including an exposure-control plan, methods of compliance, work-practice controls, postexposure evaluation and follow-up, and administering vaccine to employees exposed to Hepatitis B virus.

All employees who as a result of their employment have had significant exposure to bloodborne pathogens (Hepatitis B/Human Immunodeficiency Virus) are required to report the details of the exposure in writing to the District and are required to follow postexposure evaluation and follow-up activities in accordance with New Mexico and federal laws. An employee who chooses not to complete these reporting requirements will be at risk of losing any claim to rights.

Adopted: date of manual adoption

LEGAL REF.: 29 U.S.C. 653

CROSS REF.: EBBB - Accident Reports

EXHIBIT**EXHIBIT****EMPLOYEE ASSISTANCE****(Bloodborne Pathogen Requirements)****Exposure Control Plan**

Employee(s) with occupational exposure to human blood, human blood components, products made from human blood, or pathogenic microorganisms, including but not limited to Hepatitis B virus or HIV, shall comply with this Exposure Control Plan designed to eliminate or minimize employee exposure.

This Exposure Control Plan contains the following elements:

- The exposure determination outlined below.
- The schedule and method of implementation.
- The procedure for the evaluation of circumstances surrounding exposure.

A copy of this Exposure Control Plan shall be accessible to employees.

This Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure, and to reflect new or revised employee positions with occupational exposure.

This Exposure Control Plan shall be made available to the Assistant Secretary of Labor and the Director of the Occupational Safety and Health Administration upon request for examination and copying.

Exposure Determination

The District has determined that employee positions may involve the following levels of exposure to bloodborne pathogens as a collateral function to the primary job description:

- High risk - Coaches, physical education instructors, custodians, certain special education program personnel, playground duty personnel, health services personnel, and security personnel.

- Moderate risk - Regular instructional program personnel, other special education program personnel, school level office personnel, maintenance personnel, food services personnel, and special assignment personnel (e.g., counselors, librarians).
- Low risk - District level office personnel.

Methods of Compliance

General. Universal precautions shall be observed by all District employees to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

Engineering and work practice controls:

- Engineering and work practice controls shall be used to eliminate or minimize employee exposure. If occupational exposure remains after institution of these controls, personal protective equipment shall also be used.
- Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.
- The District shall provide hand-washing facilities that are readily accessible to employees.
- When provision of hand-washing facilities is not feasible, the District shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
- The District requires that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. Supervisory personnel shall ensure compliance.
- The District requires that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials. Supervisory personnel shall ensure compliance.

- Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted below. Shearing or breaking of contaminated needles is prohibited.
 - Contaminated needles and other contaminated sharps shall not be recapped or removed unless no other alternative is feasible or such action is required by a specific medical procedure as determined by a competent medical professional qualified to make such determination.
 - Such recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.
- Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:
 - Puncture resistant.
 - Labeled or color coded in accordance with this standard.
 - Leakproof on the sides and bottom.
 - In accordance with legal requirements for reusable sharps.
- Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.
- Food and drink shall not be kept in refrigerators, freezers, shelves, or cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.
- All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.
- Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.
- Specimens of blood or other potentially infectious materials shall be placed in a container that prevents leakage during collection, handling, processing, storage, transport, or shipping.
 - The container for storage, transport, or shipping shall be labeled or color coded according to law and closed prior to being stored, transported, or shipped. When a facility utilizes "universal precautions" in the handling of all specimens, the labeling/color

coding of specimens is not necessary, provided containers are recognizable as containing specimens. This exemption applies only while such specimens/containers remain with the facility. Labeling or color coding is required when such specimens/containers leave the facility.

- If outside contamination of the primary container occurs, the primary container shall be placed within a second container that prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color coded according to the requirements of this standard.
- If the specimen could puncture the primary container, the primary container shall be placed within a secondary container that is puncture resistant in addition to the above characteristics.
- Equipment that may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the decontamination of such equipment or portions of such equipment is not feasible as determined by a supervisory employee assigned to make such determination.
 - A readily observable label in accordance with law shall be attached to the equipment stating which portions remain contaminated.
 - This information shall be conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

Personal protective equipment:

- *Provision.* When occupational exposure occurs, the District shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions

of use and for the duration of time that the protective equipment will be used.

- *Use.* The District requires that all exposed employees use appropriate personal protective equipment unless the District documents that a specific employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was such employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be reported by the employee and investigated and documented by the District in order to determine whether changes can be instituted to prevent such occurrences in the future.
- *Accessibility.* Appropriate personal protective equipment in the appropriate sizes must be readily accessible at the work site or issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to employees who are allergic to the gloves normally provided.
- *Cleaning, laundering, and disposal.* The District shall clean, launder, and dispose of *personal protective equipment required* in this standard, at no cost to the employee.
- *Repair and replacement.* The District shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.
- Any garment(s) penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible.
- All personal protective equipment shall be removed prior to leaving the work area.
- When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.
- *Gloves.* Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when

performing vascular access procedures; and when handling or touching contaminated items or surfaces.

- Disposable (single-use) gloves, such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or their ability to function as a barrier is compromised.
- Disposable (single-use) gloves shall not be washed or decontaminated for reuse.
- Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

Housekeeping:

- *General.* The work site must be maintained in a clean and sanitary condition. The District shall establish, attach hereto, and implement an appropriate written schedule for cleaning and the method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.
- All school activity areas are cleaned daily.
- In cleaning operations involving human blood, a cleaning solution consisting of ten to one (10:1) ratio of water and bleach will be used.
- All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
 - Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures, immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials, and at the end of the work shift if the surface may have become contaminated since the last cleaning.
 - Protective coverings - such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces - shall be removed and replaced as soon as feasible when they become overtly contaminated or at the

end of the work shift if they may have become contaminated during the shift.

- All bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood of becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.
 - Broken glassware that may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means such as a brush and dust pan, tongs, or forceps.
 - Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
- *Regulated waste:*
 - Contaminated sharps discarding and containment:
 - ▲ Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:
 - ◆ Closable.
 - ◆ Puncture resistant.
 - ◆ Leakproof on sides and bottom.
 - ◆ Labeled or color coded.
 - ▲ During use, containers for contaminated sharps shall be:
 - ◆ Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries).
 - ◆ Maintained upright throughout use.
 - ◆ Replaced routinely and not be allowed to overfill.
 - ▲ When moving containers of contaminated sharps from the area of use, the containers shall be:

- ◆ Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
- ◆ Placed in a secondary container if leakage is possible. The second container shall be:
 - Closable.
 - Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping.
 - Labeled or color coded.
- ▲ Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner that would expose employees to the risk of percutaneous injury.
- Other regulated waste containment:
 - ▲ Regulated waste shall be placed in containers that are:
 - ◆ Closable.
 - ◆ Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
 - ◆ Labeled or color coded.
 - ◆ Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
 - ▲ If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:
 - ◆ Closable.
 - ◆ Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
 - ◆ Labeled or color coded.

- ◆ Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
- Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states, territories, and political subdivisions of states and territories.
- Laundry:
 - Contaminated laundry shall be handled as little as possible, with a minimum of agitation.
 - ▲ Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.
 - ▲ Contaminated laundry shall be placed and transported in bags or containers labeled or color coded. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.
 - ▲ Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers that prevent soaking-through and/or leakage of fluids to the exterior.
 - Employees who have contact with contaminated laundry must wear protective gloves and other appropriate personal protective equipment.
 - When a facility ships contaminated laundry off-site to a second facility, which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers that are labeled or color-coded.

Hepatitis B Vaccination and Postexposure Evaluation and Follow-up

General:

- **The District shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and postexposure evaluation and follow-up to all employees who have had an exposure incident.**
- The District requires that all medical evaluations and procedures, including the hepatitis B vaccine, and vaccination series and postexposure evaluation and follow-up, including prophylaxis, are:
 - Made available at no cost to the employee.
 - Made available to the employee at a reasonable time and place.
 - Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional.
 - Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place, except as specified in this section on hepatitis B vaccination and postexposure evaluation and follow-up.
- The District requires that all laboratory tests be conducted by an accredited laboratory at no cost to the employee.

Hepatitis B vaccination:

- Hepatitis B vaccination shall be made available after the employee has received the training required and within ten (10) working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.
- The District shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.
- If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the District shall make available hepatitis B vaccination at that time.
- The District requires all employees who decline to accept hepatitis B vaccination that is offered to sign the following statement:

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

- If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available.

Postexposure evaluation and follow-up. Following a report of an exposure incident, the District shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

- Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.
- Identification and documentation of the source individual, unless the District can establish that identification is infeasible or prohibited by state or local law.
 - The source individual's blood shall be tested as soon as feasible, and after consent is obtained, in order to determine HBV and HIV infectivity. If consent is not obtained, the District shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the result documented.
 - When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.
 - Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

- Collection and testing of blood for HBV and HIV serological status:
 - The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.
 - If the employee consents to base-line blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety (90) days. If within ninety (90) days of the exposure incident the employee elects to have the base-line sample tested, such testing shall be done as soon as feasible.
- Postexposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.
- Counseling.
- Evaluation of reported illnesses.

Information provided to the health care professional:

- The health care professional responsible for the employee's hepatitis B vaccination shall be provided a copy of this document.
- The health care professional evaluating an employee after an exposure incident shall be provided the following information:
 - A copy of this document.
 - A description of the exposed employee's duties as they relate to the exposure incident.
 - Documentation of the route(s) of exposure and circumstances under which exposure occurred.
 - Results of the source individual's blood testing, if available.
 - All medical records relevant to the appropriate treatment of the employee, including vaccination status, that are the District's responsibility to maintain.

Health care professional's written opinion. The District shall obtain and provide the employee with a copy of the evaluating health care professional's written opinion within fifteen (15) days of the completion of the evaluation.

- The health care professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee and whether the employee has received such vaccination.

- The health care professional's written opinion for postexposure evaluation and follow-up shall be limited to the following information:
 - That the employee has been informed of the results of the evaluation.
 - That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.
- All other findings or diagnoses shall remain confidential and shall not be included in the written report.

Medical record keeping. Medical records required by this standard shall be maintained.

Communication of Hazards to Employees

Labels:

- Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material, and other containers used to store, transport, or ship blood or other potentially infectious materials, except as provided in law.
- These labels shall contain the "biohazard" label.
- These labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.
- Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
- Red bags or red containers may be substituted for labels.
- Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of this section on communication of hazards to employees.
- Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment, or disposal are exempted from the labeling requirements.

- Labels required for contaminated equipment shall be in accordance with this section and shall also state which portions of the equipment remain contaminated.
- Regulated waste that has been decontaminated need not be labeled or color coded.

Information and training:

- All employees with occupational exposure shall participate in a training program, which must be provided at no cost to the employees and during working hours.
- Training shall be provided as follows:
 - At the time of initial assignment to tasks where occupational exposure may take place.
 - Within ninety (90) days after the effective date of the standard.
 - At least annually thereafter.
- For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard that were not included need be provided.
- Annual training for all employees shall be provided within one (1) year of their previous training.
- The District shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affects the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.
- Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.
- The training program shall contain at a minimum the following elements:
 - An accessible copy of the regulatory text of this standard and an explanation of its contents.
 - A general explanation of the epidemiology and symptoms of bloodborne diseases.

- An explanation of the modes of transmission of bloodborne pathogens.
 - An explanation of the District's Exposure Control Plan and the means by which the employee can obtain a copy of the written plan.
 - An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
 - An explanation of the use and limitations of methods that will prevent or reduce exposure, including appropriate engineering controls, work practices, and personal protective equipment.
 - Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment.
 - An explanation of the basis for selection of personal protective equipment.
 - Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.
 - Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
 - An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
 - Information on the postexposure evaluation and follow-up that the District is required to provide for the employee following an exposure incident.
 - An explanation of the labels and/or color coding required.
 - An opportunity for interactive questions and answers with the person conducting the training session.
- The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

Record Keeping

Medical records:

- The District shall establish and maintain an accurate record for each employee with occupational exposure as defined herein.
- This record shall include:
 - The name and Social Security number of the employee.
 - A copy of the employee's hepatitis B vaccination status, including the dates of all hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination.
 - A copy of all results of examinations, medical testing, and follow-up procedures.
 - The District's copy of the health care professional's written opinion.
 - A copy of the information provided to the health care professional.
- *Confidentiality.* The District shall ensure that employee medical records required by law are:
 - Kept confidential.
 - Not disclosed or reported, without the employee's express written consent, to any person within or outside the workplace, except as required by law.
- The District shall maintain the records required by law for at least the duration of employment plus thirty (30) years.

Training records:

- Training records shall include the following information:
 - The dates of the training sessions.
 - The contents or a summary of the training sessions.
 - The names and qualifications of persons conducting the training.
 - The names and job titles of all persons attending the training sessions.

- Training records shall be maintained for three (3) years from the date on which the training occurred.

Availability:

- The District shall ensure that all records required to be maintained shall be made available, upon request, to the Assistant Secretary of Labor and the Director of the Occupational Safety and Health Administration for examination and copying.
- Employee training records required by law shall be provided upon request for examination and copying to employees, to employee representatives, to the Director of the Occupational Safety and Health Administration, and to the Assistant Secretary of Labor.
- Employee medical records required by law shall be provided upon request, for examination and copying, to the subject employee, to anyone having written consent of the subject employee, to the Director of the Occupational Safety and Health Administration, and to the Assistant Secretary of Labor.

Transfer of records:

- The District shall comply with the legal requirements involving transfer of records.
- If the District ceases to do business and there is no successor district to receive and retain the records for the prescribed period, the District shall notify the Director of the Occupational Safety and Health Administration, at least three (3) months prior to their disposal, and transmit them to the Director of the Occupational Safety and Health Administration, if required by the Director of the Occupational Safety and Health Administration to do so, within that three (3) month period.

(Communicable Diseases)

The Board believes that the health and safety of the students and employees of the District are primary concerns, and that it is necessary, therefore, to adopt a policy governing the manner in which the Board and the administration address such concern when a current or potential employee is infected with a communicable disease. While designed to protect students and employees, this policy also protects the legitimate interests and rights of employees or potential employees having a communicable disease or are carriers of a communicable disease. Employees with a communicable disease or being a carrier of a communicable disease will be permitted to retain their positions, whenever, after reasonable accommodations and without undue hardship, there is no risk of transmission of the disease to others, provided an employee is able to continue to perform the essential functions of the position.

Any decision affecting the employment, continued employment, or suspension from duty will be based upon competent medical advice and will balance the rights of the infected individual against the legitimate interest of the District in protecting the health and safety of the students and remaining employees. Such decisions shall be made in accordance with the provisions of this policy and District administrative procedures. Applicants for employment who are carriers of or who have a communicable disease are obligated to disclose that fact before being employed. Current employees who are carriers of or who have a communicable disease are obligated to disclose that fact to their immediate supervisor as soon as the employee is aware of the condition. The District will not require mandatory testing or screening of individuals for communicable diseases as a condition of employment, either initially or annually, however, if District authorities have reasonable cause to believe that an employee has or is a carrier of a communicable disease, such individual may be required to submit to an appropriate medical examination at the expense of the District.

Employees may voluntarily choose to absent themselves from their position using the Board's other employment policies including sick leave or any other appropriate leaves for any period during which the employee's condition is infectious and/or communicable, provided that such absence is supported by a competent medical professional. Employees who have or are carriers of

communicable diseases and who have not voluntarily absented themselves from their duties, will have their employment situation reviewed by a Review Team consisting of:

- the employee's physician;
- a physician selected by the District;
- the employee;
- the employee's immediate supervisor; and
- the Superintendent or the Superintendent's designee.

The Review Team will make a recommendation to the Superintendent for employment or placement action. The Superintendent shall develop and implement administrative procedures for administering this policy.

Medical Examinations. If at any time there is a question as to the ability of a District employee to perform essential job-related functions, the District may require a complete medical examination by a District appointed physician at the expense of the District. Such action may be taken to protect the health and safety of the employee, other employees or the students while at the same time protecting the legitimate rights and interests of the employee. Such a medical examination will be considered job-related and consistent with business necessity, and therefore permissible, in the following situations:

- When an employee wishes to return to work following an absence due to illness or injury. An examination may be conducted to determine if the employee, with reasonable accommodation, can safely and effectively perform the essential functions of the job.
- When an employee requests an accommodation. If an employee requests an accommodation on the basis of a claimed disability, an examination may be conducted to determine if the employee is an "individual with a disability" to whom a duty of accommodation is owed and, if so, to help identify potential accommodations.
- When an employee is having difficulty performing the assigned job effectively, the District may require the employee to undergo a medical examination to determine if the performance problems are a result of an underlying medical condition.

- When the examination is required by law, medical examinations or monitoring are required under certain circumstances by regulations issued by the Department of Transportation and the Occupational Safety and Health Administration.

The District may conduct voluntary medical examinations as part of an employee health or wellness program. All information obtained through medical inquiries or examinations must be treated as confidential. Thus, medical information must be kept in a confidential file, separate from other personnel information about the employee. The Superintendent shall develop and implement administrative procedures necessary to administer this policy.

Universal Precautions

The District shall follow the "Universal Precautions Standard" set forth in the attached Exhibit GBGCA-E to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

Food Service Workers

The District shall follow the guidance of the U.S. Department of Health and Human Services concerning infectious and communicable diseases transmitted through the handling of food, and special precautions required for food services workers.

HIV/AIDS

Current medical information indicates that HIV can be transmitted by sexual intercourse with an infected partner, by injection of infected blood products, and by transmission from an infected mother to her child *in utero* or during the birth process. None of the identified cases of HIV infection in the United States are known to have been transmitted in a school setting or through any other casual person-to-person contact. There is no evidence that HIV is spread by sneezing, coughing, shaking hands, hugging, or sharing toilets, food, water, or utensils. According to best medical knowledge and judgments, the use of the "universal precautions" and other procedures that implement this policy are sufficient to protect staff members and students from transmission of HIV at school.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-34 NMSA

29 U.S.C. 794 *et seq.* (Sec. 504 of the Rehabilitation Act)

42 U.S.C. 12101 *et seq.* (Americans with Disabilities Act)

29 C.F.R. 1630 (ADA guidelines)

29 C.F.R. 1910.10 (OSHA Universal Precautions Standard)

CROSS REF.: GBGC - Employee Assistance
JLCB - Immunizations of Students

EXHIBIT**EXHIBIT****WELLNESS PROGRAMS****(Communicable Diseases)****Handling Body Fluids in Schools**

The following guidelines are meant to provide simple and effective precautions against transmission of disease for all people potentially exposed to the blood or body fluids of any person (student and/or school employee). No distinction is made between body fluids from persons with a known disease or those from persons without symptoms or with an undiagnosed disease.

The body fluids of all people should be considered to contain potentially infectious agents. The term *body fluids* includes blood, semen, drainage from scrapes and cuts, feces, urine, vomit, respiratory secretions (such as nasal discharge), and saliva.

- Whenever possible, avoid direct skin contact with body fluids. Disposable gloves are recommended when direct hand contact with body fluids is anticipated. If extensive contact is made with body fluids, hands must be washed afterwards. Gloves used for this purpose should be put in a plastic bag, secured, and disposed of daily.
- If direct skin contact does occur, hands and other affected skin areas of all exposed people shall be routinely washed with soap and water.
- Proper handwashing requires the use of soap and water and vigorous washing under a stream of running water for approximately ten (10) seconds.
- Clothing and other nondisposable items that are soaked through with body fluids should be rinsed and placed in plastic bags. If presoaking is required to remove stains, rinse or soak the item in cold water prior to bagging. Clothing should be sent home with the student for washing, with appropriate directions to parents and teachers (see *laundry instructions* below). Always wear gloves when handling items that have come in contact with body fluids.

- Contaminated disposable items shall be handled with disposable gloves, put in a plastic bag, secured, and disposed of daily.
- Body fluid spills on hard surfaces (i.e., floors, countertops, books, etc.) shall be disinfected with bleach (diluted to ten [10] parts water and one [1] part bleach). Gloves shall always be worn during cleanup.
- Cleaning equipment:
 - Nondisposable cleaning equipment (such as dust pans, brooms, and buckets) shall be disinfected by thoroughly rinsing in diluted bleach (ten [10] parts water and one [1] part bleach). Mops shall be soaked in the disinfectant after use and then rinsed with hot water. The disinfectant solution shall be promptly disposed of down a drain pipe.
 - Disposable cleaning equipment (such as paper towels, the vacuum bag, or sweepings) shall be placed in plastic bags, secured, and disposed of daily. No special handling is required for vacuuming equipment. Gloves shall always be used during cleanup.
- Laundry instructions:
 - Clothing soaked with body fluids shall be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise, wash and dry as usual. If the material can be bleached, add one-half (1/2) cup of household bleach to the wash cycle. If the material is not colorfast, add one-half (1/2) cup of all-fabric bleach to the wash cycle.

G-1500 ©
WORKERS' COMPENSATION

GBGD

All employees shall be covered by workers' compensation insurance for any accident while on assignment, including an accident on school property or while on official business off school property. An employee must report any such accident to the supervisor's office immediately, since a report on the time of the accident, persons involved, and how it happened is required.

Adopted: date of manual adoption

LEGAL REF.: 6.50.3.9 NMAC

CROSS REF.: EBBB - Accident Reports
 GBGC - Employee Assistance

REGULATION**REGULATION****WORKERS' COMPENSATION**

Any employee who has an accident, no matter how slight, while on duty shall notify the supervisor immediately. Failure to follow this procedure could result in the loss of workers' compensation benefits.

After being notified by an employee, the supervisor shall complete and submit the Report of Industrial Injury to the District office.

The Superintendent, upon receiving the supervisor's report, shall, within ten (10) days after notification, submit the Report of Industrial Injury to the insurance carrier.

Compensation Claims

When a job-related injury/accident requires medical attention and absence from the workplace, the following conditions shall apply:

- The physician will be responsible for reporting the circumstances of the injury to the District, the Industrial Commission, and the District's insurance carrier.
- During the first seven (7) days of absence due to a job-related injury/accident, the employee will be placed on sick leave, provided the employee has accumulated sufficient sick leave.
- If a job-related injury/accident results in more than seven (7) days absence, the insurance carrier will be responsible for handling the claim for lost pay. During such period the employee may be directed to:
 - Endorse over to the District the payments received from the insurance carrier, continue to receive a regular salary, and be charged sick leave. When the amount of the insurance payment is determined and received by the District, the employee's sick leave record will be adjusted for that fraction of the time paid by the insurance carrier (e.g., the insurance carrier pays two-thirds [2/3] of the normal salary of the employee, the sick leave will be adjusted on a pro rata basis); or

- Draw compensation from the insurance carrier, provide the District with a record of such payment, and receive payment for sick leave pay for the uncompensated portion of missed time, up to the limit of accumulated sick leave.
- In no event will an employee receive a combined salary and worker's compensation in excess of the employee's regular salary.
- An employee who has used all accumulated sick leave will be removed from the payroll and will receive only such amounts as are paid by the District's insurance carrier.

EXHIBIT**EXHIBIT****WORKERS' COMPENSATION****(Early Return to Work)****Determining if a Job Offer can be
Made for Early Return from an
Illness or Injury**

The District need only consider an early return when a job that can be performed by the early return employee is available. Creation of a position is not required.

When considering an early return assignment the District should:

- Analyze the job and determine its purpose and essential functions.
- Consult with the employee to determine the precise job limitations imposed by the attending physician.
- Determine if the employee can perform the duties of the job.
- Analyze the risk of reinjury or deterioration of the employee's condition.

Adjustments in the job description for personal accommodations such as an amenity or convenience that is not job related shall not be the responsibility of the District. The District shall require that all aspects of the job description be performed adequately.

G-1600

GBI

**STAFF PARTICIPATION IN
POLITICAL ACTIVITIES**

The Board recognizes the right of its employees, as citizens, to engage in political activity. However, school time may not be used for political purposes. Staff members who intend to engage in political activities shall be guided by the following:

- No employee shall engage in political activities upon property under the jurisdiction of the Board, unless permission has been granted for that purpose through the "Community Use of School Facilities" policy of the Board.
- Campaigning and other election activities must be done in off-duty hours, when not working in an official capacity for the District, and without the participation of District employees or students acting in the capacity of District or school representatives.
- Invitations to participate in election activities on a given campus, except when extended by groups leasing or using school facilities, shall be extended only when such invitations are extended to all candidates for the office.
- The use of District equipment, supplies, materials, buildings, or other resources to influence the outcome of any election is not permitted.
- Political circulars or petitions may not be posted or distributed in school.
- The collection of campaign funds and/or the solicitation of campaign workers is prohibited on school property.
- The use of students for writing or addressing material intended to influence the outcome of any election, or the distribution of such materials to or by students, is forbidden.
- Employees of the District may not use the authority of their position to influence the vote or political activities of any subordinate employee.

Political Office

The Board recognizes that employees of the District have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for elective public office and holding an elective or appointive public office.

Employees who intend to campaign for an elective public office will notify the Superintendent in writing of the office which they intend to seek, together with the decision as to whether they wish to continue employment and under what terms and conditions.

The Superintendent will meet with and discuss these matters with employees involved and will present a proposal to the Board for consideration. The essential element to be determined by the Board is whether the activities proposed by the employee are compatible with the time requirements for fulfilling the employee's responsibilities to the District.

The Board will determine the terms and conditions under which employees may continue employment as they seek or hold such office.

With respect to campaigning for themselves or others, employees will not use school system facilities, equipment, or supplies; nor will employees discuss their campaign with school personnel during the working day; nor will employees use any time during the working day for campaign purposes.

In General

The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, are not precluded under the provisions of this policy.

This policy shall apply only when an employee is serving as an agent of or working in an official capacity for the District.

Adopted: date of manual adoption

LEGAL REF.: 22-14-14 NMSA
6.60.9.8 NMAC

G-1650 ©
PERSONNEL RECORDS AND FILES

GBJ

Professional employees are required to supply the District office with current and complete official transcripts of all college credits.

It is the duty and responsibility of each licensed employee to keep such license current.

The District will maintain a complete and current official personnel file for each District employee. Employees will be advised of, and will be permitted to review and comment on, all information of a derogatory nature to be placed in their respective personnel files. The employee may prepare a written reply to such information, and such reply, if any, will be appended to the information in the file.

All documents within a personnel file are confidential, and the District may create such subfiles within a personnel file as are appropriate to ensure confidentiality and efficient use of the file. Access to personnel files will be limited to authorized District officials and employees. Individual Board members shall have access only when specifically authorized by the Board, as evidenced by action of a quorum of the Board in a legal meeting properly noticed. Employees may review their own files by making written requests to the Superintendent. Confidential information obtained prior to an employee's employment, such as recommendations, will not be available for review by the employee.

Specific information contained in the record, may be considered public information under the law and will be released in accordance with the Inspection of Public Records Act, Confidential Materials Act and Board policy and procedure relative to the disclosure of the District's public records.

Adopted: date of manual adoption

LEGAL REF.: 14-2-1 NMSA *et seq.* (1978)

CROSS REF.: DKA - Payroll Procedures/Schedules
 KDB - Public's Right to Know/Freedom of Information

REGULATION**REGULATION****PERSONNEL RECORDS AND FILES**

The District shall maintain an official personnel file for each employee. The file will be maintained in the Gadsden Administrative Complex.

An employee and/or an employee designee duly authorized in writing by the employee, shall be permitted to review material contained in the employee's official file. An employee wishing to access his/her personnel file shall provide at least twenty-four (24) hour advance written notice to the Human Resources office. The District shall remove all pre-employment material from the file prior to review by the employee. A designated District official from the GAC shall be present during the file review. The file reviewer shall sign and date a form maintained in the personnel file.

The District will honor requests for a copy of any non-pre-employment document in the employee's file. The employee may be required to assume a reasonable cost for the copy(s) to be in accordance with Board policy.

Except for routine file maintenance material, the District shall provide an employee with a copy of any document prior to the placement of the document in the file. The employee will sign the document verifying the employee has received the document. Signature does not mean agreement. The employee may submit a written response to any document in the employee's file.

- Any written response shall be placed in the file.

Each supervisor or administrator may maintain a separate working file for each employee at the work site.

- Documents in a supervisor's file may not be used to discipline, to evaluate, to discharge or to terminate an employee unless the employee was provided a copy of the document at the time the document was placed in the file.
- An employee has the right to submit a written response to any document maintained in this file.
- Any written response shall be placed in the file.

Board Findings

The Board of Education finds as follows:

- That under current New Mexico law, an employer and individual employees may be held liable for having provided incomplete or misleading employment references or recommendations in regard to the employer's current or former employees under certain circumstances;
- That individual employees of the District who wish to provide employment references or recommendations for current or former employees may not be in possession of all pertinent information regarding a current or former employee necessary to provide a complete and fair employment reference or recommendation;
- That under current law, an individual employee of the District who provides a recommendation or reference for a current or former employee of the District may be mistakenly perceived as providing such reference or recommendation on behalf of the District; and
- That limitations and conditions are required to prevent employment references or recommendations by individual employees from being attributed to the District when such references or recommendations have not been authorized by the District.

Rules Regarding Employment References and Recommendations

In view of the foregoing, no employee of the District is authorized to issue a written or oral employment reference or recommendation for a current or former employee of the District except in compliance with the following:

- No employee may issue or provide an employment reference or recommendation in his or her capacity as an employee of the District for a current or former employee orally – all such references or recommendations shall be in writing only.

- No employee may issue or provide an employment reference or recommendation in his or her capacity as an employee of the District for a current or former employee of the District without first:
 - Providing a copy of the proposed reference or recommendation to the Superintendent for approval; and
 - Receiving the written authorization of the reference or recommendation provided.

- An employee who wishes to provide an employment reference or recommendation in his or her personal capacity only for a current or former employee of the District, without the authorization or endorsement of the District, shall observe the following limitations and conditions:
 - No employee providing such personal reference or recommendation orally may do so during working hours, or while on District premises, or through the use of a telephone or other communications media owned by the District;
 - No employee providing such personal reference or recommendation in writing may do so during working hours or while on District premises, or using any District or school letterhead or any communications media owned by the District, or by other means that suggests District authorization or agreement; and
 - An employee providing any such oral or written reference or recommendation shall specify in providing the reference or recommendation that he or she is speaking for himself or herself, and not on behalf of the _____ School District.

Investigation and Record-Keeping

Upon receiving a copy of or a request for a proposed reference for a former employee, the Superintendent shall make appropriate inquiries about the former employee of building administrators at each building in which the former employee worked while employed by the District and shall compile a record of all information regarding the former employee's competency, turpitude, and proper performance of duties. In approving the issuance of a recommendation on behalf of the District, the Superintendent shall ensure that the recommendation fairly reflects all relevant and reliable information

bearing upon the former employee's competency, turpitude, and proper performance of duties.

The Superintendent shall keep and maintain copies of all proposed references or recommendations, copies of information compiled as to each, and the responses to each such proposed reference or recommendation.

Penalties

Any violation of the provisions of this policy or any of its procedures by any employee shall subject such employee to discipline, including termination or discharge.

Adopted: date of manual adoption

LEGAL REF.: 14-2-1 NMSA *et seq.* (1978)

CROSS REF.: KDB - Public's Right to Know/Freedom of Information

Purpose

The purpose of this grievance procedure shall be to secure, at the lowest possible administrative level, equitable resolutions to problems that may arise and are subject to review under this procedure.

Definitions

A *grievance* shall be defined as a dispute pertaining to a claim that alleges a violation, misinterpretation, or inequitable application of District policy to include growth plans and evaluations.

A *grievant* shall be an employee, group of employees, the Federation or the District.

A *party of interest* shall mean any witness at a grievance hearing, a person against whom an action may be taken, or a person who may be impacted as a result of any action taken to resolve a grievance.

Days shall mean workdays and shall not include holidays or recesses observed by the District according to the two hundred forty (240) day calendar.

Procedures

Grievance proceedings shall be kept informal and confidential at all levels of this procedure.

The number of days indicated at each level of this procedure shall be considered maximum, and every effort shall be made to expedite the process.

If the District fails to comply the time limit requirements as set forth herein, the grievance shall be considered automatically appealed to the next level of the procedure.

If the Union fails to comply with the time limit requirements as set forth herein, the grievance shall be considered null and void.

The time limits set forth herein shall only be extended by express, mutual written permission.

A grievance shall not be considered unless the grievant initiates the grievance in writing no later than twenty (20) workdays after the grievant knew or should have reasonably known of the action that precipitated the grievance.

A grievant may be accompanied and represented by a Federation representative at any meeting or hearing conducted under this procedure. The party in interest against whom the grievance has been filed may also be accompanied and represented by a representative of the party's choice at any hearing or meeting conducted under this procedure.

No reprisal or retaliation by any party to the grievance shall be taken against either a grievant or a party of interest as a result of participation by the grievant or the party of interest in the processing of a grievance.

An employee, acting individually, may present a grievance. At any hearing of a grievance brought individually by an employee, the Federation as a party to the hearing, will be afforded the opportunity to be present and present its views. Any adjustment shall be consistent with the provisions of this policy.

If a grievance affects a group of two (2) or more employees or involves an action or a decision by the District which has a system wide impact, the Federation may submit the grievance on behalf of the affected employees.

The parties shall cooperate in any investigation that may be necessary in order to expedite the process.

Documents related to a grievance shall be maintained separate from any employee's personnel file.

All grievances and grievance responses shall be filed and processed on grievance forms.

Unless otherwise agreed to by the parties, the processing of grievances shall be conducted before or after the workday.

Stage 1:

- The grievant shall first discuss the grievance with the grievant's immediate supervisor with the objective of resolving the grievance.
- If the grievant and the Federation are not satisfied with the resolution for the grievance with the immediate supervisor, the Federation may

reduce the grievance to writing and present it to the designated Human Resource Department official within ten (10) days of the discussion with the immediate supervisor.

- Within ten (10) days of receipt of the written grievance, the Human Resources Associate Superintendent or designee shall meet with the grievant and all parties of interest with the intent of resolving the grievance.
- Within five (5) days of the conclusion of the meeting with the designated Human Resource person, the Human Resource designee shall submit a written response based on the evidence presented at the meeting.
- Within five (5) days of receipt of the Human Resource designee response, the Federation may submit the grievance to the Superintendent or the Superintendent's designee.
- Within ten (10) days of receipt of the written grievance, the Superintendent or the Superintendent's designee shall conduct a hearing with the intent to resolve the grievance.
- Within five (5) days of the conclusion of the hearing, the Superintendent or the Superintendent's designee shall submit a written response based on the evidence at the hearing.

Stage 2:

- If the Federation is not satisfied with the Superintendent's or designee's written grievance disposition, the Federation may submit the grievance to arbitration by simultaneously notifying the Superintendent and the Federal Mediation and Conciliation Service (FMCS) in writing of the Federation's intent to arbitrate the matter. The written intent shall be filed no later than ten (10) days following receipt of the Superintendent's written grievance response.
- The FMCS shall submit a list of seven (7) arbitrators to the parties. The arbitrator shall be chosen through the process of alternately striking names until one (1) remains. The order for striking shall be determined by the parties by the flip of a coin. This process shall be conducted no later than ten (10) days following receipt by the parties of the list of arbitrators from the FMCS.
- The arbitrator shall conduct the hearing as soon as possible.

- The arbitrator shall have the authority to issue subpoenas for the production of documents and the testimony of witnesses.
- Issues related to arbitrability of a grievance shall be decided by the arbitrator prior to the evidentiary hearing.
- The Arbitrator's decision shall be submitted no later than thirty (30) days following the close of the hearing.
- The Arbitrator's decision shall be in writing and shall include the decision's rationale and, if appropriate, relief.
- The arbitrator's decision shall be final and binding on the parties.
- The arbitrator's fees and costs shall initially be shared by both parties, unless determined otherwise by the arbitrator. All other expenses shall be assumed by the party incurring the costs.

Adopted: date of manual adoption

G-2050 ©
PROFESSIONAL STAFF POSITIONS

GCA

The District will attempt to activate a sufficient number of positions to accomplish the District's goals and objectives.

Before establishment of any new position, the Superintendent will present a job description for the position that specifies the qualifications and the performance responsibilities.

The Superintendent will maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system.

Adopted: date of manual adoption

LEGAL REF.: 22-5-14 NMSA
6.20.2.12 NMAC
6.60.9.8 NMAC

CROSS REF.: CCB - Line and Staff Relations

**^G-2150 ©
PROFESSIONAL STAFF
CONTRACTS AND COMPENSATION**

GCB

All employment contracts between local school boards and certificated school personnel and between governing authorities of state agencies and certificated school instructors shall be in writing on forms approved by the Secretary of Public Education. These forms shall contain and specify the term of service, the salary to be paid, the method of payment, the causes for termination of the contract and other provisions required by the regulations of the Secretary of Public Education.

All employment contracts between local school boards and certificated school personnel and between governing authorities of state agencies and certificated school instructors shall be for a period of one (1) school year except:

- contracts for less than one (1) school year are permitted to fill personnel vacancies which occur during the school year;
- contracts for the remainder of a school year are permitted to staff programs when the availability of funds for the programs is not known until after the beginning of the school year;
- contracts for less than one (1) school year are permitted to staff summer school programs and to staff federally funded programs in which the federally approved programs are specified to be conducted for less than one (1) school year;
- contracts not to exceed three (3) years are permitted for administrators in public schools who are engaged in administrative functions for more than one-half (1/2) of their employment time; and
- contracts not to exceed three (3) years are permitted at the discretion of the Local School Board for Certificated School Instructors in Public Schools who have been employed in the School District for three (3) consecutive school years.

Except as provided in Section 22-10A-22 NMSA 1978, a person employed by contract pursuant to this section has no legitimate objective expectancy of reemployment, and no contract entered into pursuant to this section shall be

construed as an implied promise of continued employment pursuant to a subsequent contract.

Salaries in the District will be differentiated in relationship to duties and responsibilities.

The Superintendent will provide recommendations on salaries and fringe benefits to the Board each year.

After receipt of the Superintendent's recommendations, the Board will annually establish the salaries and benefits for all employees within the budgetary constraints of the District.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-10 NMSA (1978)
22-10A-21 NMSA (1978)
22-10A-22 NMSA (1978)
6.66.2.8 NMAC
6.66.3.8 NMAC

**G-2200 ©
PROFESSIONAL STAFF
SALARY SYSTEMS**

GCBA

Prior to the beginning of each school year, each superintendent shall file with the department the school district salary system, which salary system shall incorporate any salary increases or compensation measures specifically mandated by the legislature. Salaries for teachers and school administrators shall be aligned with the licensure framework provided for in the School Personnel Act [Chapter 22, Article 10A NMSA 1978].

A superintendent shall not reduce the school district salary system established above without the prior written approval of the Secretary of Education.

Other Provisions

Any person who does not work the full term as set up by salary system shall be paid on a prorated basis for the number of days to be worked for the remainder of the school year, this shall include school days taught plus the number of days required for orientation.

The maximum number of years for out of District credit for which a licensed employee can receive credit on the salary schedule when beginning their employment with the District shall be limited to fifteen (15) years.

For the purpose of calculating teacher's salaries, a year of experience shall mean at least ninety-one (91) days of experience as reported by the reporting institution as a teacher with the District, another public school, a public college, a university or a private school which is accredited by a recognized accreditation agency.

For all other classifications, a year of experience shall mean at least half (1/2) of the total days of contracted days.

Change in pay due to the attainment of a degree or additional hours shall be made in accordance with the approved salary schedule. The change will be made after the District receives the official transcript or the registrar's affidavit which indicates the date of the degree or hours were earned

provided degree/course completion verification is received by the District's personnel office no later than October 1 of the contract year.

Adopted: date of manual adoption

LEGAL REF.: 22-5-11 NMSA (1978)
22-5-14 NMSA (1978)

**G-2400 ©
PROFESSIONAL STAFF
SUPPLEMENTARY PAY PLANS**

GCBC

(Extra-Duty Pay)

The Superintendent will recommend to the Board an extra-duty pay system for extra class activities each year for its review and action.

Adopted: date of manual adoption

**G-2450 ©
PROFESSIONAL STAFF
FRINGE BENEFITS**

GCBD

The Board will review professional staff fringe benefits each year during the budget process and may modify the benefits to meet the best interest of the District.

Minimum standards of eligibility for fringe benefits will be determined by the Board annually.

Adopted: date of manual adoption

CROSS REF.: DKB - Salary Deductions

G-2500 ©
PROFESSIONAL / SUPPORT STAFF
LEAVES AND ABSENCES

GCC

(Absent Without Leave)

An employee shall be deemed "absent without leave" when absent from work because of:

- A reason that conforms to a policy currently in effect but the maximum days provided for in that policy will be exceeded; *or*
- A reason that does not conform to any policy currently in effect; *or*
- Failure to report to work without prior notification to the Superintendent.

In no case shall an employee be compensated for time lost due to being absent without leave.

An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Tardiness or early departure from work more than three (3) times in any sixty (60) working day period will be grounds for discipline.

An employee who is absent from work without prior approval is subject to disciplinary action, as is one who was unable to obtain prior approval due to unusual circumstances and such approval is denied upon the employee's return.

Employees who are absent from work for three (3) consecutive days without giving proper notice to the School District will be considered to have abandoned the job or voluntarily "quit". At that time, the School District will formally note the termination and advise the employee of the action by licensed courier and/or certified mail to the employee's last known address.

Adopted: date of manual adoption

**G-2550 ©
PROFESSIONAL / SUPPORT STAFF
GENERAL LEAVE**

GCCA

Each employee shall be credited at the commencement of each year with two (2) days leave and will continue to accrue additional leave at the rate of one (1) work day for each twenty (20) work days with unlimited accumulation. Previously accumulate sick and personal leave shall be converted to general leave and applied to each employee's accrued leave effective with the beginning of the new contract year.

Family, for purposes of this leave, shall include:

Spouse	Grandparents
Children	Grandchildren
Parents	Like relations created by marriage
Siblings	(e.g., stepchild, father-in-law, etc.)
Aunt	Uncle

Accrual of leave will begin on the date the employee first reports to work.

Time spent by an employee on paid leave shall be counted for seniority purposes and accrual of leave. Time spend on unpaid status shall not be counted for seniority purposes.

Paid leave for certificated staff will be taken either one-half (1/2) day or full day, and support staff paid leave shall be taken either one-half (1/2) day or full day, or by the hour.

When a staff member exhausts all days of accumulated leave, an unpaid leave of absence must be requested, pursuant to District policy.

Bargaining unit employees are required to inform their supervisors before 2:30 pm, if possible, each day that they miss work that they will or will not be returning to work on the following day. Failure to give proper notice as required by the School District may result in the denial of such leave, the loss of pay and/or disciplinary action.

All applications for leaves with duration in excess of five (5) consecutive days shall be submitted to the Assistant Superintendent for Human Resources no

later than ten (10) days prior to the requested commencement date of the leave or in the event of an emergency, as early as possible.

No more than ten percent (10%) of a work unit, school or other identified groupings of employees may take leave at any one time.

Requests shall be acted upon in order of receipt, and the availability of substitutes or temporary replacements, if necessary, may limit the number of requests granted at any one (1) time.

Leave will not be granted during the following periods without a stated reason satisfactory to the unit supervisor:

- On the day immediately preceding or following a holiday or vacation.
- During the first (1) week of school or the last week of school.

Upon request, the staff member shall inform the Superintendent of the following:

- Expected date of return from leave.
- Where the staff member may be contacted during the leave.

If an employee who has used all of their accrued leave and had their pay docked and the employee has completed their contract the employee may request reimbursement of the lost pay if they have leave days accrued at the end of the year.

Any employee who can be shown to have willfully violated or misused the District's leave policy or misrepresented any statement or condition will be subject to discipline, which may include reprimand, suspension, and/or dismissal.

Adopted: date of manual adoption

CROSS REF.: GDC - Support Staff leaves and absences

PROFESSIONAL / SUPPORT STAFF GENERAL LEAVE

The following leaves are subject to being considered Family Medical Leave (FMLA) if applicable and will decrease the available FMLA leave in the same or similar categories.

General Leave

A teacher who has been placed on leave for sixty (60) work days or twelve (12) work weeks or less shall be returned to the same position in which the teacher was assigned at the time the leave commenced. After sixty (60) days/twelve (12) weeks and up to one (1) year the teacher may be returned to the same position if it has not been filled or to an equivalent position if one is available. A teacher shall be entitled to return from any leave earlier than anticipated provided the teacher provides timely notice as set out below.

A teacher whose intermittent leave requests negatively affects the instructional program's continuity and productivity may be replaced by a contract teacher for the remainder of the semester. The teacher on leave shall be entitled to the re-entry rights set forth above.

Intermittent absence shall be defined as absences of fifty percent (50%) of the work days in a six (6) week period (fifteen [15] work days) in at least three (3) different periods of absence, or forty percent (40%) of work days in an eight (8) week period (sixteen [16] work days) in at least four (4) different periods of absence.

Upon return from any paid leave, the teacher shall be placed on the same salary schedule range and step at which the teacher is entitled by state guidelines. Upon return from a leave without pay, a teacher shall be placed on the salary schedule range and step to which the teacher is entitled as a result of the teacher's experience prior to the commencement of the leave.

Upon return from any authorized leave without pay, a teacher shall be credited with the same accrued leave which commenced.

While on any leave, a teacher shall be responsible for maintaining contact with the District concerning the teacher's expected date of return. The teacher shall provide the District with a five (5) day notice of the teacher's expected date of return for any leave of thirty (30) calendar days or more.

During a teacher's absence, the District will make the necessary arrangements that will minimize the disruption of the instructional program for the students.

While on leave without pay, a teacher may work as a substitute with the District provided the teacher's work does not violated the conditions under which the teacher granted the leave.

While on any leave without pay, an employee shall remain eligible for health insurance benefits. Unless otherwise provided under law, a teacher shall assume responsibility for one hundred percent (100%) of the insurance payments while on an extended leave of absence.

Parental Leave

An extended leave of absence not to exceed sixty (60) work days or twelve (12) work weeks or the remainder of the semester, whichever is longer, shall be granted an employee for the purpose(s) of child bearing/rearing any time between commencement of pregnancy and the child's first birthday. Upon request of the employee, the District may extend the leave to a maximum total absence of one (1) year, or the end of a semester, whichever is longer, this additional leave shall be without pay.

During the period of an employee's pregnancy during which the employee is physically unable to work as determined by the employee's physician, the employee may utilize authorized paid leave.

An employee shall submit a written request for this leave no later than ten (10) days prior to the commencement of the leave except in the case of an emergency. The application shall be accompanied by a physician's statement identifying the expected date of delivery and other relevant medical facts.

**PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY**

The District recognizes that on occasion extenuating circumstances arise that may necessitate absence from duty that is not covered by other specific leave provisions of the District. To address such situations, a leave of absence, without pay, may be granted a member of the certificated or support staff for not longer than one (1) year.

Leave of absence may be requested for, but not limited to, the following purposes:

- For additional education that relates to the employee's primary assignment. A plan of contemplated course work must be presented.
- To provide for an unpaid leave in a situation where the employee will be absent from work because of (1) a reason that conforms to a policy currently in effect but the maximum number of days provided for in that policy will be exceeded, or (2) failure to report to work without prior notification to the Superintendent.
- For a leave of absence that benefits or is in the best interest of the District, as determined by the Board upon review of the application.
- For leave under the Family and Medical Leave Act.
- An employee may be granted an extended leave of absence at no pay for a maximum of one (1) year for personal reasons. The leave application shall include a complete explanation for the leave request.
- Employees who are granted a leave of absence by the District will be required to forfeit that approval if they obtain employment with another employer without prior School District approval.

A leave of absence requested pursuant to this policy may be:

- Approved by the Superintendent if the leave period does not exceed twelve (12) weeks; or
- Recommended by the Superintendent and approved by the Governing Board if the leave period exceeds twelve (12) weeks.

daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

An *eligible* employee is one who has been employed by the District at least twelve (12) months and who has completed at least one thousand two hundred fifty (1,250) hours of service immediately prior to the time the FMLA leave is to commence, and if there are at least fifty (50) employees of the district within a seventy-five (75) mile radius.

Serious health condition means an illness, injury, impairment, or physical condition that involves inpatient care in a hospital, hospice, or residential medical facility, or outpatient care with continuing medical treatment by a licensed physician. Any employee who has been employed by the District at least twelve (12) months and who has completed at least one thousand two hundred fifty (1,250) hours of service immediately prior to the time the leave is to commence shall be eligible for FMLA leave.

Special conditions applicable to FMLA. Entitlement to leave for the birth of a child or the placement of a child for adoption or foster care ends at the expiration of a twelve (12)-month period, beginning on the date of the event. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period to care for the servicemember. The leave described to care for a covered servicemember shall only be available during a one (1) single twelve (12)-month period.

A husband and wife working for the District may be limited to a total of twelve (12) weeks of leave during each applicable twelve (12)-month period for leave for the birth of a child or the placement of a child for adoption or foster care and to care for an employee's parent with a serious health condition. The aggregate number of workweeks of leave to which both the husband and wife may be entitled under covered servicemember family leave combined with leave as described in the previous sentence shall be limited to twenty-six (26) workweeks during one (1) single twelve (12)-month period.

The District shall not require an employee to substitute accrued sick leave for FMLA leave used by reason of a birth, adoption, or foster placement. An employee shall substitute accrued vacation or personal leave for FMLA leave used by reason of a birth, adoption, or foster placement, to the extent available by policy, unless otherwise agreed to by the District. In any other circumstance, an employee's accrued sick, vacation, personal, or other applicable leave shall be substituted for FMLA leave, to the extent available by policy, unless otherwise agreed to by the District.

Notice. An employee must provide at least thirty (30) days notice before the FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption, or foster care, planned medical treatment for a serious health condition, or military service leave of the employee or family member. If thirty (30) days notice is not practicable, notice must be given as soon as practicable. The notice shall be in the form of a request for leave of absence as specified in this policy. The District may deny FMLA leave to any eligible employee until such time as the employee has provided the required notice.

Certification. All FMLA leave shall be supported by medical certificate provided by the employee's health provider in the form of the exhibit accompanying this policy. In any instance where the FMLA leave must be preceded by thirty (30) days notice, the medical certificate should accompany the request for leave of absence. In any other instance, the medical certificate should be provided within fifteen (15) days after the FMLA leave commences.

Certification of active military duty or call to active duty in support of a contingency operation for purpose of receiving family leave shall be required under the same conditions as FMLA certification for leave indicated above.

The employee may be requested (at the District's expense) to provide recertification of medical conditions in support of leave if the District feels that the circumstances so warrant and notice is given. Recertification shall not be required for intervals shorter than thirty (30) days.

Whenever a medical certification or recertification is required of an employee, notice describing such requirement and providing the form of such certification shall be provided to the employee. An employee shall not be denied FMLA leave or other rights under the FMLA unless a notice required by FMLA in such situation has first been provided to the employee.

In the case of continuation, recurrence, or onset of a serious health condition to the employee, covered family of the employee (including a servicemember being cared for by an employee) and the employee is unable to return to work, certification issued by the health care provider of the entity with the serious health condition shall be required to support the inability of the employee to return to work.

Intermittent or reduced time (IRT) leave. FMLA leave may be taken intermittently or on a reduced leave schedule under the following circumstances:

- If medically necessary to care for a family member or for the employee's own serious health condition;

- Because of any qualifying exigency the spouse, or a son, daughter, or parent, of the employee is on active duty, or notified of an impending call or order to active duty in support of a contingency operation; or
- If approved by the District.

The District may, for the term of the leave, transfer the employee to an alternative position with equivalent pay and benefits.

If the IRT leave is for an *instructional employee* (one whose principal function is to instruct students in a class, small group, or as individuals), the District can require the employee either to take leave for a period or periods of a particular duration not greater than the duration of the planned treatment or to transfer temporarily to an available alternative position with equivalent pay and benefits that provides better accommodation of recurring periods of leave, provided the leave is:

- Requested to care for a qualifying family member or as a result of the employee's serious health condition preventing job performance;
- Foreseeable, based upon planned medical treatment; and
- For more than twenty percent (20%) of the working days in the leave period.

The employee may be granted leave under these circumstances, subject to reasonable efforts to schedule treatment so as not to unduly disrupt the educational program.

Special end-of-semester circumstances for instructional employees.

Under each of the following conditions, leave for an instructional employee may be required to continue to the end of the academic semester:

- Leave begins more than five (5) weeks before the end of the semester, leave is for at least three (3) weeks, and return to employment would occur during the last three (3) weeks of the semester.
- Leave other than for the employee's serious health condition begins within the last five (5) weeks of the semester, leave is for greater than two (2) weeks duration, and return to employment would occur during the last two (2) weeks of the semester.
- Leave other than for the employee's serious health condition begins within the last three (3) weeks of the semester and leave exceeds five (5) working days.

Employee notification. With each request for FMLA leave, the employee shall be notified:

- About FMLA by provision of the FMLA fact sheet (Exhibit EE).
- As appropriate concerning the expectations, obligations, and consequences of taking FMLA leave per 29 C.F.R. 825.301 of FMLA.
- That FMLA leave may be withheld until a requested notice is provided or the time frame is met.
- That if leave is granted to an employee who is unable to perform the work required, restoration may be denied until the employee has complied with the request to provide medical certification of ability to return to work.

The District will post notices in conspicuous places on the District premises that provide a summary of FMLA and information on how to file a charge for an FMLA violation.

Health care continuation. An employee taking FMLA leave shall be entitled to have the health care plan in which the employee is participating continue under the same terms and conditions applicable to actively working employees. The District shall require the repayment of any health care premiums paid by the District for continuing coverage during the period of the FMLA leave if the employee fails to return to work after the FMLA leave expires and the failure to return is not due to circumstances beyond the employee's control.

Position restoration. Upon return from FMLA leave, an employee shall be restored to the same position held before the FMLA leave commenced or to an equivalent position with equivalent pay, benefits, and working conditions. The District requires an employee to provide a medical certificate from a health care provider that the employee is able to resume work before returning from FMLA leave for a serious personal health condition. The District may delay the return of an instructional employee from FMLA leave at the end of a semester, in accordance with Section 825.602 of FMLA rules. The District may deny restoration of position to any key employee (i.e., one who is among the highest-paid ten percent [10%] of all employees of the District), in accordance with Section 825.218 of FMLA rules.

Adopted: date of manual adoption

LEGAL REF.: Family and Medical Leave Act of 1993
29 C.F.R. Part 825

EXHIBIT **EXHIBIT**

**PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY**

**CERTIFICATION OF HEALTH CARE PROVIDER
(Family and Medical Leave Act of 1993)**

When completed, this form goes to the employee,
Not to the Department of Labor.

1. Employee's Name _____
2. Patient's Name (If different from employee) _____
3. A definition of "**serious health condition**" under the Family and Medical Leave Act is provided near the end of this form. Does the patient's condition¹ qualify under any of the categories described? If so, please check the applicable category.

(1) ___ (2) ___ (3) ___ (4) ___ (5) ___ (6) ___, or None of the above ___

4. Describe the **medical facts** which support the patient's certification, including a brief statement as to how the medical facts meet the criteria of the category checked above:

5. a. State the approximate **date** the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present **incapacity**² if different):

- b. Will it be necessary for the employee to take work only **intermittently or to work on a less than full schedule** as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

- c. If the condition is a **chronic condition** (condition 4) or **pregnancy**, state whether the patient is presently incapacitated² and the likely duration and frequency of **episodes of incapacity**²:

¹ Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

² "Incapacity," for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

6. a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of **treatment** on an **intermittent** or **part-time** basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

- b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:
- c. **If a regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

-
7. a. If medical leave is required for the employee's **absence from work** because of the **employee's own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform work** of any kind?

- b. If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. above applies, is it necessary for the employee to be
absent from work for treatment?

-
8. a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation?
- b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery?
- c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable **duration** of this need:

Signature of Health Care Provider

Type of Practice

Address

Telephone Number

Date

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

Employee Signature

Date

Definitions

A "**Serious Health Condition**" means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity² or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity² of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity² relating to the same condition), that also involves:

- (1) **Treatment**³ **two or more times** by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- (2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment**⁴ under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care**.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

- (1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and

(3) May cause **episodic** rather than a continuing period of incapacity² (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **Incapacity**² which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that **would likely result in a period of Incapacity² of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 C.F.R. 825.306).

³ Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

EXHIBIT **EXHIBIT**

**PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY**

EMPLOYER RESPONSE TO EMPLOYEE REQUEST
FOR FAMILY OR MEDICAL LEAVE
(Family and Medical Leave Act of 1993
Optional Use Form - See 29 C.F.R. § 825.301)

Date: _____

To: _____
(Employee's Name)

From: _____
(Name of Appropriate Employer Representative)

Subject: **REQUEST FOR FAMILY/MEDICAL LEAVE**

On _____, you notified us of your need to take family/medical
(Date)
leave due to:

- The birth of a child, or the placement of a child with you for adoption or foster care; or
- A serious health condition that makes you unable to perform the essential functions for your job; or
- A serious health condition affecting your spouse, child, parent, for which you are needed to provide care.

You notified us that you need this leave beginning on _____
(Date)
and that you expect leave to continue until on or about _____.
(Date)

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above.

Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: *(check appropriate boxes: explain where indicated)*

1. You are eligible not eligible for leave under the FMLA.
2. The requested leave will will not be counted against your annual FMLA leave entitlement.
3. You will will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ (insert date) (must be at least 15 days after you are notified of this requirement), or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: (Explain)
5. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: (Set forth dates, e.g., the 10th of each month, or pay periods, etc., that specifically cover the agreement with the employee.)

(b) You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on leave.

(c) We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If

we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.

6. You will will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.
7. (a) You are are not a "key employee" as described in § 825.217 of the FMLA regulations. If you are a "key employee:" restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the District as discussed in § 825.218.

(b) We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. ([a] and/or [b] may be explained if requested. See §825.219 of the FMLA regulations.)
8. While on leave, you will will not be required to furnish us with periodic reports every _____ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work (see § 825.309 of the FMLA regulations). If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will will not be required to notify us at least two work days prior to the date you intend to report to work.
- 9 You will will not be required to furnish recertification relating to a serious health condition. (Explain below, if necessary, including the interval between certifications as prescribed in §825.308 of the FMLA regulations.)

This optional use form may be used to satisfy mandatory employer requirements to provide employees taking FMLA leave with written notice detailing specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. (29 C.F.R. 825.301(b).)

EXHIBIT**EXHIBIT****PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY****YOUR RIGHTS UNDER THE FAMILY AND
MEDICAL LEAVE ACT OF 1993**

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there are at least fifty (50) employees within seventy-five (75) miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

Reasons for Taking Leave

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable."

- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA.
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information

If you have access to the Internet visit the FMLA website: <http://www.dol.gov/esa/whd/fmla>. To locate your nearest Wage-Hour Office, telephone the Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243): a customer service representative is available

to assist you with referral information from 8am to 5pm in your time zone; or log onto the following at <http://www.wagehour.dol.gov>.

***A Spanish translation of this form may be downloaded
at <http://www.dol.gov/esa/whd/fmla/>***

EXHIBIT**EXHIBIT**

PROFESSIONAL / SUPPORT STAFF LEAVES OF ABSENCE WITHOUT PAY

MILITARY FAMILY LEAVE

On January 28, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the Family and Medical Leave Act of 1993 (FMLA) to provide eligible employees working for covered employers two (2) important new leave rights related to military service:

- (1) New Qualifying Reason for Leave.** Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.

- (2) New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single twelve (12)-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single twelve (12)-month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated are available on the FMLA amendments Web site at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.

*A Spanish translation of this form may be downloaded
at <http://www.dol.gov/esa/whd/fmla/>*

EXHIBIT**EXHIBIT****PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY****FACT SHEET NO. 28:
THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the Family and Medical Leave Act (FMLA) for all private, state and local government employees, and some federal employees. Most federal and certain congressional employees are also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management or the Congress.

The FMLA became effective on August 5, 1993 for most employers and entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12)-month period for specified family and medical reasons. Amendments to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA). Public Law 110-181, expanded the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness.

Employer Coverage

FMLA applies to all public agencies, including state, local and federal employers, local education agencies (schools), *and* private-sector employers who employed fifty (50) or more employees in twenty (20) or more workweeks in the current or preceding calendar year, including joint employers and successors of covered employers.

Employee Eligibility

To be eligible for FMLA benefits, an employee *must*:

- work for a covered employer;
- have worked for the employer for a total of twelve (12) months;
- have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) months; and
- work at a location in the United States or in any territory or possession of the United States where at least fifty (50) employees are employed by the employer within seventy-five (75) miles.

While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the employer's intention to rehire the employee after the break in service. *See, special rules for returning reservists under USERRA.*

Leave Entitlement

A covered employer must grant an eligible employee up to a total of *twelve (12) workweeks* of *unpaid* leave during any twelve (12)-month period for one (1) or more of the following reasons:

- For the birth and care of a newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for a spouse, son, daughter, or parent with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition; or
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

A covered employer also must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed

Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of *twenty-six (26) workweeks* of *unpaid* leave during a "single twelve (12)-month period" to care for the servicemember.

Spouses employed by the same employer are limited in the *amount of* family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of twelve (12) weeks (or twenty-six [26] weeks if leave to care for a covered servicemember with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently - taking leave in separate blocks of time for a single qualifying reason - or on a reduced leave schedule - reducing the employee's usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.

Under certain conditions, employees or employers may choose to "substitute" (run concurrently) accrued *paid* leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

"*Serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; *or*
- Continuing treatment by a health care provider, which includes:
 - A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that *also* includes:
 - ▲ treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits,

the first within seven (7) days and both within thirty (30) days of the first day of incapacity); *or*

▲ one (1) treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); *or*

- Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; *or*
- Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; *or*
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; *or*
- Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

Maintenance of Health Benefits

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

Job Restoration

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to *before* using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other

payment, however, is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Notice and Certification

Employee Notice

Employees seeking to use FMLA leave are required to provide thirty (30)-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for an employer reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA-qualifying reason for the *first* time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee *must* specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to one hundred ten dollars (\$110) for each separate offense. Additionally, employers must either include this general notice in employee handbooks or

other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the employer has enough information to determine that leave is being taken for a FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification

Employers may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. An employer may require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official - but not the employee's direct supervisor - to authenticate or clarify a medical certification of a serious health condition. An employer may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, an employer may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

Unlawful Acts

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

Enforcement

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

Other Provisions

Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent leave or when leave is required near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 C.F.R. Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an "eligible" employee's use of leave required by FMLA.

For additional information, visit the Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866- 4USWAGE (1-866-487-9243).

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PROFESSIONAL / SUPPORT STAFF
MILITARY / LEGAL LEAVE**

GCCD

The Board recognizes the fact that its employees have citizenship responsibilities. In order to make it possible for said employees to carry out their responsibilities to the city, county, state, or nation, the Board will grant leaves, in addition to jury duty, when an employee is called to military services or to attend training for the Military Reserve or National Guard.

When an employee receives notice that requires leave as delineated above, it is the responsibility of the employee to notify the Superintendent or principal.

Subpoena

You will be granted leave if you are served a subpoena for a deposition or a trial that is related to your employment. Please notify your supervisor as soon as you receive the subpoena and you must attach a copy of the subpoena to your Absence Report.

Jury Duty

Leave with pay shall be granted to an employee called to serve on jury duty. All monies paid for serving on jury duty will be turned over to the District finance office. It is recognized by the Board that no employee is exempt from jury duty and that leaves of absence for such duty must be granted.

- Only the regular salary may be received by an employee on jury duty.
 - It is the responsibility of the employee to reimburse the District for jury duty pay when such payment is made directly to the employee. Failure to reimburse the District at the completion of the jury duty service will result in a full deduction equal to the number of contract days missed.
 - An employee excused from jury duty after being summoned shall report for regular duty as soon as possible. Failure to report for duty will result in a deduction equal to that portion of a contract day missed.

Leave without pay will be granted to an employee who has exhausted all paid leave to appear in court to assert or protect the employee's own interest. The employee will provide supervisor with documentation of appearance to include specific times and dates.

Leave with pay will be granted an employee when absence from duty is required by a lawful subpoena to testify in court on a job related issue not brought forward by the employee.

Military Leave

- An employee who is a member of the uniformed service may use any vacation leave or other accumulated paid time off during their service, or may take unpaid leave of absence.
- The District must reemploy uniformed service members, as defined in 38 U.S.C. 4303, returning from a period of service, if the service member:
 - Was employed by the District.
 - Gave the District notice that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable.
 - Has a cumulative period of service in the uniformed services not exceeding five (5) years.
 - Was not released from service under dishonorable or other punitive conditions.
 - Has reported back to the District in a timely manner or has submitted a timely application for reemployment in accordance with the Uniformed Services Employment and Reemployment Rights Act.

Legislative Leave

An employee who is elected to serve in the New Mexico Legislature shall be granted leave with pay for the number of days for the regular annual session of the legislature or any special session of the legislature called by the governor plus ten (10) additional days to attend to his or her legislative

duties. Any additional days with pay necessary to carry out legislative duties may be granted upon request to the Superintendent.

Adopted: date of manual adoption

LEGAL REF.: 20-4-7 NMSA, Military leave for National Guard
and Reserves.

38 U.S.C. 4301 *et seq.*, Uniformed Services Employment
and Reemployment Rights Act

EXHIBIT

EXHIBIT

**PROFESSIONAL / SUPPORT STAFF
MILITARY / LEGAL LEAVE**

Part 200 - Regulations Under the Uniformed Services
Employment and Reemployment Rights Act of 1994

Appendix to Part 1002 - Your Rights Under USERRA In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

**The Uniformed Services
Employment and Reemployment
Rights Act**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Health Insurance Protection

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Reemployment Rights

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular

Enforcement

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints

employer;

- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**Right to be Free from
Discrimination and
Retaliation**

If you:

- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- are obligated to serve in the uniformed service;

then an employer may not deny you:

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment;

Because of this status.

of USERRA violations.

- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at **<http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where they customarily place notices for employees.

U.S. Department of Labor, Veterans
Employment and Training Serv
Washington, D

**G-3000 ©
PROFESSIONAL STAFF
CONFERENCES / VISITATIONS / WORKSHOPS**

GCCE

To attend meetings or conferences, licensed employees must obtain approval from the administration at least twenty (20) days prior to the meeting or conference dates (whenever such prior request is possible).

The following guides will be used in granting released time and/or travel expense:

- Value of the meeting or conference.
- Funds available in the appropriate budgets.
- Availability of a substitute, if one is necessary.

A per diem subsistence allowance, and/or mileage, for private automobiles may be paid as provided in state law or Board policies. The necessary forms and instructions for filing travel claims are available at the administration office.

Federation Leaves

The Federation shall be granted ten (10) paid leave days during which the Federation representatives may conduct Federation business. The District shall also grant the Federation ten (10) days for the same purposes, but the Federation shall reimburse the District the substitute cost, if any, for these days.

The President of the Federation or a designee, may be permitted to take union leave in one (1) hour increments for the purpose of conducting Federation business subject to the approval of the building administrator.

District will be provided a list of union members who are authorized to use this leave. Federation members who use the leave will call into the sub-finder system and provide appropriate leave forms.

Adopted: date of manual adoption

G-3050 ©
SABBATICAL LEAVE

GCCF

Upon approval as a part of a compensation plan the Board may grant sabbatical leave to licensed teaching and administrative personnel for a maximum of one (1) year in accordance with 22-10A-35 through 22-10A-38 NMSA 1978, and 6.66.4.8 NMAC

Adopted: date of manual adoption

LEGAL REF.: 22-10A-35 through 22-10A-38 NMSA (1978)
6.66.4.8 NMAC

G-3100
PROFESSIONAL / SUPPORT STAFF
SICK LEAVE BANK

GCCG

The parties acknowledge that it is in the best interest of both the District and the employees to limit payments from the Sick Leave Bank to those situations in which no alternative funding is available. To facilitate reaching this goal, all members of the Sick Leave Bank shall be required to attend a presentation on the benefit of acquiring disability insurance. The Union will encourage employees to obtain disability insurance. Should an employee be eligible for coverage by both the Sick Leave Bank and an insurer, the Sick Leave Bank will become the secondary income provider.

A Sick Leave Bank shall be maintained whereby an employee who suffers a long-term illness or disability which requires extended hospitalization or home confinement and for which no worker's compensation benefits are available shall be eligible to apply for paid sick leave after the employee exhausts all accumulated sick leave.

The Sick Leave Bank shall be composed of three (3) employees appointed by the Federation and three (3) employees appointed by the District. Appointments shall be made annually. A chairperson shall be elected by the appointed members at its first meeting. Decisions shall be made by a majority vote of a majority quorum.

An employee may join the Bank by completing an application and contributing sick leave to the Bank. Contributions to the Bank are not refundable. Applications for membership in the Bank will be accepted prior to October 1 of each year or within thirty (30) calendar days after an employee is hired, whichever is later.

An employee shall be eligible to withdraw from the Bank provided the employee has contributed at least one (1) day to the Bank.

An employee who exhausted all accumulated leave shall be eligible to apply for sick leave from the Bank. If the employee's application for days is accepted, the committee will reserve the right to determine the number of days awarded.

Maximum withdrawal from the Bank shall be forty (40) days. Additional days may be requested by submitting a new application to the Committee.

If the total number of days in the Bank is reduced to one hundred eighty (180) days, the Committee will require members to donate an additional day to the Bank. All members will be provided written notice of the need for additional donations. Membership will be continued provided the member contributes the additional day. Previously donated days shall not be refunded to an employee upon termination of membership.

An employee who has applied to the Bank for sick days may attend the meeting at which the Committee will review the application. The employee may be accompanied at the meeting by a representative or the representative may attend alone on behalf of the employee. The Committee shall have the sole authority to either approve or disapprove applications for Bank benefits. The decision of the Committee shall be final.

All applications for days shall be considered accepted unless voted against by a majority of the Committee. Decisions of the committee shall not be subject to district grievance procedures. Failure of the committee to follow procedures set down in this article shall be grievable.

An employee who exhausts all accrued paid leave and benefits under the Sick Leave Bank and is unable to return to work because of sickness or disability or is receiving disability benefits under the Worker's Compensation Act shall be placed on an unpaid leave for a period not to exceed one (1) year. The employee may be asked to submit supporting documentation for the leave to the District.

Adopted: date of manual adoption

**G-3150 ©
PROFESSIONAL STAFF
BEREAVEMENT LEAVE**

GCCH

Each employee shall be granted three (3) consecutive days paid bereavement leave days in the event of each death in the employee's immediate family as defined in GCCA. An additional two (2) days of the employee's accumulated leave can also be taken for each death. If the employee has not accumulated leave, the additional two (2) days will be deducted from the employee's pay. A maximum of five (5) leave days can be taken for each death.

Adopted: date of manual adoption

CROSS REF.: GDC - Support Staff leaves and absences

G-3200 ©
PROFESSIONAL STAFF VACATIONS
AND HOLIDAYS

GCD

Vacations

Twelve (12) month certificated and/or degreed employees are entitled to twenty (20) days of paid annual leave, cumulative to forty (40) days maximum. Leave earned beyond the forty (40) days maximum must be taken prior to June 30 of the year in which they exceed the forty (40) days or lose all annual leave that exceeds the forty (40) days maximum.

Employees requesting annual leave must submit a leave request form to their immediate supervisor in advance.

Requests for utilization of annual leave on the work day immediately before or after a designated District holiday or on a work day identified for professional development may be denied.

If a supervisor denies an employee's request for annual leave, the matter shall be immediately referred to the Superintendent for final resolution. The supervisor must submit all documentation and/or rationale for denying the employee's request.

Accrued annual leave will be paid upon resignation to the maximum days defined above depending upon whether the employee is certificated staff or support staff. A written request must be submitted to the Superintendent. Annual leave will be paid on the daily rate of the employee which shall be calculated by dividing the annualized salary by two hundred sixty (260) days (two hundred thirty-five [235] work days *plus* twenty-five [25] paid holidays).

Annual leave will be awarded as it is earned. Leave that has not been earned may not be taken in advance.

Qualifying individuals employed for less than twelve (12) months earn paid annual leave on a prorated basis.

Holidays

Holidays may be established by the school calendar.

Adopted: date of manual adoption

**G-3450 ©
PROFESSIONAL STAFF HIRING**

GCF

It shall be the policy of the District to employ and retain the best qualified personnel.

The Board adopts the following general criteria, which shall be utilized in the selection process for initial employment:

- There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.
- A candidate for secondary school teaching should have a major, minor, or equivalent in the candidate's teaching field. An elementary school candidate should have a major or equivalent in elementary education or in the special area of assignment.
- Candidates for all teaching positions shall be able to deliver quality instruction.
- Each candidate shall provide evidence of meeting state requirements for certification.
- Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.
- A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal.

All offers of employment are contingent upon the satisfactory completion of background investigations.

A person not directly involved in the employment decision affecting the specific applicant shall not be permitted unauthorized access to criminal history record information or background information.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)
28-1-2 NMSA *et seq.*

REGULATION**REGULATION****PROFESSIONAL STAFF HIRING****Definition**

A *background investigation* is defined as any communication with an applicant's (or employee's) former employer that concerns the education, training, experience, qualifications, and job performance of the individual and that is used for the purpose of evaluation for employment. Background investigation does not include the results of any state or federal criminal history records check.

Background Investigation Requirements

Only persons designated by the Superintendent shall perform background investigations. Prior to contacting former employers or other persons, the background investigator shall:

- Ascertain that the standard employment application for the type of position has been completed in full.
- Obtain from the individual a consent to background investigation and release as determined by the District.
- Make certain that the individual has identified at least one (1) persons from the last employer who can verify basic job information and discuss the individual's work performance and reason for leaving.
- Examine the application for a complete work history, accounting for any gaps in employment.

One (1) persons should be contacted at each past employer if possible (any exceptions should be documented). Upon making contact, the contacts or the former employer or employer's agent should be provided the following information:

- The name and identifying information of the District.
- The name of the District representative making the inquiry and how the representative can be contacted.

- The name of the former employee and period of employment as indicated by the individual whose background is being investigated.
- The position for which the individual has applied, with descriptive information as to the duties, if requested or necessary to understanding of the inquiry.

The background investigator shall:

- Ask the questions, and complete the background check form(s) as provided by the District.
- Make impression notes as necessary based upon the questions and responses, and determine if there may be cause to contact others or make further inquiries based upon the responses.
- Provide the information to the Superintendent.

EXHIBIT**EXHIBIT****PROFESSIONAL STAFF HIRING****CONSENT TO CONDUCT BACKGROUND
INVESTIGATION AND RELEASE**

I, _____ [applicant's name], have applied for employment with the Gadsden Independent School District to work as a _____ [job title]. I understand that in order for the School District to determine my eligibility, qualifications, and suitability for employment, the School District will conduct a background investigation to determine if I am to be considered for an offer of employment. This investigation may include asking my current employer, any former employer, and any educational institution I have attended about my education, training, experience, qualifications, job performance, professional conduct, and evaluations, as well as confirming my dates of employment or enrollment, position(s) held, reason(s) for leaving employment, whether I could be rehired, reasons for not rehiring (if applicable), and similar information.

I hereby give my consent for any employer or educational institution to release any information requested in connection with this background investigation.

According to the Family Educational Rights and Privacy Act, I understand that I have a right to see most education records that are maintained by any educational institution.

In light of the preceding paragraph, I waive _____/do not waive _____ (initial only one [1]) my right to see any written reference or other information provided to the School District by any educational institution.

I acknowledge that some employers are unwilling to provide factual written references concerning a current or past employee unless they may do so confidentially, without revealing the references to the employee, and that the School District will not further consider my application if it cannot complete its background investigation.

In light of the preceding paragraph, I waive _____/do not waive _____
(initial only one [1]) my right to receive a copy of any written communication
furnished to the School District by any employer.

Whether or not I have waived my right to see or to receive copies of written
references furnished to the School District by employers or educational
institutions, I release, hold harmless, and agree not to sue or file any claim of
any kind against any current or former employer or educational institution,
and any officer or employee of either, that in good faith furnishes written or
oral references requested by this School District to complete its background
investigation.

A photocopy or facsimile ("fax") copy of this form that shows my signature
shall be as valid as an original.

DATED this _____ day of _____, 20__.

Witness

Applicant

EXHIBIT **EXHIBIT**

PROFESSIONAL STAFF HIRING

BACKGROUND CHECK FORM

Applicant _____ Date _____

Person contacted _____ Telephone _____

Address _____

E-mail address _____

Relationship to applicant:

Former employer - position _____
District, business, or other entity _____

Personal reference

Method of contact: Telephone Letter Other _____

QUESTIONS FOR EMPLOYERS

Dates of employment _____

Position held _____

Final rate of pay _____

Was the person reliable? _____ If no, explain _____

Was the person satisfactory? _____ If no, explain _____

Any concern about the person being late to work without authorization? _____

If yes, explain _____

Any concern with abuse of leave policies (such as sick leave or personal leave)? _____

If yes, explain _____

Any difficulty establishing communication and rapport with children? _____

If yes, explain _____

Any difficulties in establishing communication and rapport with supervisors, parents, or community members? _____

If yes, explain _____

Did the person ever receive a written counseling statement, letter of direction, or reprimand? _____

If yes, describe _____

Did the district ever consider taking action or take action to suspend, decline to renew, or dismiss the employee? _____

If yes, describe _____

Was there ever an allegation or complaint about:

Abusive language? _____

Insulting or derogatory comments? _____

Inappropriate contact with a child? _____

Verbal or physical contact of a sexual nature? _____

Dishonesty? _____

Substance abuse? _____

Failure to provide adequate supervision? _____

Failure to follow reasonable directions or instructions? _____

If yes on any of the above, get explanation _____

Was the person ever involved in an incident that resulted in injury to an adult or child? _____

If yes, explain _____

Would you rehire this person? _____

Can you identify anyone else who could provide relevant information regarding the applicant's fitness for employment? _____

Is there any other information I have not asked about that would help us determine this person's eligibility, qualifications, and suitability for employment with our District? _____

QUESTIONS FOR PERSONAL REFERENCE

How long have you known the applicant? _____

What is the nature of your relationship? _____

Why do you think the applicant would be a good choice for this position?

Do you know of any reasons that could prevent the applicant from fulfilling the functions of the position? _____

Background check form completed by _____

Date completed _____

EXHIBIT **EXHIBIT**

PROFESSIONAL STAFF HIRING

HIRING POLICY GCF-R

The Gadsden Independent School District is committed to ensuring equal employment opportunity which means that job applicants will be required to compete

for positions on the basis of job-related criteria and qualifications. The goal of the

District's personnel recruitment and hiring process shall be to achieve a highly

qualified and balanced workforce. The primary objectives of the hiring process are:

- (1) recruitment of the best qualified candidates, matching the qualifications of the candidates to the needs, requirements and criteria of the job;
- (2) expeditious placement of qualified candidates into vacant positions;
- (3) fair, equitable and unbiased treatment of all candidates in the recruitment and hiring process.

The following policy shall be observed in connection with the recruitment and hiring of employees of the Gadsden Independent School District.

Participants:

All applicants for employment and current employees.

Process:

I. Hiring of the Superintendent and Other Personnel. Pursuant to NMSA 1978, § 22-5-1. (200m, the School Board shall hire and fix the salary of the Superintendent, who shall serve as the Chief Executive Officer of the School District. Pursuant to NMSA 1978, § 22-5-1.f.(B)(m(200:~))the Superintendent of Gadsden Independent Schools shall employ, fix the salaries of, assign, terminate or discharge all employees of the School District.

II. Equal Employment Opportunity. With certain exceptions stipulated to below, the District shall adhere to a policy of equal employment opportunity for all employees. The District shall not favor or refuse to hire or discharge, nor shall it otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, nor shall the

District limit, segment, or classification) its employees, or applicants for employment, in a way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status

as employee, on the basis of an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, or age. As an exception to the District's equal employment opportunity policy stated herein, the Superintendent may employ an individual on the basis of the individual's religion, sex, national origin, or age in those certain instances where religion, sex, national origin or age is a bona fide occupational qualification reasonably necessary to the operation of the educational program

or the business of the School District.

III. Disabled Individuals. The District shall not discriminate against a qualified

individual with a disability because of the disability of such individual in regard to

to job application procedures, hiring advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. For purposes of this paragraph, a "qualified individual with a disability" means an individual with a disability who, with or

without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Policy GCF-R

Page 2 of 4

IV. Recruitment. The Board, within the limits of its budget and the approved salary schedule, is committed to the policy of recruiting and retaining the most

qualified personnel for all vacant or available employment positions. The Superintendent shall institute procedures to recruit the best qualified personnel

for such positions. In filling existing vacant positions within the School District,

preference will be given to recruiting existing employees of the School District over non-employees to fill a vacant position, as long as the existing employee meets the criteria for the vacant position. Vacant positions shall be advertised

on the District's web site and posted internally at either the Human Resources

Office or Central Administration Office. Vacant positions may also be posted at various locations at the individual school sites. In addition to the foregoing,

vacant administrative positions and vacant positions that have been difficult

to fill may be advertised in newspapers of general circulation within the District.

Posting's are generally made weekly or bi-weekly. Some positions may be advertised as "open until filled".

V. Applications. Applications may be accepted on a year round basis. All applicants will become part of the applicant pool and given consideration in filling positions within the District. Applicants will be screened based on information submitted and selected applicants will be invited for an interview.

Applications are kept on file for six (6) months. Applications may be reactivated for an additional six months by notifying the Human Resources Office in writing. Applications, job descriptions and requirements, and salary

schedules will be available in the Human Resources Office located at the Administration Office. The School District shall adopt an application form that meets the following requirements:

a) Complete Information. The District's application form should be designed so that it elicits only information which is relevant to the job and the applicant's suitability therefor. The application shall state that it must be fully completed or it will not be considered.
b) Limited Active Period. The District's application form shall limit the period of time for which the application will be considered as active.
c) Inquiries as to Ability to Perform Job Functions. The application may contain questions inquiring about whether the applicant can perform the essential job functions of the position for which he or she is applying.

d) Inquiries About Prior Positions of Employment. The application shall contain a detailed questionnaire soliciting information about the applicant's prior position of employment. This inquiry should include the dates of hire and departure from any prior positions, the reason for departure, the positions held (including job titles and general description or duties, and any transfers or promotions), the salary

Policy GCF-R
Page 3 of 11
received (starting and ending), the names and address of the employer and the name of the former supervisor.

e) Certification of Truthfulness. The application shall contain a statement by the applicant certifying that the information set forth in the application is true, correct, and complete to the best of the applicant's knowledge, and that failure to furnish such information shall be a basis for refusal to hire, or to terminate or discharge, if hired.

1) At-Will Employer. The application shall explain the at-will policy for the School District, advising those applying for non-certified positions

that the employment contract shall be at-will until the completion of three consecutive years of service. Such language should be placed near to but above the applicant's signature line.

g) Request a Release to Check Background. The applicant shall complete the acknowledgement, waiver and release form and Criminal history affidavit appended to the application. The questions on the application should not solicit information which could be interpreted as referring to race, marital status, age, sex, sexual orientation, gender identity, religion, national origin or handicap.

VI. Interviews. Interview questions should not solicit or require disclosure of information which could be interpreted as referring to race, marital status, age,

sex, sexual orientation, gender identity, religion, national origin or disability.

For all regular position vacancies, the Superintendent shall appoint an Interview Committee to: screen the job applications for completeness of the package and to assure the applicant meets the minimum hiring criteria;

create a "short list" of those applicants to be interviewed; send out reference request letters or conduct telephone reference checks; in collaboration with the Human Resources Office, create a standardized interview format and questions; establish what rating process will be used to judge responses during

the interview; provide hiring recommendations, along with a rating sheet, ranking the interviewed candidates in order of the Committee's preference.

The Committee shall provide its interview and reference notes and rating sheets to the Human Resources Office which shall preserve them for at least one calendar year.

VII. Testing. In the discretion of the Superintendent, the skills of particular categories of employees may be tested to assess their degree of proficiency in job-related tasks, so long as all applicants for the category of position are tested

in like manner. Drug and alcohol testing may be administered to applicants offered employment in safety-sensitive positions in accordance with the policy as to such positions.

Policy GCF-R

Page It of 4

VIII. Background Investigation and Reference Checks.

Applicants recommended

for employment with the District are subject to work history, education history,

and reference investigations, including, but not limited to, substitutes and temporary employees. Each such applicant will be subject to a criminal background investigation, including mandatory fingerprinting, at the candidate's expense, as a condition of further consideration for employment.

All offers of employment are contingent upon the satisfactory completion of background investigation. Criminal convictions shall not automatically bar an applicant from obtaining employment with the District, but pursuant to the Criminal Offender Employment Act, NMSA 1978, §§ 28-2-3 and 28-2-1., may be the basis for refusing employment. Criminal background checks, as described above, shall also be conducted upon each contractor or contractor's employee, at the expense of the contractor or contractor's employee, if the contractor's employee is reasonably likely to have unsupervised access to students. In such cases, the continuation of contract or service by contractor employee's contract shall be subject to the satisfactory completion of background checks. All offers of employment shall be contingent upon successful completion of the reference and criminal background check process. Failure to satisfactorily complete the process shall form a basis for withdrawal of a contingent offer to hire, even if the employee has initiated service with the District. The Administration may also conduct the referenced background investigations of incumbent employees and the employee shall cooperate with such an investigation, if the Administration becomes aware of facts, circumstances, or conduct that give rise to a reasonable suspicion that previously undisclosed aspects of the employee's background might disqualify him or her to continue employment with the District.

**G-3550 ©
PROFESSIONAL STAFF CERTIFICATION
AND CREDENTIALING REQUIREMENTS**

GCFC

(Fingerprinting Requirements)

New Hires

All licensed personnel to be hired by the District, who have not been initially licensed within twenty-four (24) months of applying for employment, shall be required to provide fingerprint cards or electronic fingerprints for licensure in accord with state law and shall pay the cost of obtaining Federal Bureau of Investigation records. An applicant offered employment, a contractor or contractor's employee, who will have unsupervised access to students shall also be required to provide fingerprint cards or electronic fingerprints and may be required to pay the cost of obtaining Federal Bureau of Investigation records.

The candidate's fingerprints shall be submitted, along with the form presented as an exhibit to this policy, immediately upon being notified of possible employment. The form shall be considered a part of the application for employment. Convictions of felonies or misdemeanors contained in the Federal Bureau of Investigation record shall be used in accordance with the Criminal Offender Employment Act; provided that other information contained in the Federal Bureau of Investigation record, if supported by independent evidence, may form the basis for the employment decisions for good and just cause.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

The Superintendent shall report to the Public Education Department any known conviction of a felony or misdemeanor involving moral turpitude of a licensed school employee that results in any type of action against the employee.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)
6.60.8.7 NMAC
6.60.8.8 NMAC
6.60.8.9 NMAC

CROSS REF.: GCF - Professional Staff Hiring
GCG - Part-Time and Substitute Professional Staff
Employment
IJOC - School Volunteers

EXHIBIT**EXHIBIT**

PROFESSIONAL STAFF CERTIFICATION AND CREDENTIALING REQUIREMENTS

Name

Position

I, _____, being duly sworn, do hereby certify that I have never been convicted of or admitted in open court or pursuant to a plea agreement committing, and am not now awaiting trial for committing, any of the following criminal offenses in the state of New Mexico or similar offenses in any other jurisdiction:

Sexual abuse of a minor	Felony offenses involving the possession or
Incest	use of marijuana, dangerous drugs or
First- or second-degree murder	narcotic
Kidnapping	drugs
Arson	Misdemeanor offenses involving the
Sexual assault	Possession or use of marijuana or
Sexual exploitation of a minor	dangerous drugs
Felony offenses involving contribut-	Burglary in the first degree
ing to the delinquency of a minor	Burglary in the second or third degree
Commercial sexual exploitation of a	Aggravated or armed robbery
minor	Robbery
Felony offenses involving sale,	Child abuse
distribution, or transportation of,	Sexual conduct with a minor
offer to sell, transport, or distribute,	Molestation of a child
or conspiracy to sell, transport, or	Manslaughter
distribute marijuana or dangerous	Assault or Aggravated assault
or narcotic drugs	Exploitation of minors involving drug
	offenses

Employee signature

Date signed

Subscribed, sworn to, and acknowledged before me by _____

_____, this ____ day of _____, 20____,

in _____ County, New Mexico.

My Commission Expires

—

Notary

Public

**^G-3750 ©
PART - TIME AND SUBSTITUTE
PROFESSIONAL STAFF EMPLOYMENT**

GCG

See 6.63.10.10 for required policies

Substitute Teachers

When it becomes necessary for a regularly assigned teacher to be absent, it is that teacher's responsibility to notify the school principal at the earliest opportunity of the probable duration of the absence. The selection of a substitute teacher will be made by the principal only from a list of approved substitute teachers provided to each principal by the Superintendent, or designee. The Superintendent shall develop and implement administrative procedures necessary to effectively employ, assign, monitor, evaluate, compensate and retain highly qualified substitute teachers for the District.

Employment Qualifications. All applicants for initial substitute teacher licensure shall have attained eighteen (18) years of age for those seeking to perform instructional services in grades kindergarten (K) through eight (8), and twenty-one (21) years of age for those seeking to perform instructional services in grades nine (9) through twelve (12), and have earned a high school diploma or high school diploma equivalency and hold a current New Mexico Substitute Teachers License by:

- Completing an approved teacher preparation program from a regionally accredited college or university; or
- Holding a current substitute or standard teaching license from another state; or
- Having met two (2) of the following requirements:
 - Have, within twelve (12) months of their date for initial employment with the District received on-the-job training by serving as a voluntary assistant to a licensed teacher in a school classroom in the District for a minimum of three (3) hours during three (3) days;
 - Have observed three (3) hours or more of teaching at the grade level of students in which the substitute will serve;

- Have completed a District substitute teacher workshop. The District shall conduct, at least once a year, a comprehensive workshop for current substitute teachers and substitute teacher applicants that is conducted by licensed teaching and administrative staff and provides training in the essential functions and most recent strategies related to effective teaching;
- Have, within the past three (3) school years of application for employment or licensure, performed at least three (3) hours of instructional services as a substitute teacher in any school accredited or recognized by the Secretary of Public Education;
- Have engaged in any paid employment in the three (3) years prior to applying for a New Mexico Substitute Teaching license or employment which, after verification by and in the opinion of the Superintendent, or designee, invests that applicant with relevant work experience;
- Have completed at least sixty (60) hours of college credit courses in a regionally accredited college;
- Have completed or be currently enrolled in an approved college course or program from a regionally accredited college, where the course or program is structured to provide primary/secondary school teacher preparation.

As a condition of employment with the District as a substitute teacher, every applicant must initially submit to and be cleared of a fingerprint-based criminal history and background check pursuant to state law and regulation. No applicant for initial employment shall be employed by the District until a background check has been reviewed and cleared by the State Public Education Department.

Substitute Teacher Tracking / Monitoring. The District shall maintain a systematic tracking process that monitors and records the assignment of all substitute teachers by classroom placement and the time and performance assessment in such placement. The tracking record shall be kept as part of the employee's personnel record and shall be used as a key element in the reemployment of the substitute teacher.

Continuing Licensure. The District shall develop an advancement plan to allow substitute teachers to gain a Level II license. Such plan shall, at a minimum, require a substitute teacher to:

- Complete with a passing grade three (3) semester hours of credit from a regionally accredited college or university in areas related to the

District's Educational Plan for Student Success, student standards, or the substitute teacher's classroom assignment; or

- Complete forty-eight (48) contact hours in professional development activities approved by the District in areas related to the District's Educational Plan for Student Success, student standards, or the substitute teacher's classroom assignment; or
- Obtain a written certification from the Superintendent that the substitute teacher has completed at least two hundred seventy (270) hours of providing satisfactory services as a substitute teacher.

Compensation. Substitute teachers will be compensated for the number of hours on duty at a rate, approved annually by the Board, that is commensurate with the Substitute's level of licensure and experience in the District.

Limitations. No single class may be taught by a substitute teacher in lieu of a licensed teacher, under contract, for more than a total of sixty (60) school days during a school year unless otherwise approved by the Secretary of Public Education.

Exceptions. No person holding a valid New Mexico teaching or administrative license is required to obtain substitute teacher licensure in order to perform instructional services.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-15 NMSA (1978)
6.63.10 NMAC

G-3850 ©
ARRANGEMENTS FOR SUBSTITUTE
STAFF MEMBERS

GCGB

The Superintendent will establish procedures for reporting the need for and arranging for professional staff substitutes.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-15 NMSA (1978)
6.63.10.10 NMAC

REGULATION**REGULATION****ARRANGEMENTS FOR SUBSTITUTE
STAFF MEMBERS**

When utilizing the leave policies of the District, it shall be the responsibility of the teacher to notify the supervising principal, as soon as possible, of the need for a substitute teacher. In the event the principal is not available, the designee may be notified.

At the beginning of each school year, each employee shall receive and sign receipt of the work site's written substitute process.

When an employee is to be absent, the employee shall call the substitute desk in accordance with any written process established by the District.

When employees become ill during the school day, they shall notify their supervisor; and, if necessary, they will use available leave.

Employees who are absent shall notify their principal or immediate supervisor by a time designated in a written policy/procedure if they do not expect to return the following day.

A teacher may request a specific substitute in cases where a "planned absence" allows.

A teacher may be assigned to substitute during an emergency when there are no substitutes available. Every effort will be made to limit these incidents.

Reasonable efforts will be made to provide substitutes for all positions.

Both parties understand the importance of maintaining appropriate numbers of professional adults in the classrooms at all times. If the instructional assistant (IA) is to cover a position for a period of time two (2) hours or less the selection of this IA shall be left to the discretion of the building administrator. If the IA is to cover a position for more that two (2) hours the selection shall be on a rotating basis.

If the teacher knows in advance that a return to duty will be assured on a certain day, the principal should be so notified in order that the substitute

may

be

informed.

**G-3950 ©
PROFESSIONAL STAFF ORIENTATION
AND TRAINING**

GCH

The Superintendent will establish a program to provide orientation for all new District employees. At a minimum, this program will cover the following items:

- Goals, objectives, and programs of the District.
- Personnel policies.
- Terms of employment.
- General disciplinary rules and procedures.
- Salary and fringe-benefit plans.
- Self-improvement opportunities.
- The evaluation program and name(s) of evaluator(s).
- Handling of body fluids.
- Child abuse reporting responsibilities.

Adopted: date of manual adoption

**G-4100 ©
PROFESSIONAL STAFF DEVELOPMENT**

GCI

The Board recognizes its particular responsibility to provide opportunity for the continual professional growth of its certificated staff. Such opportunities include, within budgetary limitation, special in-service training courses, workshops, school or District visitations, conferences, professional library, and assistance from supervisors and consultants.

In line with such opportunities, the Board encourages educational research by staff members when the conduct of the project does not conflict with the major functions of the schools.

In-Service Training Courses

The Superintendent may establish local in-service training courses for teachers and other licensed employees in the schools.

Adopted: date of manual adoption

G-4500 ©
PROFESSIONAL STAFF ASSIGNMENTS
AND TRANSFERS

GCK

Assignments

The Superintendent will determine all licensed professional staff assignments. Such assignments shall be based on the needs of the District. In addition, no right to school, grade, or subject assignment shall be inferred from the standard teacher's contract.

Licensed employees will be assigned within their license/endorsement area(s), except in extenuating circumstances.

Transfers

The Superintendent or the Superintendent's designated representative may transfer personnel within the school system. A list of known vacancies will be available in Human Resources. Licensed professional employees are eligible for transfer upon completion of two (2) years of successful evaluation cycles. If the employee is in the second year of employment with the District and wishes to request a transfer, the school principal will decide if the employee's performance is sufficient to keep the employee in good standing.

The procedure for assignment and transfer of professional staff members will be based on the needs of the instructional program. Assignments may be changed to serve the best interests of the District and students.

Professional staff members may apply for transfer or reassignment, whether or not a vacancy exists. Generally, transfers will not be approved during the school year unless the needs of the District dictate such approval.

Adopted: date of manual adoption

REGULATION**REGULATION****PROFESSIONAL STAFF ASSIGNMENTS
AND TRANSFERS**

Licensed employees shall be employed within the scope of their certification.

Changes in assignment for employees shall not be made prior to consultation between the principal or supervisor and affected employee. Changes shall be based on verifiable instructional program requirements, employee placement on the three (3)-tiered pay scale, to meet the documented growth needs of the employee, or to ensure that all positions are filled by a highly qualified teacher.

Reasonable efforts will be made to accomplish needed adjustments through a voluntary process, i.e., qualified volunteers will be considered first. The minimum qualifications needed for the adjustment shall be publicly posted at each work site for a minimum of five (5) workdays, except in emergency situations.

The staff member may request and shall receive the reasons for the denial of a voluntary transfer.

An employee desiring a transfer effective the following school year must fill out a form requesting reassignment. This request will be good for one (1) year beginning April 15 of the current year. A copy of this form must be sent to the Human Resources Director.

Transfers shall not be denied in retaliation against the employee for exercising the employee's legal or contractual rights.

Transfer forms shall be posted on the District web site.

Reasonable efforts will be made to accomplish needed adjustments through a voluntary process. i.e., qualified volunteers will be considered first.

In accomplishing necessary voluntary transfers, those who have already received training that qualifies them for the subject or grade level they are seeking shall be considered first. If two (2) or more applicants are qualified for the open position, seniority shall be considered. Where seniority is the

same, transfer will be determined by training as based on the T and E index. The person with the most training shall be on the top of the list.

When staff adjustment requirements cannot be met through the voluntary process, every effort will be made to consider individual and program needs in the course of the involuntary transfer process. Except for good cause shown, the employee with the least seniority shall be selected first for involuntary transfer.

Prior to the final identification of a transferee(s) or initiation of a transfer(s), there shall be consultation regarding same between the principal/supervisor and the employee(s) being considered for transfer.

The employee shall have a minimum of two (2) weeks notice prior to assuming the new assignment, except in emergencies.

Staff Transfer to Vacancies

When a full time vacancy exists, in any position in the District, and the District decides to fill the vacancy, the District will fill the vacancy with the most highly qualified individual available, where there are applicants of equal qualification the applicant who is currently a District employee will be given preference.

Vacancies for all positions in the bargaining unit that the District determines to fill shall be posted on the District's web page at www.gisd.k12.nm.us, a paper copy shall be posted at the Human Resources office at the Gadsden Administrative Complex and at the work site where the job is to be filled.

Employees who wish to be considered for vacancies that occur during the summer months may submit a request for consideration prior to April 1 of each school year. The District will consider these applications for the positions identified.

Vacancy posting shall contain the specific identification of the vacant positions, the work site at which the vacancy exists, the position's major responsibilities, minimum license/certificate and skills needed for the position, the name of the person to whom the application should be sent, the salary range, and the deadline for submission of applications.

Licensed personnel who are selected for a vacancy which is a lateral non-promotional move during the instructional year will normally assume the position two (2) weeks after being selected. More time may be granted by the receiving principal, however that time shall not exceed one (1) month.

The District will, whenever possible, hire maintenance personnel who are licensed or certified to perform their work.

The union will be consulted when a job description is to be updated. The updating of a job description that may result in the position being removed from the bargaining unit will only be done through the negotiation process.

Employees will be provided a copy of their job description upon initial hire, transfer, and upon revision.

**G-4600 ©
PROFESSIONAL STAFF
SCHEDULES AND CALENDARS**

GCL

All professional staff members shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave. The Superintendent may alter or extend the school day for meetings, special events, and activities.

Professional staff members are expected to be in their respective rooms or work areas as the schedule prescribes so that they may see students, parents, and/or attend to other duties as assigned. Family members are not allowed in teacher work areas during scheduled duty hours.

In order to ensure the safety of students and the security of school campuses, teachers may be assigned supervisory duty during the teaching day. These duty assignments shall be considered a regular part of a teacher's duties and shall be fulfilled accordingly.

Teachers will perform duties other than classroom teaching. Extra duty assignments will be made by the Superintendent.

Employees must obtain permission from their supervisor in order to leave the School District premises during working hours. In addition, employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

Adopted: date of manual adoption

CROSS REF.: GCMF - Professional Staff Duties and Responsibilities
 JLIA- Supervision of Students

**G-5000 ©
PROFESSIONAL STAFF MEETINGS**

GCMC

The Superintendent will arrange for and hold staff meetings as the need may arise. This authority may be delegated to the school principals, who may hold such building meetings on a regularly scheduled basis or as they may arise.

All teachers are required to attend any such meetings unless officially excused by the principal or the Superintendent prior to the meeting.

The Board and the administration recognize the value of and encourage grade-level staff meetings or departmental staff meetings. A minimum number of such meetings will be allowed during the regular school day, as long as the minimum number of classroom minutes for the grade level has been met. Arrangements for such meetings shall be made with the Superintendent through the school principals.

Adopted: date of manual adoption

CROSS REF.: IKACA - Parent Conferences

**G-5050 ©
PROFESSIONAL STAFF
EXTRA DUTY**

GCMD

All coaching schedules will be managed by the building athletic director in accordance with New Mexico Activity Association (NMAA) guidelines.

Head coaches, assistants and volunteer coaches shall be licensed by the state of New Mexico.

It is the responsibility of the employee to maintain a valid license and to obtain appropriate training for recertification.

Adopted: date of manual adoption

LEGAL REF.: 6.63.8.8 NMAC

**G-5150 ©
PROFESSIONAL STAFF DUTIES
AND RESPONSIBILITIES**

GCMF

A teacher shall not use sectarian or denominational books or teach any sectarian doctrines or conduct religious exercises.

Any person violating this prohibition by teaching sectarian doctrine in a public school shall be immediately discharged from further employment with a school district.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-27 through 22-10A-31 NMSA (1978)
22-13-15 NMSA (1978)

G-5350 ©
EVALUATION OF PROFESSIONAL
STAFF MEMBERS

GCO

The Board believes the procedures by which professional employees are supervised and evaluated must provide the employee and the supervisor the opportunity to identify both strengths and weaknesses and to work cooperatively toward satisfactory work performance. Each licensed professional staff member shall devise a professional development plan for the coming year which shall be a part of the evaluation process.

The Superintendent shall develop and implement a systematic plan for the evaluation of all licensed professional employees. The plan shall be consistent with all state statutory and regulatory requirements.

Classroom or site visitations shall be made to document the employee demonstration of the standards and competencies set forth by the State, the Secretary of Public Education and the Board. A written report of the evaluation will be prepared, reviewed with the employee and filed in the employee's personnel record. No evaluation report shall be placed in an employee's record without review and discussion between the employee and the employee's supervisor. An employee in disagreement with the contents of the evaluation report may submit a written rebuttal to be attached to the report and kept on file.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-19 NMSA (1978)
22-10A-21 NMSA (1978)
22-10A-22 NMSA (1978)
22-10A-23 NMSA (1978)
22-10A-24 NMSA (1978)
22-10A-25 NMSA (1978)
22-10A-26 NMSA (1978)
22-10A-27 NMSA (1978)
22-10A-28 NMSA (1978)
22-10A-29 NMSA (1978)
22-10A-30 NMSA (1978)
6.67.2.8 NMAC
6.69.3.8 NMAC *et seq.*
6.69.2.8 NMAC

6.69.4.1 *et seq.*

REGULATION**REGULATION****EVALUATION OF PROFESSIONAL
STAFF MEMBERS****Purpose**

The purpose of evaluation shall be the improvement of performance. Such a process, to achieve the greater measure of success, shall be predicated on the assumption that the evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

- Evaluations determine how well the objectives held by the school are being carried out. The success of the educational program is dependent upon the quality of classroom instruction, supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting personnel to be aware of their strengths and weaknesses in order to improve.
- Evaluations provide a basis for planning in-service training and supervisory activities. Such activities can be most effective when they are based upon clear evidence of need as shown by evaluation studies.
- Evaluations provide the basis for administrative decisions. Such decisions may include the employment of personnel, their assignment, promotion, demotion, or termination.
- Evaluations aid in determining satisfactory or unsatisfactory performance.

Evaluators

The Superintendent shall designate the evaluators. The evaluator shall be responsible for the final written and official statement of evaluation, which

shall be in writing, and a copy shall be transmitted to the certificated teacher within five (5) days after completion of the evaluation.

The District is responsible for an in-service training program for evaluators. This program shall incorporate classroom observation techniques, conference skills, and growth planning. Evaluators shall attend a training program to improve their evaluation, administrative and instructional leadership skills at least every two (2) years.

Licensed Teacher Evaluation

Classroom visitations by evaluator. Formal observations shall be spaced and of sufficient duration (minimum of *thirty [30]* uninterrupted minutes) so as to ensure that the evaluators have an opportunity to grasp an overall concept of a person's performance over a full schedule.

Formal observations are prearranged through initiation by either the observer or the teacher. Formal observations shall be defined as those that are written and provide an opportunity for a pre-observation conference and follow-up conference.

Informal observations may be made at the discretion of the administrator.

Procedural steps in the process of evaluation:

- At the beginning of the school year, the principal shall assign a mentor for all Level one teachers whose responsibilities shall be defined in a program established by the District in accord with statute and submitted to the Public Education Department as required.
- At the beginning of the school year, the principal shall meet with the school's faculty for the purpose of orienting the teachers to the total evaluation plan.
- A professional development plan shall be devised by each teacher and provided to the evaluator on a schedule as determined by the evaluator.
- Observations in the classroom shall be completed.
- An opportunity for a conference shall precede and follow each formal observation-visitation.
- A written record shall be made of each formal observation, with a copy to the observed.
- The official evaluation, consisting of a minimum of two (2) formal observations, shall be reduced to writing and signed by both the teacher and the evaluator. The teacher's signature shall not mean concurrence. The teacher shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.

- A copy of the written evaluation shall be transmitted to the teacher within five (5) days after completion of the evaluation, and a copy shall be retained for the principal's file. A third copy shall be placed in the teacher's personnel file and made available to authorized District officers and employees.
- All evaluations shall remain confidential.

Frequency of written evaluations. Evaluations shall be made at least two (2) times per year for Level one (1) teachers, and at least once per year for Level two (2) and three (3) teachers.

Evaluation schedule:

- *Level one (1) licensing:*
 - During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
 - Prior to January 10, the first evaluation, including observations, written evaluation, and conference shall be completed. If unsatisfactory work performance is indicated pursuant to the evaluation a conference will be conducted and a plan prepared to allow correction of the work performance. Such information will be recorded in writing, signed by all parties present and provided to the person evaluated. (see 6.69.2.8 (B)(2) for refusal to sign)
 - Prior to April 15, a second evaluation shall be completed. If unsatisfactory work performance is indicated pursuant to the evaluation a conference will be conducted and a plan prepared specifying the areas for correction of the work performance, while noting any areas of improvement if improvement is required. An employee whose performance continues to be unsatisfactory shall be given a notice of unsatisfactory performance. The notice shall specify the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for the charge of inadequacy of work performance.
 - Prior to the last day of the school year, the Board shall authorize, as necessary, and send notice to employees who will be terminated. A copy of any evaluation(s) pertinent to the charges not to reemploy will be included in the written notice of intention not to reemploy.

- This written notice of termination shall be delivered personally or sent by registered or certified mail with delivery by a time certain at least fourteen (14) days prior to the last day of the school year, to the teacher's place of residence, as recorded in the District's records. Within ten (10) days of a request from the employee, the Superintendent shall provide the reason(s) for the decision to terminate.
- *Level two (2) and three (3) licensing:*
 - Level two (2) and three (3) licensed employees shall be evaluated at least once each year. During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
 - Prior to March 15, the evaluation shall be completed. If less than satisfactory work performance and competency is indicated pursuant to the evaluation a conference will be conducted and a plan prepared specifying the areas for correction of the work performance, while noting any areas of improvement if improvement is required. An employee whose performance continues to be unsatisfactory shall be given a notice of unsatisfactory performance. A second conference shall be held at the time the notice is given. The notice shall specify the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for the charge of inadequacy of work performance.
 - The principal shall establish a mentoring and peer intervention program as is seen necessary. Persons used for mentoring or intervention may be trained as evaluators. If the employee is unable to demonstrate satisfactory performance and competency by the end of a period of sixty (60) calendar days, the peer interveners may make a recommendation to the supervising administrator which may be termination. If the teacher does not demonstrate essential competency in a given school year, the School District shall provide the teacher with additional professional development and peer intervention during the following school year. If by the end of that school year the teacher fails to demonstrate essential competency, the District may choose not to contract with the teacher to teach in the classroom (terminate).

- At least fourteen (14) days prior to the last day of the school year, the Board shall authorize, as necessary, and send notice to employees who will be terminated. A copy of any evaluation(s) pertinent to the charges not to reemploy will be included in the written notice of termination.
- This written notice of termination shall be delivered personally or sent by registered or certified mail with delivery by a time certain prior to the last day of the school year, to the teacher's place of residence, as recorded in the District's records.
- Subject to the provisions of NMSA the Superintendent shall offer to each Level two (2) and Level three (3) teacher under contract of employment with the District for the current year a contract renewal for the next ensuing school year unless the Local School Board gives notice to the teacher of the intent not to offer a contract and to terminate the teacher as provided in NMSA.
- All provisions of the New Mexico Revised Statutes shall be complied with in the dismissal of continuing teachers.

Evaluation program. The specific format for the teacher evaluation system will be developed in compliance with Policy GCO, this regulation, NMSA, and NMAC under the leadership of the Superintendent.

Compliance with Public Education Department (PED) Regulation 6.69.4, Performance Evaluation System Requirements for Teachers, will be completed as specified in the teacher performance evaluation for three (3)-tiered licensure.

Evaluation of Licensed Administrators and Other Licensed Non-Teaching Employees

Continuous evaluation of all aspects of the total educational program, including student progress, personnel, curriculum, and facilities, will include a formal process of evaluating all administrators and licensed non-teaching employees. The purpose of this evaluation shall be the improvement of the quality of the educational program in the District and improvement of the performance of each employee. The evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

- Evaluations determine how well the objectives held by the school and District are being carried out. The success of the educational program is dependent upon many factors, which include the quality supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting administrative personnel to be aware of strengths and weaknesses in order to improve the operation of the District's programs.

Procedural steps in the process of evaluation:

The specific format for the evaluation system for licensed administrators and licensed non-teaching employees will be developed under the leadership of the Superintendent and shall involve all principals and supervisors of principals in the development of evaluation criteria and data collection procedures. One (1) component of the evaluation tool for school administrators shall be evaluation by other school employees.

- At the beginning of the school year, the licensed administrators and licensed non-teaching employees will be oriented to the total evaluation plan.
- A professional development plan shall be devised by each employee and provided to the evaluator on a schedule as determined by the evaluator.
- Observations and data gathering shall be completed.
- The official evaluation shall be reduced to writing and signed by both the employee and the evaluator. The employee's signature shall not mean concurrence. The employee shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.
- A copy of the written evaluation shall be transmitted to the administrator within five (5) days after completion of the evaluation, and a copy shall be retained for the employee's file. A third copy shall be placed in the employee's personnel file and made available to authorized District officers and employees.
- All evaluations shall remain confidential.

G-5600 ©
PROFESSIONAL STAFF PROMOTIONS

GCP

The Superintendent will fill positions of increased responsibility with the best available candidates.

Adopted: date of manual adoption

G-5750 ©
PROFESSIONAL STAFF
TERMINATION OF EMPLOYMENT

GCQ

A notice of termination shall be a notice of intention not to reemploy for the ensuing school year.

Prior to the end of the contract year the District shall provide notice of termination if such notice is determined to be in the best interest of the District.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-22 NMSA (1978)
6.67.3.8 NMAC

CROSS REF.: DKA - Payroll Procedures/Schedules

**G-5800
PROFESSIONAL STAFF
REDUCTION IN FORCE**

GCQA

Authority. Pursuant to Public Education Department Regulations and State Law, the Board of Education, through the Superintendent, has the authority to discharge school personnel during the term of their contracts or to terminate employees when a reduction in personnel is required in accordance with applicable law, and the provisions of this policy. The District shall, at the very least, exercise discretion in good faith, and determinations concerning a reduction in force (RIF) shall be based on bona fide educational considerations, and shall not be a subterfuge for discharging or terminating employees without just cause or for impermissible reasons.

School Board Discretion. The Board is vested with the discretion to determine the educational program of the District, so long as the Public Education Department's Educational Standards and statutory required standards are met.

Situations Justifying Reduction in Force. Situations that justify a R.I.F. shall include, but are not limited to the following:

- Documented decrease in student enrollment;
- Documented decrease in revenue:
 - because of a documented decrease in student enrollment;
 - because of a documented loss or reduction of tax revenues;
 - because of a documented reduction of state, local or federal financial support; or
 - because of documented inflation reducing the value of revenues received.
- Documented change in the educational program of the District;
- Consolidation or de-consolidation involving the District;
- Court orders;
- Orders of the Public Education Department;

- Legislative mandates; and
- Documented, unanticipated financial or programmatic exigencies.

Notification. When the School District anticipates a RIF that might result in the discharge or termination of an employee(s) in the bargaining unit, the District will notify the Federation, in writing, of the anticipated RIF at least twenty (20) work days prior to the implementation of the RIF. The Federation and the District shall meet within twenty (20) days of the notification to negotiate the impact of the RIF decision.

The Superintendent shall develop a plan for RIF to be presented to the Board and the Union. The R.I.F. plan shall at least focus upon the total educational program of the District and how it may be modified to reduce costs, reduce programs and reduce personnel while still providing the educational program required of school districts and the particular educational needs of the District.

Where circumstances warrant, a RIF plan should address particular programs, departments, school sites, content areas or activities if the causes for the RIF predominantly impact that aspect of the educational program and shall at the minimum, identify individuals to be discharged or terminated.

The RIF plan shall include, but need not be limited to, the following:

- A detailed description of the cause or causes requiring a RIF.
- A detailed description of all adjustments already made by the District in an attempt to avoid a RIF (e.g., reduction by attrition, cuts in non-licensed staff, abolition of non-essential services or activities such as extracurricular programs, etc.).
- A designation of the part or parts of the total educational program or particular program or activity in which the RIF is proposed and the number of positions proposed to be reduced in each program or activity.
- A designation of non-essential services or activities that are to be retained, with a detailed justification for retaining such programs.
- A detailed description of all alternatives considered by the District with a detailed explanation as to why such alternatives were rejected.

Attrition. Before a RIF the District shall first attempt to absorb the necessary reductions through attrition followed by requesting voluntary transfers and resignations by written notice to employees in the licensure, endorsement, and/or classification/job titles areas affected. If the attrition,

voluntary transfers, and resignations do not produce the necessary reductions in force, layoff shall be implemented only after all Swisher requirements are met to show affirmatively that there is no position available that the teacher was qualified to teach and the reasons are solidly grounded in the academic welfare of the school. A reduction in the teaching staff, without having done this, is not a good and sufficient reason for the dismissal of a tenured teacher when other teachers without tenure are retained in his/her place and stead.

Selection of Certificated Personnel. At a minimum, the following criteria shall be applied in making the selection for the RIF:

- *Certified Licensure/Qualification.* Tenured school instructors shall be retained in preference to licensed school instructors who have been employed by the District for less than three (3) consecutive school years of service. Non-tenured employees, without appropriate licensure/certification, shall be the first to be considered for RIF. Non-tenured employees with certification/licensure shall be considered next if they teach in the area/program designated for RIF. A person having a "waiver" of certification or licensure requirements shall be treated as having substandard certification or licensure for the purpose of this provision.
- *Other Selection Criteria.* If two (2) or more licensed employees in the proposed RIF are equal in certification/licensure and qualification and no other position exists in the District for which that employee is qualified, and it is necessary to decide which shall be let go, the following selection criteria shall be applied:
 - *Service in District.* Each licensed employee in considered for termination or discharge shall be awarded one (1) point for each year of full-time service during the most recent period of uninterrupted service with the District, to include the current year, excluding approved leaves:
 - ▲ B.A. = two (2) points
 - ▲ B.A. + 15 = four (4) points
 - ▲ B.A. + 45 = six (6) points
 - ▲ M.A. = eight (8) points
 - ▲ M.A. + 15 = ten (10) points
 - ▲ M.A. + 45 = twelve (12) points

▲ Doctorate = fourteen (14) points

- The employee(s) with the least number of points will be RIF'd.

Support Staff Employees. When a RIF is necessary and it affects support staff employees within the bargaining unit, employees will be discharged or terminated in the reverse order of seniority within the job classification titles affected.

Employees shall have recall rights for a period not to exceed one (1) year from the effective date of the R.I.F. When the District determines to fill a position, the most senior qualified person on the District wide list will be offered that position. If the employee declines the position, the employee will be removed from the District-wide list. The employee will remain on the list of the geographic location where he/she was employed when the RIF took place. If, after declining a District-wide position, the District decides to fill a vacancy at the geographic location where the employee was assigned when the RIF took place, the qualified employee with the most seniority on the geographic location recall list will be offered the position. If the employee declines this offer, the employee's employment relationship with the District is considered to have been severed and the District's obligation to provide any employment rights shall be terminated.

For a period of one (1) year after the effective date of the discharge or termination of any employee pursuant to this policy, the District shall offer to such person any position(s) that becomes available for which such person is qualified, provided that such person has complied with the requirements specified below.

Every person discharged or terminated under this policy who wishes to be considered for recall, in the event that an opening occurs, must file with the Superintendent, within thirty (30) days after the effective date of the discharge or termination, a written statement indicating a desire to be considered for recall and providing an address at which the person may be contacted. Such person must notify the Superintendent of any change in address within ten (10) days after changing residences in order to insure proper notification in the event of a recall.

In the event that more than one (1) interested person who was discharged or terminated within the calendar year prior to recall is qualified for the position, the certificated staff member with the most accrued points according to the steps listed above shall be recalled first and the support staff employee with the most seniority shall be recalled first.

Any person selected for recall hereunder shall receive written notification of the recall, by certified mail, at the address provided. The recalled person

must accept the position offered through recall in writing. Such acceptance must be received in the Superintendent's office within fifteen (15) calendar days after the certified mailing of the recall notice to the person. Rejection of the offer, in writing or by failure to timely respond, shall result in forfeiture by the recalled person of any further recall rights under this policy. Thereafter, an offer of recall will be made to the next person qualified to be recalled, or if there is none, the position will be filled by another qualified applicant.

Any person recalled pursuant to this policy shall have all accrued but unused leave restored and be given credit for all years of actual service in the District for salary purposes.

After the one (1)-year recall period has expired, any person discharged or terminated under this policy shall no longer have any right to be recalled. Such persons who wish to be reemployed thereafter shall file applications for employment and will be treated as would any other applicant for a vacant position.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-22 NMSA (1978)
6.67.3.8 NMAC

CROSS REF.: GCQF - Discipline, Suspension, Termination and Discharge
of Professional Staff

**^G-5900 ©
RESIGNATION OF PROFESSIONAL
STAFF MEMBERS**

GCQC

Professional employees shall give thirty (30) calendar days written notice of intention to resign or request a release from contract. A release from an uncompleted contract may be granted contingent upon the availability of a well-qualified, licensed teacher as a replacement.

Each licensed teaching employee shall deliver an acceptance or rejection of reemployment to the Board within fifteen (15) days from the following:

- The date written notice of reemployment is served upon the person; or
- The last day of the school year when no written notice of reemployment or termination is served upon the person on or before the last day of the school year.

A teacher who resigns contrary to this policy shall be deemed to have committed an unprofessional act and shall be subject to the penalty as provided under New Mexico statutes and Secretary of Public Education regulations.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-23 NMSA (1978)
6.60.9.9 NMAC
6.66.2.8 NMAC
6.66.3.8 NMAC

**^G-6100 ©
DISCIPLINE, SUSPENSION, TERMINATION
AND DISCHARGE OF
PROFESSIONAL STAFF MEMBERS**

GCQF

Unless limited by the provisions of a collective bargaining agreement or by other statutory provision, a public employer may:

- direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees;
- determine qualifications for employment and the nature and content of personnel examinations;
- take actions as may be necessary to carry out the mission of the public employer in emergencies; and
- retain all rights not specifically limited by a collective bargaining agreement or by the Public Employee Bargaining Act.

For purposes of this policy:

- "Discharge" means the act of severing the employment relationship with a certificated school employee prior to the expiration of the current employment contract.
- "Terminate" means, in the case of a certificated school employee, the act of not reemploying an employee for the ensuing school year.
- "Working day" means every calendar day, excluding Saturday, Sunday or legal holiday.
- "Just cause" means a reason that is rationally related to an employee's competence or turpitude or the proper performance of assigned duties and that is not in violation of the employee's civil or constitutional rights.
- "Administrative leave" means the assignment of an employee to the employee's home to await further instructions pending the outcome of an investigation or inquiry into the actions of the employee in order to

avoid interference in the inquiry. The use of "administrative leave" is not a disciplinary action.

Categories of Misconduct

Licensed staff members may be disciplined for infractions that include, but are not limited to, the following categories:

- Engaging in unprofessional conduct.
- Committing fraud in securing appointment.
- Exhibiting incompetency in their work.
- Exhibiting inefficiency in their work.
- Exhibiting improper attitudes.
- Neglecting their duties.
- Engaging in acts of insubordination.
- Engaging in acts of child abuse or child molestation.
- Engaging in acts of dishonesty.
- Being under the influence of alcohol while on duty.
- Engaging in the use, possession, or distribution of narcotics or habit-forming drugs.
- Being absent without leave.
- Engaging in discourteous treatment of the public.
- Engaging in improper political activity.
- Engaging in willful disobedience.
- Being involved in misuse or unauthorized use of school property.
- Being involved in excessive absenteeism.
- Possessing alcohol on school-owned property.
- Carrying or possessing a weapon on school grounds unless they have obtained specific authorization from the appropriate school administrator.

- Engaging in ethical misconduct by inappropriate touching, sexual harassment, discrimination or intended behavior to induce a child into engaging in illegal, immoral or other prohibited behavior.

General Provisions for Discipline

General provisions for discipline are as follows:

- *Informal consultation.* Nothing contained herein will limit a supervising administrator's prerogative to engage in informal consultation with a licensed employee to discuss matters of concern related to the employee's performance, conduct, et cetera.
- *Persons authorized to impose discipline.* Any supervising licensed administrator who is the immediate or primary supervisor of a staff member is authorized to impose a penalty or penalties, short of termination.
- *Administrative discretion.* In adopting these policies/procedures, it is the intention of the District that they be interpreted and applied in a reasonable fashion. The policies are not intended to restrict or eliminate the discretion traditionally afforded to supervising administrators to determine whether discipline is appropriate. Administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged violation merits discipline.
- *Right not to impose discipline.* The District reserves the right not to discipline a staff member for conduct that violates this policy.
- *Additional reasons for discipline.* A staff member may be disciplined for conduct that has occurred but that, at or near the time of misconduct, was not the subject of or identified as a reason for a specific proceeding under this policy.
- *Amendments.* The District reserves the right to amend this policy in any way at any time. Any amendment shall have prospective application only.
- *Severability.* If any provision of this policy is held to be invalid for any reason, such action shall not invalidate the remainder of this policy. If any provision of this policy conflicts with any provisions in any other policies adopted by the District, the provisions of this policy shall prevail.

Minor Discipline

Minor disciplinary action includes, without limitation thereto, removal from grounds, written warning, written reprimand, or suspension. Minor disciplinary action shall be imposed by the staff member's administrative supervisor upon informing the employee of any violations of state or federal statutes, policies, rules or the New Mexico code of ethics and offering a minimum due process hearing and opportunity to express the employee's side of the issue before implementing the disciplinary action. The disciplinary action shall be confirmed in writing to the employee. The discipline may only be appealed to the next level of administration. The hearing procedure shall be as follows.

Step 1 - Notice:

- Upon the supervising administrator's determination of the existence of cause to impose discipline, the supervising administrator shall notify the staff member of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:
 - The conduct or omission on the part of the staff member that constitutes the reason for discipline.
 - A scheduled meeting time between the supervising administrator and the staff member. Such meeting shall be scheduled not more than ten (10) working days after the date the licensed staff member receives the notice.
 - A statement of the disciplinary action the supervising administrator intends to impose.
 - Copies of any available relevant documentation, at the discretion of the supervising administrator.

Step 2 - Hearing:

- At the hearing, the supervising administrator shall discuss with the staff member the conduct that warrants disciplinary action and shall provide the staff member with any appropriate evidence and a copy of relevant documentation if not previously provided.
- The supervising administrator shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.
- A record of the hearing shall be made by electronic recordation.

Step 3 - Decision (in writing):

- At the hearing, or within seven (7) working days following the hearing, the supervising administrator shall, in writing, inform the licensed staff member of the decision. If the decision is to impose discipline, written notice of the discipline shall be enclosed.

Appeal of Minor Discipline

A staff member who wishes to object to a minor disciplinary action shall submit a written complaint to the supervisor's superior within five (5) work days of receiving notice of the disciplinary action. Failure to request the hearing in the time frame indicated will be considered acceptance of the discipline imposed. The appeal shall specifically describe the part of the determination with which the staff member disagrees, such as:

- Determination was founded upon error of construction or application of any pertinent regulations or policies.
- Determination was unsupported by any evidence as disclosed by the entire record.
- Determination was materially affected by unlawful procedure.
- Determination was based on violation of any statutory or constitutional right.
- Determination was arbitrary and capricious.
- The penalty was excessive.

The appeal shall be based on the record of the hearing. The supervising administrator, the Superintendent, or, when appropriate, the Board may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the staff member within a reasonable amount of time following the appeal, not to exceed seven (7) working days. The decision upon appeal is final for all minor disciplinary actions.

Termination Pursuant to 22-10A-25 NMSA (1978)

The following procedures will be used to impose any termination permitted under 22-10A-24 NMSA (1978) except that it does not apply to:

- A certificated instructor employed to fill the position of a certificated school instructor entering military service;

- A person who is employed as a certificated school administrator; or
- A non-certificated school employee employed to perform primarily District-wide management.

Step 1 - Notice:

- Upon the supervising administrator's determination of the existence of cause to terminate, and not later than fourteen (14) days prior to the last day of the school year, the supervising administrator shall notify the staff member of intent to terminate. The notice shall be in writing and shall be delivered in person or by first-class mail to the last address provided for personnel records. The notice shall include the following:
 - The conduct or omission on the part of the staff member that constitutes the reason for termination.
 - A scheduled meeting time between the supervising administrator and the staff member. Such meeting shall be scheduled not more than five (5) working days after the date the staff member receives the notice.

Step 2 - Pre-Termination Hearing:

- At the hearing, the supervising administrator shall discuss with the staff member the conduct that warrants notice of termination and shall provide the staff member with written reasons for the decision to terminate.
- The supervising administrator shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings. The staff member shall be requested to present any rebuttal or reasons the termination should not go forward.

Step 3 - Pre-Termination Hearing Decision (in writing):

- At the pre-termination hearing, or within five (5) days following the hearing, the supervising administrator shall, in writing, inform the staff member of the decision. If the decision is to recommend termination to the Superintendent, the staff member will be informed in writing. The Superintendent shall notify the staff member if termination is approved. The reasons shall not be publicly disclosed by the administration or Board. *For an employee of less than three (3) consecutive years of service the decision is not contestable under the School Personnel Act.*

(Steps 1 through 3 should be followed for all employees)

Step 4 - Appeal Requirements and Content:

- Termination may be appealed to the Board by a professional staff employee with three (3) or more consecutive years of service by making a request to the Superintendent within five (5) working days of the date of receipt of the notice of termination requesting a meeting with the Board.
 - The appeal shall be granted if the employee responds to the Superintendent in writing within ten (10) working days of receiving the reasons for termination with the following information:
 - ▲ A statement of contention that the employee believes the decision is without just cause.
 - ▲ A brief statement of the reason(s) why the staff member believes the decision is without just cause.
 - ▲ A statement of the facts that the employee believes support this contention.

Step 5 - Appeal Procedure:

- The Board shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after receipt of the statement.
- The hearing shall be conducted informally in accordance with the provisions of the Open Meeting Act.
 - Hearing Procedure:
 - ▲ The employee and the Superintendent may each be accompanied by a person of their choice.
 - ▲ The Superintendent shall present the factual basis for determination that just cause exists for the termination, limited to the reasons provided to the employee.
 - ▲ The employee shall present contentions, limited to the reason(s) why the licensed staff member believes the decision is without just cause.
 - ▲ Rebuttal to the employee's presentation may be presented as deemed relevant by the Board.

- ▲ Witnesses called may be questioned by the Board, the Superintendent or an appointed representative, and the employee or an appointed representative.
- ▲ The Board may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable.
- ▲ No record shall be made of the hearing.
- The Board shall take such action as is necessary in accordance with the Open Meeting Act to uphold or deny the recommendation to terminate. The Board shall notify the employee and the Superintendent of its decision in writing within five (5) working days from the conclusion of the meeting.

Termination - Arbitration Appeal Pursuant to 22-10A-25 NMSA (1978)

An employee still aggrieved by a decision of the Board may appeal the decision to an arbitrator by doing the following:

- Submitting a written appeal to the Superintendent within five (5) working days from receipt of the Board's written decision or refusal to grant a hearing on the issue of termination.
- Accompanying the written appeal shall be a statement of particulars specifying the grounds on which it is contended that the decision was impermissible pursuant to subsection E of Section 22-10A-24 NMSA (1978).
- Including in the contentions a statement of facts supporting the contentions.

Failure of the employee to submit a timely appeal or a statement of particulars with the appeal shall disqualify the employee for any appeal and render the Board's decision on termination final.

If the arbitration appeal is timely and complete, the Board and the employee shall meet within ten (10) working days from the receipt of the request for an appeal and select an independent arbitrator, qualified in accord with the applicable statute, to conduct the appeal. If the parties fail to agree on an arbitrator, they shall request the presiding judge in the judicial district in which the employee's public school is located to select an independent arbitrator within five (5) working days of the date of the request.

A de novo (new) hearing shall be conducted within thirty (30) working days of selection of the independent arbitrator. The arbitrator shall give written notice of the date, time and place of the hearing, sending such notice to the employee and Board.

The parties shall be provided a copy of the relevant portion of this policy which shall include:

- Discovery shall be limited to depositions and requests for production of documents on a time schedule to be established by the arbitrator.
- The arbitrator may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths. Subpoenas issued shall be served and enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action or in the manner provided by the American Arbitration Association's voluntary labor arbitration rules if that entity is used by the parties.
- The Board shall be required to prove by a preponderance of the evidence that just cause to discharge the employee existed at the time of the notice of intent to discharge the employee by the administration.
- Hearing Procedure:
 - The employee and the Board may each be accompanied by counsel.
 - The Board shall present the basis for determination that just cause exists for the discharge.
 - The employee shall present reason(s) why the recommendation is without just cause.
 - Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - Witnesses called may be questioned by the Board or a representative, and the employee or a representative.
 - Technical rules of evidence shall not apply, but, in ruling on the admissibility of evidence, the independent arbitrator may require reasonable substantiation of the statements or records tendered, the accuracy of truth of which is in reasonable doubt.

- A record shall be made of the hearing and each party may order the record at the expense of the party.
- The arbitrator shall notify the employee and the Board of the decision in writing within ten (10) working days from the conclusion of the arbitration hearing. The decision shall contain findings of fact and conclusions of law affirming or reversing the action of the Board.

The parties shall be guided by the statute and arbitrator as to the conduct of the hearing, each party bearing its own costs. The arbiter's fees and other expenses in the conduct of the arbitration shall be assigned at the discretion of the independent arbitrator.

No official record shall be made of the proceeding but the party desiring a record may arrange for a record, paying the expense.

Discharge per 22-10A-27 NMSA (1978)

A certificated employee may be discharged only for just cause following procedures as indicated below:

Notice:

- Upon the Superintendent's determination of the existence of cause to discharge, the Superintendent shall notify the licensed staff member of intent to recommend discharge. The notice shall state the cause for the recommendation and shall advise the employee of a right to a discharge hearing before the Board.
- The notice shall be in writing and shall be provided in accordance with the law for service of process in civil actions.

Employee's Request for Hearing:

- An employee who receives notice of intent to recommend discharge may exercise the right to a hearing before the Board by giving the Superintendent written notice of that election within five (5) working days of receipt of the notice of recommendation.
- The Board shall hold a discharge hearing no less than twenty (20) and no more than forty (40) working days after the receipt of the staff member's election of a hearing.

Preliminary Information

- At least ten (10) days written notice of the date, time and place of the discharge hearing shall be provided to the employee with such notice in the same form as used in civil proceedings. The notice shall indicate the following:
 - Both the Superintendent and the certificated school employee may be accompanied by a person of their choice.
 - Each party is to complete and respond to discovery by deposition and production of documents prior to the hearing date established.
 - The Board may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths.
 - The administration shall be required to prove by preponderance of the evidence that just cause to discharge the certificated employee existed at the time of the notice of intent to discharge.
 - Procedure for the conduct of the hearing shall be as follows:
 - ▲ The Superintendent shall present the factual basis for determination that just cause exists for the termination based upon information available at the time the employee was given notice of the intent to discharge.
 - ▲ The employee shall present reason(s) why the recommendation is without just cause.
 - ▲ Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - ▲ Witnesses called may be questioned by the Superintendent or an appointed representative, and the employee or an appointed representative.
 - ▲ The Board may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable.
 - ▲ A record shall be made of the hearing and each party may have one (1) copy of the record at the expense of the Board.
 - The Board shall notify the employee and the Superintendent of its decision in writing within twenty (20) days from the conclusion of

the hearing. The Board shall take such action as is necessary in accordance with the Open Meeting Act.

**Discharge -Arbitration Appeal Pursuant
to 22-10A-27 NMSA (1978)**

An employee aggrieved by a decision of the Board to discharge may appeal the decision to an arbitrator by doing the following: Submitting a written appeal to the Superintendent within five (5) calendar days from receipt of the notice of discharge by the Board to the employee.

If the arbitration appeal is timely the Board and the employee shall meet within ten (10) working days from the receipt of the request for an appeal and select an independent arbitrator, qualified in accord with the applicable statute, to conduct the appeal. If the parties fail to agree on an arbitrator, they shall request the presiding judge in the judicial district in which the employee's public school is located to select an independent arbitrator within five (5) working days of the date of the request.

The hearing shall be conducted within thirty (30) working days of selection of the independent arbitrator. The arbitrator shall give written notice of the date, time and place of the hearing, sending such notice to the employee and Board.

The parties shall be provided a copy of the relevant portion of this policy which shall include:

- Discovery shall be limited to depositions and requests for production of documents on a time schedule to be established by the arbitrator.
- The arbitrator may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths. Subpoenas issued shall be served and enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action or in the manner provided by the American Arbitration Association's voluntary labor arbitration rules if that entity is used by the parties.
- The Board shall be required to prove by preponderance of the evidence that just cause to discharge the certificated employee existed at the time of the notice of intent to discharge the employee by the administration.
- Hearing Procedure:

- The employee and the Board may each be accompanied by counsel.
 - The Board shall present the basis for determination that just cause exists for the discharge.
 - The employee shall present reason(s) why the recommendation is without just cause.
 - Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - Witnesses called may be questioned by the Board or a representative, and the employee or a representative.
 - Technical rules of evidence shall not apply, but, in ruling on the admissibility of evidence, the independent arbitrator may require reasonable substantiation of the statements or records tendered, the accuracy of truth of which is in reasonable doubt.
 - A record shall be made of the hearing and each party may order the record at the expense of the party.
- The arbitrator shall notify the employee and the Board of the decision in writing within thirty (30) working days from the conclusion of the arbitration hearing. The decision shall contain findings of fact and conclusions of law affirming or reversing the action of the Board.

Each party shall bear its own costs.

The arbitrator's fees and other expenses incurred in the conduct of the arbitration shall be assigned at the discretion of the arbitrator.

Additional Provisions and Conditions

During the pendency of any hearing, neither the licensed staff member nor the supervising administrator shall contact the Superintendent or a Board member to discuss the merits of the supervising administrator's recommendation except as provided by this policy.

This policy addresses only discipline, termination or discharge and has no application to any of the following:

- Letters or memorandums directed to a licensed staff member containing directives or instructions for future conduct.

- Counseling of a licensed staff member concerning expectations of future conduct.
- Placing an employee on administrative leave with pay and assignment of the employee to home during work hours in order to conclude a review of the employee's actions or activities pending an administrative recommendation.

The Board shall file annually a record with the Secretary of Education of all terminations and all actions arising from terminations.

Adopted: date of manual adoption

LEGAL REF.: 10-7E-1 to 10-7E-26 NMSA (1978) Public Employee Bargaining Act
 10-15-1 NMSA (1978) Open Meeting Act
 22-10A-5 NMSA (1978)
 22-10A-24 NMSA (1978)
 22-10A-25 NMSA (1978)
 22-10A-26 NMSA (1978)
 22-10A-27 NMSA (1978) Discharge hearing; procedures
 22-10A-28 NMSA (1978) Appeals; independent arbitrator; qualifications; procedure; binding decision
 22-10A-29 NMSA (1978) Compensation payments to discharged personnel
 22-10A-30 NMSA (1978) Supervision and correction procedures
 22-10A-31 NMSA (1978) Denial, suspension and revocation of licenses
 22-10A-32 NMSA (1978) Licensed school employees; required training program
 6.60.9.9 NMAC Standards of Professional Conduct
 6.60.9.12 NMAC Reporting Requirements
 6.67.2.8 NMAC Notice of reemployment or termination of licensed personnel

CROSS REF.: DKA - Payroll Procedures/Schedules
 GBEB - Staff Conduct

EXHIBIT**EXHIBIT**

**DISCIPLINE, SUSPENSION, TERMINATION
AND DISCHARGE OF
PROFESSIONAL STAFF MEMBERS**

Reporting Requirements

Standards of Professional Conduct - Upon taking final action to discharge or terminate the employment of an employee on the basis of a violation of the standards of professional conduct, if that employee was authorized to be present by license or waiver to provide instructional services, the Superintendent shall provide written notification to the director of the state licensure unit.

Ethical Misconduct - If an employee is resigning, being discharged or terminated or otherwise leaves employment after an allegation of ethical misconduct, an investigation shall be conducted. Regardless of any non-disclosure agreement upon separation, if the result is wrongdoing, a report of the identity of the licensed school employee and attendant circumstances shall be made on a standardized form to the department and the licensed school employee within thirty (30) days following the separation from employment. Copies of that form shall not be maintained in the school or District.

**G-6150 ©
NONSCHOOL EMPLOYMENT BY
PROFESSIONAL STAFF MEMBERS**

GCR

A regular, full-time employee's position in the District shall be given precedence over any type of outside work or self-employment. Employees are free to carry on individual work or self-employment projects as long as no District facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees' performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the District.
- Raise a question of conflict of interest - for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

Therefore, an employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Adopted: date of manual adoption

CROSS REF.: EDB - Maintenance and Control of Materials and
Equipment
KF - Community Use of School Facilities

**G-6300 ©
TUTORING FOR PAY**

GCRD

School buildings are not to be used for private tutoring or classes for which students pay a fee to staff members unless a rental contract has been entered into with the District.

Staff members are not permitted to provide tutoring for pay to any students who attend or are registered in any of their own classes except in organized tutorial programs which are publicly funded.

Adopted: date of manual adoption

**G-6350 ©
PROFESSIONAL RESEARCH
AND PUBLISHING**

GCS

The Board has proprietary rights to publications, instructional materials, and devices prepared by employees unless prepared by such employees on their own time and without use of school facilities and/or equipment.

- The Board authorizes the Superintendent to review material prepared by staff members prior to copyright or patent for subsequent publication or distribution, and to recommend waiving all or part of the Board's proprietary rights in favor of the employees preparing such materials.
- Any staff member who submits professional materials for publication in which the District is mentioned will submit all such material to the Superintendent prior to release for publication, including materials developed on the employee's own time.

Adopted: date of manual adoption

**G-6600 ©
SUPPORT STAFF POSITIONS**

GDA

Before establishment of any new position, the Superintendent will present a job description for the position that specifies the qualifications, the performance responsibilities, the method by which the performance of such responsibilities will be evaluated and the budget implications for that position.

The Superintendent will maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system.

Adopted: date of manual adoption

LEGAL REF.: 22-5-14 NMSA (1978)

**G-6800 ©
SUPPORT STAFF CONTRACTS
AND COMPENSATION**

GDB

Support staff members are all employees of the District who are not required by state law or by a District policy, regulation, or job description to possess *teaching* certificates from the New Mexico Public Education Department for the purpose of performing their jobs, unless they are expressly designated as professional staff members in notices of employment or contracts executed by the Board.

Compensation

The Superintendent will provide to the Board recommendations on the salaries and benefits of support staff employees in conjunction with the development of the District's annual budget. The Board will determine salaries and benefits of support staff employees annually, differentiated on the basis of duties and responsibilities. The minimum wage for non-certificated or support staff shall be seven (7) dollars and fifty (50) cents per hour.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-39 NMSA (1978).

CROSS REF.: GDQB - Resignation of Support Staff Members

**G-6850 ©
SUPPORT STAFF
SALARY SCHEDULES**

GDBA

**Initial Placement on
Salary Schedule**

The initial placement on the salary schedule for all new support staff personnel and for all currently employed personnel selected for another position in the District will be determined by the Superintendent based on the budget approved by the Board at the time of employment. The placement will be based on consideration of the candidate's qualifications, relevant job experience, and years of District employment, if applicable. Support staff employees shall receive one (1) year of credit for each two (2) years of previous experience they have. The maximum years of credit a classified employee may receive is four (4) years.

Salary Advancement

Salary advancements for regular twelve (12) month employees are granted only at the beginning of each fiscal year. Annual step increases may be withheld if it is determined the employee does not perform at the expected level or does not meet standards for the job.

An employee must work one (1) day more than one-half (1/2) of the year to receive a step advancement in salary.

Adopted: date of manual adoption

G-6950 ©
SUPPORT STAFF SUPPLEMENTARY
PAY / OVERTIME

GDBC

The Superintendent will recommend to the Board an extra-duty pay schedule each year for its review and action.

Whenever applicable, pay for extra duty must be coordinated with regular pay in accord with the requirements of the Fair Labor Standards Act.

Adopted: date of manual adoption

LEGAL REF.: 29 U.S.C. 207, Fair Labor Standards Act

CROSS REF.: GDL - Support Staff Workload

G-7000 ©
SUPPORT STAFF FRINGE BENEFITS

GDBD

The Board will review support staff fringe benefits each year during the budget process and may modify the benefits to meet the best interest of the District.

Minimum standards of eligibility for fringe benefits will be determined by the Board annually.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA (1978)

ⁱⁱ**G-7050** ©
SUPPORT STAFF
LEAVES AND ABSENCES

GDC

Refer to GCC through GCCD and GCCH; the terms and conditions of these policies apply to support staff personnel unless a written policy stating a contrary intent is included.

G-7300

©

GDCE

SUPPORT STAFF

CONFERENCES / VISITATIONS / WORKSHOPS

To attend meetings or conferences, support staff employees must obtain approval from the administration at least twenty (20) days prior to the meeting or conference dates (whenever such prior request is possible).

The following guides will be used in granting released time and/or travel expense:

- Value of the meeting or conference.
- Funds available in the appropriate budgets.
- Availability of a substitute, if one is necessary.

A per diem subsistence allowance, and/or mileage, for private automobiles may be paid as provided in state law or Board policies. The necessary forms and instructions for filing travel claims are available at the administration office.

Adopted: date of manual adoption

G-7500 ©
SUPPORT STAFF
VACATIONS AND HOLIDAYS

GDD

Vacation (Annual Leave)

Twelve (12) month support staff employees are entitled to annual leave as follows:

- Ten (10) days of paid annual leave, cumulative to twenty (20) days maximum, for employees with less than ten (10) years experience in the District. Leave earned beyond the twenty (20) days maximum must be taken prior to June 20 of the year in which they exceed the twenty (20) days or lose all annual leave that exceeds the twenty (20) days maximum.
- Fifteen (15) days of paid annual leave, cumulative to thirty (30) days maximum, for employees with ten (10) years or more experience in the District. Leave earned beyond the thirty (30) days maximum must be taken prior to June 30 of the year in which they exceed the thirty (30) days or lose all annual leave that exceeds the thirty (30) days maximum.

Employees requesting annual leave must submit a leave request form to their immediate supervisor in advance.

Requests for utilization of annual leave on the work day immediately before or after a designated District holiday or on a work day identified for professional development may be denied.

If a supervisor denies an employee's request for annual leave, the matter shall be immediately referred to the Superintendent for final resolution. The supervisor must submit all documentation and/or rationale for denying the employee's request.

Accrued annual leave will be paid upon resignation to the maximum days defined above depending upon whether the employee is certificated staff or support staff. A written request must be submitted to the Superintendent. Annual leave will be paid on the daily rate of the employee which shall be calculated by dividing the annualized salary by two hundred sixty (260) days (two hundred thirty-five [235] work days *plus* twenty-five [25] paid holidays).

Annual leave will be awarded as it is earned. Leave that has not been earned may not be taken in advance.

Qualifying individuals employed for less than twelve (12) months earn paid annual leave on a prorated basis.

Holidays and Uncompensated Days

Employees shall be entitled to all legal holidays during the school year as announced by the Superintendent and in conformance with New Mexico Revised Statutes. Uncompensated days off will be established by the school calendar.

Adopted: date of manual adoption

**G-7650 ©
SUPPORT STAFF HIRING**

GDF

It shall be the policy of the District to employ and retain the best qualified personnel. This will be accomplished by giving careful consideration to qualifications and by providing competitive salaries within the financial capabilities of the District, adequate facilities, and good working conditions. Volunteers are to have background checks in accord with this policy.

Recruitment of support staff personnel is the responsibility of the Superintendent. Other members of the administration and supervisory staff will assist as responsibilities are delegated by the Superintendent.

The Board adopts the following general criteria and procedures, which shall be utilized in the selection process for initial employment:

- There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.
- Candidates for all positions shall be able to perform the duties of their position job descriptions.
- Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.
- A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for termination.

All offers of employment are contingent upon the satisfactory completion of background investigations.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)
28-1-2 NMSA *et seq.*

REGULATION**REGULATION****SUPPORT STAFF HIRING****Definition**

A *background investigation* is defined as any communication with an applicant's (or employee's) former employer that concerns the education, training, experience, qualifications, and job performance of the individual and that is used for the purpose of evaluation for employment. Background investigation does not include the results of any state or federal criminal history records check.

Background Investigation Requirements

Only persons designated by the Superintendent shall perform background investigations. Prior to contacting former employers or other persons, the background investigator shall:

- Ascertain that the standard employment application for the type of position has been completed in full.
- Obtain from the individual a consent to background investigation and release as determined by the District.
- Make certain that the individual has identified at least one (1) persons from the last employer who can verify basic job information and discuss the individual's work performance and reason for leaving.
- Examine the application for a complete work history, accounting for any gaps in employment.

One (1) persons should be contacted at each past employer if possible (any exceptions should be documented). Upon making contact, the contacts or the former employer or employer's agent should be provided the following information:

- The name and identifying information of the District.
- The name of the District representative making the inquiry and how the representative can be contacted.

- The name of the former employee and period of employment as indicated by the individual whose background is being investigated.
- The position for which the individual has applied, with descriptive information as to the duties, if requested or necessary to understanding of the inquiry.

The background investigator shall:

- Ask the questions, and complete the background check form(s) as provided by the District.
- Make impression notes as necessary based upon the questions and responses, and determine if there may be cause to contact others or make further inquiries based upon the responses.
- Provide the information to the Superintendent.

EXHIBIT**EXHIBIT****SUPPORT STAFF HIRING****CONSENT TO CONDUCT BACKGROUND
INVESTIGATION AND RELEASE**

I, _____ [applicant's name], have applied for employment with the Gadsden Independent School District to work as a _____ [job title]. I understand that in order for the School District to determine my eligibility, qualifications, and suitability for employment, the School District will conduct a background investigation to determine if I am to be considered for an offer of employment. This investigation may include asking my current employer, any former employer, and any educational institution I have attended about my education, training, experience, qualifications, job performance, professional conduct, and evaluations, as well as confirming my dates of employment or enrollment, position(s) held, reason(s) for leaving employment, whether I could be rehired, reasons for not rehiring (if applicable), and similar information.

I hereby give my consent for any employer or educational institution to release any information requested in connection with this background investigation.

According to the Family Educational Rights and Privacy Act, I understand that I have a right to see most education records that are maintained by any educational institution.

In light of the preceding paragraph, I waive _____/do not waive _____ (initial only one [1]) my right to see any written reference or other information provided to the School District by any educational institution.

I acknowledge that some employers are unwilling to provide factual written references concerning a current or past employee unless they may do so confidentially, without revealing the references to the employee, and that the School District will not further consider my application if it cannot complete its background investigation.

In light of the preceding paragraph, I waive _____/do not waive _____
(initial only one [1]) my right to receive a copy of any written communication
furnished to the School District by any employer.

Whether or not I have waived my right to see or to receive copies of written
references furnished to the School District by employers or educational
institutions, I release, hold harmless, and agree not to sue or file any claim of
any kind against any current or former employer or educational institution,
and any officer or employee of either, that in good faith furnishes written or
oral references requested by this School District to complete its background
investigation.

A photocopy or facsimile ("fax") copy of this form that shows my signature
shall be as valid as an original.

DATED this _____ day of _____, 20__.

Witness

Applicant

EXHIBIT **EXHIBIT**

SUPPORT STAFF HIRING

BACKGROUND CHECK FORM

Applicant _____ Date _____

Person contacted _____ Telephone _____

Address _____

E-mail address _____

Relationship to applicant:

Former employer - position _____
District, business, or other entity _____

Personal reference

Method of contact: Telephone Letter Other _____

QUESTIONS FOR EMPLOYERS

Dates of employment _____

Position held _____

Final rate of pay _____

Was the person reliable? _____ If no, explain _____

Was the person satisfactory? _____ If no, explain _____

Any concern about the person being late to work without authorization? _____

If yes, explain _____

Any concern with abuse of leave policies (such as sick leave or personal leave)? _____

If yes, explain _____

Any difficulty establishing communication and rapport with children? _____

If yes, explain _____

Any difficulties in establishing communication and rapport with supervisors, parents, or community members? _____

If yes, explain _____

Did the person ever receive a written counseling statement, letter of direction, or reprimand? _____

If yes, describe _____

Did the district ever consider taking action or take action to suspend, decline to renew, or dismiss the employee? _____

If yes, describe _____

Was there ever an allegation or complaint about:

Abusive language? _____

Insulting or derogatory comments? _____

Inappropriate contact with a child? _____

Verbal or physical contact of a sexual nature? _____

Dishonesty? _____

Substance abuse? _____

Failure to provide adequate supervision? _____

Failure to follow reasonable directions or instructions? _____

If yes on any of the above, get explanation _____

Was the person ever involved in an incident that resulted in injury to an adult or child? _____

If yes, explain _____

Would you rehire this person? _____

Can you identify anyone else who could provide relevant information regarding the applicant's fitness for employment? _____

Is there any other information I have not asked about that would help us determine this person's eligibility, qualifications, and suitability for employment with our District? _____

QUESTIONS FOR PERSONAL REFERENCE

How long have you known the applicant? _____

What is the nature of your relationship? _____

Why do you think the applicant would be a good choice for this position?

Do you know of any reasons that could prevent the applicant from fulfilling the functions of the position? _____

Background check form completed by _____

Date completed _____

**G-7700 ©
SUPPORT STAFF QUALIFICATIONS
AND REQUIREMENTS**

G DFA

(Fingerprinting Requirements)

An applicant offered employment and a contractor or contractor's employee who will have unsupervised access to students shall be required to provide fingerprint cards or electronic fingerprints and shall be required to pay the cost of obtaining federal bureau of investigation records.

The candidate's fingerprints shall be submitted, along with the form presented as an exhibit to this policy, immediately upon being notified of possible employment. The form shall be considered a part of the application for employment. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act, provided that other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the employment decisions for good and just cause.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

The administration may also conduct a background investigation of current employees if it becomes aware of facts, circumstances, or conduct that indicate(s) an individualized reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue in employment with the District.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)
6.60.8.7 NMAC
6.60.8.8 NMAC
6.60.8.9 NMAC

CROSS REF.: GDG - Part-Time and Substitute Support Staff Employment

G-7900

©

GDG

**PART - TIME AND SUBSTITUTE
SUPPORT STAFF EMPLOYMENT**

The Superintendent may employ, when conditions warrant, temporary or part-time personnel on a per diem or time card basis. This authority is subject to the following conditions:

- Continued employment of any such person shall be subject to confirmation of budgeted funds available; however, employment shall not be offered prior to satisfactory completion of any pending fingerprint check.
- The employee shall be hired on a per diem basis and shall be compensated in accordance with the requirements and limitations of existing contracts that cover similar positions or employees.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA (1978)

**G-8100 ©
SUPPORT STAFF ORIENTATION
AND TRAINING**

GDH

The Superintendent will establish a program to provide orientation for all new District employees. At a minimum, this program will cover the following items:

- Goals, objectives, and programs of the District.
- Personnel policies.
- Terms of employment.
- General disciplinary rules and procedures.
- Salary and fringe benefit plans.
- Self-improvement opportunities.
- The evaluation program and name(s) of evaluator(s).
- Handling of body fluids.

Adopted: date of manual adoption

**G-8250 ©
SUPPORT STAFF
ASSIGNMENTS AND TRANSFERS**

GDJ

Assignments

The Superintendent will determine all support staff assignments. Such assignments shall be based on the needs of the District.

Transfers

The transfer of support staff members will be based on the needs of the District. Assignments may be changed to serve the best interests of the District.

It shall be the policy of the Board that personnel be assigned on the basis of their qualifications, the needs of the District, and their expressed desires. When it is not possible to meet all three (3) conditions, personnel shall be assigned first in accordance with the needs of the District, second where the Superintendent determines the employee is most qualified to serve, and third as to expressed preference of the employees.

The Superintendent shall have the responsibility for the assignment of all personnel throughout the District.

The resolution of any conflicts over the need for a transfer shall be based on what is best for the instructional program, the needs of the students, and the overall needs of the District as defined by the Superintendent.

Adopted: date of manual adoption

G-8300 ©
SUPPORT STAFF
SCHEDULES AND CALENDARS

GDK

All support staff employees shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave.

Employees must obtain permission from their supervisor in order to leave the School District premises during working hours. In addition, employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

Adopted: date of manual adoption

**G-8450 ©
SUPPORT STAFF WORKLOAD**

GDL

The normal workweek for support staff personnel will not exceed forty (40) hours per week. Typically the week will be based on eight (8) hours per day, five (5) days per week; however, the Superintendent may designate other workweek structures to meet varying conditions and needs of the District. Employees will be notified at least one (1) week in advance of any modification to the workweek plan.

Individual employee work schedules will be based on the position held by the respective employees and on District needs as identified during the employment process.

For the purpose of calculating regular and overtime hours in accordance with wage and hour requirements, the District's designated workweek shall begin at 12:01 a.m. on Sunday and conclude at 12:00 midnight the following Saturday.

An employee may work overtime, provided that advance authorization is obtained from the supervisor in charge or, in the case of an emergency, authorization is obtained immediately upon completion of the work or as soon thereafter as practicable.

Adopted: date of manual adoption

LEGAL REF.: 29 U.S.C. 207, Fair Labor Standards Act
29 C.F.R. 516 *et seq.*, Fair Labor Standards Act

CROSS REF.: GDBC - Support Staff Supplementary Pay/Overtime

REGULATION**REGULATION****SUPPORT STAFF WORKLOAD****(Fair Labor Standards Act:
Overtime Compensation)**

Nonexempt employees, those noncertificated employees subject to the minimum wages and overtime provisions of the Fair Labor and Standard Acts, may be required to complete an individual time card showing the daily hours worked.

Employees will submit their time record weekly. Time records must show all hours worked, vacation time, sick time, and any other approved leave from work that was incurred for the week. Time records should not be completed in advance but should be completed at the end of each work day.

Employees shall record their starting time, time out for lunch, time in from lunch, quitting time, and total hours worked for each work day.

Employees are not permitted to sign in or commence work more than fifteen (15) minutes before their normal starting or to sign out or stop work later than fifteen (15) minutes after their normal quitting time without the prior approval of the school administrator/supervisor.

All employees are required to take a lunch or meal break. Exceptions may be made for lunch periods per a voluntarily signed and written agreement between the employee and administrator.

All employee time records shall be verified and signed by the school administrator/supervisor.

Reporting another employee's time or falsifying one's own time is prohibited and may be grounds for disciplinary action including termination.

Employees who are found to have violated Policy GDL and this regulation shall be subject to disciplinary action.

First time offenders shall be:

- Counseled to ensure that time reporting requirements are understood.
- Advised of the consequences of further infractions.
- Provided with a copy of this policy and acknowledge receipt that it has been communicated and understood.

Second time offenders shall:

- Receive a written warning which will be placed in their personnel file.
- Be subject to spot checks by his/her supervisor during the thirty (30)-day period following the infraction.
- Be required to attend the next scheduled training session on timekeeping and re-acknowledge understanding of Policy GDL and this regulation.

Third time offenders shall meet with their supervisor to be advised that the infraction will be noted in the employee's next annual performance evaluation and receive a second written warning in their personnel file.

Fourth time offenders shall meet with the Associate Superintendent for Human Resources for possible disciplinary action, including but not limited to termination.

Compensatory Time

Nonexempt employees who work more than forty (40) hours per week shall be awarded "compensatory time" at the rate of one and one-half (1 1/2) hours for each hour of overtime work. In cases of emergency, when the employee cannot be immediately released for this time and one-half compensation, the Superintendent will make the decision as to paying the employee at the rate of time and one-half or having the employee take the time off at a future date. The hours must be approved by the immediate supervisor before an employee works overtime or, in the case of an emergency, immediately upon completion of the work or as soon thereafter as possible.

Compensatory time off shall be taken during the following pay period or workweek in which it was earned unless the use of compensatory time off would unduly disrupt the operations of the District. In the event the supervisor determines compensatory time off during the week following the week it is earned would be unduly disruptive to the operations of the District, such compensatory time off may be taken as soon as is reasonably possible thereafter.

This overtime compensation plan does not apply to exempt employees or to volunteers.

**G-8550 ©
SUPPORT STAFF MEETINGS**

GDLB

The Superintendent will arrange for and hold staff meetings as the need may arise. This authority may be delegated to the school principals or supervisor(s), who may hold such meetings on a regularly scheduled basis or as the need arises.

All appropriate staff members are required to attend any such meeting(s) unless officially excused.

Adopted: date of manual adoption

G-8850 ©
SUPERVISION OF SUPPORT
STAFF MEMBERS

GDN

The supervisor(s) of the various departments or divisions shall be responsible for the supervision of personnel assigned to these areas and shall provide the necessary orientation to new employees and in-service training for all employees under their supervision.

All other support staff employees shall be under the supervision of the administrative heads of the units to which the employees are assigned. The administrative head shall be responsible for the necessary orientation of new employees and shall provide in-service training as needed.

Supervision shall include evaluation of the employee.

Adopted: date of manual adoption

**G-8900 ©
EVALUATION OF SUPPORT
STAFF MEMBERS**

GDO

All support personnel shall be evaluated by the appropriate supervisor or administrator. A written evaluation of effectiveness of each support staff member shall be completed during the first year of employment and not later than ninety (90) days after the first day of work. A second first-year evaluation will be not later than the anniversary date of employment. At least once each year thereafter, an evaluation will be conducted. The evaluation will be used to increase job proficiency and for recommending continued employment.

Adopted: date of manual adoption

EVALUATION OF SUPPORT STAFF MEMBERS

Definition of Rating Scale Terms

1 = *Outstanding*

- Performance exceeds the requirements of the position.
- Displays high degree of self-motivation.
- Consistently generates output of superior quality.

2 = *Satisfactory*

- Performance is adequate for the requirement of the position; meets expectations of the job.
- Self-motivation confined to accomplishing assigned tasks.
- Generates output of acceptable quality.

3 = *Improvement needed*

- Performance is not of the quality expected of the position; frequently falls short of job expectations.
- Frequently lacks motivation to complete assigned tasks.
- Frequently generates output of poor quality.

4 = *Unsatisfactory*

- Performance is definitely inadequate for the position; consistently falls short of job expectations.
- Lacks self-motivation.

- Consistently generates output of inferior quality.

EXHIBIT

EXHIBIT

EVALUATION OF SUPPORT STAFF MEMBERS

(Performance Rating Report)

Employee _____ Department _____

Supervisor _____ Date of rating _____

<i>Rating</i>		<i>scale:</i>
<i>1 = outstanding</i>	<i>2 = satisfactory</i>	<i>3 = improvement needed</i>
		<i>4 = unsatisfactory</i>

1 2 3 4 RATING FACTORS:

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>1. Quality of work: The ability to produce work that satisfies or surpasses job requirements. Consider accuracy, completeness, thoroughness, neatness of work.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>2. Quantity of work: Volume or amount of work done.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>3. Knowledge: Knowledge of methods, materials, objectives, and other fundamental information skills.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>4. Adaptability: Ability to learn, perform under changes and in emergencies, grasp detail, comprehend differences between important and trivial.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>5. Work habits: Organization of work, care of equipment, safety, industry.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>6. Working relationship with students and other employees: Ability to get along with the students and other employees.</p> |

7. **Dependability:** Degree to which employee can be relied upon to do the job without close supervision. Punctuality, attendance on the job.

1 2 3 4

8. **Attitude:** Interest in work, willingness to meet job requirements and accept suggestions, loyalty to the organization, ethical conduct.

9. **Personal fitness:** Physical capacity, appearance, personal habits.

10. **Judgment:** Soundness of decisions, common sense.

OVERALL RATING (average): Should reflect the above ratings.

Number of days absent for any reason _____ total points _____ .

Comments:

1. What are the employee's strengths? ("Outstanding" ratings must be explained in this space.)

2. What are the employee's weaknesses? ("Unsatisfactory" and "Improvement Needed" must be explained in this space.)

3. General comments:

I have discussed this performance rating report with the evaluator.

Employee's signature _____ Date _____

Evaluator's signature _____ Date _____

**G-9000 ©
DRUG AND ALCOHOL TESTING
OF TRANSPORTATION EMPLOYEES**

GDOB

Refer

to

Policy

EEAEAA.

**G-9100 ©
SUPPORT STAFF TERMINATION
OF EMPLOYMENT**

GDQ

Refer

to

Policy

DKA.

**G-9150 ©
SUPPORT STAFF
REDUCTION IN FORCE**

GDQA

The number and type of support staff positions required to implement the District's educational program will be determined annually by the Board after recommendation from the Superintendent. In the event the Board decides to release support staff members, the following guidelines will be in effect:

- Normal attrition due to terminations will be relied upon as the first means of reducing the staff.
- If attrition does not accomplish the required reduction in the staff, the Superintendent shall submit to the Board recommendations for the termination of specific staff members. The criteria used in formulating these recommendations shall include, but shall not be limited to:
 - Qualifications of staff members to accomplish the District's program.
 - Overall experience, training, and ability.
 - Past contributions to the program of the District.
 - All other factors being equal, length of service in the District.

Criteria for selection of staff members to be released will be applied separately to employees within specialty categories.

Personnel to be laid off for the ensuing school year shall be notified of such layoff as soon as practical.

Adopted: date of manual adoption

G-9200 ©
RESIGNATION OF
SUPPORT STAFF MEMBERS

GDQB

Employees voluntarily terminating their service with the District are expected to give advance notice of not less than ten (10) working days. This notice should be submitted to the supervisor in writing and should specify both the last day of work and the reason for terminating. Authorized unused vacation credit will be paid to employees with the last paycheck.

Adopted: date of manual adoption

CROSS REF.: GDL - Support Staff Workload

G-9300 ©
DISCIPLINE, SUSPENSION, TERMINATION
AND DISCHARGE OF
SUPPORT STAFF MEMBERS

GDQD

Unless limited by the provisions of a collective bargaining agreement or by other statutory provision, a public employer may:

- direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees;
- determine qualifications for employment and the nature and content of personnel examinations;
- take actions as may be necessary to carry out the mission of the public employer in emergencies; and
- retain all rights not specifically limited by a collective bargaining agreement or by the Public Employee Bargaining Act.

For purposes of this policy:

- "Terminate" means, in the case of a noncertificated school employee, the act of severing the employment relationship with the employee.
- "Working day" means every calendar day, excluding Saturday, Sunday or legal holiday.
- "Administrative leave" means the assignment of an employee to the employee's home to await further instructions pending the outcome of an investigation or inquiry into the actions of the employee in order to avoid interference in the inquiry. The use of "administrative leave" is not a disciplinary action.

Categories of Misconduct

Staff members may be disciplined for infractions that include, but are not limited to, the following categories:

- Absence without leave
- Abuse of leave
- Alcohol or drug impairment
- Child abuse or molestation
- Discourteous treatment of the public
- Dishonesty
- Excessive absenteeism
- Fraud in securing employment
- Improper attitude
- Incompetence or inefficiency
- Insubordination
- Neglect of duty
- Unauthorized possession of a weapon on school grounds
- Unauthorized use of school property
- Unlawful conduct
- Use of illegal drugs
- Violation of a directive of a supervisor
- Violation of a District policy or regulation

General Provisions for Discipline are as follows:

- *Informal consultation.* Nothing contained herein will limit a supervising administrator's prerogative to engage in informal consultation with an employee to discuss matters of concern related to the employee's performance, conduct, etc.
- *Persons authorized to impose discipline.* Any supervising licensed administrator who is the immediate or primary supervisor of a staff member is authorized to impose a penalty or penalties, short of termination.
- *Administrative discretion.* In adopting these policies/procedures, it is the intention of the District that they be interpreted and applied in a reasonable fashion. The policies are not intended to restrict or eliminate the discretion traditionally afforded to supervising administrators to determine whether discipline is appropriate. Administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged violation merits discipline.
- *Right not to impose discipline.* The District reserves the right not to discipline a staff member for conduct that violates this policy.
- *Additional reasons for discipline.* A staff member may be disciplined for conduct that has occurred but that, at or near the time of misconduct, was not the subject of or identified as a reason for a specific proceeding under this policy.
- *Amendments.* The District reserves the right to amend this policy in any way at any time. Any amendment shall have prospective application only.

- *Severability.* If any provision of this policy is held to be invalid for any reason, such action shall not invalidate the remainder of this policy. If any provision of this policy conflicts with any provisions in any other policies adopted by the District, the provisions of this policy shall prevail.

Minor Discipline

Minor disciplinary action includes, without limitation thereto, removal from the grounds, written warning, written reprimand, or suspension. Minor disciplinary action shall be imposed by the staff member's administrative supervisor upon informing the employee of any violations of state or federal statutes, policies, rules or the New Mexico code of ethics and offering a hearing and opportunity to express the employee's side of the issue before implementing the disciplinary action. The disciplinary action shall be confirmed in writing to the employee. The discipline may only be appealed to the next level of administration. The hearing procedure shall be as follows.

Step 1 - Notice and Hearing:

- Upon the supervising administrator's determination of the existence of cause to impose discipline, the supervising administrator shall notify the staff member of intent to impose discipline, the conduct or omission on the part of the staff member that constitutes the reason for discipline, and provide the employee an opportunity to explain the employee's side of the issue. A reasonable effort to determine the circumstances of the incident will be made. The discipline may be imposed immediately or following any further investigation.

Step 2- Decision (in writing):

- At the hearing, or within seven (7) working days following the hearing, the supervising administrator shall inform the employee in writing of the disciplinary action, if imposed and summarize the discussion at the hearing.

Appeal of Minor Discipline

A staff member who wishes to object to a minor disciplinary action shall submit a written appeal request to the supervisor's superior within five (5) work days of receiving notice of the disciplinary action. Failure to request the appeal in the time frame indicated will be considered acceptance of the discipline imposed. The discipline shall be suspended if the appeal is timely made. The appeal shall specifically describe the part of the determination with which the staff member disagrees, such as:

- Determination was founded upon error of construction or application of any pertinent regulations or policies.
- Determination was unsupported by any evidence as disclosed by the entire record.
- Determination was materially affected by unlawful procedure.
- Determination was based on violation of any statutory or constitutional right.
- Determination was arbitrary and capricious.
- The penalty was excessive.

The appeal shall be based on the staff member's submission as listed above and the summary of the hearing made by the supervisor. The supervising administrator, the Superintendent, or, when appropriate, the Board may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the staff member within a reasonable amount of time following the appeal, not to exceed seven (7) working days. The decision upon appeal is final for all minor disciplinary actions.

Termination Pursuant to 22-10A-24 NMSA (1978)

The following procedures will be used to impose any termination permitted under 22-10A-24 NMSA (1978) except that it does not apply to:

- A noncertificated school employee employed to perform primarily District-wide management. (22-10A-26 NMSA)

Step 1 - Notice:

- Upon the supervising administrator's determination of the existence of cause to terminate, the supervising administrator shall notify the staff member of intent to terminate. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:
 - The conduct or omission on the part of the staff member that constitutes the reason for termination.

- A scheduled meeting time between the supervising administrator and the staff member. Such meeting shall be scheduled not more than five (5) working days after the date the staff member receives the notice.

Step 2 - Pre-Termination Hearing:

- At the hearing, the supervising administrator shall discuss with the staff member the conduct that warrants notice of termination and shall provide the staff member with written reasons for the decision to terminate.
- The supervising administrator shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings. The staff member shall be requested to present any rebuttal or reasons the termination should not go forward.

Step 3 - Pre-Termination Hearing Decision (in writing):

- At the pre-termination hearing, or within five (5) days following the hearing, the supervising administrator shall, in writing, inform the staff member of the decision. If the decision is to terminate, written notice shall be enclosed. The reasons shall not be publicly disclosed by the administration or Board. *For an employee of less than three (3) consecutive years of service the decision is not contestable under the School Personnel Act.*

Steps one (1) through three (3) should be followed for all employees.

Step 4 - Appeal Requirements and Content:

- Termination may be appealed to the Board by an employee with three (3) consecutive years of service by making a request to the Superintendent within five (5) working days of the date of receipt of the notice of termination requesting reasons for the termination decision and a meeting with the Board.
 - The appeal shall be granted if the employee responds to the Superintendent in writing within ten (10) working days of receiving the reasons for termination with the following information:

- ⤴ A statement of contention that the employee believes the decision is without just cause.
- ⤴ A brief statement of the reason(s) why the staff member believes the decision is without just cause.
- ⤴ A statement of the facts that the employee believes support this contention.

Step 4 - Appeal Procedure:

- The Board shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after receipt of the statement.
- The hearing shall be conducted informally in accordance with the provisions of the Open Meeting Act.
 - Hearing Procedure:
 - ⤴ The employee and the Superintendent may each be accompanied by a person of their choice.
 - ⤴ The Superintendent shall present the factual basis for determination that just cause exists for the termination, limited to the reasons provided to the employee.
 - ⤴ The employee shall present contentions, limited to the reason(s) why the staff member believes the decision is without just cause.
 - ⤴ Rebuttal to the employee's presentation may be presented as deemed relevant by the Board.
 - ⤴ Witnesses called may be questioned by the Board, the Superintendent or an appointed representative, and the employee or an appointed representative.
 - ⤴ The Board may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable.
 - ⤴ No record shall be made of the hearing.
 - The Board shall notify the employee and the Superintendent of its decision in writing within five (5) working days from the conclusion of the meeting.

The Board shall take such action as is necessary in accordance with the Open Meeting Act to uphold or deny the recommendation to terminate. Such decision, shall be communicated to the staff member within a reasonable amount of time following the appeal, not to exceed five (5) working days.

Termination - Arbitration Appeal Pursuant to 22-10A-25 NMSA (1978)

An employee still aggrieved by a decision of the Board may appeal the decision to an arbitrator by doing the following:

- Submitting a written appeal to the Superintendent within five (5) working days from receipt of the Board's written decision or refusal to grant a hearing on the issue of termination.
- Accompanying the written appeal shall be a statement of particulars specifying the grounds on which it is contended that the decision was impermissible pursuant to subsection E of Section 22-10A-24 NMSA (1978).
- Including in the contentions a statement of facts supporting the contentions.

Failure of the employee to submit a timely appeal or a statement of particulars with the appeal shall disqualify the employee for any appeal and render the Board's decision on termination final.

If the arbitration appeal request is timely and complete, the Board and the employee shall meet within ten (10) working days from the receipt of the request for an appeal and select an independent arbitrator, qualified in accord with the applicable statute, to conduct the appeal. If the parties fail to agree on an arbitrator, they shall request the presiding judge in the judicial district in which the employee's public school is located to select an independent arbitrator within five (5) working days of the date of the request.

A de novo (new) hearing shall be conducted within thirty (30) working days of selection of the independent arbitrator. The arbitrator shall give written notice of the date, time and place of the hearing, sending such notice to the employee and Board.

The parties shall be provided a copy of the relevant portion of this policy which shall include:

- Discovery shall be limited to depositions and requests for production of documents on a time schedule to be established by the arbitrator.

- The arbitrator may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths. Subpoenas issued shall be served and enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action or in the manner provided by the American Arbitration Association's voluntary labor arbitration rules if that entity is used by the parties.
- The Board shall be required to prove by a preponderance of the evidence that just cause to discharge the employee existed at the time of the notice of intent to discharge the employee by the administration.
- Hearing Procedure:
 - The employee and the Board may each be accompanied by counsel.
 - The Board shall present the basis for determination that just cause exists for the discharge.
 - The employee shall present reason(s) why the recommendation is without just cause.
 - Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - Witnesses called may be questioned by, the Board or a representative, and the employee or a representative.
 - Technical rules of evidence shall not apply, but, in ruling on the admissibility of evidence, the independent arbitrator may require reasonable substantiation of the statements or records tendered, the accuracy of truth of which is in reasonable doubt.
 - A record shall be made of the hearing and each party may order the record at the expense of the party.
- The arbitrator shall notify the employee and the Board of the decision in writing within ten (10) working days from the conclusion of the arbitration hearing. The decision shall contain findings of fact and conclusions of law affirming or reversing the action of the Board.

The parties shall be guided by the statute and arbitrator as to the conduct of the hearing, each bearing their own costs. The arbiter's fees and other expenses in the conduct of the arbitration shall be assigned at the discretion of the independent arbitrator.

No official record shall be made of the proceeding but the party wishing a record may arrange for a record, paying the expense.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-24 NMSA (1978)
22-10A-25 NMSA (1978)
22-10A-26 NMSA (1978)

CROSS REF.: DKA - Payroll Procedures/Schedules

G-9350 ©
NONSCHOOL EMPLOYMENT BY
SUPPORT STAFF MEMBERS

GDR

A regular, full-time employee's position in the District shall be given precedence over any type of outside work or self-employment. Employees are free to carry on outside work or self-employment projects as long as no District facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees' performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the District.
- Raise a question of conflict of interest - for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

Therefore, an employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Adopted: date of manual adoption

CROSS REF.: EDB - Maintenance and Control of Materials and
Equipment
KF - Community Use of School Facilities

SECTION H

NEGOTIATIONS

H-0250 NEGOTIATION PROCEDURES

HD

An Agreement shall remain in full force and effect until mutually changed by the parties.

Either party may request to open any/all provisions of an Agreement by 1 April of each school year.

The parties shall meet at mutually acceptable times and locations, to be at least once a week.

All sessions shall be closed.

Each party may have up to six (6) team members, with one being designated as lead negotiator.

If the parties fail to reach an agreement by an agreed on time, or either party declares an impasse, either party may request mediation services from the Federal Mediation and Conciliation Service (FMCS).

A mediator from FMCS shall be assigned to assist in negotiations unless the parties agree to another mediator.

The mediator shall provide services to the parties until the parties reach agreement or the mediator believes the mediation services are no longer helpful or until thirty (30) calendar days to start from the date when the mediator is assigned to the parties.

If impasse continues after these thirty (30) days, either party may request a list of seven regional arbitrators from FMCS.

One (1) arbitrator shall be chosen by the parties by alternately striking names from such list after a coin toss to determine who strikes the first name.

The arbitrator shall render a final, binding, written decision resolving all unresolved issues no later than thirty (30) days after the arbitrator has been notified of his/her selection by the parties.

The arbitrator's decision shall be limited to a selection of one (1) of the two (2) parties' complete, last, best offer.

The costs of an arbitrator and the arbitrator's related costs conducted pursuant to the subsection shall initially be shared equally by the parties, unless determined otherwise by the arbitrator.

Each party shall be responsible for bearing the cost of presenting its case.

Adopted: date of manual adoption

H-0450
EMPLOYEE MEET - AND - CONFER
ORGANIZATIONS

HH

The Federation shall be provided with at least the following budget information, upon written request at the time it is submitted to the District Board of Education or the Public Education Department. This information may be provided through electronic means.

- A copy of the tentative/proposed operational budget including all worksheets and salary schedules;
- A copy of the final operational budget including all worksheets and salary schedules;
- A copy of the operational budget report on a monthly and quarterly basis to include budget amendment requests, budget transfers, budget line item as adjusted, expenditures during the current period, total expenditures to date, encumbrances and encumbered balances; and
- A copy of the forty (40), eighty (80) and one hundred twenty (120) day student counts.

The Federation building representatives are recognized as Federation leaders in their respective work sites. This recognition carries with it the right of the representatives to carry out their Federation responsibilities on non-duty/non-work time. As long as they do not interfere with the educational process in the school, the delivery of services, or the performance of the employee job duties.

Building representatives may distribute Federation materials and conduct Federation business related to a grievance or other representation on non-duty/non-work time. As long as they do not interfere with the educational process in the school, the delivery of services, or the performance of the employee job duties.

The building representatives shall have the right to bring to the attention of the work site supervisor or principal all matters pertaining to the organizational and representational rights of the Federation and other concerns of the employees.

Federation officials and/or representatives who are not District employees shall have the right to visit worksites for the purpose of conducting representational business provided the visit does not interfere with the duty schedule of the employees involved and does not disrupt the instruction of students. Prior written notice is to be given to the work site supervisor or principal. The visitor shall be provided with a visitor's pass while in the building. Visitors must follow visitor procedures at the site and Federation officials or representatives may only meet with an employee during non-work time and in non work areas.

The Federation may use meeting areas in District buildings in the same manner as allowed to other entities provided advanced scheduling has been made with the District and provided such meetings do not interfere with the instructional schedule or conflict with the scheduled events as determined by the principal.

Adopted: date of manual adoption

SECTION I

INSTRUCTIONAL PROGRAM

ⁱⁱⁱI-0050

IA

INSTRUCTIONAL GOALS AND OBJECTIVES

All parts of the curriculum are interrelated and important to the development of the student. The physical, emotional, social, aesthetic, and cognitive development of the student are all elements of importance within the school program.

The course of study of Gadsden Independent School District defines the knowledge, skills, and qualities students are expected to develop and acquire. It is aligned to the New Mexico State Statutes, New Mexico Standards for Excellence, District Educational Plan for Student Success, local curricula, and local school board goals.

Specifically, the District instructional program will be designed and implemented to provide for at least the minimum instructional areas required by statute and shall include:

- *Kindergarten classes, occurring daily, shall be child centered and developmentally appropriate.*
- *All first, second, and third grade classes shall provide daily instruction in language arts, including phonemic and phonological skills, and mathematics*
- *All first, second and third grade classes shall provide instruction in art, music, and any other state or local requirements.*
- *In grades four through eight, instruction that meets content standards, benchmarks, and performance standards shall be provided in the following subject areas:*
 1. *Language arts, with an emphasis on writing and editing at least one year, and an emphasis on grammar and writing one year;*
 2. *Mathematics;*
 3. *Language other than English;*
 4. *Communication skills;*
 5. *Science;*
 6. *Art;*
 7. *Music;*
 8. *Social Studies;*
 9. *New Mexico History;*

10. U.S. History;
11. Geography; and
12. Physical Fitness

- *In grades four through eight, the district shall offer electives that contribute to academic growth and skill development and provide career and technical education.*

- *In grades nine through twelve, the district shall offer classes that meet or exceed the New Mexico State Department of Education graduation requirements.*

- *The District provides child centered and developmentally appropriate early childhood programs for 3 and 4 year old children with disabilities, unless the parent or guardian chooses not to enroll their child.*

- *The District provides other child centered and developmentally appropriate early childhood programs for 3 and 4 year old children contingent upon program requirements.*

- *The District provides services for those children who have been identified through the language proficiency assessment in accordance with the Bilingual Multicultural Act to ensure equal educational opportunities.*

- *The District provides school health programs (Health Education, Physical Education, Health Services, and School Counseling) that provide opportunities for all students to develop healthy behaviors.*

Adopted: date of manual adoption

CROSS REF.: AD - Educational Philosophy/School District Mission

I-0200 ©
SCHOOL YEAR

IC

The school year shall consist of at least one hundred eighty (180) full instructional days for a regular school year calendar and one hundred fifty (150) full instructional days for a variable school year calendar, exclusive of any release time for in-service training.

Each instructional day shall consist of not less than the minimum amount of time prescribed in 22-2-8.1(B) N.M.S.A. for each respective program level exclusive of lunch with the following exceptions:

- Home visits or parent-teacher conferences may be held for up to:
 - thirty-three (33) hours of the full day kindergarten program; and
 - twenty-two hours of grades one (1) through six (6) programs.
- Consultation with parents to develop next step plans for students and for parent-teacher conferences may be held for up to twelve (12) hours of grades seven (7) through twelve (12) programs.

Whole or part days that are lost to weather, in-service training or other events shall be made up so students are given a full instructional year.

The Board shall establish the school calendar each year after recommendations from the Superintendent.

Adopted: date of manual adoption

LEGAL REF.: 22-2-8.1 NMSA

I-0150 ©
ACADEMIC FREEDOM

IB

Academic freedom is essential to the fulfillment of the purpose of the District in creating a "World Class" School District.

Students shall be provided an unbiased and complete study and examination of all academic issues consistent with the curriculum and instructional competency requirements of the Public Education Department, and the Board of Education of the Gadsden Independent School District.

Adopted: date of manual adoption

I-0150 ©
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Adopted: date of manual adoption

I-0450
SCHOOL CALENDAR

ICA

The annual calendar, including calendars for Year Round Schools, will be developed mutually and agreed to by the parties on an annual basis through the negotiation process.

Adopted: date of manual adoption

I-0500

©

IE

ORGANIZATION OF INSTRUCTION

The Gadsden Independent School District organizes for instruction in accordance with New Mexico State Statutes and Standards for Excellence, the District Educational Plan for Student Success, and School Board goals.

The grouping and housing of instructional levels in school facilities within the District shall be according to plans developed by the Superintendent and staff, and will be approved by the School Board and the State Department of Education.

Superintendent, school administrators, and/or designees with input from local school communities will establish a process specific to their needs.

The organizational plan shall be subject to change by the Governing Board whenever the needs of the students and/or District warrant such change. The District will coordinate and articulate a prekindergarten (PK) through grade twelve (12) instructional program.

Adopted: date of manual adoption

**I-0900 ©
CURRICULUM DEVELOPMENT**

IGA

The need and value of a systematic, ongoing program of curriculum development and evaluation involving students, parents, teachers, and administrators are recognized. It is essential that the school system continually develop and modify its curriculum to meet changing needs. The Board authorizes the Superintendent to develop the curriculum for the school system and to organize committees to review the curriculum. The Superintendent shall provide for task forces and subcommittees to carry out the development, alignment, implementation, and assessment of the District curricula and completion of the work of the Educational Plan for Student Success.

It shall be the responsibility of the Superintendent to develop proposals relating to curriculum modifications and additions that, in the opinion of the professional staff and consultants, are essential to the maintenance of a standards based program of education from prekindergarten (PK) through grade twelve (12).

All Personnel have professional obligations to the school program beyond regular classroom duties, and these obligations will include work on curriculum committees.

Adopted: date of manual adoption

LEGAL REF.: 6.30.2.9 NMAC

**I-1050 ©
CURRICULUM ADOPTION**

IGD

All new programs and courses of study will be subject to Board approval, as will elimination of programs and courses and extensive alteration in their content. Curricular proposals from the professional staff may be presented to the Superintendent, who will be responsible for making recommendations to the Board on such matters.

Adopted: date of manual adoption

**I-1100 ©
CURRICULUM GUIDES AND
COURSE OUTLINES**

IGE

Curriculum guides shall be developed for the various subject areas. These guides shall present a minimal outline for instruction based on approved performance standards and a basis for further development of the particular courses.

The guides shall be designed to assist users in implementing the District philosophy regarding the teaching of a subject and will, when possible, suggest a variety of possibilities for instruction, patterns of individualization, variations of approaches, and materials.

The Superintendent will formulate procedures for the development and use of curriculum guides.

Adopted: date of manual adoption

REGULATION**REGULATION**

CURRICULUM GUIDES AND COURSE OUTLINES

Development of Curriculum Guides

Curriculum guides will be developed by the staff members and teachers who are to use them.

If participation of the entire staff is not feasible, representatives of the staff and/or departments concerned shall be appointed to committees for study, creation, and revision of any particular guide.

When work is completed on a guide, the committee responsible for its development shall present it to the Superintendent.

Use of Guides

Curriculum guides are to serve as a framework from which a teacher will develop units of study, individual lesson plans, and approaches to instruction that will serve the students' particular needs at a particular time. The guides shall be used to map the logical sequence of instruction.

The principal, department heads, or other supervisors shall see that optimum use is made of available curriculum guides. Teachers will adhere to the guides.

**^ & ^I-1250 ©
BASIC INSTRUCTIONAL PROGRAM**

IHA

The various instructional programs will be developed to maintain a balanced, integrated, and sequential curriculum that will serve the educational needs of all school-aged children in the District. The curriculum will be broad in scope and provide for a wide range in rate, readiness, and potential for learning.

In kindergarten, first, second, and third grades, classes shall provide instruction in:

- reading and language arts skills, including phonemic awareness, phonics and comprehension, and mathematics daily; and grades *first* through *third* shall include:
 - art;
 - music;
 - a language other than English; and
 - instruction that meets content and performance standards in science, social studies, physical education and health education.

In fourth through eighth grades, instruction that meets academic content and performance standards shall be provided in the following subject areas:

- reading and language arts skills, with an emphasis on writing and editing for at least one (1) year and an emphasis on grammar and writing for at least one (1) year;
- mathematics;
- language other than English;
- communication skills;
- science;
- art;
- music;

- social studies;
- New Mexico history;
- United States history;
- geography;
- physical education; and
- health education.

Beginning in 2008-2009, algebra I shall be offered in a regular classroom setting or by on-line courses or agreement with high schools

Electives shall be offered that contribute to academic growth and skill development and provide career and technical education.

In high school, curricula shall be aligned with the placement tests administered by two (2) and four (4) year public educational institutions in New Mexico, be comprehensive in nature, and shall be aligned with the following state content and performance standards:

- mathematics;
- reading and language arts;
- health education;
- science; and
- social studies.

Beginning with the 2006-2007 school year the District shall offer at least one (1) honors or similarly academically rigorous class in both mathematics and language arts in each high school.

Beginning in the 2008-2009 school year, each school district shall also offer a program of courses for dual-credit, in cooperation with an institution of higher education, and a program of distance learning courses.

Beginning with 2009-2010 school year, each school district shall offer at least two years of language other than English in each high school.

The planned program for all students shall also include library instruction, individual study, guidance, other appropriate instructional activities, and all instruction required under state law and Secretary of Public Education regulations.

Adopted: date of manual adoption

LEGAL REF.: 21-1-1.2 NMSA
22-2-8.11 NMSA (1978)
22-2C-3 NMSA (1978)
22-13-1 NMSA (1978)
22-13-1.1 NMSA (1978)
6.27.30.7 NMAC
6.33.2.9 NMAC

**(Instruction on Sexuality
Performance Standards)**

The District shall implement the State mandated health education performance standards. Parents may request that their child not participate in the parts of the curriculum that address the sexuality performance standards by completing a request for exemption on the forms provided by the school. Alternative lessons to the sexuality performance part of the health education curriculum shall be extensions of the health education curriculum at the grade level of the student whose parents request the exemption.

The Superintendent shall develop and implement regulations as needed that conform to New Mexico law.

Adopted: date of manual adoption

LEGAL REF.: 6.30.2.19 NMAC

EXHIBIT**EXHIBIT****FAMILY LIFE EDUCATION****(Exemption Request Form)**

Student's name _____
Last First M.I.

Current grade _____ Birth date _____ Home phone _____

Work phone _____ Message phone _____

Parent's name _____
Last First M.I.

Home address _____
Street City Zip

I *do not* want the student listed above to participate in instruction for the sexuality performance standards of the health education curriculum. I understand that as an alternative to that instruction the student will receive instruction in an elective course offering approved as meeting graduation requirements selected by the school.

(Parent/guardian signature)

(Date)

**^I-2100 ©
HIV / AIDS EDUCATION**

IHAMC

The District shall provide instruction in kindergarten (K) through grade twelve (12) on acquired immune deficiency syndrome and the human immunodeficiency virus as authorized by New Mexico Administrative Code.

The Superintendent shall develop and implement regulations on such instruction that conform to New Mexico law as needed.

Adopted: date of manual adoption

LEGAL REF.: 6.12.3.9 NMAC

REGULATION**REGULATION****HIV / AIDS EDUCATION****(Instruction on Acquired Immune
Deficiency Syndrome and Human
Immunodeficiency Virus)**

The District will develop its own course of study to be included in the health education program for each grade. At a minimum, instruction shall:

- Be appropriate to the grade level in which it is offered.
- Be medically accurate.
- Discourage drug abuse.
- Define AIDS, ARC, HTLV-III.
- Define the symptoms and prognosis of AIDS.
- Explain how the virus is spread.
- Instruct in ways to reduce the risks of getting AIDS, stressing abstinence.
- Show the societal implications for this disease.
- Indicate local resources for appropriate medical care.
- Develop the ability to demonstrate refusal skills.
- Develop the ability to overcome peer pressure.
- Develop the ability to use decision-making skills.

I-2350 ©
SPECIAL INSTRUCTIONAL PROGRAMS

IHB

A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

The Superintendent shall develop procedures that provide educational opportunities for individuals with disabilities and that accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the New Mexico revised statutes, and the lawful regulations of the Secretary of Public Education. Such procedures shall include, but not be limited to, the following provisions:

- All children with disabilities aged birth (0) through twenty-one (21) years within the District's jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.
- A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities.
- A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.

- An individualized education program (IEP) shall be developed and implemented for each eligible child served by the District and for each eligible child the District places in or refers to a private school or facility. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.
- To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory.
- All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.
- The District shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.
- To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.
- Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the Secretary of Public Education.
- Each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category.
- The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.

The Superintendent is authorized and directed to establish procedures for the implementation of the New Mexico Policies and Procedures prepared by the

Public Education Department Special Education Bureau and as modified for local circumstances, and to document District compliance with the law and this policy. The New Mexico Policy and Procedures will be made available to staff members and to parents as necessary to enhance compliance.

Adopted: date of manual adoption

LEGAL REF.: 22-13-6 NMSA (1978)
20 U.S.C. 1400 *et seq.*, Individuals with Disabilities
Education Act
29 U.S.C. 794, Rehabilitation Act of 1973, Section 504

CROSS REF.: IIB - Class Size
IKE - Promotion, Retention, and Acceleration of Students
IKF - Graduation Requirements
JKD - Student Suspension/Expulsion
JR *et seq.* - Student Records

EXHIBIT**EXHIBIT****SPECIAL INSTRUCTIONAL PROGRAMS****(Procedural Safeguards Notice)**

The Federal Regulations at 34 C.F.R. 300.504 on Procedural safeguards notice read as follows:

"Sec. 300.504 Procedural safeguards notice.

- (a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum--
 - (1) Upon initial referral for evaluation;
 - (2) Upon each notification of an IEP meeting;
 - (3) Upon reevaluation of the child; and
 - (4) Upon receipt of a request for due process under Sec. 300.507.
- (b) Contents. The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under Secs. 300.403, 300.500-300.529, and 300.560-300.577, and the State complaint procedures available under Secs. 300.660-300.662 relating to--
 - (1) Independent educational evaluation;
 - (2) Prior written notice;
 - (3) Parental consent;
 - (4) Access to educational records;
 - (5) Opportunity to present complaints to initiate due process hearings;
 - (6) The child's placement during pendency of due process proceedings;
 - (7) Procedures for students who are subject to placement in an interim alternative educational setting;
 - (8) Requirements for unilateral placement by parents of children in private schools at public expense;

- (9) Mediation;
 - (10) Due process hearings, including requirements for disclosure of evaluation results and recommendations;
 - (11) State-level appeals (if applicable in that State);
 - (12) Civil actions;
 - (13) Attorneys' fees; and
 - (14) The State complaint procedures under Secs. 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures.
- (c) Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of Sec. 300.503(c)."

The following is a summary of sources for procedures that may be found in law, regulation and District policy other than the P.E.D. sample:

- An opportunity for parent of a child with a disability to examine all records § 34 C.F.R. 300.501, Policy JR and Regulation JR-R (Student Records).
- Procedures to protect the rights of the child whenever the parents of the child are not known § 34 CFR 300.501.
- Prior written notice to the parents is to be provided upon specific instances § 34 C.F.R. 300.503.
- Procedures designed to ensure the prior written notice is in the native language of the parents, unless it clearly is not feasible to do so. If the district is unable after making an effort, to provide the notice in the native language of the parent, then the Public Education Department (P.E.D.) should be contacted for assistance. See § 34 C.F.R. 300.503.
- Procedures for mediation shall be provided. Contact the P.E.D. for a list of mediators. See § 34 C.F.R. 300.507 *et seq.*
- An explanation of the State complaint procedure shall be provided § 34 C.F.R. 300.660 *et seq.*
- Due process procedures are to be included § 34 C.F.R. 300.507.
- Procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice within certain guidelines (it shall remain confidential) § 34 C.F.R. 300.507.

- Discipline procedures should be explained § 34 C.F.R. 300.507, and Policy JKD (Student Suspension/Expulsion).

**I-2400 ©
SPECIAL INSTRUCTIONAL PROGRAMS
AND ACCOMMODATIONS FOR
DISABLED STUDENTS**

IHBA

(Section 504 of the Rehabilitation Act of 1973)

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy IHB and its regulations and under state and federal laws and regulations.

Adopted: date of manual adoption

LEGAL REF.: 29 U.S.C. 706
29 U.S.C. 794

CROSS REF.: GCQF - Discipline, Suspension, and Dismissal of
Professional Staff Members
GDQD - Discipline, Suspension, and Dismissal of
Support Staff Members
JII - Student Concerns, Complaints, and Grievances
JK - Student Discipline
JKD - Student Suspension/Expulsion

KED - Public Concerns/Complaints about Facilities and
Services

REGULATION**REGULATION****SPECIAL INSTRUCTIONAL PROGRAMS
AND ACCOMMODATIONS FOR
DISABLED STUDENTS**

(Section 504 of the Rehabilitation Act of 1973)

Each qualified student within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the District.

Identification and referral procedures:

- Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other licensed school employee for identification and evaluation of the student's individual education needs.
- The identification and evaluation will be completed by persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The Superintendent will monitor the identification and evaluation to ensure that qualified personnel participate.
- The District will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the District will inform the parents or guardian of this decision and of their procedural rights.

Evaluation. Evaluation of the student and formulation of a plan of services will be carried out by the District according to the following procedures:

- The District will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.
- No final determination of whether the student will or will not be identified as a student with a disability within the meaning of Section 504 will be made by the District without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.
- A final decision will be made by the District in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

Plan for services:

- For a student who has been identified as having a disability within the meaning of Section 504 and in need of special education or related aids and services, the District shall be responsible for determining what special services are needed.
- In making such determination, the District shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.
- The parents or guardian shall be invited to participate in District meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.
- The District will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.
- The District may also determine that no special education or related services are appropriate. If so, the record of the District proceedings will reflect the identification of the student as a person with a disability and will state the basis for the decision that no special services are presently needed.

- A student with a disability shall be placed in the regular educational environment of the District, with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.
- The District shall notify the parents or guardian in writing of its final decision concerning the services to be provided.
- If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

Review of the student's progress. The District will monitor the progress of the student with a disability and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and that the student's needs are being met as adequately as the needs of a nondisabled student.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

Procedural safeguards:

- The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- The parents or guardian shall be notified that they may examine relevant records.
- As to such decisions by the District, the parents or guardian shall have the right to an impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parents or guardian and their counsel. In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:
 - A request for a Section 504 due process hearing should be made within thirty-five (35) days of notice of right to file (but not less than thirty [30] days).
 - The request shall be made to:

Name: _____

Address: _____

Phone: _____

- The hearing will be held in accord with Regulation IHBA-RB. The decision may be appealed only to a federal court of competent jurisdiction.
- Attorneys' fees are available only as authorized by law.

If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

If both the parents or guardian and the District agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due process hearing.

The hearing officer shall render a decision. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 hearing officer by a federal court of competent jurisdiction.

The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.

REGULATION**REGULATION****SPECIAL INSTRUCTIONAL PROGRAMS
AND ACCOMMODATIONS FOR
DISABLED STUDENTS****(Section 504 of the Rehabilitation Act of 1973)****Section 504 Due-Process
Hearing Procedures**

An impartial due process hearing will be utilized to resolve differences involving the education of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, *due process* is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. *Impartial hearing officer* means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

- *Days* means calendar days.
- *Placement plan* means the program by which the decision concerning the educational placement of the student is decided.
- *Parents* means parents, guardian, or surrogate parent.

Parents or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.

Requests for a due process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least

twenty (20) days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A reference to the particular section of the statutes and rules involved.
- A statement of the availability of relevant records for examination.
- A short and plain statement of the matters asserted.
- A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the primary language.

Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- Present their evidence.
- Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of students with disabilities.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided.

The hearing officer shall review all relevant facts concerning the education placement.

- The hearing officer shall determine, subject to appeal by judicial review, whether the District has met all procedural aspects of the education accommodation plan.
- The hearing officer shall render a decision, subject to judicial review, that is binding on all parties, except that in all cases any action taken must comply with current New Mexico Revised Statutes and federal court decisions.
- The hearing officer shall ascertain that:
 - The procedures utilized in determining the student's needs have been appropriate in nature and degree.
 - The student's rights have been fully observed.
 - The provision of aids, services, or programs to the student may afford a free and appropriate education.
- If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

Decision of the Hearing Officer

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian, or surrogate within ten (10) days following completion of the hearing, which in no event shall be later than forty-five (45) days after receipt of the request for a hearing.

- Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the District office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

EXHIBIT**EXHIBIT**

**SPECIAL INSTRUCTIONAL PROGRAMS
AND ACCOMMODATIONS FOR
DISABLED STUDENTS**

(Section 504 of the Rehabilitation Act of 1973)

POLICY MEMORANDUM

TO: Staff

FROM:

RE: Responsibilities of the District to Students with Disabilities under Section 504 of the Rehabilitation Act of 1973.

This memorandum is to clarify certain responsibilities of the District under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination against persons with disabilities, including both students and staff members, by school districts receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with free appropriate public education (FAPE). The regulations pertaining to FAPE are published at 34 Code of Federal Regulations, Part 104, Subpart D.) These regulations require identification, evaluation, the provision of appropriate services, and procedural safeguards.

With respect to most students with disabilities, many aspects of the Section 504 regulations concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act (IDEA) (formerly the Education of the Handicapped Act) and New Mexico law. In those areas, by fulfilling our responsibilities under the IDEA and state law we are also meeting the standards of the Section 504 regulations.

However, in some other respects the requirements of the laws are different. There are some students who are not eligible for IDEA services but who

nevertheless are eligible under Section 504, and to whom the District may therefore have responsibilities.

The IDEA defines as eligible only students who have certain specified types of impairments and who, because of one (1) of those conditions, need special education. Section 504, on the other hand, protects all students with disabilities, defined as those having *any* physical or mental impairment that substantially limits one (1) or more major life activities (including learning). *Section 504 covers all students who meet this definition, even if they do not fall within the IDEA-enumerated categories and even if they do not need to be in a special education program.*

An example of a student who is protected by Section 504 but who may not be covered by the IDEA is one who has juvenile arthritis but who has no mental impairments. Such a student has a health impairment but may not be covered by the IDEA if the student does not need placement in a special education program. However, the student is disabled for purposes of Section 504. A similar example might be a student with acquired immune deficiency syndrome (AIDS). Students with attention deficit/hyperactivity (ADD/H) or emotional disorders are another example. Such students may not meet the criteria for IDEA categories such as learning disabled or severely emotionally disturbed. However, if their disorders or conditions substantially limit their ability to function at school, they are disabled within the meaning of Section 504.

If the District has reason to believe that, because of a disability as defined under Section 504, a student needs *either* special education and related services *or* related services in the *regular* setting in order to participate in the school program, the District must evaluate the student; if the student is determined to be disabled under Section 504, the District must develop and implement a plan for the delivery of any needed services. Again, these steps must be taken even though the student is not covered by IDEA special education provisions and procedures.

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile arthritis, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's current medical records. In the cases of ADD/H students, current psychoeducational evaluations may be used if such evaluations assessed the ADD/H issue. In other cases, additional testing may be necessary.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The group should review the nature of the disability, how it affects the student's education, whether special services are needed, and if so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

For the juvenile arthritic student, Section 504 services might be the provision of a typing course and use of a typewriter/word processor to improve writing speed or to provide a less painful means of writing. For the AIDS student, Section 504 services might be the administration and monitoring of medication, or a class schedule modified to address the student's stamina. For an ADD/H student, services might include modifications in the regular classroom, special assistance from an aide, a behavior plan, counseling, and/or the monitoring of medication.

It should also be noted that, under Section 504, the parents or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with District decisions in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available that is separate from the IDEA hearing process. The District is exploring different frameworks for the adoption of procedures for conducting Section 504 hearings in the District, should the need arise.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to participate in the education program are entitled to rights under Section 504 even though they may not fall into IDEA categories and may not be covered by that law.

**^I-2450 ©
GIFTED AND TALENTED EDUCATION**

IHBB

The Board requires that appropriate instructional programs be conducted to meet the needs of exceptionally gifted students of school age, in keeping with the District's goal of developing the special abilities of each student.

The framework for said programs shall encompass the following objectives:

- Expansion of academic attainments and intellectual skills.
- Stimulation of intellectual curiosity, independence, and responsibility.
- Development of originality and creativity.
- Development of positive attitude toward self and others.
- Development of desirable social and leadership skills.
- Career exploration and awareness.

Ability of candidates for this program shall be evidenced by:

- Achievement in schoolwork.
- Scores on tests measuring intellectual ability and aptitude.
- The judgments of teachers, psychologists, administrators, and supervisors familiar with the demonstrated abilities of the students.

To assist with review of the goals, priorities and operational plans for implementation of the gifted program and to demonstrate support for the gifted program the District shall create as many advisory committees as there are high schools or one (1) District-wide committee consisting of parents, community members, students, and school staff members and reflecting the cultural diversity of the enrollment.

Procedures shall be established by the Superintendent for identifying students of demonstrated achievement or potential ability.

Adopted: date of manual adoption

LEGAL REF.: 22-13-6.1 NMSA (1978)

**I-2550 ©
PROGRAMS FOR PREGNANT /
PARENTING STUDENTS**

IHBCA

Pregnant students should have the same educational opportunities as their peers. Such students may also need additional counseling and health services that are available through the public schools.

Pregnant students may elect to remain in the regular school program and shall not be involuntarily excluded from any part of the school program, provided, however, that reasonable safeguards are maintained both for the school's and the student's best interests.

Pregnant students shall notify school authorities of their status as soon as it is ascertained. The Superintendent will establish procedures as necessary to implement this policy.

Parenting students shall not bring their children to school during the regular school day. Student's children will only be permitted in specified classes when requested by an instructor with the approval of the building administration. They are not to be in any other area of the school campus.

Adopted: date of manual adoption

CROSS REF.: AD - Educational Philosophy/School District Mission
IHBF - Homebound Instruction

REGULATION**REGULATION****PROGRAMS FOR PREGNANT /
PARENTING STUDENTS**

The District affirms the right of a pregnant student to continue her participation in the public school program.

As soon as the pregnancy is medically confirmed, the student shall consult with a member of the counseling staff or the principal for the purpose of planning her educational program.

The student may remain in her present school program, with modifications as necessary, until the birth of her baby is imminent or until her physician states that continued participation would be detrimental to her health.

Efforts will be made to see that the educational program of the student is disrupted as little as possible; that she receives information on available health and counseling services, as well as instruction; and that she is encouraged to return to school after delivery.

(Title I)

The Superintendent shall pursue funding under Title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act, to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

All schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators, and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

Parents and pupils of private schools who are eligible for services as residents within the District shall be provided services on an equitable basis in accordance with 20 U.S.C. 6320 of the Elementary and Secondary Education Act.

Title I Parental Involvement

The District maintains programs, activities, and procedures for the involvement of parents/guardians of students receiving services, or enrolled in programs, under Title I. These programs, activities, and procedures are described in District-level and School-level compacts.

District-Level Parental Involvement Compact. The Superintendent shall develop a District-Level Parental Involvement Compact according to Title I requirements. The District-Level Parental Involvement Compact shall contain:

- The District's expectations for parental involvement;
- Specific strategies for effective parent involvement activities to improve student academic achievement and school performance; and
- Other provisions as required by federal law.

The Superintendent shall ensure that the Compact is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

School-Level Parental Involvement Compact. Each school principal shall develop a School-Level Parental Involvement Compact according to Title I requirements. This School-Level Parental Involvement Compact shall contain:

- A process for continually involving parents/guardians in its development and implementation;
- How parents/guardians, the entire school staff, and students share the responsibility for improved student academic achievement;
- The means by which the school and parents/guardians build and develop a partnership to help children achieve the state's high standards; and
- Other provisions as required by federal law.

Each school principal shall ensure that the Compact is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 6301 *et seq.*, No Child Left Behind

REGULATION**REGULATION****COMPENSATORY EDUCATION****(Title I)****District-Level Parental
Involvement Compact**

The District-level compact shall provide an understanding of the joint responsibility of the District and parents/guardians to improve students' academic achievement and school performance.

To that end, the District provides opportunities for parents/guardians involvement at the District level and the District involves parents/guardians in the joint development of the District's plan to help low-achieving children meet challenging achievement and academic standards (20 U.S.C 6312), and the process of school review and improvement (20 U.S.C. 6316) by:

- Establishing a District-level committee with parents/guardians liaisons from each building as well as representatives from other impacted programs, including Head Start.
- Establishing meaningful, ongoing two-way communication between the District, staff, and parents/guardians.
- Developing a medium to communicate to parents/guardians about the plan and seek their input and participation.
- Training personnel on how to collaborate effectively with families with diverse backgrounds that may impede parents/guardians participation (e.g. illiteracy or language difficulty).

The District provides the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parents/guardians involvement activities to improve student academic achievement and school performance by:

- Providing ongoing District-level workshops to assist schools in planning and implementing improvement strategies.

- Establishing training programs for school liaisons to bring the communication and facilitation skills to the schools they represent.
- Providing information to parents/guardians about the various assessment tools and instruments that will be developed to monitor progress.
- Seeking input from parents/guardians in developing workshops.

The District builds the capacity of schools and parents/guardians for strong parental involvement by:

- Providing ongoing communication about the District-wide committee through District newsletters or other written or electronically communicated means.
- Engaging the school parent organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions.
- Utilizing parent organizations to assist in identifying effective communication strategies based on their members' needs.

The District coordinates and integrates parents/guardians involvement strategies under this compact with parents/guardians involvement strategies under other programs, (such as the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as Teachers program, Home Instruction Program for Preschool Youngsters, and State-run preschool programs) by:

- Involving District and building representatives from other programs to assist in identifying specific population needs.
- Sharing data from other programs to assist in developing new initiatives to improve academic achievement and school improvement.

The District conducts, with the involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parents/guardians involvement policy in improving the academic quality of the schools served under Title I, including identifying barriers to greater participation by parents/guardians in activities authorized by this section (with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parents/guardians involvement, and to revise, if necessary, the parents/guardians involvement policies described in this section by:

- Evaluating the effectiveness of the content and communication methods through a variety of methods, including: focus groups, surveys, workshops, and informal coffees with District and school administrative staff, parents/guardians, and teachers.
- Identifying barriers to effective evaluation by language support or other assistance as needed.
- Identifying potential policy and compact changes to revise and improve program(s).

The District involves parents/guardians in the activities of the schools served under Title I by:

- Providing communication and calendar information to parents/guardians of upcoming meetings, discussions or events and encouraging their participation.
- Providing school principal and parent organization coordination of events.

School-Level Parental Involvement Compact

The school-level parent involvement compact provides an understanding of the joint responsibility of the school and parents/guardians for improving student academic achievement and school performance. The school provides opportunities for parent/guardian involvement by:

- Convening an annual meeting, at a convenient time, to which all parents/guardians of participating children are invited and encouraged to attend, to inform parents/guardians of their school's participation under Title I and to explain the requirements of Title I, and the right of the parents/guardians to be involved. The school principal shall:
 - Invite all parents/guardians of participating children to the annual meeting at school.
 - Explain the rights of parents/guardians to be involved in establishing this compact.
 - Introduce and involve the school representatives on the District-level committee.
 - Provide an overview of Title I and give parents/guardians an opportunity to express questions and concerns.

- Indicate the mechanisms by which the committee work will be communicated.
- Seek the involvement and input of parents/guardians.
- Provide child care so that all parents/guardians who would otherwise be unable to attend may attend.
- Offering a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement. The school principal shall:
 - Provide parents/guardians with opportunities to ask questions and dialogue informally about student academic achievement and school performance.
 - Engage school-based parent organizations to assist with communication and implementation needs.
 - Develop and use outreach programs to involve community groups and organizations.
- Involving parents/guardians in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, including the planning, review, and improvement of the school parental involvement policy and the joint development of the school wide program plan (under 20 U.S.C. 1114). The school principal shall:
 - Identify and establish a process by which an adequate representation of parents/guardians of participating children can occur.
 - Establish a schedule for the school-based committee to plan, review, and recommend improvements to the District parent involvement policy.
- The school principal shall:
 - Provide parents/guardians of participating children timely information about programs.
 - Communicate updates through use of school newsletters, the District web site, e-mail and telephone contact, and home visits if needed.

The school principal will provide a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.

The school principal shall:

- Provide parents/guardians, upon request, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any suggestions as soon as practicably possible.
- Develop a feedback loop for parents/guardians to ask questions and receive follow-up.

If the school wide plan is not satisfactory to the parents/guardians of participating children, the school principal shall:

- Submit any comments when the school makes the plan available to the Board.
- Provide a process for parents/guardians to express concerns and complaints.

Shared Responsibilities for High Student Academic Achievement

The school is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I to meet the state's student academic achievement standards.

Each parent/guardian is responsible for supporting their children's learning, by:

- Monitoring attendance, homework, and television viewing.
- Volunteering in their child's classroom and participating, as appropriate, in decisions relating to their children's education and extracurricular activities.

Communication between teachers and parents/guardians occurs on an ongoing basis through:

- Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievements.
- Frequent reports to parents/guardians on their children's progress.
- Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

Building Capacity for Involvement.

To ensure effective involvement of parents/guardians and to support a partnership among the school's involved, each school shall:

- Provide assistance to parents/guardians of children served in understanding the state's academic content standards and state student academic achievement standards, state and local assessments, monitoring a child's progress, and work with educators to improve the achievement of their children.
- Provide materials and training (such as literacy, technology, et cetera) to help parents/guardians work with their children.
- Educate teachers and other staff in the value and utility of contributions of parents/guardians and how to effectively communicate with and work with parents/guardians as equal partners.
- Implement and coordinate parent/guardian programs that will build ties between them.
- Coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program and public preschool and other programs and conduct other activities, such as parent/guardian resource centers that encourage and support parents/guardians in more fully participating in the education of their children.
- Ensure that information is sent to the parents/guardians of participating children in a format and language that parents/guardians can understand.
- Involve parents/guardians in the development of training for teachers, school principals, and other educators to improve the effectiveness of such training.

- Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for such training.
- Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs to enable parents/guardians to participate in school-related meetings and training sessions.
- Train parents/guardians to enhance the involvement of other parents/guardians.
- Use outreach programs to involve community groups and organizations.
- Arrange school meetings at a variety of times, or conduct in-home conferences between teachers and other educators, in order to maximize parental involvement and participation.
- Adopt and implement model approaches to improving parental involvement.
- Establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in supported programs.
- Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities.
- Provide such other reasonable support for parental involvement activities under this section as parents/guardians may request.

In carrying out the parental involvement requirements of this compact, the school, to the extent practicable, will provide full opportunities for the participation of parents/guardians with limited English proficiency or disabilities, including providing information and school reports in a format and, to the extent practicable, in a language such parents/guardians understand.

EXHIBIT**EXHIBIT****COMPENSATORY EDUCATION****(Checklist for Development, Implementation, and Maintenance
of Parent Involvement Compacts for Title I Programs)**

The development, implementation, and maintenance of parent/guardian involvement compacts must be accomplished with meaningful consultation with parents/guardians of children participating in Title I programs. The Superintendent designates a person to be responsible for the process of obtaining meaningful consultation. This checklist includes some measures designed to encourage meaningful consultation.

This is an annual checklist. Check steps as completed.

- Plan regular meetings throughout the school year with parents/guardians to discuss the District and/or school compacts; identify dates, convenient times, places, and persons whose attendance is desired. Offer meetings in the morning or evening, and, if funds are available under Title I for this purpose, provide transportation, childcare, or home visits, as such services relate to parent/guardian involvement.
- Plan an agenda for meetings to be held to discuss District and/or school compacts.
 - Always begin with "introducing where we are now" and end with "next steps."
 - Agendas should provide for two-way communication between District and parents/guardians of children participating in Title I programs.
 - Agendas can be built around the federal compliance requirements as stated in the district- and school-level compacts as developed.
 - Agendas should also include a section to inform parents/guardians of their school's participation under Title I and to explain Title I's requirements regarding parent involvement, including the right of the parents/guardians to be involved.

- Agendas should also include a section to describe and explain the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
 - If requested by a parent/guardian, agendas should also include a section for parents/guardians to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children.
 - Agendas should also include a section to involve parents/guardians in the planning, review, and improvement of Title I programs, including the joint development of the school-wide program plan.
 - Another agenda topic is how funds are allotted for parent/guardian involvement in activities; parents/guardians of children receiving services must be involved in these decisions.
- Notify interested persons of meeting dates to discuss the District and/or school compacts, including:
- Parents/guardians of students participating in Title I programs
 - Staff members
 - Students participating in Title I programs
 - School Board members
 - Media
 - Coordinators for other school programs, (e.g. Head Start and preschool programs)
 - Officials of private schools
 - Other
- Publicize the meeting dates, times, and locations to discuss District and/or school compacts.
- Make all Open Meetings Law notifications and postings for meetings to be held to discuss District and/or school compacts. (Notice and record keeping shall be in accord with the open meeting laws)

- Appoint a recording secretary to keep meeting minutes.
- Provide copies of working drafts to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.
- Determine "success" indicators to measure the effectiveness of the parental involvement compacts in improving the academic quality of the schools.
- Review the "success" indicators in order to evaluate the effectiveness of the parental involvement compacts in improving the academic quality of the schools.
- Identify barriers to greater participation by parents/guardians, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. Use the findings of such evaluation to design strategies for more effective parent/guardian involvement.
- If the school-wide program plan is not satisfactory to the parents/guardians of participating children, submit any parents/guardians comments on the plan when the school makes the plan available to the Board.
- Provide status reports to the Board and, periodically, request the Board's approval of the parental involvement compacts as they evolve.
- Revise the applicable parental involvement compacts as necessary.

EXHIBIT**EXHIBIT****COMPENSATORY EDUCATION****(Notice to Parents)****22-10A-16. Parental notification (LEGISYR=2003).**

A. Within sixty (60) calendar days from the beginning of each school year, every school district shall issue a notice to parents that they may obtain information regarding the professional qualifications of their children's teachers, instructional support providers and school principals. At a minimum, the information shall include:

(1) whether the teacher has met state qualifications for licensure for the grade level and subjects being taught by the teacher;

(2) whether the teacher is teaching under a teaching or assignment waiver;

(3) the teacher's degree major and any other license or graduate degree held by the teacher; and

(4) the qualifications of any instructional support providers if the student is served by educational assistants or other instructional support providers.

B. A superintendent shall give written notice to the parents of those students who are being taught for longer than four (4) consecutive weeks by a substitute teacher or by a person who is not qualified to teach the grade or subject.

C. The superintendent shall:

(1) ensure that the notice required by this section is provided by the end of the four-week period following the assignment of that person to the classroom;

(2) ensure that the notice required by this section is provided in a bilingual form to a parent whose primary language is not English;

(3) retain a copy of the notice required pursuant to this section; and

(4) ensure that information relating to teacher licensure is available to the public upon request.

Improving Basic Programs Operated by Local Educational Agencies

At the beginning of each school year, a school or district that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the District will provide the parents on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following: [20 U.S.C 6311(h)(6)(A)]

- Whether the teacher has met the State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status.
- The teacher's baccalaureate degree major and any other graduate certifications or degrees.
- Whether paraprofessionals provide services to the student and, if so, their qualifications.

A school must provide to parents information on the level of achievement of the parent's child in each of the state academic assessments. [20 U.S.C 6311(h)(6)(B)(i)]

A school must provide parents timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified. [20 U.S.C 6311(h)(6)(B)(ii)]

Academic Assessment and Local Education Agency and School Improvement

A school or district shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement, corrective action or restructuring: [20 U.S.C 6316(b)(6)]

- An explanation of what the identification means, and how the school compares in terms of academic achievement to other district schools and the state educational agency;
- The reasons for the identification;
- An explanation of what the school identified for school improvement is doing to address the problem;
- An explanation of what the district or State educational agency is doing to help the school address the achievement problem;
- An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
- An explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required) or to obtain supplemental educational services for the child.

Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing a plan. [20 U.S.C 6316(b)(8)(c)]

The district shall provide annual notice to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under 20 U.S.C. 6316(b)(1)(E)(i), for corrective action under 20 U.S.C. 6316(b)(7)(C)(i), or for restructuring under 20 U.S.C. 6316(b)(8)(A)(i).: [20 U.S.C. 6316(e)(2)(A)]

- The availability of supplemental education services;
- The identity of approved providers that are within the district or whose services are reasonably available in neighboring districts; and
- A brief description of those services, qualifications, and demonstrated effectiveness of each such provider.

Parental Involvement

Parents shall be notified of the parental involvement policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made

available to the local community and updated periodically to meet the changing needs of parents and the school. [20 U.S.C 6318(b)]

Each school shall: [20 U.S.C 6318(c)]

- Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation, and to explain the requirements of this part, and the right of the parents to be involved;
- Offer a flexible number of meetings;
- Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs including the planning, review, and improvements of the school parental involvement policy and the joint development of the school-wide program plan under 20 U.S.C. 6314(b)(2);
- Provide parents of participating children:
 - Timely information about programs under this part;
 - A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
 - If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

Voluntary Public School Choice Program

The school or district shall provide to parents of students in the area to be served by the Voluntary Public School Choice program with prompt notice of: [20 U.S.C. 7225d(a)(2)]

- The existence of the program;
- The program's availability; and
- A clear explanation of how the program will operate.

**I-2900 ©
BILINGUAL INSTRUCTION / NATIVE
LANGUAGE INSTRUCTION**

IHBE

**ARTICLE 23
BILINGUAL MULTICULTURAL EDUCATION**

In accordance with guidelines specified in the Educational Standards of New Mexico the District will assure the following:

- Providing a well defined English language development program;
- Delivering language arts in the home language;
- Including the New Mexico cultures in selected aspects of the curriculum;
- Providing for linguistic, cultural, and conceptual development in the home language.

The New Mexico Bilingual Multicultural Education Act of 1973 insures equal educational opportunities for students. It is designed to encourage the cognitive and affective development of students by:

- utilizing the cultural and linguistic background of students in the curriculum;
- providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and
- teaching students to appreciate the value and beauty of cultural diversity. The Act provides for bilingual education, and the District is committed to provide equal educational opportunities to students.

Adopted: date of manual adoption

LEGAL REF.: 22-23-1 NMSA (1978)

CROSS REF.: IHB - Special Instructional Programs
IHBA - Special Instructional Programs and Accommodations

for Disabled Students

**I-3000 ©
HOMEBOUND INSTRUCTION**

IHBF

Requests for homebound instruction must be made to the office of the Superintendent, and, if approved, teachers of homebound students will be sent to the homes of eligible students. Classroom teachers are expected to work with the teachers of homebound students concerning materials to be covered in order that each homebound student may rejoin the class upon return to school.

Adopted: date of manual adoption

CROSS REF.: JHD - Exclusions and Exemptions from School Attendance

**I-3350 ©
DISTANCE LEARNING**

IHBHD

Distance learning is a process used to provide instruction for credit when the student and primary instructor are not necessarily physically present at the same time and/or place. The Superintendent is authorized to establish distance learning and the District shall provide the necessary access to the technology for all classes or activities. In addition, access shall be provided in electronic formats that are usable by a person with a disability using assistive technology, based on the American standard code for information interchange, hypertext markup language and extensible markup language.

The Superintendent may enter into an agreement with providers of distance learning as deemed necessary to accomplish the purposes stated herein. All distance learning courses or programs shall meet or exceed school and/or state standards, have an updated syllabi, and be selected based upon the approved curricular program offerings of the School District as established by the Board. The agreement in each case shall state that should the provider exhibit distance learner irregularities, not follow the content standards and benchmarks of the State, policies and regulations of the Board or the code of the Public Education Department, prompt removal or non-use of the distance learning provider will occur on the sole determination of the District as made by the Superintendent.

Credit for completion of distance learning courses shall be granted only by the School District based upon the School District grading system.

The Superintendent shall appoint site coordinators as needed, who shall monitor students' work, approve or disapprove students' requests to participate in any distance learning. Students requesting to participate shall have completed all prerequisites for the subject or grade, and agreed to participate within the established regulations and parameters. Such regulations and parameters include but are not limited to those established by NMAC 6.30.8.(8), (9), (10), and (11).

Distance learning classes may be taken within or outside of the normal school day but must be scheduled so that there are no conflicts.

Students in distance learning classes or programs shall be evaluated, tested and monitored at the same intervals as other students in the grade level in the student's school, and shall be subject to the statewide assessments as

required in the Assessment and Accountability Act. The student shall be present as required at the school for these activities and at other times as established by the site coordinator and student or parent for the purpose of receiving or providing assigned materials.

Student privacy and security of individual student data shall be maintained in accord with District policies on Copyright Compliance, Use of Technology Resources in Instruction, and Student Records.

Should a student fail to comply with the rules or policies, in addition to any other disciplinary actions, the student may be denied credit for the distance learning course or program in which the student was enrolled.

Adopted: date of manual adoption

LEGAL REF.: 22-13-1.1 NMSA (1978)
22-30-6 NMSA (1978)
6.30.7.8 NMAC
6.30.8.7 NMAC
6.30.8.8 NMAC

CROSS REF.: EGAD - Copyright Compliance
IJNDB - Use of Technology Resources in Instruction
JR - Student Records

EXHIBIT**EXHIBIT****DISTANCE LEARNING**

Distance learning classes may be taken within or outside of the normal school day but must be scheduled so that there are no conflicts.

Students in distance learning classes shall be physically present at the school for monitoring purposes at least quarterly and for semester examinations. They shall be present at other times as established by the site coordinator and student or parent for the purpose of receiving or providing assigned materials.

Only students who are regularly enrolled in a school district or charter school shall be allowed to enroll in distance learning courses for credit.

Students must have a primary enrolling district. Should a student enroll in a distance learning course offered by a district or charter school other than the student's enrolling district, the student can only be counted once as a qualified student for state equalization guarantee funding purposes as defined in Section 22-8-2 of the New Mexico Statutes Annotated for determining membership in the student's enrolling district. Any reimbursement for cross-district enrollment for distance learning courses shall be arranged between the districts through signed written documents.

Qualified distance learning students enrolled in asynchronous distance learning courses must log onto their computers a minimum of four (4) times per week and certify that they are the enrolled student each time they log on to their computers. Students enrolled in synchronous distance learning courses shall log on to their computer at the scheduled class time and certify that they are the enrolled student.

A qualified distance learning student may enroll in and receive credit or a grade for a distance learning class or program that is at a different grade level than the student's current grade level. However, a student cannot take the same course twice for credit.

A home school student may participate in the statewide cyber academy by enrolling for one-half (1/2) or more of the minimum course requirements approved by the department for public school students in the school district

in which the student resides; or, if the student is enrolled for less than one-half (1/2) of the minimum course requirements, the student may participate in the statewide cyber academy by paying not more than thirty-five percent (35%) of the current unit value per curricular unit.

A student enrolled in a nonpublic school may participate in the statewide cyber academy if the school in which the student is enrolled enters into a contract with the school district in which the nonpublic school is located.

A student who is detained in or committed to a juvenile detention facility or a facility for the long-term care and rehabilitation of delinquent children may participate in the statewide cyber academy if the facility in which the student is enrolled enters into a contract with the school district in which the facility is located.

(Participation of Indian parents and tribes in the educational process pursuant to special impact aid provisions for local educational agencies that claim entitlements based on the number of students residing on Indian lands)

The Board shall give tribal officials and parents of Indian students the opportunity to comment on the participation of Indian students on an equal basis in the school program with all other students educated by the District. The District shall disseminate to tribal officials and parents of Indian students any evaluations of education programs assisted with funds provided under the Special Impact Aid Act, and any program plans for education programs that the District plans to initiate or eliminate.

The District will actively consult and regularly involve tribal officials and parents of Indian students in the planning and development of education programs assisted with funds provided under the Special Impact Aid Act and will afford tribal officials and parents of Indian students an opportunity to make recommendations concerning:

- The needs of their children.
- The ways by which they can assist their children in realizing the benefits to be derived from the education programs assisted with funds provided under the Special Impact Aid Act.
- Present their overall views on the education program in the District, including:
 - The operation of the District's education program.
 - The degree of parental participation allowed.

Adopted: date of manual adoption

LEGAL REF.: 22-23A-1 NMAC (1978)
20 U.S.C. 7701 *et seq.*, Impact Aid Act

REGULATION**REGULATION****INDIAN EDUCATION**

Tribal officials and parents of Indian students shall have the opportunity to comment on the participation of Indian students pursuant to Policies ABA, AC, AD, BEDBA, and BEDH. Further, the District will schedule at least three (3) meetings each year for the specific purpose of receiving input on issues relating to provisions of the Special Impact Aid Act, in order to better serve the needs of the students affected by this act. The meetings will be held in one (1) of the schools or the central administration building, normally beginning at 7:00 - 7:30 p.m. Minutes will be taken and assessed in order to modify policies and procedures as appropriate, based on input received at these meetings, such that the students are better served.

The District will also assess the extent to which Indian students participate on an equal basis in the District and will, if needed, modify its educational program to allow Indian students to participate on an equal basis.

The District will disseminate evaluations of educational programs assisted with funds provided under the act, including any program plans that the District intends to initiate or eliminate.

The District will annually review Policy IHBJ to ensure that it meets all minimum standards and continues to provide for an adequate level of Indian participation. If needed, the District will amend or modify policies and procedures to conform with appropriate requirements.

Any amended policies or procedures shall be provided to the secretary and to the affected tribe(s).

EXHIBIT**EXHIBIT****INDIAN EDUCATION****(Complaint Procedures)**

The District will comply with the following as it applies to a complaint.

Contents of a complaint. For purposes of these procedures, a complaint is a signed statement that includes:

- An allegation that the District has failed to:
 - Establish adequate policies and procedures to ensure the participation of Indian parents and tribes in the education process;
 - Adhere to these policies and procedures; or
 - Take into consideration meaningful Indian input in designing the education program;
- Information that supports the allegation;
- A specific request for relief; and
- A statement describing what steps it has taken to resolve with the District the matters on which the complaint is based.

Who may file a complaint:

- Any tribe, or its designee, that has students attending a District school may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Assistant Secretary of the United States Department of the Interior regarding any action of the District pursuant to, or relevant to, the matters.

- If a tribe files a complaint through a designee, the tribe shall acknowledge in writing in the complaint that the designee is authorized to act on its behalf.
- Parents of Indian children may not file a complaint directly with the Assistant Secretary.
 - These parents shall submit their grievances to the tribe or its designee, although neither the tribe nor its designee is obligated to file these grievances in a complaint with the Assistant Secretary.
- A complaint filed under these procedures need not reflect the views of a majority of the parents of Indian children attending the District schools.

Where to file a complaint. The tribe may file a complaint with the Secretary of Education, United States Department of Education, Washington, DC 20202-6244.

When to file a complaint. A tribe may file a complaint with the Assistant Secretary only if:

- The District has complied with the requirements; and
- The tribe has taken reasonable steps to resolve with the District the issues on which the complaint is based.

Receipt of a complaint by the Assistant Secretary. The Assistant Secretary considers a complaint to have been received only after the Assistant Secretary determines that the complaint:

- Satisfies the requirements; and
- Is in writing and signed by a tribal official or the tribe's authorized designee.

Dismissal of a complaint:

- If the Assistant Secretary determines that a complaint fails to meet the requirements, the Assistant Secretary notifies the tribe or its designee that the complaint has been dismissed for purposes of invoking and hearing procedures.

- Each notice that a complaint has been dismissed includes the reasons why the Assistant Secretary determined that the complaint did not meet the requirements.
- Notice that a complaint has been dismissed does not preclude other efforts to investigate or resolve the issues raised in the complaint, including the filing of an amended complaint.

Consolidation of complaints. The Assistant Secretary may consolidate complaints involving the same tribe or District.

LEGAL REF.: 20 U.S.C. 240
20 U.S.C. 1221

INDIAN EDUCATION

(Hearing Procedures)

The District will comply with the following as it applies to a hearing.

Applicability of hearing procedures in these procedures. These hearing procedures apply only to proceedings.

Applicability of other laws. The following provisions do not apply to proceedings:

- Administrative Procedure Act.
- Federal Rules of Civil Procedure.
- Federal Rules of Evidence.

Parties to a hearing. The parties to a hearing under this subpart are:

- The complaining tribe or tribes; and
- The affected District or Districts.

Notice. Within ten (10) working days after receiving a complaint, the Assistant Secretary:

- Appoints a hearing examiner to conduct the hearing;
- Selects a time for the hearing so that the hearing occurs no more than thirty (30) days after the appointment of a hearing examiner;
- Designates a place for the hearing that is, to the extent possible:
 - Near the District; or
 - At another location convenient to the tribe and the District, if the Assistant Secretary determines there is a good cause to designate another location;

- Notifies the tribe and the District of the time, place, and nature of the hearing; and
- Sends copies of the complaint to the District and the tribe.

District's reply to the complaint. Within fifteen (15) days after receiving the notice, the District shall file with the Assistant Secretary its reply to the charges in the complaint.

General procedural rules:

- *Communications.* No party shall communicate orally or in writing with the hearing examiner or the Assistant Secretary on matters under review, except minor procedural matters, unless all parties to the complaint are given:
 - Timely and adequate notice of the communication; and
 - Reasonable opportunity to respond.
- *Submission of documents.* For each document that a party submits, the party shall:
 - File one (1) copy for inclusion in the record of the proceedings; and
 - Provide a copy to each of the other parties to the proceedings.
- *Record.* A record of the proceedings will be established and maintained by the Assistant Secretary.

Conduct of the hearing:

- *Public hearing.* The hearing must be open to the public.
- *Representation by counsel.* Parties may be represented by counsel.
- *Evidence:*
 - Each party may submit oral and written testimony that is relevant to the issues in the proceedings.
 - A party may object to evidence it considers to be irrelevant or unduly repetitious.
- *Authority and responsibilities of the hearing examiner:*
 - The hearing examiner may regulate the course of the proceedings and the conduct of the parties during those proceedings. The

hearing examiner takes all steps necessary to conduct a fair and impartial proceeding, to avoid delay, and to maintain order, including the following:

- ▲ The hearing examiner may clarify, simplify, or define the issues or consider other matters that may aid in the disposition of the complaint.
- ▲ The hearing examiner may direct the parties to exchange relevant documents or information.
- ▲ The hearing examiner may receive, rule on, exclude, or limit evidence.
- ▲ Although hearings are open to the general public, the hearing examiner may establish reasonable rules governing public attendance at the proceedings.
- ▲ The hearing examiner may examine witnesses.
- The hearing examiner may interpret applicable statutes and regulations but may not waive them or rule on their validity.
- *Transcripts:*
 - The Assistant Secretary:
 - ▲ Arranges for the preparation of a transcript of each hearing;
 - ▲ Retains the original transcript as part of the record of the proceedings; and
 - ▲ Provides one (1) copy of the transcript to each party.
 - Additional copies of the transcript are available on request and with payment of the reporting service's reproduction fee.
- *Hearing costs.* Each party shall bear only its own costs in the proceeding.

Opportunity to submit additional evidence:

- Each party may submit to the hearing examiner additional evidence that is relevant to the issues raised at the hearing.

- The hearing examiner must receive each party's additional evidence within ten (10) days after the hearing.

The hearing examiner's findings and recommendations. Within thirty (30) days after the hearing, the hearing examiner:

- Makes, on the basis of the record, written findings of fact and recommendations concerning any appropriate remedial action that should be taken;
- Submits those findings and recommendations, along with the hearing record, to the Assistant Secretary; and
- Sends a copy of those findings and recommendations to each party.

Opportunity to comment on the hearing examiner's findings and recommendations:

- Each party may file with the Assistant Secretary comments on the hearing examiner's findings and recommendations.
- The Assistant Secretary must receive each party's comments within ten (10) days after the party receives a copy of the hearing examiner's findings and recommendations.

The Assistant Secretary's final determination:

- Within thirty (30) days after receiving the hearing record and the hearing examiner's findings and recommendations, the Assistant Secretary makes, on the basis of the record, a written determination that includes:
 - Any appropriate remedial action that the District must take;
 - A schedule for completing any remedial action; and
 - The reasons for the Assistant Secretary's decision.
- After completing such final determination, the Assistant Secretary sends the parties a copy of:
 - The hearing record;
 - The hearing examiner's findings and recommendations; and
 - The Assistant Secretary's final determination.

- The Assistant Secretary's final determination is the final action of the Department concerning the complaint.

Judicial review of the Assistant Secretary's final determination. If a party is dissatisfied with the Assistant Secretary's final determination, the party may seek judicial review before a court of competent jurisdiction.

Effects of noncompliance with the Assistant Secretary's final determination:

- *Determination of compliance:*
 - Undertaken the required remedial action; or
 - Failed to undertake the remedial action within the time established and the Secretary determines that an extension of time will not effectively encourage the required remedial action.
- *Withholding by the Secretary:*
 - Except as provided, if the Secretary determines that the District has failed to undertake the remedial action, the Secretary withholds payment of all funds to which the District is entitled until that remedial action is undertaken.
 - ▲ The Secretary does not withhold funds if the tribe or its designee requests in writing that these funds be released to the District.
 - ▲ The Secretary may not withhold funds during the course of the school year if the Secretary determines that a withholding would substantially disrupt the education programs of the District.
 - If the District is aggrieved by the Secretary's action, the District may request a hearing.
- *Election of alternative services by the tribe:*
 - If the Secretary determines that the District has failed to undertake the remedial action, the affected tribe may elect to:
 - ▲ Contract with the Bureau of Indian Affairs under Title I of the Indian Self-Determination and Education Assistance Act to provide educational services previously provided by the District; or

- ▲ Have a Bureau of Indian Affairs school provide those educational services.
- If the affected tribe exercises its option, any Indian students affiliated with that tribe who wish to remain in attendance at the District against whom the complaint was filed may be counted by the District for the purpose of receiving funds.
- If Indian students remain affiliated with the District:
 - ▲ The Secretary may not withhold funds that are based on the number of Indian students who remain affiliated with the District; and
 - ▲ The tribe may not file any further complaints with respect to these Indian students.

LEGAL REF.: 20 U.S.C. 240
20 U.S.C. 1221
46 FR 7199, Jan. 22, 1981, as amended at 51 FR 4497,
Feb. 5, 1986

Regular Education

The Superintendent shall coordinate efforts with each school principal in establishing a reasonable student-teacher ratio in each school that accommodates the District's staffing allocations and ensures compliance with the maximum class size standards set by the District and the State.

Special Education

It is the intent of the District to maintain a special education student-teacher ratio that will allow the teacher to work effectively and efficiently toward the individualized educational program (IEP) objectives of each student with a disability and to work with classroom teachers to prevent learning problems whenever possible.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-20 NMSA (1978)
6.30.2.10 NMAC

CROSS REF.: IHB - Special Instructional Programs

REGULATION**REGULATION****CLASS SIZE****(Special Education)****Teacher-Student Ratios and
Staff-Student Ratios**

It is the intent of the District to maintain student-teacher ratio that will allow the teacher to work effectively and efficiently toward the state standards.

The teacher-student ratios shall be as follows:

Class Loads

Class loads shall be in compliance with the most current class load requirements in Section 22-2-8.2 NMSA 1978.

The individual class load for elementary school teachers shall not exceed twenty (20) students for kindergarten; provided that any teacher in kindergarten with a class load of fifteen (15) to twenty (20) students shall be entitled to the assistance of an instructional assistant.

The average class load for elementary school teachers at an individual school shall not exceed twenty-two (22) students when averaged among grades one (1), two (2) and three (3); provided that any teacher in grade one (1) with a class load of twenty-one (21) or more shall be entitled to the full-time assistance of an instructional assistant.

The average class load for an elementary school teacher at an individual school shall not exceed twenty-four (24) students when averaged among grades four (4), five (5) and six (6).

The daily teaching load per teacher for grades seven (7) through twelve (12) shall not exceed one hundred sixty (160) students, except the daily teaching load for teachers of required English courses in grades seven (7) and eight (8) shall not exceed one hundred thirty-five (135) with a maximum of twenty-seven (27) students per class and the daily teaching load for teachers of

required English courses in grades nine (9) through twelve (12) shall not exceed one hundred fifty (150) students with a maximum of thirty (30) students per class.

Students receiving special education services integrated into a regular classroom for any part of the day shall be counted in the calculation of class load averages. Students receiving special education services not integrated into the regular classroom shall not be counted in the calculation of class load averages. Only classroom teachers charged with responsibility for the regular classroom instructional program shall be counted in determining average class loads. In elementary schools offering only one (1) grade level, average class loads may be calculated by averaging appropriate grade levels between schools in the School District.

CROSS REF.: IHB - Special Instructional Programs

**STUDENT SCHEDULES
AND COURSE LOADS**

The Board requires that each student at the end of grades eight (8) through eleven (11) develop an interim next-step plan that sets forth the coursework for the grades remaining until high school completion or transition following high school. The Board shall ensure each student has the opportunity to develop a plan based upon reports of college and workplace readiness assessments and other factors and be reasonably informed about:

- Curricular and course options, including:
 - honors or advanced placement courses, dual-credit courses, distance learning courses, career clusters or remediation programs that college and workplace readiness assessments indicate to be appropriate;
- Opportunities available that lead to different post-high-school options; and
- Alternative opportunities available if the student does not finish a planned curriculum.

The plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent or guardian and the student's guidance counselor or other school official charged with coursework planning for the student. An individualized education program (IEP) filed with the principal that meets the applicable transition and procedural requirements of the federal Individuals with Disabilities in Education Act for qualified students shall satisfy the next-step requirements for that student.

It shall be the responsibility of the principal, with the cooperation of assigned counselors, to assist students in the scheduling of coursework. All students in the high school are required to enroll in four (4) classes unless excused by the school administrator.

Dual Credit

Dual credit programs allow high school students to enroll in college courses prior to graduation and receive high school and college credit simultaneously for elective courses approved by the school or core courses verified as meeting Public Education Department standards and benchmarks when these courses are aligned to meet postsecondary requirements also. To offer dual credit in academic and career technical courses the District must execute a dual credit agreement with a qualified postsecondary institution. Such agreement must address the components found in 6.30.7.8 NMAC and be signed by both entities.

Adopted: date of manual adoption

LEGAL REF.: 22-13-1.1 NMSA (1978)
6.30.7.8 NMAC
6.30.8.7 NMAC
6.30.8.8 NMAC

**^I-5250 ©
INSTRUCTIONAL RESOURCES
AND MATERIALS**

IJ

Textbooks and Supplies

The Board shall furnish textbooks for each class that conforms to curriculum requirements and related printed subject matter materials as necessary for students in grades kindergarten (K) through twelve (12). The Superintendent shall establish procedures to assure sufficient copies of textbooks so that a student in a class using a textbook may have access to and may take the book home to read assignments, do homework, make up work, or use as necessary.

Students and their parents shall be held responsible for proper care of books and school property. Books must be kept clean and unmarked. Parents may be required to pay for any damage to school property.

The Superintendent is authorized to establish a replacement-fee schedule and make it available to students, staff members, and parents. Students and parents will be advised of this replacement-cost policy upon enrollment or at the beginning of each school year.

**Access to Instructional Material
by Parents and Guardians**

The Superintendent shall establish procedures that permit parents or guardians of students enrolled in the District access to the instructional materials currently used by, or being considered for use by, the District in accordance with the terms of this policy. The request by the parent or guardian must be in writing and must specify the materials that the parent or guardian wishes to review.

Such procedures shall make available at least one (1) copy of the instructional materials for review by the parents or guardians. Printed textbooks, printed supplementary books, and printed subject-matter materials may be checked out from the District premises by parents or guardians for periods not to exceed forty-eight (48) hours. All other materials, including films, may be reviewed only on the District premises.

Parents or guardians will be notified when and where the instructional materials may be picked up or reviewed. Materials will be made available on a first-come, first-served basis.

Adopted: date of manual adoption

LEGAL REF.: 22-15-8 NMSA (1978)
22-15-9 NMSA (1978)

CROSS REF.: ABA - Community Involvement in Education
DN - School Properties Disposition
IJJ - Textbook/Supplementary Materials Selection
and Adoption
IJL - Library Materials Selection and Adoption
KB - Parental Involvement in Education
KEC - Public Concerns/Complaints about Instructional
Resources

REGULATION**REGULATION****INSTRUCTIONAL RESOURCES
AND MATERIALS**

A system of assignment of responsibility for textbooks shall be instituted in each classroom where textbooks are required based upon whether textbooks are available by "class set," individual assignment or otherwise with the ultimate aim of allowing each student access to take home the textbook. The information shall be maintained in the classroom or alternatively as determined by the supervisor of the classroom teachers so that responsibility for and availability of textbooks and materials can be assessed.

**Availability of and Access to Instructional
Materials by Parents or Guardians**

Parents or guardians of students enrolled in the District shall have access to instructional materials currently in use, or being considered for use, in the District. Such access shall be governed by the following:

- Requests must be in writing and must specify the materials that the parents or guardians want to review.
- Requests shall be submitted to the office of the principal.
- At least one (1) copy of such instructional materials shall be available for parent or guardian review.
- Printed textbooks, supplementary books, and other printed subject matter may be checked out for removal from District premises for up to forty-eight (48) hours. All other materials, including films, may be reviewed only on District premises.
- School personnel involved in handling requests to review materials will notify the parents or guardians as to when and where such materials may be picked up or reviewed.
- Materials will be available on a first-come, first-served basis.

Objections to Learning Materials and Activities

A student whose parent or guardian objects to any learning material or activity may be withdrawn from the activity or from the class or program in which the material is used, providing:

- The objection is in writing and is specific in its description of the activity or learning material to which the parent or guardian objects.
- The objection includes a statement that the parent or guardian understands that the educational information and concepts covered in the activity or material may not be covered in any other manner or form and that the parent or guardian understands that the student may not be able to make up the material or activity in any other way.
- Although the student may be unable to make up for the missed activity or material, no penalty will accrue to the student in grades or credit, with the exception that, if the objection removes a student from a substantial portion of a class, promotion and credit decisions will be based on applicable District policies.
- All such objections shall be directed to the principal of the school in which the student is enrolled, who shall forward a copy of the written objection to the Superintendent, indicating that the student has been removed from the activity or stating the reason for nonremoval.
- Upon receiving a principal's recommendation for removal or nonremoval, the Superintendent will review the situation and make a decision regarding the matter and communicate that decision to the parent or guardian and the principal.
- Within ten (10) days after receiving notification of such decision from the Superintendent, the parent or guardian may request an appeal to the Board.

**^I-5800 ©
TEXTBOOK / SUPPLEMENTARY
MATERIALS
SELECTION AND ADOPTION**

IJJ

The Board will approve the budget for the purchase of new textbooks and supplementary books. The Superintendent shall establish textbook selection procedures that shall provide for the appropriate involvement of staff members, students, and community members. Written notice to parents and other community members will be provided and parents will be involved in the instructional materials adoption process. Also, public notice regarding the instructional materials adoption process will be provided. The textbook and supplementary materials selection process must include a review of options available on the multiple lists provided for in Section 22-15-8 of the New Mexico Statutes Annotated. The procedures established may provide for textbook selection committees. Recommendations from such textbook selection committees will be forwarded to the Superintendent.

In recommending books, committees will strive for continuity of textbooks that support continuity of standards based instruction.

Objectives of Selection

It is the responsibility of the school textbook committees to:

- Recommend resources that will support and enrich the curriculum, taking into consideration the varied interests, abilities, learning styles, and maturity levels of students served.
- Recommend resources that will stimulate growth in factual knowledge, critical analysis of differing sides of issues, literary appreciation, aesthetic values, and recognition of various societal values.
- Place principle above personal opinion and reason above prejudice in the recommendation of resources of the highest quality in order to assure a comprehensive collection of resources appropriate for the complete education of all students.

The Superintendent will establish procedures for the purchase and distribution of all necessary textbooks, supplemental books, and other related instructional materials from the adopted list free of cost to students.

Removal of Textbooks/Supplementary Materials

Textbook selection committees may recommend to the Superintendent that certain previously adopted textbooks or supplementary materials be deleted from the approved list.

Adopted: date of manual adoption

LEGAL REF.: 22-15-8 NMSA (1978)

CROSS REF.: DN - School Properties Disposition
IJ - Instructional Resources and Materials
IJL - Library Materials Selection and Adoption
KEC - Public Concerns/Complaints about Instructional Resources

REGULATION**REGULATION****TEXTBOOK / SUPPLEMENTARY
MATERIALS
SELECTION AND ADOPTION****(Criteria for Selection)**

The Coordinator of Instructional Resources in conjunction with school administration, faculty, and parents/community members shall select materials for the school classrooms and libraries.

Gadsden Independent School District will follow the state instructional materials adoption cycle to provide resources that support standards-based instruction.

Timeline:

- *September through November:* Organize adoption committees and request examination samples.
- *December through February:* Review materials and publisher presentations.
- *March:* Evaluate materials. Make final selections and cost analysis. Adoption recommendations are made to the Superintendent and School Board.
- *April and May:* Schools make selections and begin ordering.
- *July through September:* Schools will implement the new materials.

**LIBRARY MATERIALS
SELECTION AND ADOPTION**

The Superintendent shall annually recommend to the Board an expenditure level for the purchase of library books and materials. The Superintendent shall approve the purchase of library materials that:

- Enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served.
- Stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- Provide a background of information that will enable students to make intelligent judgments in their daily lives.
- Provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
- Assure a comprehensive collection appropriate for the users of the library.
- Provide a current, balanced collection of books, basic reference materials, texts, periodicals, and audiovisual materials that depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

The Superintendent is authorized to establish a professional library for the use of the District staff.

The Superintendent will establish procedures for the removal of the following categories of books and other material from the library:

- Damaged materials.
- Materials that no longer present current information.
- Materials that no longer support the goals of the District.
- Materials that have not been used frequently enough to justify the use of library space.

Adopted: date of manual adoption

REGULATION**REGULATION****LIBRARY MATERIALS
SELECTION AND ADOPTION**

The following standards shall be used in the selection of library books and materials:

- Materials that widen the boundaries of the students' thinking, that enrich their lives and help them fulfill their recreational and emotional needs.
- Materials that have imaginative appeal and a style that is interesting and free from monotony.
- Materials that stimulate the imagination, provide for mental growth, develop a taste for good writing, and draw attention to the beautiful and artistic.
- Books that provide pleasurable reading for the reader's sake.
- Books that are illustrated in a manner that complements the text, have quality art, and are suitable for the intended readers.
- Materials that adequately cover a wide range of reading ability.

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IJM

**SPECIAL - INTEREST MATERIALS
SELECTION AND ADOPTION**

Commercial organizations offer a variety of materials for use by teachers in the classroom. Many of these materials are of high educational value, with little or no advertising emphasis. Other materials are primarily advertising and have only limited educational value.

In general, supplementary materials (printed materials, models, films, slides, pictures, charts, exhibits for educational purposes, etc.) from commercial, political, religious, or other nonschool sources should have approval by the principal. This approval may be given to materials that are of obvious educational quality, supplement and enrich text and reference book materials, are timely and up to date, and promote American democratic ideals and moral values.

Advertising materials of a commercial, political, or religious nature should not be displayed or distributed in the schools or on the school grounds. Students may not be used as the agents for distributing nonschool materials to the homes. The Superintendent shall be the final judge of whether or not such materials shall be utilized with students and will establish necessary procedures for their evaluation, approval, and use.

Adopted: date of manual adoption

I-6300 ©
TECHNOLOGY RESOURCES

IJND

(Movies/Videos)

It is the policy of the District that there is educational value in utilizing movies and videos in classrooms only when such movies and videos extend and/or reinforce the concepts being taught and have been planned for in advance.

The Superintendent shall develop regulations governing the use of movies/videos in the classroom.

Adopted: date of manual adoption

REGULATION**REGULATION****TECHNOLOGY RESOURCES****(Movies/Videos)**

Movies and videos with ratings other than for general audiences of all ages are not to be shown in classrooms or at any District facility (this includes buses and motels where students are present) except when:

- The movie or video has been previewed by the teacher or other licensed staff member.
- The movie or video has been determined to not contain material that is objectionable or inappropriate for the age group to which it is intended to be shown.
- The responsible site administrator has approved the use of the movie or video prior to its showing.
- The teacher or other licensed staff member has provided advance notification to each student's parent(s), or other responsible adult, of the title of the movie or video and the date on which it will be shown.
- A student whose parent(s) or other responsible adult has provided notice of their disapproval will not be permitted to view the movie or video.

Parents have the right to request that their child not view any movie or video, regardless of its rating or the purpose for which it is to be shown.

**I-6400 ©
USE OF TECHNOLOGY RESOURCES
IN INSTRUCTION**

IJNDB

**Appropriate use of Electronic
Information Services**

The District may provide electronic information services (EIS) to qualified students, teachers, and other personnel who attend or who are employed by the District. Electronic information services include networks (e.g., LAN, WAN, Internet), databases, and any computer-accessible source of information, whether from hard drives, tapes, compact disks (CDs), floppy disks, or other electronic sources. The use of the services shall be in support of education, research, and the educational goals of the District. To assure that the EIS is used in an appropriate manner and for the educational purposes intended, the District will require anyone who uses the EIS to follow its guidelines and procedures for appropriate use. Anyone who misuses, abuses, or chooses not to follow the EIS guidelines and procedures will be denied access to the District's EIS and may be subject to disciplinary action.

Each user will be required to sign an EIS user's agreement. The District may log the use of all systems and monitor all system utilization. Accounts may be closed and files may be deleted at any time. The District is not responsible for any service interruptions, changes, or consequences. The District reserves the right to establish rules and regulations as necessary for the efficient operation of the electronic information services.

The District does not assume liability for information retrieved via EIS, nor does it assume any liability for any information lost, damaged, or unavailable due to technical or other difficulties.

Filtering and Internet Safety

The District shall provide for technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to use of the computers by students, harmful to students. The protective measures shall also include monitoring the online activities of students.

Limits, controls, and prohibitions shall be placed on student:

- Access to inappropriate matter.
- Safety and security in direct electronic communications.
- Unauthorized online access or activities.
- Unauthorized disclosure, use and dissemination of personal information.

The Superintendent is responsible for establishing and enforcing the District's electronic information services guidelines and procedures for appropriate technology protection measures (filters), monitoring, and use.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 9134, The Children's Internet Protection Act
47 U.S.C. 254, Communications Act of 1934 (The Children's
Internet Protection Act)

REGULATION**REGULATION****USE OF TECHNOLOGY RESOURCES
IN INSTRUCTION****(Safety and use of Electronic
Information Services)**

Use of the electronic information services (EIS) requires that the use of the resources be in accordance with the following guidelines and support the education, research, and educational goals of the District. Filtering, monitoring, and access controls shall be established to:

- Limit access by minors to inappropriate matter on the Internet and World Wide Web.
- Monitor the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
- Monitor for unauthorized access, including so-called "hacking," and other unlawful activities by minors online.
- Restrict access by minors to materials harmful to minors.

Content Filtering

A content filtering program or similar technology shall be used on the networked electronic information system (EIS) as well as on standalone computers capable of District authorized access to the Internet. The technology shall at a minimum limit access to obscene, profane, sexually oriented, harmful, or illegal materials. Should a District adult employee have a legitimate need to obtain information from an access-limited site, the Superintendent may authorize, on a limited basis, access for the necessary purpose specified by the employee's request to be granted access.

Monitoring

As a means of providing safety and security in direct electronic communications and to prevent abuses to the appropriate use of electronic equipment, all computer access to the Internet through the District electronic information systems (EIS) or standalone connection shall be monitored periodically or randomly through in-use monitoring or review of usage logs.

Access Control

Individual access to the EIS shall be by authorization only. Designated personnel may provide authorization to students and staff who have completed and returned an electronic information services user agreement. The Superintendent may give authorization to other persons to use the EIS.

Acceptable Use

Each user of the EIS shall:

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

- Understand that inappropriate use may result in cancellation of permission to use the educational information services (EIS) and appropriate disciplinary action up to and including expulsion for students.

In addition, acceptable use for District employees is extended to include requirements to:

- Maintain supervision of students using the EIS.
- Agree to directly log on and supervise the account activity when allowing others to use District accounts.
- Take responsibility for assigned personal and District accounts, including password protection.
- Take all responsible precautions, including password maintenance and file and directory protection measures, to prevent the use of personal and District accounts and files by unauthorized persons.

Each user will be required to sign an EIS user agreement. A user who violates the provisions of the agreement will be denied access to the information services and may be subject to disciplinary action. Accounts may be closed and files may be deleted at any time. The District is not responsible for any service interruptions, changes, or consequences.

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

USE OF TECHNOLOGY RESOURCES IN INSTRUCTION

ELECTRONIC INFORMATION SERVICES USER AGREEMENT

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

Terms and Conditions

Acceptable use. Each user must:

- Use the EIS to support personal educational objectives consistent with the educational goals and objectives of the School District.
- Agree not to submit, publish, display, or retrieve any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- Abide by all copyright and trademark laws and regulations.
- Not reveal home addresses, personal phone numbers or personally identifiable data unless authorized to do so by designated school authorities.
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- Not use the EIS for commercial purposes.
- Follow the District's code of conduct.

- Not attempt to harm, modify, add/or destroy software or hardware nor interfere with system security.
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In addition, acceptable use for District employees is extended to include requirements to:

- Maintain supervision of students using the EIS.
- Agree to directly log on and supervise the account activity when allowing others to use District accounts.
- Take responsibility for assigned personal and District accounts, including password protection.
- Take all responsible precautions, including password maintenance and file and directory protection measures, to prevent the use of personal and District accounts and files by unauthorized persons.

Personal responsibility. I will report any misuse of the EIS to the administration or system administrator, as is appropriate.

I understand that many services and products are available for a fee and *acknowledge my personal responsibility for any expenses incurred without District authorization.*

Network etiquette. I am expected to abide by the generally acceptable rules of network etiquette. Therefore, I will:

- *Be polite and use appropriate language.* I will not send, or encourage others to send, abusive messages.
- *Respect privacy.* I will not reveal any home addresses or personal phone numbers or personally identifiable information.
- *Avoid disruptions.* I will not use the network in any way that would disrupt use of the systems by others.
- *Observe the following considerations:*
 - Be brief.

- Strive to use correct spelling and make messages easy to understand.
- Use short and descriptive titles for articles.
- Post only to known groups or persons.

Services.

The School District specifically denies any responsibility for the accuracy of information. While the District will make an effort to ensure access to proper materials, the user has the ultimate responsibility for how the electronic information service (EIS) is used and bears the risk of reliance on the information obtained.

I have read and agree to abide by the School District policy and regulations on appropriate use of the electronic information system, as incorporated herein by reference.

I understand and will abide by the provisions and conditions indicated. I understand that any violations of the above terms and conditions may result in disciplinary action and the revocation of my use of information services.

Name _____

Signature _____ Date _____
(Student or employee)

School _____ Grade (if a student) _____

Note that this agreement applies to both students and employees.

The user agreement of a student who is a minor must also have the signature of a parent or guardian who has read and will uphold this agreement.

Parent or Guardian Cosigner

As the parent or guardian of the above named student, I have read this agreement and understand it. I understand that it is impossible for the School District to restrict access to all controversial materials, and I will not hold the District responsible for materials acquired by use of the electronic information services (EIS). I also agree to report any misuse of the EIS to a School District administrator. (Misuse may come in many forms but can be viewed as any messages sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, or other issues described in the agreement.)

I accept full responsibility for supervision if, and when, my child's use of the EIS is not in a school setting. I hereby give my permission to have my child use the electronic information services.

Parent or Guardian Name (print) _____

Signature _____ Date _____

I-6500 ©
FIELD TRIPS

IJOA

Field trips must be planned within the context of the school program and must be appropriate for the age level, grade level, and curriculum. Due to limitations imposed by local conditions, field trips may be limited by the Superintendent. All field trips must be specifically approved by the Superintendent long enough in advance so that arrangements can be made prior to the trip. Before any student is taken from the school grounds on a field trip, written permission must be obtained from the parents or legal guardians. Transportation shall be provided only by District vehicles, driven by authorized personnel.

Adopted: date of manual adoption

REGULATION**REGULATION****FIELD TRIPS**

Field trips are very useful to encourage learning through exploration of the environment not immediately accessible to the classroom. However, field trips are only one means of achieving an educational objective. Approval of field trips will be based on a number of items such as availability of transportation, budget, personnel, weather, risks, and distance, as well as educational objectives.

It will be the responsibility of the staff and the principal to organize field trips so that an experience is not repeated yearly for a student or group of students. There might be some justification for repeating an experience, but generally the same field trip will not be repeated for any one (1) student within a three (3) year cycle.

The cost of transportation for field trips must be included in budget planning. Each teacher who wishes to plan field trips should make tentative plans with the principal during budget planning. Such plans should include the place, time, and educational justification for each field trip. The District will attempt to have some capacity for scheduling field trips beyond those requested by the teachers as part of the budget process, but there can be no assurance that such unbudgeted trips can be accommodated.

Field trip planning should include the following criterion:

- All field experiences must be well planned, properly timed, and part of the learning activities included in the instructional plan.
- Teachers will complete required forms and submit to the building administrator.
- All field experiences must be within budgetary allotments and approved by a school administrator and supervisor of the funding source.
- Private vehicles or vans may not be used to transport students. The operators (school employees) of school vehicles will meet the requirements of: criminal background checks, drivers licensing checks through motor vehicles records, substance and alcohol testing in

accordance with 49 C.F.R. Part 382, physical examinations (every two [2] years, beginning July 1, 2001 the DOT or SDE physical examination form will be accepted), pre/post trip inspections of the vehicle and a minimum of a twelve (12) hour pre-service training program.

- School employees are eligible to operate school owned vehicles to transport up to a maximum of eighteen (18) passengers in two (2) six to nine (6-9) passenger vehicles on planned school sponsored activities. If this limit is exceeded a bus is required.
- Children will not be permitted to leave the group during the field experience unless parents make prior written arrangements.

**I-6550 ©
COMMUNITY RESOURCE
PERSONS / SPEAKERS**

IJOB

The District recognizes that one of the greatest resources of the school is to be found in the people of the community who have special knowledge and particular talents to contribute to the school program. Therefore, the use of community resources and citizens to serve in furthering the educational program is encouraged. Staff members should study the needs of their respective schools, survey the resources available in the school community, weigh their probable usefulness, and then present to the Superintendent for approval any staff-developed plans for using those community resources. The Superintendent will consider all such plans, on both their merit and their implications, as if they were to be carried out throughout the District. Use of outside personnel and resources would be under procedures authorized by the Superintendent.

Adopted: date of manual adoption

**I-6600 ©
SCHOOL VOLUNTEERS**

IJOC

Volunteers can make many valuable contributions to the students and educational programs of the District. A volunteer program is approved subject to suitable rules, safeguards, and regulations as developed by the Superintendent.

The Superintendent shall promote appropriate annual recognition of volunteer services.

Any volunteer given access to students without the presence (line of site view) of a licensed staff member shall have been fingerprinted and the results received prior to allowing the volunteer such access.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)

CROSS REF.: GCFC - Professional Staff Certification and Credentialing
Requirements (fingerprinting requirements)
GDFA - Support Staff Qualifications and Requirements
(fingerprinting requirements)

I-6700 ©
GRADING / ASSESSMENT SYSTEMS

IKA

A District-developed grading system will be utilized.

Gadsden Independent School District requires that students be assessed frequently and student progress be reported to students and parents be made every nine (9) weeks by the teacher, and additional reports will be made when necessary.

Grades will reflect academic performance and will not be used for disciplinary purposes. Grades must be logical, fair, and described in the classroom procedure so that the students and parents are aware of the system being used.

Grades will be reported numerically and teachers will keep a careful record of the grades assigned to students.

Written reports to the parents concerning student achievement will be made every nine (9) weeks by the teacher, and additional written reports will be made when necessary.

Teachers will confer with parents when necessary concerning academic progress and discipline of students.

Teachers will report to parents on students' conduct, scholarship, attendance, or excessive tardiness.

Special Education

Grades reporting achievement of special education students not taking regular education classes shall be given on a basis commensurate with the students' abilities and based on their individual progress rather than in competition with classmates. The permanent record cards for such students shall indicate enrollment in special education for those classes.

Parents of special education students shall be counseled regarding the significance of the grading system in order to avoid misinterpretation of the achievement grade.

Adopted: date of manual adoption

REGULATION**REGULATION****GRADING / ASSESSMENT SYSTEMS****Subject Grade**

The subject grade should be based upon pupil mastery of the content of the course. The teacher will establish a reasonable standard for average achievement in each of the subjects. If at any time the teacher is in doubt that this standard is either too high or too low, the teacher should discuss the matter with the principal.

The teacher will establish a uniform system of grading. This system is based upon attainment of what the teacher requires. Content of the course shall be set up to be measured by numerical percentages which are then transferred to letter equivalents. The following scale will serve as a guide for the distribution of grades but reasonable alternative letter grades may be approved at the District level:

90% - 100% = *A*

80% - 89% = *B*

70% - 79% = *C*

60% - 69% = *D*

Below 60% = *F*

The following should be observed in implementing a grading system:

- The grading system should be consistent within the class for the entire year.
- The student should understand the system thoroughly, such as, the content on which the grade for the course depends, the weight attached to various phases of the material, the manner in which the letter grade is devised, and the meaning of the final letter grade which is sent home as a report to the parent.

- If a teacher from year to year consistently promotes classes with predominantly high or low scores for the majority of the pupils in each class, then such practice causes parental and pupil difficulties for the succeeding teacher. If a teacher consistently finds the grades high or low for a large percent of the class, then the teacher should evaluate their established standards of average achievement on grading.
- Work habits and conduct are two (2) areas that will be marked individually. Grades on basic subjects must not be awarded or upheld based upon disciplinary problems, work habits, or conduct.

Report Cards and Records

An average of two (2) grades per week should be kept in numerical values in the teacher's grade book for each subject. Average numerical values for the nine (9) weeks will also be recorded in the grade book.

Grade reports to the parents are made on a nine (9) week basis. Report cards include an explanation of the system of marks used. Before cards are distributed each nine (9) week period, the teacher should explain the marking system to the students.

Cards are sent home according to a schedule which is developed at the beginning of the school year.

**I-6800 ©
REPORT CARDS / PROGRESS REPORTS**

IKAB

District Report Cards

Each school district must distribute copies of the state wide indicators, containing the descriptions and information required by code.

The School District Report Card may be used to make such a report.

Student Progress Reports

It is essential that students' progress in school be fully communicated to their parents.

Each school will report students' progress to the students and to their parents or guardians as appropriate. The reports will be clear, concise, and accurate, and will provide a basis of understanding among teachers, parents, and students for the benefit of the individual students. The Superintendent will develop progress report forms or cards in accordance with this policy.

The following specific requirements are established:

- Parents will be informed regularly, and at least four (4) times a year, as to the progress their children are making in school.
- Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration.
- Insofar as possible, distinctions will be made between a student's attitude and academic performance.
- At comparable levels, the school will strive for consistency in grading and reporting except as this is inappropriate for certain classes or certain students.
- When grades are given, school staff members will take particular care to explain to parents the meaning of marks and symbols as they apply to student achievement.

- When no grades are given but evaluation is made informally in terms of the student's own progress, such evaluation will be a realistic appraisal of the skills developed by the student.
- Reports of progress for students qualified for services under the Individuals with Disabilities Education Act (I.D.E.A.) shall be based on their progress in the general curriculum and shall address whether the progress is sufficient to enable the student to achieve the goals stated in the student's individualized education program (IEP) by the end of the school year.

Adopted: date of manual adoption

**I-6900 ©
PARENT CONFERENCES**

IKACA

A parent shall be notified no later than the end of the second grading period that their child is failing to make adequate yearly progress, and a conference consisting of the parent and the teacher shall be held to discuss possible remediation programs available to assist the student in attaining adequate yearly progress.

The Superintendent will establish procedures for such conferences. In addition to scheduled opportunities, parents shall have opportunities to arrange conferences with teachers at other times during the year.

Adopted: date of manual adoption

LEGAL REF.: 22-2C-6 NMSA (1978)

CROSS REF.: IKAB - Report Cards/Progress Reports

I-6950 ©
GRADE ADJUSTMENTS

IKAD

The District requires that teachers follow the procedures established to implement the District grading system. Therefore, all grades shall be determined following procedures established by policy or established procedure. For example, a class assignment grade, test grade or one posted to a report card, cumulative record, or transcript shall conform to the procedures established. A change to a grade can only be made as indicated below or in the alternative, if it can be shown through a hearing process that the teacher issuing the grade did not implement the District grading system in establishing the grade by following the policy or procedure to a reasonable degree.

A grade indicating an assignment, subject or curricular area grade status of incomplete may be changed by the issuing teacher or a school official following the directions of the issuing teacher. A grade may be changed to correct mechanical or clerical errors. A mechanical/clerical error may include an arithmetic error, transcribing error, or posting error. A teacher aware of such an error may request a grade change by submitting "A Grade Change Request Form" to their building principal for approval.

**Changing a Class Test or Assignment
Grade Not Yet a Student Record**

A grade that has been entered in the teacher's record keeping system by the teacher of a subject or curricular area for the purpose of accumulating grades toward a course grade and *has not yet been entered as a grade* for a subject or curricular area on a student's report card, in the cumulative record or on a transcript *is not considered a student record for purposes of Family Educational Rights and Privacy Act (FERPA)* by this Governing Board. If the parent or guardian of a student or an eligible student believe a grade, *not yet a student record*, is inaccurate, misleading, or in violation of students rights or can show proof that the teacher failed to reasonably follow the guidelines in the school grading system, the grade may be considered for change as indicated herein. The first step is to contact the school records custodian and request that the record be changed. If the custodian cannot change the record to the requester's satisfaction the custodian will ask that a request in writing be submitted using "A Grade Change Request Form" and the hearing process shall be as found in the hearing procedure established by this policy under the condition that the final determination shall be made at the second

level of the hearing process by the custodian of the records. Following Level II of the hearing procedure the decision to comply or decline to comply will be made by the records custodian with the decision being final and no further appeal being allowed.

Changing a Course Grade that is a Student Record

A course grade that has been entered for a subject or curricular area on a student's report card, in the cumulative record or on a transcript *is considered a student record* under FERPA by this Governing Board. If the parent or guardian of a student or an eligible student believe a student record grade is inaccurate, misleading, or in violation of the students rights or can show proof that the teacher failed to reasonably follow the guidelines in the school grading system, the grade may be considered for change as indicated in the hearing procedure established by 34 Code of Federal Regulations 99.20 and 99.21. The first step is to contact the school records custodian and request that the record be changed. If the custodian cannot change the record to the requester's satisfaction the custodian will ask that a request in writing be submitted using "A Grade Change Request Form." The form shall be completed by the requestor and returned to an administrator in the school who shall place the request in the hands of the school records custodian for disposition in accord with the hearing procedures established.

Adopted: date of manual adoption

LEGAL REF.: 6.30.10.1 *et seq.* NMAC
20 U.S.C. 1232
34 C.F.R. 99

CROSS REF.: IKA - Grading/Assessment Systems
IKAB - Report Cards/Progress Reports
IL - Evaluation of Instructional Programs
ILB - Test Assessment Administration
JR - Student Records

EXHIBIT**EXHIBIT****GRADE ADJUSTMENTS****Procedures to Seek to Correct
Education Records**

[34 C.F.R. 99.20 and 99.21]

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights [34 C.F.R. 300.618 and 99.20].

For the purpose of outlining the procedure to seek to correct education records, the term *incorrect* will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term *correct* will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term *requester* will be used to describe the parent or guardian of a student or the eligible student who is asking the District to correct a record.

To establish an orderly process to review and correct education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure [34 C.F.R. 300.618 and 99.20].

First-level decision. A parent of a student or an eligible student who finds an item in the student's education records that appears to be inaccurate, misleading, or in violation of student rights should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:

- Provide the requester a copy of the questioned record at no cost.
- Ask the requester to initiate a written request for the change.
- Follow the procedure for a second-level decision.

Second-level decision. The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item thought to be incorrect and state whether the requester believes the item:

- Is inaccurate and why,
- Is misleading and why, or
- Violates student rights and why.
- Resulted from the teacher failing to reasonably follow the guidelines in the school grading system and why.

The request will be dated and signed by the requester.

Within two (2) weeks after receiving a written request, the record custodian will study the request, discuss it with other school officials (including the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, a decision is reached that the record should be corrected, the record custodian will affect the change and notify the requester, in writing, of that action. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the record is in order and the correction is satisfactory.

If a decision is reached that the record is correct, the custodian will make a written summary of any discussions with other officials and of the findings in the matter. This summary and a copy of the written request will be transmitted to the Superintendent.

Third-level decision. The Superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the Board (in executive session unless otherwise requested by parent[s]). The Superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two (2) weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, the record custodian will be advised to make the changes. The record custodian will advise the requester of the change.

If the Superintendent decides the record is correct, a letter to the requester will be prepared that will include [34 C.F.R. 300.619 and 99.20]:

- The District's decision that the record is correct and the basis for the decision.
- A notice to the requester explaining the requester's right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing.
- Instructions for the requester to contact the Superintendent to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. (The District will not be bound by the requester's positions on these items but will, as far as possible, arrange the hearing as the requester wishes.)
- Advice that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.

Fourth-level decision. After the requester has submitted (orally or in writing) any wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within one (1) week, notify the requester when and where the District will hold the hearing and whom it has designated as the hearing officer [34 C.F.R. 300.621, 99.21, 99.22, and 99.34].

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records is incorrect as shown in the requester's written request for a change in the record (second level).

Within one (1) week after the hearing, the hearing officer will submit to the Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the record should be changed or should remain unchanged.

The Superintendent will prepare the District's decision within two (2) weeks after the hearing. That decision will be based on the summary of the evidence presented at the hearing and on the hearing officer's recommendation. However, the District's decision will be based solely on the

evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if the hearing officer's recommendation is deemed inconsistent with the evidence presented. As a result of the District's decision, the Superintendent will take one (1) of the following actions:

- If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second-level decision [34 C.F.R. 300.620 and 99.21].
- If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include [34 C.F.R. 300.620 and 99.21]:
 - The District's decision that the record is correct and will not be changed.
 - A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision.
 - Advice to the requester that an explanatory statement may be placed in the student's education records stating the reasons for disagreement with the District's decision and/or the reasons for believing the record to be incorrect.

Final administrative step in the procedure. When the District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed the explanatory statement will also be disclosed [34 C.F.R. 300.620 and 99.21].

EXHIBIT**EXHIBIT****GRADE ADJUSTMENTS****GRADE CHANGE REQUEST FORM****Please print:**

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to request a grade change for:

Name of student: _____

Student school identification if any: _____

Name of school (department), program, or class in which the grade was given: _____

What was the grade given for (course, test or assignment)? _____

Specify the problem as you see it. Describe any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

If you believes the item:

- Is inaccurate explain why.
- Is misleading explain why.
- Violates the students rights explain why.
- Resulted from the teacher failing to reasonably follow the guidelines in the school grading system explain why.

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name	Address	Telephone Number
<hr/>		
<hr/>		
<hr/>		
<hr/>		

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify that this information is correct to the best of my knowledge.

Signature of Requestor and Date

I-7050 ©
HOMEWORK

IKB

The development of study skills and self-discipline are integral and indispensable elements of a quality educational process.

Homework should be assigned consistent with the maturity, special needs, potential, and achievement level of the individual student. It should not carry the stigma of punishment. Its assignment should be specifically addressed to the objectives of the instructional program, and, in addition, students should develop responsibility for actively pursuing knowledge without immediate supervision outside as well as within the classroom.

Students, regardless of their intellectual capacity, should understand that mastery of skills is not always possible within the time constraints of the classroom. Each student should leave the District with a firm foundation for pursuing knowledge and developing skills on an independent basis.

The Superintendent is responsible for procedures that will achieve objectives through homework, including, but not limited to, the following:

- Intervention that changes deficient performance to performance that meets acceptable standards.
- Reinforcement and mastery of critical skills and concepts. Homework should be assigned with a specific instructional purpose or goal in mind.
- Challenge through exploration of concepts and skills that complement and elaborate those introduced in the classroom.
- Feedback from the teacher through correction and clarification of all outside assignments.
- The amount of time and type of homework given must be appropriate for age and ability of the students.
- Homework must never be used as a punishment.
- Accommodations for homework must follow 504/IEP specifications when appropriate.

Adopted: date of manual adoption

**I-7100 ©
CLASS RANKINGS / GRADE
POINT AVERAGES**

IKC

Rank in class is required by colleges and universities on transcripts submitted for entrance evaluation.

Class rank shall be determined as follows:

- Class ranking will be determined each semester beginning with the first semester of the ninth grade.
- Class rank will be based only on the grades earned in classes that meet or exceed graduation requirements.
- Total grade points begin accumulating with the ninth grade. These are divided by total units attempted to produce the accumulative grade point average. Students are then ranked according to grade point average, with 4.00 as high.

Adopted: date of manual adoption

**I-7150 ©
HONOR ROLLS**

IKD

An honor roll system is an additional means for encouraging goal setting by students and for providing recognition of students who have achieved those goals.

Honor rolls will be used in grades three (3) through twelve (12). The Superintendent will establish the minimum achievement level for all honor rolls, and such determination may be subject to Board approval. Students will be informed of the honor roll system and instructed to ensure an understanding of the specific grades and methods used to compute the honor roll formula.

The District will promote public recognition of students who have attained honor roll status.

Adopted: date of manual adoption

**^I-7200 ©
PROMOTION AND RETENTION
OF STUDENTS**

IKE

Regular Education

The District is dedicated to the continuous development of each student.

Grades One through Eight

At the end of grades one (1) through seven (7), three (3) options are available, dependent on a student's adequate yearly progress:

- The student has made adequate yearly progress and shall enter the next higher grade;
- The student has not made adequate yearly progress and shall participate in the required level of remediation. Upon certification by the School District that the student has made adequate yearly progress, he shall enter the next higher grade; or
- The student has not made adequate yearly progress upon completion of the prescribed remediation program and upon the recommendation of the teacher and school principal shall either be:
 - Retained in the same grade for no more than one (1) school year with an academic improvement plan developed by the student assistance team in order to meet adequate yearly progress, at which time the student shall enter the next higher grade; or
 - Promoted to the next grade if the parent refuses to allow the child to be retained. In this case, the parent shall sign a waiver indicating a desire that the student be promoted to the next higher grade with an academic improvement plan designed to address specific academic deficiencies. The academic improvement plan shall be developed by the student assistance team outlining timelines and monitoring activities to ensure progress toward overcoming those academic deficiencies. Students failing to make adequate yearly progress at the end of that year shall then be retained in the same grade for no more

than one (1) year in order to have additional time to master the required content standards.

At the end of the eighth (8th) grade, a student who fails to make adequate yearly progress shall be retained in the eighth (8th) grade for no more than one (1) school year to make adequate yearly progress or if the student assistance team determines that retention of the student in the eighth (8th) grade will not assist the student make adequate yearly progress, the team shall design a high school graduation plan to meet the student's needs for entry into the work force or a post-secondary educational institution. If a student is retained in the eighth (8th) grade, the student assistance team shall develop a specific academic improvement plan that clearly delineates the student's academic deficiencies and prescribes a specific remediation plan to address those academic deficiencies.

A student who fails to make adequate yearly progress for two (2) successive school years shall be referred to the student assistance team for placement in an alternative program designed by the School District. Alternative program plans shall be filed with the department.

Special Education

Any student qualified as a special education eligible student who is unable to meet regular academic requirements for promotion must meet the requirements of an alternative curriculum derived from the regular curriculum, which will be developed by an individualized educational program (IEP) team on an individual basis. Students placed in special education will complete the course of study as prescribed in their individual promotion plans and implemented through their individual education programs. Course work will be presented at a level commensurate with the student's ability. The student's permanent file shall identify the courses completed through special education.

Adopted: date of manual adoption

LEGAL REF.: 22-2C-6 NMSA (1978)
22-2-8.12 NMSA (1978)

CROSS REF.: JLDAC - Screening/Testing of Students

REGULATION**REGULATION****PROMOTION AND RETENTION
OF STUDENTS**

All students grades kindergarten (K) through twelve (12) are expected to attain the *State Proficiency Levels* of the State Content Standards and Benchmarks* to be promoted. Students who do not attain these levels will participate in the District's academic improvement and/or remediation programs.

The Student Assistance Team (SAT). The Campus SAT** will be responsible for referring students to these programs to avoid any child being left behind (NCLB).

The District Programs. The academic improvement or remediation programs may include, interventions, summer school programs (extended weeks)*, and special daily courses in grades three (3) through twelve (12). (*To be promoted a student must pass all courses in summer school.)

**Academic Improvement and
Remediation Programs**

Academic improvement programs, remediation programs, and promotion or retention will be based on achievement in the following:

- Statewide assessment results.
- Short Cycle Assessment and Curriculum-based measurement results.
- Student performance in school (grades).
 - In grades seven (7) through eight (8), a student must maintain an average of sixty (60) in three (3) of the core courses.
- Performance Standards of the State Content Standards and Benchmarks.

The academic improvement programs and remediation programs will provide special instructional assistance to students in grades one (1) through eight (8)

who fail to attain the *State Proficiency Levels of Content Standards and Benchmarks* as determined by the statewide assessment results. These programs are incorporated into the school and District Educational Plan for Student Success (EPSS).

Assessment of Student Academic Gaps. The diagnosis of achievement gaps are identified by reading, writing, or mathematics performance assessment instruments and serve as criteria in assessing the need of students for an academic improvement program, a remediation program or retention.

Written Parent Notification. A parent or guardian will be notified no later than the end of the second grading period that the child is failing to attain appropriate grade level proficiency in content standards. (*FORM 1*)

A Parent-Teacher Conference. A conference consisting of the parent or guardian and the teacher will be held to discuss an academic improvement program or remediation program available to assist the student in attaining the required level of proficiency established by the required State Proficiency Levels of Content Standards and Benchmarks. (*FORM 2*)

- The student's specific academic deficiencies and improvement strategies will be explained to the student's parent or guardian.

The Student Academic Improvement Plan (AIP). A written plan will be developed for each student containing timelines, academic expectations and the measurements used to verify the academic deficiencies the student is expected to overcome. The student's academic deficiencies and improvement strategies will also be included in the plan. (*FORM 3*)

Promotion or Retention Grades Kindergarten through Seven

In grades kindergarten (K) through seven (7) promotion and retention are based on student demonstration of progress toward proficiency of state and local standards in all subjects and the recommendations of the Student Assistance Team (SAT).

At the end of grades kindergarten (K) through seven (7) three (3) options are available, dependent on the student's attainment of the required *proficiency levels*. (*FORM 5*)

- The student attained the required *proficiency levels* and is promoted.

- The student did not attain the required proficiency level and will participate in an academic improvement program or remediation. Once the deficiencies are successfully overcome, the student will be promoted.
- The student did not attain the required proficiency level upon completion of the prescribed academic improvement program and with the recommendation of the certificated teacher and school principal shall either be:
 - Retained in the same grade for no more than one (1) school year with an academic improvement plan developed by the Student Assistance Team (SAT) in order to attain the Proficiency Level of Content Standards, at which time the student will be promoted; or
 - Promoted if the parent or guardian refuses to allow the student to be retained. In this case, the parent or guardian will sign a waiver indicating that the student will be promoted with an academic improvement plan designed to address the specific academic deficiencies.

Student failing to attain the proficiency level at the end of that year shall be retained in the same grade for no more than one (1) year in order to have additional time to master the required content standards.

- The AIP will be developed by the SAT outlining timelines and monitoring activities to ensure progress toward overcoming the academic deficiencies.

Promotion or Retention Grade Eight

In grade eight (8), promotion and retention are based on student demonstration of progress toward proficiency of state and local standards in all subjects and the recommendations of the Student Assistance Team (SAT).

At the end of grade eight (8), a student who fails to attain the Proficiency Level of Content Standards will be retained in grade eight (8) for no more than one (1) school year in order to attain the Proficiency Level of Content Standards; or:

- *A High School Graduation Plan:* If the SAT determines that retention of the student in grade eight (8) will not assist the student to attain the appropriate level of academic achievement and proficiency of standards, the SAT will design a high school graduation plan to meet the student's

needs for entry into the workforce or a post-secondary educational institution.

- *The Student Academic Improvement Plan:* If the student is retained in grade eight (8), the SAT will develop a specific academic improvement plan that clearly delineates the student's academic deficiencies and prescribes a specific academic improvement or remediation plan to address the academic deficiencies.
- *Referral for an Alternative Program:* A student who fails to attain the *State Proficiency Levels of Content Standards and Benchmarks* for two (2) successive school years shall be referred by the SAT for placement in an alternative program designed by the School District.

Promotion and Retention Grades Nine (9) through Twelve (12)

In grades nine (9) through twelve (12) promotion and retention are based on student demonstration of progress toward proficiency of state and local standards in all subjects and on the number of credits required to progress to the next grade level and a total of twenty-eight (28) credits required (seventeen [17] required and eleven [11] elective courses) for graduation.

- *If a student fails to earn enough credits to progress to the next grade level, the SAT will write an academic improvement plan that clearly delineates the deficiencies and prescribes specific academic improvement or remediation strategies to address the deficiencies.*
- *Referral for An alternative Program:* A student who fails to attain the *State Proficiency Levels of Content Standards and Benchmarks* for two (2) successive school years shall be referred by the SAT for placement in an alternative program designed by the School District.

The cost of summer and extended day academic improvement and remediation programs offered in grades nine (9) through twelve (12) will be borne by the parent or guardian; however, where parents are determined to be indigent according to state guidelines established by the Public Education Commission, the Local School Board will bear those costs.

Student Profile for the Proficiency Level and Academic Progress:

- *Grades:* Student performance in school based on performance standards of State Content Standards and Benchmarks.

- *Local Assessment by Core Area:* School-District-determined assessment results.
- *Statewide Assessment by Core Area:* Individual student statewide assessment results, student progress (growth) over time.

**** SAT consist of a student's * State Proficiency Levels**

- Teacher(s) **Determined by the State Annually**
- School Counselor
- School Administrator; and
- The Parent or legal guardian

Documentation:

- School Board Promotion and Retention policy.
- Academic Performance Level Profile determined by the state and District.
- Academic Improvement and remediation programs incorporated into the EPSS documents.
- Program descriptions including grading, credits, promotion and retention guidelines included in all pre-registration and student handbooks.
- Notification document sent to the parent or guardian by the end of the second grading period.
- The individual student Academic Improvement Plan.
- The individual student grades.
- The individual student statewide assessment results.
- The waivers of parent refusal.
- A roster of retained students or students who failed to receive credit in a high school course.
- A roster of students who were retained more than once.

**I-7250 ©
MAKE UP OPPORTUNITIES**

IKEA

The Superintendent shall develop and implement standards that shall apply to requirements for student make up assignments during absence for appropriate reasons.

Adopted: date of manual adoption

CROSS REF.: EBAA - Reporting of Hazards/Warning Systems

REGULATION**REGULATION****MAKE UP OPPORTUNITIES**

The following standards shall apply in the District for make up work. Adjustments may be made when it is in the best interest of the student(s).

- It will be the student's responsibility to ask for make up work and to arrange for a time to make up tests when the student returns.
- If the teacher is unable to supply the student with a make up assignment, the student will not be held responsible for that make up assignment.
- The student has the responsibility to work with the teacher to develop a plan for making up homework and tests.
- If work is not turned in by the time the assignment is due, and the student fails to provide an acceptable explanation of the extenuating circumstances that would merit an extension, the teacher may reduce the grade on the assignment or withhold credit on the assignment.
- When a student has been absent for illness, ample time will be given for make up work once the student returns to school.
- In situations where the student will be absent for more than three (3) days, due to illness (i.e., chicken pox, measles, etc.), or when the parent notifies the office that the student will be absent more than one (1) week for other reasons (e.g., vacation), teachers may provide required assignments in advance or send assignments to the student.

**I-7300 ©
ACCELERATION**

IKEB

When circumstances indicate that acceleration in grade placement is in the best interest of the student, close cooperation between the parents and all school personnel involved is imperative. Each student will have individual consideration, and decisions will be made only after a careful study of facts relating to the student's growth and development. The student's academic achievement level and mental ability are important, but physical and social characteristics are also determining factors. A decision should be based on sufficient data collected over a period of time and motivated by a desire to place the student in the school program where the greatest success will result.

The final decision to accelerate a student rests with the Superintendent. Parental involvement in all steps of the process is vital. Parental consent to the acceleration of a student should be in writing.

If parents do not approve of a decision regarding the acceleration of the student, they may appeal the decision to the Superintendent. Further appeal, if necessary, may be made to the Board.

Adopted: date of manual adoption

CROSS REF.: IKE - Promotion and Retention of Students

Regular Education

Ninth grade class of 2005-2006. A minimum of twenty three (23) units of credit aligned to the state academic content and performance standards as listed below are required for graduation for those beginning with the ninth grade class of 2005-2006. Each student shall demonstrate accomplishment of the standards in all areas required by the Secretary of Public Education, the Superintendent and School Board of the Gadsden Independent School District. If a student exits from the school system at the end of grade twelve (12) without having passed a state graduation examination, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five (5) years, but no later than July 1, 2010, after a student exits from the school system, the student takes and passes the state graduation examination, the student may receive a high school diploma.

Ninth grade class of 2010-2011 and after. A minimum of twenty four (24) units of credit aligned to the state academic content and performance standards as listed below are required for graduation for those beginning with the ninth grade class of 2010-2011. A student may receive a high school diploma of excellence after having demonstrated accomplishment of the standards or a portfolio of standards based indicators in mathematics, reading and language arts, writing, social studies, and science adopted by the Secretary of Public Education. If a student exits from the school system at the end of grade twelve (12) without having satisfied the above requirements, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five (5) years after a student exits from the school system, the student satisfies the requirements listed, the student may receive a high school diploma of excellence.

Graduation requirements may be met as follows:

- By successful completion of subject area course requirements.
- By mastery of the standards or a portfolio of standards based indicators adopted by the Secretary of Public Education and other competency requirements for the subject as determined by the Board.

- By earning credits through correspondence courses that meet graduation requirements and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board.

Graduation requirements are:

English (grammar and literature emphasis)-----	4.0 units
Math (one [1] unit equal to algebra I or higher) unless parents sign off)-----	4.0 units
Science (two [2] with a laboratory component) -----	3.0 units*
United States History and Geography, World History and Geography, New Mexico History and Geography U.S. Government and Economics -----	4.0 units
Physical Education -----	1.0 unit
Career cluster course, workplace readiness or language -----	1.0 unit
New Mexico History -----	
Foreign Language -----	2.0 unit
Electives including studentservice learning -----	<u>9.0</u> units*
Total -----	<u>28.0</u> units

For students entering as ninth graders in 2009-2010 at least one (1) unit must be earned in an advanced placement or honors program, a dual-credit course or distance learning course.

A student shall develop and file an updated final next-step plan during the senior year and prior to graduation that conforms with the requirements for a student curriculum plan pursuant to 22-13-1.1 NMSA 1978. The plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent or guardian and the student's guidance counselor or other school official charged with coursework planning for the student. An individualized education program (IEP) filed with the principal that meets the applicable transition and procedural requirements of the federal Individuals with Disabilities in Education Act for qualified students shall satisfy the next-step requirements for that student.

Final examinations shall be administered to all students in all classes offered for credit.

Parents are to be notified in writing not later than the conclusion of the third (3rd) nine-weeks grading period of their students senior year if the student is at risk of not meeting all graduation requirements. Progress reports are to be provided to parents and students at each grading period.

A high school student required to transfer to an out-of-state school by the transfer of the student's parents, who are members of the New Mexico national guard or the armed forces of the United States, may request that a diploma be issued by the New Mexico high school of transfer. The student must meet the guidelines and comply with the requirements of the New Mexico Statutes Annotated regarding military dependent transfers and their courses and grades must meet or exceed New Mexico's requirements for graduation as determined by the School District.

Special Education

Listed above, under "Regular Education," are the requirements that must be completed before a student may receive a high school diploma or diploma of excellence. Completion of graduation requirements for special education students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the special education course of study and the individualized education program of the student.

Adopted: date of manual adoption

LEGAL REF.: 22-13-1.1 NMSA (1978)
22-13-1.4 NMSA (1978)
6.30.2.10 NMAC

CROSS REF.: IGD - Curriculum Adoption
IGE - Curriculum Guides and Course Outlines
IHA - Basic Instructional Program
IIE - Student Schedules and Course Loads
IKA - Grading/Assessment Systems
JFABC - Admission of Transfer Students
JG - Assignment of Students to Classes

**I-7400 ©
EARLY GRADUATION**

IKFA

The Board will authorize early high school completion in order to meet career goals for selected students. Students desiring early graduation must submit a written request to the high school principal during the first half of the semester preceding the semester of desired completion. The principal may accept requests after this date in special circumstances. The request must contain the reasons for the request and the written approval of the student's parents or guardian. All graduation requirements must be met by the early completion date.

The Superintendent will establish procedures to evaluate each request and will ensure that the parents or guardian are informed of any restrictions or limitations to be placed on the student in the event the request is approved, including restrictions on cocurricular activities.

Diplomas normally will be awarded only at the completion of the spring semester. However, final transcripts will be provided as soon as the high school requirements have been met.

Adopted: date of manual adoption

**I-7450 ©
GRADUATION EXERCISES**

IKFB

Graduation exercises will be held for students who have met state and local requirements for graduation from high school.

All high schools will identify and recognize the top ten percent (10%) of the graduation class as part of the graduation ceremony.

Participation in high school commencement exercises is encouraged but is not compulsory. However, since these exercises require planning and rehearsals, the following rules shall apply:

- Students who wish to participate must be present at the rehearsals. Failure to do so, except for legitimate reasons for absence, may be cause for excluding students from participating in the exercises.
- Students may not participate in the commencement exercises unless they have successfully completed the requirements for graduation and paid all fees, fines, and charges due.

Adopted: date of manual adoption

I-7500 ©
**EVALUATION OF INSTRUCTIONAL
PROGRAMS**

IL

The monitoring of instruction shall be conducted through periodic and continual assessment by using:

- Gadsden Independent School District Formative Assessment
- State Comprehensive Testing Results
- Classroom Observations
- Instructional Plans
- Student Work
- Accountability Data System Information
- Federal Programs Data
- Special Education Program Data
- Bilingual Education Program Data

The comprehensive evaluation system contains specific requirements for the measurement of the District and school Educational Plan for Student Success goals, and the assessment and evaluation of student attainment of the State Content Standards and Benchmarks. The system is designed to continuously build a systematic collection of student data with which to make sound instructional decisions and judgments from an informed position. The system includes the following statewide student performance indicators:

- Student Achievement (Summative).
- Student Drop-out Rate.
- Student Attendance Rate.
- Parent and Community Involvement.
- School Safety.

The rules and procedures established by the State Department of Education and Gadsden Independent School District are strictly adhered to in regard to standardized testing.

Testing Programs

The use of tests is one indication of the success and quality of the educational program. In the case of an individual student, tests, in combination with other criteria, can provide an indication of student achievement.

The Board authorizes participation in:

- National, state and local assessment programs.
- A District assessment program that will be subject to regular review and evaluation.
- Evaluation of all proposed assessment instruments and periodic evaluation of their use and value.
- In-service education of teachers and other staff members in the use of assessments and interpretation of assessment results.

Test results of individual students are confidential data; they shall be provided to parents as appropriate.

Adopted: date of manual adoption

LEGAL REF.: 22-13-1.2 NMSA (1978)

CROSS REF.: IKF - Graduation Requirements

(State-Mandated Testing)

Security of Testing Materials

The employee(s) designated by the Superintendent to coordinate and administer the mandated tests adopted by the New Mexico Secretary of Public Education shall:

- Keep all test materials in locked storage.
- Not reproduce any test materials in any manner.
- Not disclose any actual test items to students prior to testing.
- Not provide answers of any test items to any students.
- Administer only practice tests that are provided by the test publishers. Previous editions of the test series being used in the statewide testing program may not be used as practice tests.
- Strictly observe all timed subtests. The test publishers' suggested time limits for untimed subtests shall be followed as closely as possible in order to maintain uniformity in test administration.
- Follow directions for administering the test explicitly. No test item may be repeated unless otherwise indicated in the directions.
- Not change a student's answer.
- Return all test materials to the Superintendent immediately upon completion of testing.
- Comply with and enforce the Secretary's rules established for the security and administration of the testing programs.

Failure to comply with these requirements or others as required by New Mexico Statutes Annotated or by New Mexico Administrative Code (NMAC)

shall be considered cause for discipline, including but not limited to suspension or termination. All violations of this policy shall be reported to the Secretary of Education in accord with the NMAC.

Standards Adopted by the Secretary of Education

The District shall establish specific objectives to accomplish the goals established by the Secretary of Public Education. The Superintendent will make recommendations for such objectives based upon the data gathered annually.

The Superintendent will establish regulations and procedures for assessing student achievement of standards adopted by the Secretary of Public Education and for reporting and utilizing test results and nontest indicator data. All students shall participate in the academic assessment program. The District shall follow Public Education Department adopted standards for reasonable accommodations in academic testing for students with disabilities and limited English proficiency, including when and how accommodations may be applied.

Adopted: date of manual adoption

LEGAL REF.: 22-2C-4.1 NMSA
6.10.7.7 NMAC Definitions.
6.10.7.8 NMAC (1978)
6.10.7.9 NMAC (1978)
6.10.7.10 NMAC (1978)
6.10.7.12 NMAC (1978)
6.10.7.13 NMAC (1978)
6.10.7.14 NMAC (1978)
6.30.2 NMAC *et seq.*

CROSS REF.: CM - District Annual Accountability Report
IL - Evaluation of Instructional Programs (Testing Programs)
ILC - Use and Dissemination of Test Results

**I-7750 ©
USE AND DISSEMINATION
OF TEST RESULTS**

ILC

Assessment scores will be maintained as a part of the student's educational record. Such permanent record will be sent to another school system upon request of the school or the parent upon transfer of the student.

No individual or unauthorized agency outside the school system will be permitted to have access to a student's test record or permanent record without written permission from the parent, or from the student if eighteen (18) years of age.

The parent may have access to the test record of a student under age eighteen (18) by making an appointment with the principal's office.

Adopted: date of manual adoption

LEGAL REF.: 6.10.7.7 NMAC (1978) *et seq.*

**I-7850 ©
EVALUATION OF
INSTRUCTIONAL PROGRAMS**

ILE

The instructional programs of the District will be regularly evaluated, and periodic reports will be provided to the Board. The Board will rely on the Superintendent to provide regular evaluation of the educational program and instructional processes. The Superintendent may also arrange for evaluations to be conducted by outside agencies within the budgeted funds of the District.

Adopted: date of manual adoption

(Lesson Plans)

The Board considers written lesson plans a useful tool to ensure continuity of instruction.

The Superintendent shall establish procedures that set forth the requirements for lesson plans and for their preparation and review. Such procedures shall reflect current standards of the profession and shall have as their primary objective the best possible educational program for the students of the District.

To facilitate more effective instruction, lesson plans should be prepared sufficiently in advance of the class presentation to allow plan books to be inspected and compared to the guidelines established by the Superintendent.

Teachers shall make thorough preparation for all daily lessons and shall prepare their plans to reflect such preparation.

Adopted: date of manual adoption

REGULATION**REGULATION****TEACHING METHODS****(Lesson Plans)**

Guidelines for the implementation of this administrative regulation shall include:

- Lesson plans shall be developed according to District-wide formats and shall reflect the scope and sequence of the courses of instruction. Acceptable alternatives may be approved by the principal.
- Lesson plans should include information pertinent to the effective implementation of a lesson. When commercially prepared plans are in use, lesson plans may simply refer to the appropriate aspects of such plans.
- While teachers are required to be thoroughly prepared for each daily lesson, plans may be prepared for each lesson or on a long-term basis (i.e., unit of work), whichever is most appropriate. Material to be used in a lesson(s) - such as duplicated material, cassette tapes, films, filmstrips, transparencies - may serve as an integral part of the plan.
- Lesson plans for individualized programs should be consistent with the general overview and purpose of the instructional program. The progress of individual student(s) must be a consideration in the plan.
- Teachers are to provide adequate directions for substitutes, the purpose of which shall be to continue, if possible, the ongoing program or, if more appropriate, a meaningful educational alternative that relates to the subject area.
- The provision that copies of lesson plans must be available for substitute teachers.

**I-8000 ©
TEACHING ABOUT
CONTROVERSIAL / SENSITIVE ISSUES**

IMB

Democratic tradition often involves dealing with controversial issues. Knowledge and understanding of such issues are an indispensable part of education.

The teacher holds a position of authority and respect in the classroom and community, and by virtue of that position has great influence in the formation of the values of all students. It must be clear that personal views are not a part of the instructional program and must be tempered by the responsibility to maintain professionalism.

To ensure that controversial issues are dealt with fairly and objectively, and with instruction as their goal, such issues may be a part of the curriculum as long as the following policies are observed:

- Teachers should instruct students in the principles and techniques of the scientific method and provide opportunities for practice in applying established facts to specific problems.
- Teachers should seek to develop in students the ideals of truth and honesty.
- All personnel should seek to create an atmosphere in which difference of opinion can be voiced without fear and hostility and with mutual respect for all viewpoints.
- Constitutional guarantees of due process and freedom of speech will continue to be observed as to students and teachers alike when they are involved in a controversial issue.
- Teachers should encourage the suspension of judgment and conclusions until all relevant and significant facts have been assembled, critically examined, and checked for accuracy.
- Teachers should seek to develop in students a sense of responsibility for their beliefs, opinions, attitudes, and actions.
- Teachers should place major emphasis upon "why" and "how" to think rather than "what" to think.

Adopted: date of manual adoption

**I-8250 ©
SCHOOL CEREMONIES
AND OBSERVANCES**

IMD

The Gadsden Independent School District will display the flags of the United States and the State of New Mexico in each classroom and on or within all public school buildings.

The following shall be adhered to regarding required opening exercises and school programs as they pertain to customs and holidays:

- Each student shall be provided with an opportunity to participate in the Pledge of Allegiance or other patriotic observance each day.
- Students whose parents have informed the school that they are not to take part in observances will be expected to observe the courtesy of not disturbing others.
- When special days or significant events are recognized, it is recommended that appropriate classroom and assembly programs be presented in keeping with the traditional and historical significance of the event or season.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.5 NMSA (1978)
22-27-3 NMSA (1978)
6.10.2.9 NMAC
6.10.2.8 NMAC

**I-8550 ©
ANIMALS IN SCHOOLS**

IMG

The Superintendent may establish procedures for appropriately and humanely bringing live animals into a classroom. Such procedures shall forbid the transporting of live animals on school buses.

Seeing-eye and service dogs are permitted on school buses and in classrooms to perform the functions for which they are trained. A laminated identification card may be requested for verification of the dog's status.

Adopted: date of manual adoption

REGULATION**REGULATION****ANIMALS IN SCHOOLS**

Animals may be brought into the classroom for educational purposes. However, they must be appropriately and humanely cared for, and properly handled. Any person who wishes to bring an animal into the classroom must receive prior permission from the principal. The following guidelines shall apply to animals in the schools:

- Prior to granting permission, teachers should check with the school nurse regarding any known allergies among students in the classroom. If allergies exist, parents must be contacted for further direction.
- Animals other than service animals shall not be transported on school buses.
- Teachers must assume primary responsibility for the humane and proper treatment of any animals in the classroom.
- Only the teacher or students designated by the teacher are to handle the animals.
- If animals are to be kept in the classroom on days when classes are not in session, the teacher must make arrangements for their care and safety.
- Staff members or students who have been bitten by an animal shall report such incident to the principal and the nurse immediately. The principal should notify the public health authorities if the injury merits medical follow-up. Public health authorities should determine the appropriate action and period of confinement for an animal if an injury results. Any animal involved in a serious injury must be impounded until authorization for release is granted by health authorities.

**I-8600 ©
CLASS INTERRUPTIONS**

IMH

The Superintendent shall establish regulations limiting class interruptions, with particular emphasis on use of communication devices and interruptions by salespersons or visitors.

Adopted: date of manual adoption

REGULATION**REGULATION****CLASS INTERRUPTIONS**

It will be the responsibility of the principal to limit the clerical duties of classroom teachers as much as possible and to reduce, to a minimum, interruptions of classroom programs. Teachers should not be called out of their classrooms for telephone calls, salespersons, or visitors. Exceptions may be made in emergencies. The classroom setting shall not be interrupted by the use of the interschool communication system unless authorized by the principal.

SECTION J

STUDENTS

J-0050 © STUDENT POLICIES GOALS / PRIORITY OBJECTIVES

JA

The Superintendent will establish an environment conducive to the best learning achievement for each student through meeting the following goals:

- To individualize the learning program in order to provide appropriately for each student.
- To protect and observe the legal rights of students.
- To enhance the self-image of individual students through helping them feel respected and worthy, and through a learning environment that provides positive encouragement.
- To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
- To deal with students in matters of discipline in a just and constructive manner.
- To provide, in every way feasible, for the safety, health, and welfare of students.
- To promote regular attendance and good work.
- To encourage students to put education first.-.

Adopted: date of manual adoption

**J-0150 ©
EQUAL EDUCATIONAL
OPPORTUNITIES**

JB

The right of a student to participate fully in classroom instruction shall not be abridged or impaired because of race, color, religion, sex, sexual orientation, age, national origin, and disability, or any other reason not related to the student's individual capabilities.

The right of students to participate in extracurricular activities shall be dependent only upon their maintaining the minimum academic and behavioral standards established by the Board, and their individual ability in the extracurricular activity.

Adopted: date of manual adoption

LEGAL REF.: 28-1-2 NMSA *et seq.*
20 U.S.C. 1400 *et seq.*, Individuals with Disabilities
Education Act
20 U.S.C. 1681, Education Amendments of 1972, Title IX
20 U.S.C. 1703, Equal Educational Opportunities Act
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)
42 U.S.C. 2000, Civil Rights Act of 1964, as amended in 1972,
Title VI, Title VII
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: AC - Nondiscrimination
ACA - Sexual Harassment
GBA - Equal Employment Opportunity
GCQF - Discipline, Suspension, and Dismissal of
Professional Staff Members
GDQD - Discipline, Suspension, and Dismissal of
Support Staff Members
IHBA - Special Educational Programs and
Accommodations for Disabled Students
JII - Student Concerns, Complaints, and Grievances
JK - Student Discipline
JKD - Student Suspension/Expulsion
KED - Public Concerns/Complaints about Facilities or
Services

REGULATION**REGULATION****EQUAL EDUCATIONAL
OPPORTUNITIES****Compliance Officer**

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

Complaint Procedure

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violation that are raised by the Board, even though no complaint has been made.

If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension, recommend dismissal, or impose other appropriate discipline.

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with policies JK and JKD.

If the Superintendent's investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional working days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional working days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

EXHIBIT **EXHIBIT**

**EQUAL EDUCATIONAL
OPPORTUNITIES**

COMPLAINT FORM

(To be filed with the compliance officer as provided in JB-R)

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to complain against:

Name of person, school (department), program, or activity _____

Address _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Signature of Complainant

The compliance officer, as designated in JB-R, shall give one (1) copy to the complainant and shall retain one (1) copy for the file.

J-0250 ©
SCHOOL ATTENDANCE AREAS

JC

(In District)

The attendance areas of the District will be established by the Board. Students will attend school in the attendance areas in which their respective residences are located. Exceptions to this policy may be made for open enrollment, special placements based on Individualized Educational Programs, disciplinary actions, available curricula and in the case of homeless students, continued attendance in their school of origin.

Adopted: date of manual adoption

LEGAL REF.: 22-1-4 NMSA (1978)
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

J-0281

©

JC-E

EXHIBIT

EXHIBIT

SCHOOL ATTENDANCE AREAS

(In District)

Insert

attendance

boundary

information.

^J-0500

©

JE

STUDENT ATTENDANCE

The parent or guardian is charged by law with responsibility for the student's school attendance. The Superintendent will enforce the laws regarding attendance, with consideration for the variables that affect children and families. The Superintendent will place emphasis on the prevention and correction of the causes of absenteeism.

Adopted: date of manual adoption

LEGAL REF.: 22-12-1 NMSA (1978) *et seq.*
22-12-8 NMSA (1978)
22-12-9 NMSA (1978)
6.10.8.7 NMAC
6.10.8.8 NMAC
6.10.8.9 NMAC
6.10.8.10 NMAC

CROSS REF.: JH - Student Absences and Excuses
JHB - Truancy

REGULATION

REGULATION

STUDENT ATTENDANCE

Attendance Records

Each time a class meets, the teacher shall check and formally record the attendance of all students assigned to the class or program for that period of instruction. The name of any absent student shall be entered on the prescribed attendance/absence report and be submitted to the office.

The names of students shall be entered on the appropriate attendance forms. For elementary school students morning and afternoon attendance shall be reported. Secondary schools shall report attendance each period.

A master list of student absences will be prepared daily from attendance reports received in the office.

The school administrator is accountable for assuring that accurate and timely daily records of student membership and attendance are maintained and reported.

**^J-0550 ©
COMPULSORY ATTENDANCE AGES**

JEA

A "school-age person" means a person who is at least five (5) years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent.

Any parent, guardian or person having custody and control of a person subject to the provisions of the Compulsory School Attendance Law is responsible for the school attendance of that person until that person has reached at least eighteen years of age unless the person has graduated or received a general educational development certificate.

A person shall be excused from this requirement if, with the written signed permission of the parent, guardian or person having custody and control of the person to be excused, the person is excused from the provisions of this section by the Superintendent of schools for a hardship.

The school-age person shall attend school for at least the length of time of the school year that is established in the school district or charter school in which the child is a resident or enrolled and the school district or charter school shall not excuse a student from attending school except as provided in the Compulsory School Attendance Law or for parent-authorized medical reasons.

Adopted: date of manual adoption

LEGAL REF.: 22-1-2 NMSA
 22-12-2 NMSA

CROSS REF.: JE - Student Attendance
 JH - Student Absences and Excuses
 JHB - Truancy

J-0600 ©
ENTRANCE AGE REQUIREMENTS

JEB

Special Preschool

A child evaluated and recommended for special services for a disability in accord with statute, and who is at least three (3) years of age at any time during the school year, may be admitted to preschool.

Kindergarten

A "school-age person" means a person who is at least five (5) years of age prior to 12:01 a.m. on September 1 of the school year

High School

A person who has not received a high school diploma or its equivalent and qualifies on the basis of standards and qualifying examinations may enter high school.

Adopted: date of manual adoption

LEGAL REF.: 22-12-1 NMSA (1978) *et seq.*

CROSS REF.: JHD - Exclusions and Exemptions from School Attendance
JLC - Student Health Services and Requirements

J-0650 ©
STUDENT ADMISSIONS

JF

The person enrolling a student (except homeless students) in the school for the first time will be asked to produce one (1) of the following proofs:

- A certified copy of the child's birth certificate.
- Other reliable proof of the student's identity and age, including the student's baptismal certificate, an application for a Social Security number, or original school registration records, *and* an affidavit explaining the inability to provide a copy of the birth certificate.
- A letter from the authorized representative of an agency having custody of the student certifying that the student has been placed in the custody of the agency as prescribed by law.

The parent, guardian, or surrogate will be given thirty (30) days to provide documentation requested as listed above. If documentation is not provided, a letter will be sent to notify the parent, guardian, or surrogate that unless the documentation is provided within ten (10) days, the local law enforcement agency will be notified.

Nothing contained in this policy shall authorize the school to disclose to any person a student's educational record without prior parental consent unless the school makes a determination that disclosure of such records is necessary to protect the health and safety of the student.

Adopted: date of manual adoption

LEGAL REF.: 42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: IKEB - Acceleration
JFAA - Admission of Resident Students
JFAB - Admission of Nonresident Students
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JR - Student Records

JRCA - Request for Transfer of Records

**J-0750 ©
ADMISSION OF
RESIDENT STUDENTS**

JFAA

A student who is a resident of the District and who meets the applicable requirements established by state law shall be admitted without payment of tuition to the school in the attendance area in which the student resides and may be admitted as a resident transfer student to another school in the District in accordance with the District's open enrollment policy.

- A student who is in the legal custody of a natural or adoptive parent or other person to whom custody has been granted by a court order and who resides with the parent or other person in the District.
- A student who is an emancipated minor and whose place of residence is in the District. When determining whether a minor is emancipated, the Superintendent will consider such factors as whether the student is married, financially independent, and residing away from the family domicile with parental consent.
- A student who is seventeen (17) years of age or older and whose place of residence is in the District.
- A student who is homeless, and who attended a school in the District at the time of becoming homeless.

The residency of a student, natural or adoptive parent, or other person to whom custody of the student has been granted by court order shall be based upon evidence of the individual's physical presence and intent to remain in the District. Such evidence of residency may include, without limitation, landlord-tenant agreements, rent receipts, and receipts for utility payments.

A student found to have an invalid enrollment shall be disenrolled from school in accordance with the procedure set forth in Section 6.10.4.9 NMAC.

Adopted: date of manual adoption

LEGAL REF.: 6.10.4.9 NMAC
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: IKEB - Acceleration
JFAB - Admission of Nonresident Students
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students

JR - Student Records

JRCA - Request for Transfer of Records

**J-0800 ©
TUITION / ADMISSION OF
NONRESIDENT STUDENTS**

JFAB

For purposes of open enrollment a "nonresident pupil" means a student who resides in this state and who is enrolled in or is seeking enrollment in a school district other than the school district in which the student resides. A student who is not a resident of the District but is a resident of New Mexico who meets the age and other requirements for open enrollment established by state law and District policy may be admitted to a school without payment of tuition.

Employees of the Gadsden Independent School District, who are not residents of the District, shall be afforded the opportunity to enroll their children in District schools with no charge for tuition provided that space is available in the requested school and grade level. In such situations, student transportation shall be the responsibility of the employee for their child. All eligibility regulations shall be applicable.

Out-of-state school age persons may be admitted when there are sufficient school accommodations to provide for them and tuition may be charged. The tuition shall not exceed the amount generated by the public school fund for school-age persons similarly situated within the district for the current year. The amount of the tuition payable for the school year may be reduced by the District average ad valorem tax per pupil as determined by the ad valorem tax credit utilized in calculating state equalization guarantee distribution if the parent or guardian for the student pays an ad valorem property tax for school purposes within the District.

Adopted: date of manual adoption

LEGAL REF.: 22-12-5 NMSA (1978)
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: IKEB - Acceleration
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JR - Student Records
JRCA - Request for Transfer of Records

**J-0900 ©
ADMISSION OF EXCHANGE
AND FOREIGN STUDENTS**

JFABB

(Foreign Exchange Students)

The Governing Board may admit nonresident foreign students without payment of tuition or as it may otherwise prescribe.

The number of foreign exchange students shall not exceed one (1) exchange student for each two hundred fifty (250) to three hundred fifty (350) students enrolled in the school. Exceptions may be made by the Superintendent. Sponsoring organizations of students admitted under this policy must ensure all permits and requirements per federal law have been satisfied and present these to the school district.

The Superintendent will review requests, and a decision will be made to allow or disallow admittance under this policy. The decision shall be final.

Adopted: date of manual adoption

REGULATION**REGULATION****ADMISSION OF EXCHANGE
AND FOREIGN STUDENTS**

The host families of foreign exchange students who attend District schools must reside within the attendance area of the school that will be attended.

Sponsoring organizations must provide evidence that each student has sufficient oral and reading proficiency in the English language to assure profitable educational and social experiences during the exchange year.

Each foreign student should plan to attend a District school for the school year, not for a single semester or a partial school year. Exceptions may be approved by the principal.

The District does not provide foreign students with financial assistance for such things as class rings, yearbooks, activity cards, or lunches.

(Academic Credit Transfer)

Elementary

Academic credit for placement in the elementary school subjects and grades shall be based upon teacher recommendations and previous grade level assignments subject to the determination that the student can meet the standards adopted by the Secretary of Public Education for the grade level assignment.

Credit for Graduation Requirements

Each student who enrolls and requests the transfer of academic credits to fulfill graduation requirements shall be provided with a list specifying the courses for which credit has been accepted for graduation and those for which credit has been denied by the District.

Credits from schools that are accredited by a Public Education Department in the United States its territories or the Department of Defense shall be transferable with no loss of value.

Transferred credit from correspondence extension study, foreign study, home study courses or non Public Education Department accredited nonpublic schools that satisfies any of the following criteria will be acceptable for fulfilling District graduation requirements:

- The credit was from a course taught by a teacher licensed by the State of New Mexico.
- Awarding of the credit was based upon instruction and an assessment that meets the standards adopted by the Secretary of Public Education and evidence of the student having achieved the standards is provided.
- The credit was awarded by a school accredited by one (1) of the following accrediting agencies of colleges and schools; North Central Association, Southern Association, Middle States Association, New England Association, Northwestern Association, Western Association and meets standards adopted by the state where the credit was granted.

When transfer credit is denied for a course, the student may request and take an examination on the course subject matter designed and evaluated by a

teacher in the receiving school who is licensed to teach the subject matter of the course for which the credit was requested and who is selected by the Superintendent. Upon receiving a satisfactory score as determined by the teacher, course credit will be awarded to fulfill the requirements for graduation. All courses credited for graduation must meet the standards adopted by the Secretary of Public Education where such standards exist. Where standards have not been adopted by the Secretary of Public Education, courses credited for graduation must meet the standards established for the school to which the student has requested a transfer of credit.

Adopted: date of manual adoption

LEGAL REF.: 6.30.2.10 NMAC

CROSS REF.: JG - Assignment of Students to Classes

**^J-1000 ©
ADMISSION OF HOMELESS STUDENTS**

JFABD

This policy is intended to direct compliance with New Mexico State Laws and New Mexico Administrative Code and the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 and should be read as consistent with those documents.

Definitions

The term "homeless students" means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- migratory students who qualify as homeless because the children are living in circumstances described above.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

Liaison for Homeless Students

The Chief Executive Officer will designate an appropriate staff person as liaison for homeless students who will carry out duties as assigned. Among those duties will be the responsibility to coordinate activities and programs in

the best interest of homeless students that will include, but not be limited to, establishment of procedures to:

- continue the student's education in the school of origin for the duration of homelessness:
 - in any case in which a family becomes homeless between academic years or during an academic year; or
 - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- Enroll the student in any public school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.

Best Interest of the Homeless Student

In determining the best interest of the homeless student, the school shall:

- To the extent feasible, keep a homeless student in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian;
- Provide a written explanation, including a statement regarding the right to appeal, to the homeless student's parent or guardian, if the homeless student is sent to a school other than the school of origin or a school requested by the parent or guardian; and
- In the case of an unaccompanied youth, the liaison for homeless students shall assist in placement or enrollment decisions, considering the views of such unaccompanied youth, and providing notice to such student of the right to appeal.

Adopted: date of manual adoption

LEGAL REF.: 6.10.3.1 NMAC
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: EEAA - Walkers and Riders
IKEB - Acceleration
JF - Student Admissions
JFAA - Admission of Resident Students
JFAB - Admission of Nonresident Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JR - Student Records

JRCA - Request for Transfer of Records

REGULATION**REGULATION****ADMISSION OF HOMELESS STUDENTS****(Notice)**

In accordance with the McKinney-Vento Homeless Assistance Act of 2001, 722 (e)(3)(C) and the New Mexico Administrative Code Section 6.10.3.1 *et seq.*, the parent or guardian (student if unaccompanied) is to receive and acknowledge notice of the rights set forth below. This notice should be provided in a language the student, parent or guardian can understand.

Admission

The school selected by the homeless student shall immediately admit the homeless student, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the student to the liaison for homeless students, who shall assist in obtaining necessary immunizations, or immunization or medical records.

Admission Disputes

If a dispute arises over school selection or enrollment in a school:

- the student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
- the parent or guardian of the student shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or student to appeal the decision;

- the student, parent, or guardian shall be referred to the liaison for homeless students, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute in accord with the procedure found in the New Mexico Administrative Code; and
- in the case of an unaccompanied youth, the liaison for homeless students shall ensure that the student is immediately enrolled in school pending resolution of the dispute.

Enrollment Decision

The decision regarding enrollment shall be made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

Parent Rights (Student if Unaccompanied)

The parent or guardian of a homeless student (student if unaccompanied) has the right to:

- Continue the student's education in the school of origin for the duration of homelessness:
 - in any case in which a family becomes homeless between academic years or during an academic year; or
 - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- Enroll the student in any public school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.
- Appeal if the homeless student is sent to a school other than the school of origin or a school requested by the parent or guardian. Upon appeal the district has ten (10) days to reconsider the initial determination and make a final decision as to the position taken.
 - An appeal shall be made on the forms provided by the school.
 - If not satisfied by the result of the appeal further appeal may be made to the state level through the State Coordinator of Education for Homeless whose contact information is given below.
- Enroll in, and have full and equal opportunity to succeed in school without being segregated from the nonhomeless student population.

- Receive educational services for which such families and students are eligible, including:
 - Transportation services and meals programs;
 - Head Start and Even Start programs and preschool programs administered by the School; and
 - referrals to health care and immunization services, dental services, mental health services, and other appropriate services.
- Identification or service without being stigmatized as homeless by school personnel.
- Obtain assistance of advocates or attorneys.
- Provide written or oral documentation to support their position.

A parent or guardian (student if unaccompanied) may contact the District Liaison for Homeless Children and Youths at;

Gadsden Independent School District
 Attn: Ray Lara
 P.O. Drawer 70
 Anthony, NM 88021
 Telephone: 505-882-6200
 E-mail: rlara@gisd.k12.nm.us

The District Liaison for Homeless shall ensure that the parent or guardian of a homeless student, and any unaccompanied youth is:

- assisted in accessing transportation to the selected school;
- provided assistance in exercise of the right to attend the school of choice and other necessary services;
- and is provided the notice information in a manner and form understandable to the recipient and if necessary and to the extent feasible, in the native language of the recipient.

A parent or guardian (student if unaccompanied) may contact the State Coordinator for Education of Homeless Children and Youths to appeal if not satisfied with the resolution of a dispute at the local level. The contact information is listed below;

Joseph Sanchez, McKinney-Vento Homeless Education
 Program Coordinator

New Mexico Public Education Department
School and Family Support Bureau
Workforce Training Center
5600 Eagle Rock Ave, N.E., Room 201
Albuquerque, NM 87113
Telephone: (505) 222-4743
Facsimile: (505) 222-4759
E-mail: joseph.sanchez1@state.nm.us

The State Coordinator is the appeal authority having jurisdiction over the local school district.

The signature below indicates that the signatory has received and understands this information on rights.

Signature of Parent, Legal Guardian
(or unaccompanied student)

Date

One (1) copy to signatory and one (1) to the liaison officer file.

EXHIBIT**EXHIBIT****ADMISSION OF HOMELESS STUDENTS****(Liaison Position)**

The School shall designate a liaison for homeless students and, in conjunction with the state coordinator, shall inform school personnel, service providers, and advocates working with homeless families of the duties of the School liaison.

The School liaison for homeless students shall ensure that:

- homeless students are identified by school personnel and through coordination activities with other entities and agencies;
- homeless students enroll in, and have full and equal opportunity to succeed in, the District's schools;
- homeless families and students receive educational services for which such families and students are eligible, including:
 - Head Start and Even Start programs and preschool programs administered by the School, and
 - referrals to health care and immunization services, dental services, mental health services, and other appropriate services;
- the parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- public notice of the educational rights of homeless students is disseminated where such students receive services under the Homeless Assistance Act, such as:
 - schools;

- family shelters; and
- soup kitchens;
- disputes over school selection or enrollment in a school are mediated in a manner that:
 - immediately admits the student to the school in which enrollment is sought, pending resolution of the dispute,
 - provides the parent or guardian of the student with a written explanation of the school's decision regarding the school selection or enrollment, and informs the parent, guardian, or student of the rights to appeal the decision,
 - expeditiously carries out the dispute resolution process after receiving notice of the dispute, and
 - in the case of an unaccompanied youth, ensures that the student is immediately enrolled in school pending resolution of the dispute;
- fully informs the parent or guardian of a homeless student, and any unaccompanied youth, of all transportation services, including arrangements for transportation to the school of origin;
- assists the parent or guardian of a homeless student, and any unaccompanied youth, in accessing transportation to the selected school.

As a part of the duties, the School liaison for homeless students will coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students.

EXHIBIT**EXHIBIT****ADMISSION OF HOMELESS STUDENTS****(Notice)**

In accordance with the McKinney-Vento Homeless Assistance Act of 2001, 722 (e)(3)(C), the parent or guardian (student if unaccompanied) is to receive and acknowledge notice of the rights set forth below.

The parent or guardian of a homeless student (student if unaccompanied) has the right to:

- Continue the student's education in the school of origin for the duration of homelessness:
 - in any case in which a family becomes homeless between academic years or during an academic year; or
 - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- Enroll the student in any public school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.
- Appeal if the homeless student is sent to a school other than the school of origin or a school requested by the parent or guardian;
- Enroll in, and have full and equal opportunity to succeed in school without being segregated from the nonhomeless student population;
- Receive educational services for which such families and students are eligible, including:
 - Transportation services, meals programs;
 - Head Start and Even Start programs and preschool programs administered by the School, and

- referrals to health care and immunization services, dental services, mental health services, and other appropriate services.
- Identification or service without being stigmatized as homeless by school personnel;

A parent or guardian (student if unaccompanied) may contact the State Coordinator for Education of Homeless Children and Youths at;

Joseph Sanchez, McKinney-Vento Homeless Education
Program Coordinator
New Mexico Public Education Department
School and Family Support Bureau
Workforce Training Center
5600 Eagle Rock Ave, N.E., Room 201
Albuquerque, NM 87113
Telephone: (505) 222-4743
Facsimile: (505) 222-4759
E-mail: joseph.sanchez1@state.nm.us

A parent or guardian (student if unaccompanied) may contact the District Liaison for Homeless Children and Youths at;

Gadsden Independent School District
Attn: Ray Lara
P.O. Drawer 70
Anthony, NM 88021
Telephone: 505-882-6200
E-mail: rlara@gisd.k12.nm.us

The District Liaison for Homeless shall ensure that the parent or guardian of a homeless student, and any unaccompanied youth is:

- assisted in accessing transportation to the selected school;
- provided assistance in exercise of the right to attend the school of choice and other necessary services;
- and is provided the above information in a manner and form understandable to the recipient and if necessary and to the extent feasible, in the native language of the recipient.

The signature below indicates that the signatory has received and understands this information on rights.

Signature of Parent, Legal Guardian
(or unaccompanied student)

Date

One (1) copy to signatory and one (1) to the liaison officer file.

EXHIBIT **EXHIBIT**

ADMISSION OF HOMELESS STUDENTS

(Complaint Form)

Person(s) filing complaint _____

Complainant can be contacted as follows _____

Date complaint is filed _____

Student name and grade _____

Has problem been discussed with the administration?

Yes No

Date _____

Information the complainant wishes to have considered:

Other persons with information about concern:

J-1050 ©
OPEN ENROLLMENT

JFB

The District has an open-enrollment program as set forth in 22-1-4 NMSA 1978.

Definitions

Resident transfer pupil means a resident pupil who is enrolled in or seeking enrollment in a school that is within the school district - but outside the attendance area - of the pupil's residence.

Nonresident pupil means a pupil who resides in this state and who is seeking enrollment in a school district other than the school district in which the pupil resides.

Enrollment Options

District resident pupils may enroll in another school district or in another school within this District. Resident transfer pupils and nonresident pupils may enroll in schools within this District, subject to the procedures that follow.

Information and Application

The Superintendent shall prepare a written information packet concerning the District's application process, standards for acceptance or rejection, and policies, regulations, and procedures for open enrollment. The packet will be made available to everyone who requests it.

The information packet shall include the enrollment application form and shall advise applicants that they may submit enrollment applications to be selected or receive early placement on the waiting list for enrollment if their applications are received between March 1 and April 30 of each year. Those received outside of those months will be added to a waiting list in the order received and may be considered following the placement of students already on waiting lists in enrollment preference categories. All nonresident transfer pupils enrolled and pupils seeking enrollment must reapply yearly.

Transfers shall be made at the beginning of a semester. If an emergency arises or reasonable justification can be provided, the school principal will review a request for variance. In the event the principal negates the request, the matter may be presented to the Superintendent and ultimately to the

Board for a decision. Transfer students will be expected to remain in the school of their choice until the close of the semester in which they are enrolled. Nothing in this open enrollment policy shall prevent the District from placing a pupil at any time in a school based upon the best interest of the student and school provided capacity is available.

Capacity

The Superintendent shall annually estimate how much excess capacity may exist to accept transfer pupils. The estimate of excess capacity shall be made for each school and grade level and shall be based upon 22-10A-20 NMSA 1978 regarding teacher/student ratios with consideration for school growth factors.

The determination of excess capacity shall be made following the determination of expected enrollment of those residents within each school attendance area, the children of District employees, resident transfer students enrolled the previous semester and homeless students. The class size determination shall be made based upon student placement.

Enrollment Priorities

If the Superintendent has determined that there is excess capacity to enroll additional pupils, such pupils shall be selected on the basis of designated priority categories from the pool of pupils:

- Who have properly completed and submitted applications; *and*
- Who meet admission standards.

Enrollment priorities and procedures for selection shall be in the order and in accordance with the following:

- Enrollment preference shall be given to resident transfer pupils who reside within the school district and request a transfer from a school ranked as a school that needs improvement or one subject to corrective action. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to nonresident pupils who were enrolled in the school the previous year. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

- Enrollment preference shall be given to resident transfer pupils who were not enrolled in the school the previous year. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to nonresident pupils who were not enrolled in the school the previous year. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to out-of-state residents after all others. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

Admission Standards

A student who has been expelled during the last twelve (12) months by any school district or private school in the United States or who is not in compliance with a condition of disciplinary action based on behavior detrimental to the welfare or safety of other students or school employees imposed by any other school or school district in the United States within the last twelve (12) months shall not be admitted. Acceptance for enrollment may be revoked upon finding the existence of any of these conditions.

Notification

Notification shall be given prior to the beginning of the semester for those selected on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

The District shall notify the emancipated pupil, parent, or legal guardian in writing whether the applicant has been accepted, placed on a waiting list pending the availability of capacity, or denied enrollment. If the applicant is placed on a waiting list, the notification shall inform the emancipated pupil, parent, or legal guardian of the time when it will be determined whether there is capacity for additional enrollment in a school. If the pupil's application is rejected, the reason for the rejection may be stated in the notification.

Exception

Should there be excess capacity remaining for which no applications were submitted by the dates established, the Superintendent, upon approval by the Board, shall authorize additional enrollment of pupils:

- Up to the determined capacity.
- On the basis of the order of the completed applications submitted after the notification date established in this policy.
- Without regard to enrollment preference.
- As long as admission standards are met.
- Whose applications are submitted prior to the beginning of a semester.

Hearing and Appeal Procedure for Denial of Enrollment

A student may appeal the denial of enrollment or reenrollment for attendance by requesting a hearing with the Superintendent of Schools within ten (10) days of receiving notification. Such hearing shall be on an informal basis, providing the student the opportunity to present factual information that would contradict the information leading to the denial. An electronic record shall be made of the hearing. Upon completion of the hearing the Superintendent shall render a decision in writing. The student may request that the decision of the Superintendent be reviewed by the Board within five (5) days of receipt of the Superintendent's decision. The Board shall receive the request and review the record to determine if the Superintendent's decision to deny enrollment was based upon reasonable information of expulsion or detrimental behavior as provided for in 22-1-4 NMSA 1978. A determination by the Board that the reasons were within statutory guidelines would affirm the Superintendent's decision, a determination to the contrary would allow the enrollment or reenrollment if the student based upon the priorities of this policy.

Adopted: date of manual adoption

LEGAL REF.: 22-1-4 NMSA (1978)
 22-10A-20 NMSA (1978)
 42 U.S.C. 11301, McKinney-Vento Homeless Assistance
 Act of 2001

CROSS REF.: JF - Student Admissions
 JFAA - Admission of Resident Students
 JFAB - Admission of Nonresident Students
 JG - Assignment of Students to Classes and Grade Levels

REGULATION**REGULATION****OPEN ENROLLMENT****Selection Process**

All applicants will be accepted if there is sufficient capacity. If there is insufficient capacity, applicants will be selected from the submitted applications for enrollment in a school in accordance with a random selection process by enrollment priority except where policy may indicate otherwise. After June 1, pupils shall be selected for enrollment from the waiting list by enrollment priority in the order in which the pupils were placed on the waiting list through the random selection process, or as otherwise provided by policy.

Procedure

The procedure for selection shall be as follows:

- The applicants will be divided by priority categories and have their names placed on separate pieces of paper and the papers placed in a container. Names will be drawn by priority categories and numbered in the order in which they are drawn. All applications properly submitted will be drawn and numbered for enrollment consideration. The applicants whose names are selected in order, up to the capacity limitations established, shall be permitted to enroll in the school. All others drawn will be placed on a waiting list with priority in accord with the lowest number.

EXHIBIT

EXHIBIT

OPEN ENROLLMENT

ATTENDANCE APPLICATION

File this application at the School District office

Student's name _____
Last First M.I.

Current grade _____ Birth date _____ Home phone _____

Work phone _____ Message phone _____

Parent's name _____
Last First M.I.

Home address _____
Street City Zip

(P.O. Box is not acceptable as an address)

E-mail address _____

- The above-named student: resides outside the School District but within NM; *or*
 resides within the School District

Present school of attendance

School _____ District _____

City _____ County _____

Request assignment to _____ School

Is the above-named student:

Yes No Expelled or long-term suspended from any school or school district within the last twelve (12) months?

Yes No Subject to expulsion or long-term suspension from a school or school district within the last twelve (12) months?

Yes No N/A In compliance with a condition of disciplinary action in any school or school district within the last twelve (12) months?

Note: The following conditions apply to the open-enrollment program:

1. An attendance application must be completed and submitted on or before _____.
2. Enrollment is subject to the capacity limit established for the school and/or its grade levels.
3. On or before _____, the parent or legal guardian will be notified in writing whether the application has been accepted, rejected, or placed on a waiting list.
4. Transportation for the student shall be the responsibility of the parent or legal guardian.
5. Providing false information on this form may result in the application being denied or admission being revoked.

The signatory affirms that the student will abide by the rules, standards, and policies of the school and the District if enrolled.

Signature of Parent or Legal Guardian

Date

FOR DISTRICT USE ONLY ♦ DO NOT WRITE BELOW THIS LINE

Student number _____ **Date stamp** _____
Filing Date

Accepted Placed on waiting list Principal _____
Date

Rejected - Reason for rejection _____

Copies sent by school to applicant and Superintendent's office.

Date sent _____

J-1300 ©
**STUDENT WITHDRAWAL FROM
SCHOOL / DROPOUTS**

JFC

A withdrawal form shall be presented to the parent or legal guardian of a student who may or must withdraw from school. The withdrawal form shall include space for the reason for withdrawal and the signature of an official of the school from which the student has withdrawn.

Reasons for withdrawal may include:

- Parents or legal guardians moving from the District or to an area served by another school within the District.
- Parents requesting the withdrawal of students who have passed their seventeenth (17th) birthday with permission of the Board in accord with statute.
- Absence of more than ten (10) consecutive days.
- With the Superintendent's permission for a child under eight (8) years of age at the request of the parent, guardian or surrogate parent.
- Expulsion or long-term suspension by the Board.

Upon withdrawal, the student shall check in all books and other District property through the office of the school that was attended.

Adopted: date of manual adoption

LEGAL REF.: 2-12-1 NMSA *et seq.* (1978)
22-12-2 NMSA (1978)

CROSS REF.: JF - Student Admissions

J-1400 ©
ASSIGNMENT OF STUDENTS TO
CLASSES AND GRADE LEVELS

JG

Students who apply for admission to grades one (1) through twelve (12) on the basis of prior schooling outside the District will be placed initially at the grade levels they have reached elsewhere subject to determination of accomplishment of standards required for that placement.

Assignment of a student to classes (classroom or subjects) shall be made based upon the student's grade-level assignment, completion of any prerequisites, achievement of any required standard, and any classroom limitations or class-size guidelines, in that order.

The Superintendent shall establish procedures for guiding the review and assignment of students to classes and grade levels.

Adopted: date of manual adoption

CROSS REF.: IKE - Promotion, Retention and Acceleration of Students
 IKEB - Acceleration
 IKF - Graduation Requirements
 JFABC - Admission of Transfer Students
 JFB - Open Enrollment

REGULATION**REGULATION****ASSIGNMENT OF STUDENTS TO
CLASSES AND GRADE LEVELS****Elementary School**

The principal will determine whether there should be any change in the grade-level placement of the student. In making such determination, the principal will be guided by teacher recommendations and consultation with the parent(s).

Assignment of a student to classes shall be the responsibility of the principal after consideration of the student's grade-level assignment, completion of any prerequisites, the student's achievement, and any classroom limitations or class-size guidelines.

High School

The principal shall establish the number of credits needed for a student to be placed at a particular grade level. The determination of grade level will be made based upon progress toward graduation requirements normally expected of a student to graduate in a four (4)-year period. Students will be assigned to grade levels based upon the credits earned and accepted by the District.

The principal of the high school will prepare a list of prerequisites for classes offered in the high school, specifically stating grade level and credit or achievement required before a pupil can take a specific class or subject. Also included shall be a statement of priority for assignment to a class or subject - with classroom limits based upon number of sections offered or scheduled - and/or the class-size guidelines. The list developed will be submitted to the Superintendent for approval. All subjects offered in the high school will be included in the list.

The principal of the high school will designate responsibility for determining the grade level and specific classes or subject assignment of a student. The assignments shall be made consistent with policy, regulations, and approved school guidelines.

^J-1550

©

JH

STUDENT ABSENCES AND EXCUSES

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to those reasons approved by the school administration such as, illness, bereavement, other family emergencies, and observance of major religious holidays of the family's faith.

In the event of a necessary absence known in advance, the parent is expected to inform the school; if the absence is caused by emergency, such as illness, the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons.

Adopted: date of manual adoption

LEGAL REF.: 22-12-2 NMSA (1978)
22-12-8 NMSA (1978)

CROSS REF.: JE - Student Attendance
JHB - Truancy

REGULATION**REGULATION****STUDENT ABSENCES AND EXCUSES****When Absent from School**

If the parent(s)/guardian(s) have a telephone and provide the contact number to the school, the school may make a reasonable effort to give notification of absence within three (3) hours of the beginning of the school day if the school has not received confirmation of the student's absence. No right of being informed is established by this direction to staff.

State law mandates that children be in attendance during the period when school is in session. Therefore, when a student is absent, the parent shall call the school on or before the day of the absence in order to advise the school as to the reason for the absence if a telephone is available. When it is impossible to call on the day of the absence, the school should be notified on the morning the student returns by signed parental note, in time for the student to obtain an admission approval prior to class time. All absences not verified by parental or administrative authorization will be considered unexcused.

If a parent does not have access to a phone, either at home or at work, a note will be accepted for verification purposes.

For absences greater than one (1) day in length, the school should be notified each day of the absence.

If a student is absent for three (3) or more successive school days, the school shall contact the student's parents, legal guardian or custodian by telephone, if possible, no later than the close of school on the school day next succeeding the three-day period. A written notice shall be dispatched if telephone contact has not been made. The provisions of this section do not apply to any absence if the parent, legal guardian or custodian, prior to the end of the three-day period, has contacted the school to explain the absence.

All personnel will solicit cooperation from parents in the matter of school attendance and punctuality, particularly in regard to the following:

- The scheduling of medical and dental appointments after school hours except in cases of emergency.
- The scheduling of family vacations during school vacation and recess periods.

The school may require an appointment card or a letter from a hospital or clinic when the parent has not notified the school of an appointment of a medical or dental nature.

^J-1650 ©
TRUANCY

JHB

A student with five (5) unexcused absences within a school year is a student in need of early intervention and one with ten (10) or more unexcused absences within a school year is "habitually truant". The Superintendent will establish procedures to identify, and intervene with students in need of early intervention, beginning with contacting parents and requesting an opportunity to discuss interventions. Discipline shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of students in the educational setting.

Parents of "habitually truant" students are to receive notice of such which shall include a specific date, time and place for the "habitually truant" student's parent to meet with school personnel to develop intervention strategies for keeping the student in an educational setting. Only after exhaustion of intervention strategies may the district consider withdrawal of the student from membership in the school.

An excused absence shall be as determined in Policy JH but statutes and regulations relative to notice and intervention do not apply to any absence if the parent has contacted the school to explain the absence.

Adopted: date of manual adoption

^{iv}LEGAL REF. 22-8-2 NMSA (1978)
22-12-7 NMSA (1978)
22-12-8 NMSA (1978)
22-12-9 NMSA (1978)
6.10.8.7 NMAC
6.10.8.8 NMAC
6.10.8.9 NMAC
6.10.8.10 NMAC

CROSS REF.: JE - Student Attendance
JEA - Compulsory Attendance Ages
JH - Student Absences and Excuses

REGULATION**REGULATION****TRUANCY****Parental Involvement**

Upon a student's fifth (5th) unexcused absence within a school year parent(s)/guardian(s) shall be contacted to inform them of the absences and to meet and establish a cooperative arrangement to prevent future absences by identifying:

- the cause(s),
- preventive measures,
- resources to address the causes, and
- a corrective action plan including follow-up procedures.

The parental meeting notice shall be respectful and the meeting shall be held in a language and manner understandable to the parent(s)/guardian(s).

Notice of Habitual Truancy

Upon a student's tenth (10th) unexcused absence within a school year, written notice of the habitual truancy shall be given by regular mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law. The notice shall include the date, time and place for the parent to meet with a district representative to develop intervention strategies focused on keeping the student in school.

Should an additional unexcused absence occur after delivery of a written notice of habitual truancy, the probation services office of the district where the student resides shall be notified within seven (7) days.

Follow up with the probation office shall be accomplished within a reasonable time to determine the disposition of the violation of the Compulsory School Attendance Law, and may, if no referral was made to the children's court, include contact with the children's court attorney to determine what action is to be taken. If the probation office determined that the parent or guardian may have caused the habitual truancy and no charges have been filed, the school district may contact the district attorney's office to determine what action will be taken.

Record Keeping

The following records shall be kept for each student identified as habitually truant:

- Attempts to notify the parent of student unexcused absences,
- Attempts to meet with the parents to discuss intervention strategies, and
- Intervention strategies implemented to support keeping the student in school.

EXHIBIT**EXHIBIT****TRUANCY**

The following letter may be used in alternative forms, one (1) for the students in need of intervention and one (1) for those habitually truant. Copy and remove the appropriate sentences to make the adjustment.

Dear _____:

(For students in need of intervention) This letter is to inform you that the School District has noted at least three (3)/five (5)/seven (7) unexcused absences on the part of *(student name)*_____.

(For students habitually truant) This letter is to inform you that *(student name)* _____ has ten unexcused absences and is considered habitually truant which if such absences continue may result in referral to the court system.

An unexcused absence is one that does not fall within the following:

- illness,
- bereavement,
- other family emergencies,
- observance of major religious holidays of the family's faith, or
- an absence that has been approved by school authorities.

An unexcused absence of two (2) or more classes up to fifty percent of an instructional day shall be counted as one-half day absent and an unexcused absence of more than fifty percent of an instructional day shall be counted as one full day.

A representative of the school would like to meet with you to discuss methods of preventing future unexcused absences and interventions that may ensure that your child will continue to receive an appropriate public education. Please make the time to attend a meeting. *(For students in need*

of intervention) The following dates and times are available for the meeting.
(*For habitually truant students*) The following dates and times have been established for the meeting. Please contact us by telephone or return mail to confirm the time and location.

Date _____

Time _____

Location _____

If you have any questions, please contact me at _____.

Sincerely,

_____ 5.

_____ 6.

_____ 7.

_____ 8. Student agrees to attend classes

Student's Signature _____

Date _____

Parent/guardian agrees to contact the school for absences during the school year.

Parent's Signature _____

Date _____

Approved: _____
Principal's signature

Annual review of Action Plan:

___ Number of excused absences ___ Number of unexcused absences Transcripts and attendance records

For the _____ school year, should / should not be continued on an action plan.

Superintendent's signature

Parent's signature

Date

J-1900 ©
RELEASED TIME FOR
RELIGIOUS INSTRUCTION

JHCB

Students at the school may be granted released time to attend religion classes near the school campus under the following conditions and guidelines:

- The person who has custody of the student has given written consent.
- Any religious instruction or exercise takes place at a suitable place away from school property designated by a church or religious denomination or group.
- Released time shall not interfere with the student's normal schedule.
- Any tardiness related to religious instruction will be unexcused.
- School credit will not be given for religion classes, nor will the course title be placed on the permanent record of the student.
- Discipline problems, reporting to parents, and attendance and other procedures necessary to class operation shall be the responsibility of the religion class instructors or supervisors.

Adopted: date of manual adoption

LEGAL REF.: 22-12-3 NMSA (1978)

**J-1950 ©
EXCLUSIONS AND EXEMPTIONS
FROM SCHOOL ATTENDANCE**

JHD

(Chronic Health Conditions)

The Superintendent shall develop regulations for meeting the requirements of this policy.

Adopted: date of manual adoption

CROSS REF: IHBF - Homebound Instruction

REGULATION**REGULATION****EXCLUSIONS AND EXEMPTIONS
FROM SCHOOL ATTENDANCE****(Chronic Health Conditions)****Identification/Referral Process*****Eligibility***

Students may be referred and/or assigned to homebound/hospital instruction under the following conditions:

- A licensed physician's report or recommendation, resulting from a severe illness or injury.
- Determined that the student will be absent from school for an extended period of time (more than ten [10] consecutive days).
- Assigned by an Individualized Educational Program (IEP) Committee for special education students.
- Determined that nonmedical cases will be made on a case-by-case basis.

ADM Reporting

Students in homebound/hospital instruction will be counted in the ADM report at their assigned building.

Coordination of Services

The school administrator of the building in which the student attends will coordinate the services within that building to include the following:

- Selection of instruction.
- Monitoring of instruction.
- Casual employee and mileage.

- Approval for homebound/hospital instruction granted by the Superintendent or the Superintendent's designee.

Length of Services

Students on homebound/hospital instruction will receive weekly instruction as agreed upon by the school administrator, the student's classroom teacher(s) for meeting the individual student's needs, and in accordance with a student's IEP if applicable.

EXHIBIT**EXHIBIT****EXCLUSIONS AND EXEMPTIONS
FROM SCHOOL ATTENDANCE**

Dear _____:

This letter is to inform you that the School District makes special arrangements for homework assignments for certain students who have "chronic (recurring) health conditions." As a result of frequent absences from school because of illness or an accident, _____ may be eligible to receive modified instructional services provided for "students with chronic health conditions."

A form is enclosed asking your family physician to state how this health condition is affecting school attendance. If your physician believes the condition to be "chronic" and anticipates frequent absences for the school year (but fewer than sixty [60] school days, as for homebound services), please ask the physician to fill out the medical certification form and return it to the school.

If _____ is eligible as a "student with a chronic health condition," the school will make sure that you receive homework and contact with a teacher *during* necessary absences. The teacher will work out an agreement for homework assignments with you to assure receipt of credit for completed homework.

If you have any questions, please contact me at _____.

Sincerely,

EXHIBIT

EXHIBIT

**EXCLUSIONS AND EXEMPTIONS
FROM SCHOOL ATTENDANCE**

MEDICAL CERTIFICATION OF STUDENTS WITH
CHRONIC HEALTH CONDITIONS
(Obtained from a licensed physician or podiatrist)

Student's name Parent's name Address

District School Grade level

Date of birth Phone number Date of initial consultation

Medical diagnosis:

Medical prognosis:

Physical limitations affecting physical education activities:

Anticipated absences due solely to illness, disease, pregnancy complications, an accident or severe health problems of an infant child of a student (include anticipated surgeries, treatments, or hospitalizations that may interfere with school attendance during the _____ year):

Example 1: _____'s physical condition may result in frequent absences in the school year that may exceed ten (10) consecutive school days per semester, but I do not anticipate that _____ will be absent enough days to require homebound services.

Example 2: _____ will require three (3) hospitalizations of approximately four (4) days' duration each and three to five (3 - 5) treatments of one (1) day each during the school year.

Other relevant information:

Type or print physician's name and licensed title

Date

Physician's signature and title

_____ 6. If applicable, school counselor informed of student's chronic health condition.

_____ 7. Physical education activities/requirements adapted according to medical certification.

_____ 8. Certificated teacher to provide homework and contact with _____ during absences for the school year as follows:

_____ 9. Parent/guardian agrees to return completed homework to the school for absences during the school year as follows:

Approved: _____
Superintendent's signature

Annual review of instructional agreement:

___ Number of excused absences due to chronic condition Promotion requirements met via completed homework for excused absences Transcripts & attendance record attached

For the _____ school year, should / should not be registered as having a chronic health condition.

Superintendent's signature

Parent's signature

Date

**J-2050 ©
STUDENT DUE PROCESS RIGHTS**

JIA

Refer to Policy JKD.

J-2150 ©
STUDENT GOVERNMENT

JIBA

The organization of student councils in all schools is encouraged.

Student government is expected to be "of the students, by the students, for the students," representing the students in the school in communications with the administration and in the organization of student activities.

Members of student councils are to be elected democratically. The rights and responsibilities of the council should be clearly set forth by each school. Each student council must have a faculty advisor.

Adopted: date of manual adoption

J-2300 ©
STUDENT CONDUCT

JIC

The Superintendent will establish regulations governing the conduct of students in school, traveling to and from school, at school functions, or affecting the school order. In establishing these regulations, the Superintendent may consult with parents, students and staff committees. In addition to compliance with regulations established by the Superintendent, students are expected to obey all rules and regulations adopted by the Board, and to obey any order given by a member of the faculty or staff relating to school activities.

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

Students shall not engage in improper behavior, including but not limited to the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
- Physical abuse of or threat of harm to any person on District owned or controlled property or at District sponsored or supervised functions.
- Damage or threat of damage to property of the District, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on District controlled premises.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.
- Unlawful use, possession, distribution, or sale of tobacco, alcohol, or drugs or other illegal contraband on District property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of the District and that, under the circumstances, has no redeeming social value.

- Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.
- Violation of District rules and regulations.
- Engaging in any conduct constituting a breach of any federal, state, or city law or duly adopted policy of the Board.
- Carrying or possessing a weapon on school grounds.

In addition to the general rules set forth above, students shall be expected to obey all policies and regulations focusing on student conduct adopted by the Board. Students shall not engage in any activities prohibited herein, nor shall they refuse to obey any order given by a member of the faculty or staff who is attempting to maintain public order.

Any student who violates these policies and regulations may be subject to discipline up to expulsion, in addition to other civil and criminal prosecution. These punishments may be in addition to any customary discipline that the District presently dispenses.

Local law enforcement shall be notified by the Superintendent regarding any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property.

The authority of the Superintendent to establish regulations covering students may be delegated to principals for their individual schools.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
 30-20-13 NMSA (1978)
 30-20-16 NMSA (1978)
 30-20-18 NMSA (1978)
 6.11.2.9 NMAC

CROSS REF.: GBEB - Staff Conduct
 JK - Student Discipline
 JKD - Student Suspension/Expulsion
 KFA - Public Conduct on School Property

J-2350 ©
STUDENT DRESS

JICA

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance except when their choices affect the educational program of the schools or the health and safety of others.

The Board authorizes the Superintendent to develop and enforce school regulations prohibiting student dress or grooming practices that:

- Present a hazard to the health or safety of the student or to others in the school.
- Materially interfere with school work, create disorder, or disrupt the educational program.
- Cause excessive wear or damage to school property.
- Prevent students from achieving their educational objectives.
- Represent membership in a gang.

Obscene language or symbols, or symbols of sex, drugs, or alcohol on clothing are expressly prohibited.

Adopted: date of manual adoption

LEGAL REF.: 6.11.2.9 NMAC

CROSS REF.: JICF - Secret Societies/Gang Activity

REGULATION**REGULATION****STUDENT DRESS**

The District has a handbook of information regarding the implementation of School Uniforms, titled "School Uniform Policy". Initial implementation of school uniforms should be done according to the procedures in this handbook.

Student uniforms shall be adopted at school sites where at least seventy-five percent (75%) of the parents vote and two-thirds (2/3) of those voting approve a school uniform program. Student exemptions from compliance with the adopted student uniform program may be granted by the principal under certain conditions.

The Superintendent and school principals are responsible for implementing the school uniform policy. Exceptions for special activities or health considerations may be preapproved by the administrator.

Students who volunteer for extracurricular activities, such as athletics, band, chorus, etc., are subject to the standards of dress as defined by the sponsors of such activities.

**J-2400 ©
CARE OF SCHOOL PROPERTY
BY STUDENTS**

JICB

Each student is expected to take pride in the physical appearance of the school. Teachers and students should be observant at all times to prevent damage or destruction of school property. Any marking or marring of school property should be reported to the office at once.

No student shall damage or deface any property belonging to the District. The type of discipline that may be imposed for damage to school property by students depends upon the circumstances. A school may withhold the grades, diploma and transcripts of a student responsible for damage or loss of school library or instructional material until the parent, guardian or student has paid for the damage or loss. Students may be subject to discipline for willful damage or destruction of school property.

If any minors engage in conduct that results in damage to District property, the District may institute formal charges for the purpose of having the court order the minors, or their parents, to make full or partial restitution to the District in accordance with law.

Adopted: date of manual adoption

LEGAL REF.: 22-15-10 NMSA (1978)
22-15C-7 NMSA (1978)

CROSS REF.: JKD - Student Suspension/Expulsion

**J-2450 ©
STUDENT CONDUCT
ON SCHOOL BUSES**

JICC

Refer to Policy EEAEC.

J-2750 ©
STUDENT PUBLICATIONS

JICE

The District recognizes the value of, supports, and encourages official school publications in teaching journalism, English, writing, and other skills. An official school publication is that made up of materials produced by students in a regularly scheduled class and intended for distribution to the student body.

Students shall be required to submit publications to the Superintendent for approval prior to distribution.

Adopted: date of manual adoption

LEGAL REF.: 6.11.2.9 NMAC

REGULATION

REGULATION

STUDENT PUBLICATIONS

Students shall be required to submit publications to the principal for approval prior to distribution.

J-2900 ©
SECRET SOCIETIES / GANG ACTIVITY

JICF

For the purpose of District policy, a gang is a group of three (3) or more people who:

- Interact together to the exclusion of others;
- Claim a territory or area;
- Have a name;
- Have rivals/enemies; and
- Exhibit antisocial behavior - often associated with crime or a threat to the community.

The type of dress, apparel, activities, acts, behavior or manner, or grooming displayed, reflected, or participated in by the student shall not:

- Lead school officials to believe that such behavior, apparel, activities, acts, or other attributes are gang related or would disrupt or interfere with the school environment or activity and/or educational objectives;
- Present a physical safety hazard to self, students, staff members, or other employees.
- Create an atmosphere in which the well-being of a student, staff member, or other person is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or
- Imply gang membership or affiliation by written communication, marks, drawing, painting, design, or emblem upon any school or personal property or on one's person.

Any student wearing, carrying, or displaying gang paraphernalia and/or exhibiting behavior or gestures that symbolize gang membership, or causing and/or participating in activities that intimidate or adversely affect the educational activities of another student, or the orderly operation of the schools, shall be subject to disciplinary action.

Adopted: date of manual adoption

LEGAL REF.: 6.11.2.9 NMAC

REGULATION**REGULATION****SECRET SOCIETIES / GANG ACTIVITY**

Gangs that initiate, advocate, or promote activities that threaten the safety or well-being of persons or property on school grounds or disrupt the school environment are harmful to the educational process. The use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of dress or grooming that, by virtue of its color, arrangement, trademark, symbol, or any other attribute indicates or implies membership or affiliation with such a group is prohibited because of the disruption to educational activities that results from such activities or dress. It is the District's position that such activities and dress also present a clear and present danger to other District students and to District staff members.

Any activity involving an initiation, hazing, intimidation, assault, or other activity related to group affiliation that is likely to cause or does cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students or others is prohibited.

If the student's dress is in violation of this regulation or a District policy, the principal will ask the student to make the appropriate correction. If the student refuses, the parent/guardian may be notified and asked to make the necessary correction.

The principal will coordinate with law enforcement regarding the latest gang signs, symbols and actions to maintain consideration for constitutionally permitted activities and speech.

J-3000 ©
TOBACCO USE BY STUDENTS

JICG

The possession or use of tobacco products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

The Superintendent may establish procedures necessary to implement this policy. Disciplinary penalties for the possession or use of tobacco or similar products may include, but are not limited to, suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

Adopted: date of manual adoption

LEGAL REF.: 6.12.4.8 NMAC
20 U.S.C. 6083

CROSS REF.: GBED - Tobacco Use by Staff Members
KFAA - Tobacco Use on School Premises at Public Functions

**J-3050 ©
DRUG AND ALCOHOL
USE BY STUDENTS**

JICH

The nonmedical use, possession, distribution, delivery or sale of drugs or counterfeit substances on school property or at school events is prohibited. *Nonmedical* is defined as "a purpose other than the prevention, treatment, or cure of an illness or disabling condition" consistent with accepted practices of the medical profession.

Students in violation of the provisions of the above paragraph shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law.

Students attending school in the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school rules and/or regulations.

For purposes of this policy, "drugs" shall include, but not be limited to:

- All dangerous controlled substances prohibited by law.
- All alcoholic beverages.
- Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to Board policy.
- Hallucinogenic substances.
- Inhalants.

Any student who violates the above may be subject to warning, reprimand, probation, suspension, or expulsion, in addition to other civil and criminal prosecution.

Adopted: date of manual adoption

LEGAL REF.: 30-31-22 NMAC (1978)

CROSS REF.: JLC - Student Health Services and Requirements
JLCD - Administering Medicines to Students

J-3100 ©
WEAPONS IN SCHOOL

JICI

No student shall carry or possess a weapon or simulated weapon on school premises without authorization by a school administrator. No student shall use or threaten to use a weapon or simulated weapon to disrupt any activity of the District.

Any employee who observes any person in possession of a weapon or simulated weapon on school premises shall immediately report the matter to the school administrator. A school administrator who observes or receives a report of a student possessing a weapon on school premises shall immediately take appropriate safety and disciplinary actions in accordance with District policies and shall immediately report a violation of this policy to a peace officer.

A student who violates this policy by carrying or possessing a firearm shall be placed in an alternative education program for a period of not less than one (1) year, suspended for a period of not less than one (1) year, or expelled and not be readmitted within a one (10)-year period, if ever. The Superintendent may modify the one (10)-year duration of such disciplinary action on a case-by-case basis.

A student who violates this policy by any means other than carrying or possessing a firearm shall be subject to disciplinary action, including but not limited to expulsion. Disciplinary action against a student with one (1) or more disabilities shall be applied on a case-by-case basis in accordance with District policies and state and federal special education laws.

For the purposes of this policy:

- *Weapon* means any of the following:
 - A firearm.
 - A knife, other than a folding pocket knife with a blade length of not more than two and one-half inches (2 1/2") that cannot be locked in an open position.
 - A destructive device.
 - A dangerous instrument.

- *Simulated weapon* means an instrument displayed or represented as a weapon.
- *Firearm* means any of the following:
 - Any loaded or unloaded gun that will, that is designed to, or that may readily be converted to expel a projectile by the action of an explosive.
 - The frame or receiver of any such firearm.
 - Any firearm muffler or silencer.
 - Any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive charge of more than one-fourth (1/4) ounce, mine, or similar device.
 - Any combination of parts that could be readily assembled to form a firearm.
- *Destructive device* means:
 - Any device other than a firearm that will, or is designed to, or may be readily converted to expel a projectile by any means of propulsion, such as a BB/pellet gun, slingshot, bow, or crossbow.
 - Any collection of parts that could be readily assembled to form a destructive device.
- *Dangerous instrument* means anything other than a firearm, knife, or destructive device that is carried or possessed by a student for the purpose of being used or being available for use to cause death or inflict serious physical injury.
- *School premises* means the school, school grounds, school buses, or any premises, grounds, or vehicles used for school purposes and includes premises where school-sponsored events (for example, athletic games and competitions, music competitions, etc.) are held away from District property.
- *Deadly weapon* means any weapon designed for lethal use, including a firearm.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.7 NMSA (1978)
 30-7-2.1 NMSA (1978)
 20 U.S.C. 7151

CROSS REF.: JIC - Student Conduct
 JIH - Interrogations, Searches, and Arrests
 JK - Student Discipline

JKD - Student Suspension/Expulsion

J-3350 ©
MARRIED STUDENTS

JIG

Married students must report any name changes to their guidance counselors or the principal if school records are to reflect the married name on school transcripts. A student's marital status does not reduce the requirements or opportunities of the educational system in the District.

Adopted: date of manual adoption

J-3400 ©
STUDENT INTERROGATIONS,
SEARCHES, AND ARRESTS

JIH

Interviews

A parent may be present during an interview except when interviews are conducted pursuant to a report of child abuse and the interview is by a Children, Youth, and Family Department worker or a peace officer.

Except in child abuse and abandonment situations, should a peace officer appear on campus requesting to interview a student attending the school, the school administrator shall be notified and the school office shall contact the student's parent(s). The parent(s) will be asked if they wish the student to be interviewed and, if so, will be requested to be present or to authorize the interview in their absence.

If the parent(s) cannot be reached, the peace officer should be requested to contact the parent(s) and make arrangements to question the student at another time and place.

If a student is taken into custody (arrested), the arresting officer shall be requested to notify the student's parents or guardian. The arresting officer will be asked to complete and sign a "Form for Signature of Arresting Officer." School personnel shall make every reasonable effort to make sure parents have been notified that a student has been taken into custody. The personnel of the District shall cooperate fully with the police.

Searches

School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

Notice of search policy. Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

Who may search. Certificated school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person, who upon consent becomes an authorized person for the purpose of that search only.

When search permissible. Unless Local School Board policy provides otherwise, an authorized person may conduct a search when he or she has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when he or she has reasonable cause to believe that a search is necessary to help maintain school discipline.

Conduct of searches; witnesses. The following requirements govern the conduct of permissible searches by authorized persons:

- School property, including lockers and school buses, may be searched with or without students present unless a local school board or administrative authority provides otherwise. When students are not present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one or circumstances otherwise render such action necessary in the judgment of the administrative authority.
- Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches.
- Physical searches of a student's person may be conducted only by an authorized person who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex and the nature of the infraction.
- Canines may be used periodically to inspect all school property, including but not limited to hallways, bathrooms, parking lots (including all vehicles parked on school property), classrooms, locker corridors, and school grounds when students are not in those areas.

Seizure of items. Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the

educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

Notification of law enforcement authorities. Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

The administration has the right to search and seize property, including school property temporarily assigned to students, when there is reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred.

Items provided by the District for storage (e.g., lockers, desks) of personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. (Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, etc., may be inspected at any time with or without reason, or with or without notice, by school personnel.)

Arrest

When a peace officer enters a campus and indicates an intent to take a student into custody or arrest a student, the office staff shall request the peace officer to establish proper identification, complete, and sign a "Form for Signature of Arresting Officer." The school staff shall cooperate with the officer in locating the child within the school. School officials may respond to parental inquiries about the arrest or may contact the parents, if necessary, to explain the relinquishment of custody by the school and the location of the student, if known.

Adopted: date of manual adoption

LEGAL REF.: 32A-4-3 NMSA (1978)
6.11.2.10 NMAC

REGULATION**REGULATION****STUDENT INTERROGATIONS,
SEARCHES, AND ARRESTS****USE OF DOGS IN DRUG SEARCHES**

In any actions undertaken pursuant to the GISD search and seizure policy, the School District is authorized to use dogs whose reliability and accuracy for sniffing and detecting any illegal or unauthorized substances and objects has been established. The dog will be accompanied by a qualified and authorized dog trainer handler who will be responsible for the dog's actions. An indication by the dog that an illegal or unauthorized substance or object is present on school property or in a vehicle on school property shall be reasonable cause for a search by school officials.

The Superintendent or his/her designee shall request the use of drug dogs when the Superintendent or his/her designee believe this type of action is necessary for the safety of the students of the School District. The Superintendent shall appoint administrators of each campus to be in charge of canine searches. Procedures established by the Superintendent and this policy must be followed. The procedures will include but are not limited to the following:

- Selection of search team members;
- Areas to be searched;
- Who will observe the search;
- Action taken if illegal substances are found; and
- Who will notify the authorities.

**Implementation Guidelines for
Use of Drug Sniffing Dogs*****Basis for Use***

In any of the foregoing searches described in these procedures, dogs whose reliability and accuracy has been established may be used according to the following procedures.

No search utilizing such dogs should be conducted except upon the specific authorization and with the participation of the Superintendent or the Superintendent's designee as described herein.

The Superintendent shall periodically decide through random selection the areas of the District that should be searched, but can also direct the search to any areas he/she deems necessary.

Qualifications of Dogs

The credibility and accuracy of the dogs to be used shall have been established by a record of performance that justifies reliance upon the dog.

The dog's owner/handler shall provide proof that he maintains adequate and comprehensive insurance for its performance, satisfactory to the discretion of the Superintendent.

Emphasis should be placed on trying to use dogs that "passively alert" when they discover drugs. For example, a passively alerting dog might sit next to a person who is carrying drugs, rather than "actively" alerting by barking, scratching at the place of the smell, or in any way touching the person.

Emphasis should be placed on finding dogs that do not touch students in any way and that have a good record for maintaining distance.

Furthermore, the District may want to select dogs that are less physically imposing and aggressive, if such breeds are available as sniffer dogs.

Preparation

The dog handler(s) should meet with the Superintendent or the Superintendent's designee and go over procedures in their entirety regarding dog-sniff searches in the school context.

Establish procedures requiring students and teachers to stay in their classrooms during the dog-sniff search. This includes setting procedures to ensure that people do not come in or leave the building during searches. The school should be placed in a "lock down" situation.

No person should be physically restrained from leaving the building. Instead, persons who attempt to leave should be warned that they may be disciplined for leaving the building, and a list should be created of those who leave the building despite such warnings.

Set procedures for searching or questioning those who are alerted on during dog sniff searches. This may include establishing a "holding area" where

individuals are monitored while they wait for questioning or search after a dog has alerted on them, and appointing monitors to the area. *In no event should the holding-area monitor attempt to physically prevent any person from leaving or suggest that such person may be physically prevented from leaving.* Instead, staff monitors should warn individuals that they may be disciplined if they leave the holding area.

Procedures

The dog and trainer should be observed or escorted by school staff during the search. Also, adequate witnesses should be available in the event that the dog alerts. There should be adequate staff available to escort those alerted-on to the holding area.

The dog handler shall, at all times, be responsible for handling the dog, and should ensure that the dog has *no* physical contact with any student or employee while the dog is at work. Administrative staff should facilitate any physical arrangements necessary to ensure that no such physical contact is made by the dog and students/employees.

Written record should be kept of names of students the handler identifies as subjects of alerts.

Procedures should be put in place for the escort, search, or questioning of any person who a dog indicates may possess or may have been in contact with contraband. *In no event should any person be subjected to any physical force or restraint, nor should it be suggested to any person that physical force or restraint may be used.*

If vehicles on school property, lockers, desks, or similar storage facilities under the school's control are to be searched due to a dog's "alert," the procedures for each such type of search should be observed under the supervision of administrative staff and carried out pursuant to district search and seizure policy.

Those students or employees directed to the holding area should be questioned and searched or released as soon as possible in accordance with the District's search and seizure policy.

The procedures previously described should be followed in each building visited.

Completion Procedures

Once the dog and handler have been escorted out of the building, the Superintendent or the Superintendent's designee will announce over the

public-address system that the "Lock Down" is over. The use of telephones and building entrances may then also return to normal.

All records made by entrance monitors, etc., shall immediately be signed and dated and presented to the Superintendent.

Questioning and searching of students or employees in the holding area may be conducted. All such questioning or searching shall be conducted by the Superintendent or the Superintendent's designee according to the procedures provided herein, as soon as possible after the dog and handler leave the building. Such questioning and searches should not be conducted in the presence of other holding-area subjects, but shall be conducted in the presence of witnesses designated by the Superintendent.

Confidentiality

Non-disclosure

No information of any type that leads to or results from a search or seizure should be communicated, revealed, or disclosed by school personnel to *any* person, except as follows:

- Such information should be communicated to other school personnel only upon a "need-to-know" basis. A "need-to-know" basis means that the person to whom such information is communicated is authorized to take action on behalf of the School District upon such information and needs the information to discharge his/her responsibilities.
- Such information may be communicated to the parent/guardian of any unemancipated student to whom the information relates, such information may be disclosed to law enforcement agencies only upon the authorization of the Superintendent or the Superintendent's designee.

EXHIBIT

EXHIBIT

**STUDENT INTERROGATIONS,
SEARCHES, AND ARRESTS**

**ACKNOWLEDGMENT CONCERNING USE
OF STUDENT LOCKERS**

I acknowledge and understand that:

- Student lockers are the property of the District.
- Student lockers remain at all times under the control of the District.
- I am expected to assume full responsibility for my school locker.
- The District retains the right to inspect student lockers for any reason at any time without notice, without student consent, and without a search warrant.

Student

Date

Locker

Number

EXHIBIT **EXHIBIT**

**STUDENT INTERROGATIONS,
SEARCHES, AND ARRESTS**

**FORM FOR SIGNATURE OF
ARRESTING OFFICER**

I, _____, a duly sworn peace officer and member of the _____ Department, _____ division, have asked that _____, a student in the _____ School, be surrendered to me, and pursuant thereto have taken said student into my custody and am assuming full responsibility for the student's arrest.

Date _____ Signature _____

Time _____ Badge Number _____

School Action

Date and time parents notified (if more than one [1] attempt is made, include such information here) _____

Signature of Administrator

- 1 copy for School Records
- 1 copy for Parent Mailing
- 1 copy for Police Officer
- 1 copy for Witnessing Administrator

EXHIBIT **EXHIBIT**

**STUDENT INTERROGATIONS,
SEARCHES, AND ARRESTS**

FORM FOR SIGNATURE OF
INTERVIEWING OFFICER

I, _____, a duly sworn peace officer and
member of the _____ Department,
_____ division, have asked that _____,
a student in the _____
School, be made available for interview.

Date _____ Signature _____
Time _____ Badge Number _____

School Action

Date and time parents notified (if more than one [1] attempt is made, include
such information here) _____

Signature of Administrator

- 1 copy for School Records
- 1 copy for Parent Mailing
- 1 copy for Police Officer
- 1 copy for Witnessing Administrator

^J-3600 ©
STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES

JII

The Superintendent is directed to establish procedures whereby students may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, harassment, intimidation, bullying or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Board of Education is without authority to act.

Bullying as defined below is prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in 6.30.2.19 NMAC.

A complaint/grievance may be raised regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, sexual orientation, age, national origin, or disability.
- Harassment of the student which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Bullying by another student which means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one (1) or more students in the school, on school grounds, in school vehicles, at a

designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

- Concern for the student's personal safety.

The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance. The complaint/grievance shall be made only to an administrator or other professional staff member. That person shall elicit from the student the particulars determined by the Superintendent to be necessary for the complaint/grievance to be investigated. When the initial allegation is submitted in a manner other than on the prescribed form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the student in completing the complaint/grievance form. The student should sign and date the form, however, unsigned forms are to be processed in the same manner as a signed form. A professional staff member or support staff member shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

When the professional staff member is other than the school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than the next school day following the day that the staff member receives the complaint/grievance. If the school administrator is included in the allegation, the complaint/grievance shall be transmitted to the next higher administrative supervisor. A failure by the professional staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

Students should file complaints on their own behalf. A parent or guardian may initiate the complaint process on behalf of an elementary school student. A parent or guardian (other than an elementary student's parent) who wishes to complain, should do so by completing the forms following policy KE on Public Concerns and Complaints.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation about harassment, intimidation, or bullying shall not be maintained.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made a part of the rights and responsibilities section of the student handbook. Forms for submitting complaints are to be available to students and staff in the school offices.

Disposition of all complaints/grievances shall be reported to the Superintendent as the compliance officer for discrimination. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

Knowingly submitting a false report or making false accusations under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies and regulations shall be followed.

Adopted: date of manual adoption

LEGAL REF.: 28-1-2 NMSA *et seq.*

CROSS REF.: AC - Nondiscrimination/Equal Opportunity
ACA - Sexual Harassment
JB - Equal Educational Opportunities
JIC - Student Conduct
JK - Student Discipline
JKD - Student Suspension/Expulsion
KE - Public Concerns and Complaints

REGULATION**REGULATION****STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES**

A student who complains or grieves regarding constitutional rights, equal access to programs, discrimination, harassment, bullying, intimidation or personal safety issues may complain directly to the school administrator or to a professional staff member. The individual receiving the student complaint must retrieve sufficient detail from the student to complete the form designated for such purpose. When a professional staff member receives the information, the staff member will transmit it to the school administrator not later than the next school day following the day the staff member receives the complaint/grievance. If the complaint/grievance involves the school administrator the professional staff member shall forward the complaint/grievance to the next administrative level.

At a minimum the complaint/grievance shall contain the identifying information on the complainant and such specificity of names, places and times as to permit an investigation to be carried out. The written complaint/grievance should contain a requested solution and the submission should be signed and attested to by the complainant. However, an unsigned form will be processed in the same manner as a signed form.

The complaint/grievance will be investigated by the school administrator or a supervising administrator. The student shall be contacted not later than the school day following the date the school administrator's or the administrator's supervisor receives the information. The procedures to be followed are:

- An investigation of the reported incident or activity shall be made within ten (10) school days when school is in session or within fifteen (15) days during which the school offices are open for business when school is not in session. Extension of the time line may only be by necessity as determined by the Superintendent.
- The investigator shall meet with the student who submitted the complaint/grievance at or before the end of the time period and shall discuss the conclusions and actions to be taken as a result of the

investigation. Confidentiality of records and student information shall be observed in the process of making such a report.

- The investigator shall prepare a written report of the findings and a copy of the report shall be provided to the Superintendent.

Where disciplinary action is necessary, District policies and regulations pertaining to permissible penalties and procedures shall be followed as in policy.

EXHIBIT **EXHIBIT**

**STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES**

COMPLAINT FORM

(To be filed with the school administrator or the administrator's supervisor,
or with a professional staff member who will forward it to the
school administrator or the administrator's supervisor)
Additional pages may be attached if more space is needed.

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to complain against:

Name of person, school (department), program, or activity _____

Address _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Signature of Complainant

Date Signed

Administrator or professional staff member receiving initial complaint

Date initial complaint received

The investigating administrator shall give one (1) copy to the complainant and retain one (1) copy for the file.

EXHIBIT**EXHIBIT****STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES**

**(To be displayed in school buildings
and in student handbooks)**

Students may present a complaint or grievance regarding one (1) or more of the following:

- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- Harassment of the student which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Bullying by another student which means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
- Concern for the student's personal safety.

Provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District; and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Board is without authority to act.

The guidelines to be followed are:

- The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance.

- The complaint/grievance shall be made only to a school administrator or professional staff member.
- The person receiving the complaint will gather information for the complaint form.
- All allegations shall be reported on forms with the necessary particulars as determined by the Superintendent. *Forms are available in the school office.*
- The person receiving the complaint shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

Students should file complaints on their own behalf. A parent or guardian may initiate the complaint process on behalf of an elementary school student. A parent or guardian who wishes to complain (other than an elementary student's parent) should do so by completing the forms following policy KE on Public Concerns and Complaints.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation shall not be maintained.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

Knowingly submitting a false report under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies shall be followed.

J-3750 ©
STUDENT ORGANIZATIONS

JJA

The Superintendent may approve the establishment of student organizations appropriate to grade levels within the District.

Adopted: date of manual adoption

**J-3850 ©
LIMITED OPEN / CLOSED FORUM**

JJAB

Student meetings may be held in the school(s) of the District that offer instruction in grades seven (7) and eight (8) or above under a "limited open forum". Furthermore, insofar as the District has a procedure defined as a "limited open forum" under the provisions of Title VIII, the Equal Access Act, Section 801 *et seq.*, the District school(s) shall offer to students a fair opportunity to conduct meetings using school facilities whereupon:

- Such meetings are voluntary and student initiated.
- There is no sponsorship of such meetings by the District, District employees or governmental entities, or employees of governmental entities.
- District employees present at religious meetings will be present only in a nonparticipatory capacity.
- Such meetings shall not materially and substantially interfere with the orderly conduct of the educational activities of the District.
- Nonschool persons shall not be permitted to direct, conduct, control, or regularly attend such student group meetings.

Neither the District, any employee or agent of the District, nor of any State or federal governmental entity shall be permitted to:

- Influence the form or content of any prayer or other religious activity connected with student meetings.
- Require any person to participate in prayer or other religious activity.
- Expend public funds beyond the incidental cost of providing the space for such student-initiated meetings.
- Compel any employee of the District to attend a school meeting that is contrary to the beliefs of the employee.
- Sanction meetings that are otherwise unlawful.

- Limit the rights of groups of students to avail themselves under the provisions of this policy to a specified numerical size.
- Abridge either New Mexico or U.S. constitutional rights of any employee, official, or student of the District.

Nothing in this policy shall be construed to limit the authority of the school or its agents or employees to maintain order and discipline on school premises, to protect the well-being of students and employees, and to assure that attendance of students at such meetings is voluntary.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 4071 *et seq.* Equal Access Act, (Section 801)

CROSS REF.: KF - Community Use of School Facilities

J-3900 ©
STUDENT SOCIAL EVENTS

JJB

An integral part of the education process is the learning derived from participation in school-sponsored social activities. Such activities shall have licensed school personnel as sponsors at all events.

The Superintendent may require each school to develop rules and regulations concerning such activities.

Adopted: date of manual adoption

**J-3950 ©
STUDENT PERFORMANCES /
EXHIBITS / COMPETITION**

JJC

Any student or group of students planning to give public performances representing the District shall first secure permission from the principal. Such performances shall be in keeping with the general goals and objectives of the educational program and the following:

- Funds, if collected, shall be credited to the appropriate student activities fund account.
- The participation in the project will not deprive students of time needed in acquiring basic skills.
- The regular schedule will not be interrupted unless the majority of the students benefit through their participation.
- The activity shall contribute to the educational program.

Adopted: date of manual adoption

J-4050 ©
STUDENT FUND - RAISING ACTIVITIES

JJE

Fund-raising activities by students on school premises or elsewhere as representatives of the school will be permitted only when connected with specific school activities approved by the Superintendent.

Participation in contests or fund-raising activities shall be governed by the following criteria:

- The aim of the activity shall benefit youth in educational, civic, social, and ethical development.
- The activity shall not be detrimental to the regularly planned instruction.

The proceeds of all fund-raising activities shall be deposited in the Student Activity Fund, and funds from such activities shall be used only as specified in the Manual of Procedures for Public School Accounting and Budgeting.

Adopted: date of manual adoption

J-4100 ©
STUDENT ACTIVITIES FUNDS

JJF

Upon recommendation by the Superintendent, the Board will designate a student activities treasurer. The Superintendent shall assure the establishment and maintenance of a "Student Activity Fund".

The Superintendent may designate an assistant activities treasurer for each school.

The Superintendent shall require the establishment of appropriate procedures whereby all persons having any duties relating to such funds are advised of the requirements and responsibilities therefor. All such persons shall be held strictly accountable for the manner in which these guidelines are followed.

The Superintendent shall ensure that an accurate, detailed record of all revenues and expenditures of the student activities fund is kept. The record shall be made in such form as the Board prescribes.

Adopted: date of manual adoption

LEGAL REF.: 6.20.2.23 NMAC

J-4150 ©
CONTESTS FOR STUDENTS

JJG

Student participation in contests shall be limited to activities and events that relate to the educational needs and interests of students and do not promote private or commercial interests. The Superintendent shall establish procedures and regulations governing participation in such contests.

Adopted: date of manual adoption

REGULATION**REGULATION****CONTESTS FOR STUDENTS**

Participation in contests shall be optional and shall be kept within reasonable bounds. The following statements shall be a guide for determining participation in contests:

- The primary educational aims and the needs and interests of the students must be a consideration at all times.
- The school and its students shall not be used to promote private or commercial interests.
- All materials or activities initiated by private sources shall be judged on grounds of their:
 - Direct contribution to educational values.
 - Factual accuracy.
 - Good taste.
- Consideration shall be given in all cases to protecting students and teachers against unreasonable added work and responsibilities.

INTERSCHOLASTIC SPORTS

General

The purpose of interscholastic athletics is both educational and recreational. The school sports program should encourage participation by as many students as possible and should always be conducted with the best interests of the participants as the first consideration. Districts shall provide comparable athletic opportunity in interscholastic sports for both sexes. The district has the option of prohibiting participation by both sexes on the same team, where comparable or separate athletic opportunity exists for both sexes.

District participation in interscholastic athletics shall be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, and of any new agreements with other schools for a series of games or events.

The following rules shall be observed for participation by individual students:

- For each type of sport in which the student engages, the parents or guardian must give written consent.
- The student must be determined by a physician to be physically fit for the sport.

The Superintendent shall set up other rules for participation, such as those governing academic standing, in accordance with policies of the District and pertinent regulations and recommendations of the state interscholastic athletic association.

Charter School Student Participation

Charter school students in grades seven (7) through twelve (12) may participate in School District extracurricular activities sanctioned by the New Mexico Activities Association in the School District attendance zone in which the student lives (participating in only one [1] public school program) if they meet eligibility requirements other than enrollment and if the charter school

does not offer such activities sanctioned by the New Mexico Activities Association.

Home School Student Participation

Home school students may participate in one (1) School District athletic activity sanctioned by the New Mexico Activities Association in the School District attendance zone in which the student lives if they meet the eligibility requirements other than enrollment in the school.

Health and Safety of Participants

The health and safety of participants in interscholastic athletic activities must receive careful consideration. Participants must be provided access to water at all times during practice sessions, games, or other interscholastic athletic activities.

The Superintendent shall require that regulations for health and safety of participants in interscholastic athletics be developed, implemented, and enforced. Such regulations may, at the discretion of the Superintendent, be incorporated into this policy as an administrative regulation.

Adopted: date of manual adoption

LEGAL REF.: 22-2-2 NMSA (1978)
22-8-18 NMSA (1978)
22-8C-8 NMSA (1978)
6.13.3.8 NMAC
6.13.4.8 NMAC

CROSS REF.: JJJ - Extracurricular Activity Eligibility

**EXTRACURRICULAR ACTIVITY
ELIGIBILITY**

All interscholastic extracurricular activities in grades nine (9) through twelve (12) that are of a competitive nature and involve more than one (1) school where a championship, winner, or rating is determined shall be conducted under the provisions of this policy. Such activities will be established and designed to offer students worthwhile athletic and leisure-time interests, wholesome recreational and social activity, and an opportunity to develop skills in democratic and cooperative management for these activities.

All such activities conducted under the auspices of the District shall be under the direct supervision of the licensed individual responsible for the activity.

It is necessary to have the interscholastic extracurricular activities function within a realistic framework of control. In order that overenthusiastic students do not place a social or athletic function on a higher plane than the academic program, the following policy will be adhered to:

- All classwork counted for eligibility must be acceptable for graduation.
- The student must be enrolled in more than half of the school's regular class schedule.
- Regular attendance must be maintained and no more than fifteen (15) days or the same class more than fifteen (15) times may be missed each semester due to interscholastic extracurricular activities.
- The eligibility criterion for interscholastic participation shall be either one or the other of the following:
 - Following the semester, a cumulative passing grade average of 2.0 on a 4.0 scale adjusted for honors points with no more than one (1) *F* or failure (only semester grades may be used and only at the beginning of the semester) or,
 - The grades from the grading period immediately preceding participation must be a 2.0 on a 4.0 scale adjusted for honors points with no more than one (1) *F* or failure.

- Eligibility for participation in extra-curricular activities shall be determined at the end of each grading period or as required by campus.
- If the student does not meet the eligibility requirements the penalty will be removal from participation in any athletic team or extracurricular performances or travel. A student that demonstrates academic progress toward eligibility may practice with the team or group.
- The responsibility for notification of students and parents of these requirements and for enforcement of the above rule rests with the Superintendent.
- The student and the parents or guardian shall be notified of ineligibility in a manner such that confidentiality is maintained when:
 - Ineligibility is pending.
 - Ineligibility is determined to be necessary.
- Support services shall be made available to students who become ineligible for extracurricular programs as well as to students notified of pending ineligibility.

Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.

The same general standards shall apply for special education students except that such eligibility shall be determined on a case-by-case basis in relationship to the respective students' individual education programs.

The Superintendent shall establish regulations to ensure that:

- Necessary documents in support of this policy are maintained.
- Necessary data related to ineligible students are collected and reported as required.
- The cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities.
- The requirements of this policy are met.

The Superintendent may develop additional rules or procedures for the proper conduct of extracurricular programs and the implementation of the provisions of this policy.

Adopted: date of manual adoption

LEGAL REF.: 22-12-2.1 NMSA (1978)

6.11.2.9 NMAC

New Mexico Activities Association Handbook Sec. 6

CROSS REF.: JJIB - Interscholastic Sports

**J-4600 ©
STUDENT DISCIPLINE**

JK

Parents, school personnel and students shall be involved in the development of policies, and public hearings before the Board shall be held during the formulation of these policies in the high school attendance areas within each district or on a district-wide basis for those districts that have no high school. The Superintendent shall prepare and recommend the final format of discipline policies and develop procedures for the discipline of students that comply with state laws and regulations. These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity and may be imposed if the student's behavior affects the school order. When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

Information concerning a student's disciplinary record will be held in the strictest confidence.

Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
6.11.2.7 NMAC
6.11.2.8 NMAC
6.11.2.9 NMAC
6.11.2.10 NMAC
6.11.2.11 NMAC
6.11.2.12 NMAC

CROSS REF.: JIC - Student Conduct
JKA - Corporal Punishment
JKD - Student Suspension/Expulsion

REGULATION**REGULATION****STUDENT DISCIPLINE**

The following are prohibited activities:

- Criminal or delinquent acts;
- Gang related activity;
- Sexual harassment
- Disruptive conduct;
- Refusal to identify self; and
- Refusal to cooperate with school personnel.

A student may be subject to disciplinary action when the student engages in the above or those below:

- Engages in conduct that is disorderly, i.e., intentionally causing public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, by:
 - Fighting or engaging in violent behavior.
 - Making unreasonable noise.
 - Using abusive or obscene language or gestures.
 - Obstructing vehicular or pedestrian traffic.
 - Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- Engages in conduct that is insubordinate, i.e., failing to comply with the lawful directions of a teacher, school administrator, or other school employee in charge of the student.

- Endangers the safety, morals, health, or welfare of others by any act, including but not limited to:
 - Selling, distributing, using, or possessing alcohol, drugs, or other controlled substances or drug paraphernalia.
 - Selling, distributing, using, or possessing weapons, fireworks, or other dangerous instruments or contraband.
 - Selling, using, or possessing obscene materials.
 - Using profane, vulgar, or abusive language (including ethnic slurs).
 - Gambling.
 - Hazing.
 - Engaging in lewd behavior.
- Engages in any of the following forms of academic misconduct:
 - Lateness for, missing, or leaving school or class without permission or excuse.
 - Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion).
 - Plagiarism.
- Engages in conduct violative of the Board's rules and regulations for the maintenance of public order on school property.
- Uses personal portable electronic instruments, communication, and entertainment devices, including but not limited to cell phones, still and video cameras and equipment, recording/playback apparatus, and other electronic equipment which may be used for similar purposes, during the school day or during directed student study time unless such use has been specifically authorized by the school administrator.
- Has a record of excessive absenteeism.
- Is believed to have or actually has committed a crime.

Reasonableness of use of physical force in self-defense, defense of others, and defense of property will be considered as a mitigating factor in determining penalties for misconduct. The threat or use of physical force by a student is not reasonable (i) when made in response to verbal provocation alone, (ii) when assistance from a school staff member is a reasonable alternative, or (iii) when the degree of physical force used is disproportionate to the circumstances or exceeds that necessary to avoid injury to oneself or to others or to preserve property at risk.

Permissible Penalties

The range of penalties that may be imposed for violations of student discipline rules include, but are not limited to, the following:

- Verbal warning.
- Written warning.
- Written notification to parents.
- Probation.
- Detention.
- Corporal punishment.
- Suspension from transportation.
- Suspension from athletic participation.
- Suspension from social or extracurricular activities.
- Suspension of other privileges.
- Exclusion from a particular class.
- Alternative educational settings
- In-school suspension.
- Involuntary transfer.
- Community service.
- Suspension.
- Expulsion.

Depending upon the nature of the violation, student discipline may be progressive, i.e., generally, a student's first violation should merit a lighter penalty than subsequent violations. A District employee or agent should take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

Student Disciplinary Proceeding

Any teacher, administrator, Board member, parent, or other person may report a violation of student disciplinary rules to an administrator. The administrator will then make an investigation of the charges as deemed appropriate and will institute appropriate proceedings.

This information for the maintenance of public order on school property will be publicized and explained to all students and provided in writing to parents as requested. In order to promote effectiveness of student discipline, the assistance of parents in enforcing rules for student discipline shall be invited and encouraged.

Involving Staff Members

The principal is responsible for involving staff members of the school in the development of a positive plan for student discipline. All staff members are responsible for implementing the plan of student discipline for the school.

EXHIBIT**EXHIBIT****STUDENT DISCIPLINE**

Each principal shall establish and retain complete records of student disciplinary actions and procedures. Records regarding student disciplinary actions shall be retained for at least two (2) years after last attendance date.

The accounting for students subject to disciplinary action on discipline record card shall contain an entry of:

- The full name of the student.
- The racial/ethnic and sex designations of the student.
- The time, place, and date of the offense or offenses, or observed behavior.
- Descriptions and dates of other offenses or observed behaviors if not previously reported.
- The names of witnesses or others involved.
- Specific measures taken by person or persons reporting the offense or offenses to effect an adjustment, including the specialized help secured before referral, such as conferences with parents, conferences with the principal, and conferences with other school personnel.
- The name and title of the person or persons reporting the offense or offenses.
- The alternatives, if any, that were considered prior to the imposition of the disciplinary action taken by the principal.
- The final disposition of the case.
- The name and title of the person or persons imposing the action or actions.

The kinds of disciplinary actions for which an accounting should be kept shall include, but not be limited to:

- Suspensions and/or expulsion.
- Corporal punishment.
- Placement in detention (for disciplinary reasons).
- Transfer to another class (for disciplinary reasons).
- Transfer to another school (for disciplinary reasons).
- Referrals of cases to police and juvenile authorities.
- Others as required.

The school principal shall have the responsibility of maintaining the necessary discipline records to include:

- Discipline record card (each reported incident). Student discipline list (cumulative).
- Log of corporal punishments (each incident).
- Summary of corporal punishments: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of suspensions (cumulative).
- Summary of suspensions: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of expulsions and referrals to courts (cumulative).
- Log of Board expulsions (each incident).
- Summary of expulsions: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of student withdrawals (cumulative).
- Summary of withdrawals: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of dropouts (cumulative).

All monthly summary forms shall be completed at the close of each attendance month.

J-4650 ©
CORPORAL PUNISHMENT

JKA

The Gadsden Independent School District **disallows** corporal punishment.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
6.11.2.10 NMAC

CROSS REF.: JK - Student Discipline
JKD - Student Suspension/Expulsion

J-4700 ©
DETENTION OF STUDENTS

JKB

Reasonable detention during break-time, noon, or at the close of the school day is permitted following appropriate minimal due process. Detention outside of school time may be invoked with appropriate consideration given to student transportation, weather, and other extenuating circumstances. However, a student shall not be denied the privilege of eating or use of the rest room during detention periods.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
6.11.2.12 NMAC

REGULATION**REGULATION****DETENTION OF STUDENTS**

Teachers may keep students after school hours for disciplinary reasons. The names of students to be kept after school hours will be reported to the school office prior to the time of detention.

Students may be kept after school hours only if prior notice has been given to their parents.

The authority to suspend a student for up to ten (10) days, after an informal hearing is held, rests with the school administrator or principal. If a danger to students or staff members is present, the principal may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable. A student may be removed from contact with other students as a temporary measure but shall be reinstated by the next school day unless short-term suspension is imposed.

In all cases, except summary suspension where a danger to students or staff is evident, the student shall remain in school until applicable due process procedures are instituted. In *no* instance shall students be released early from school unless parents have been notified.

The Superintendent may designate a hearing officer for suspension/expulsion hearings.

Regular Education Students

Suspension for ten days or less:

- *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
 - After having received notice, the student will be asked for an explanation of the situation.
 - The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.
- *Step 2:* Following Step 1:
 - Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - ▲ Suspend the student for up to ten (10) days.
 - ▲ Choose other disciplinary alternatives.
 - ▲ Exonerate the student.

- ▲ Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
- When suspension is involved:
 - ▲ A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
 - ▲ A letter to the parents will be written and mailed by the day after the short-term suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
- No appeal is available from a short-term suspension.

Suspension for over ten days or expulsion:

- *Step 3:* If the offense is one that could result in a suspension of over ten (10) days or expulsion, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer appointed by the Superintendent. The appointed person (hearing authority) shall have no direct connection to the act or acts, person alleged to have perpetrated the acts, nor be an administrator of the school in which the acts took place.
- *Step 4:* A formal letter addressed to the student through the responsible parent or guardian will be delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing or mailed at least eight (8) days prior to the formal hearing date (mailed documents are assumed received in three [3] days). The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of receipt of the notice by the parents. A copy of this letter will remain on file, and the letter should contain the following information:
 - The charges and the rule or regulation violated.
 - The extent of the punishment to be considered.
 - The date, time, and place of the formal hearing.

- A request for the parents and student to attend.
 - The hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty.
 - Failure of the student or parent to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default.
 - A designation of the District's witnesses.
 - That the student may present witnesses.
 - That the student may be represented by counsel or a representative designated in a written notice filed at least seventy-two (72) hours prior to the hearing date with the hearing officer or administrator.
 - The name, business address and telephone of the hearing authority or contact person through whom the student, parent or designated representative may request a delay or seek further information, including access to any documentary evidence or exhibits which the school proposes to introduce at the hearing.
 - That the conduct of the hearing will be informal, not adhering to the rules of evidence.
- *Step 5:* A formal hearing will be held, during which the student will be informed of the following:
 - Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.
 - The student is entitled to a statement of the charges and the rule(s) or regulation(s) violated.
 - The student may be represented by counsel, without prejudice.
 - The student may present witnesses.

- The student or counsel may cross-examine witnesses presented by the District.
 - The District has the right to cross-examine witnesses, and may be represented by an attorney.
 - The burden of proof of the offense lies with the District by a preponderance of the evidence.
 - Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
- *Step 6:* The following will be the result of the hearing:
 - Upon the conclusion of a hearing by a hearing authority, the decision by the hearing officer may be given but shall be provided, in writing, within five (5) days to the student and parents. If initial notification is by mail, the parent shall be presumed to have received the notice on the fifth calendar day after the date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.
 - Upon the conclusion of a hearing and notice that an act or acts of misconduct have been proved, the discipline proposed or a lesser form of discipline as determined by the recommending administrator shall be imposed by the disciplinarian. The action may take place immediately upon the hearing officer's determination and informing of the student and parents. If the disciplinary action imposes any sanction it shall go into effect immediately and continue during any subsequent review.
- *Step 7:* Administrative review may be conducted as follows:
 - Upon the conclusion of a hearing where determination that an act or acts of misconduct were proven, notice to the student and parents was given and discipline imposed, a review may be requested if the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school suspension exceeding one school semester or a denial or restriction of student privileges for one semester or longer. To arrange such an appeal, the parent(s) of the student or the student must deliver to the Superintendent a letter directed to the review hearing authority within ten (10) days after receiving written notice of the determination. The letter must describe in detail any objections to the hearing or the decision rendered. Failure to meet the dates

or provide the written requirement will result in rejection of the request.

- The appeal to the review hearing authority will be on the record of the hearing held by the hearing officer and no later than fifteen (15) days following the request being received. If the review hearing authority determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the review hearing authority determines that the punishment was not reasonable, they may modify the punishment. The review hearing authority may uphold the hearing officer if no substantive errors in procedure are noted.
- All deliberations and decisions shall be held in closed session to avoid discussion of personally identifiable information in public.
- The review hearing authority shall prepare a written decision, including concise reasons in response to legitimate objections of the student or parent, and mail or deliver it to the administrator, the hearing officer and the student, through the parent, within ten (10) working days after the review is concluded. The decision of the review hearing authority is the final administrative review.

Membership of Review Hearing Authority

The Review Hearing Authority shall consist of three (3) persons, appointed by the Board at a meeting held in accordance with the Open Meeting Act, 10-15-1 NMSA *et seq.* (1978). One (1) of the members shall be the Superintendent of Schools.

Each appointee other than the Superintendent shall:

- Have experience as a supervisor in a business or governmental agency.
- Be familiar with the application of policy and procedures in the discipline procedure.
- Be a resident of the District, and not a parent of a student in the School District.

The Superintendent shall be the chairperson of the Review Hearing Authority.

Special Education Students

Suspension for Ten Days or Less

Short-term suspension (ten [10] days or less) may be used for special education students for disciplinary reasons on the same basis as for a regular education student. (It is not considered a change of placement.)

- *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
 - After having received notice, the student will be asked for an explanation of the situation.
 - The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.
- *Step 2:* Following Step 1:
 - Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - ▲ Suspend the student for up to ten (10) days.
 - ▲ Choose other disciplinary alternatives.
 - ▲ Exonerate the student.
 - ▲ Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
 - When suspension is involved:
 - ▲ A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
 - ▲ A letter to the parents will be written to the student in care of the parents by the day following the suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
 - No appeal is available from a short-term suspension.

Suspension for Over Ten Days

If a special education student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference must be held.

- *Step 3:* A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.
- *Step 4:* If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.
- *Step 5:* If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days.

An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if current placement is maintained.

Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current individualized educational program (IEP); and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring. (Caution: refer to IDEA statutes and regulations before implementing the exception.)

Expulsion

A student qualified under the Individuals with Disabilities Education Act (IDEA) as revised in 1997 may not be expelled from school but in compliance with federal law and regulation may be given a change in placement. The Individualized Education Program Team generally determines a change in placement of an IDEA qualified student. During any change in placement, the School District must provide payment for services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's Individualized Education Programs.

A student with a disability qualified under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 and not qualified under the Individuals with Disabilities Education Act as revised in 1997, may be suspended or expelled from school and education services may be ceased, if nondisabled students in similar circumstances do not continue to receive education services.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
6.11.2.7 NMAC
6.11.2.8 NMAC
6.11.2.9 NMAC
6.11.2.10 NMAC
6.11.2.11 NMAC
6.11.2.12 NMAC
20 U.S.C. 1400 *et seq.*, Individuals with Disabilities
Education Act
20 U.S.C. 7151 *et seq.*, The Gun-Free School Act of 1990
29 U.S.C. 794 Rehabilitation Act of 1973, (Section 504)

CROSS REF.: IHB - Special Instructional Programs
JR - Student Records

**REMOVAL OF STUDENTS FROM
SCHOOL - SPONSORED ACTIVITIES**

The principal of a school may remove a student from a school-sponsored activity if the principal determines that the student has violated a provision of the student discipline policies, rules, and/or regulations or if the principal determines that such removal is in the best interest of the activity or in the best interest of the school as a whole.

The principal also may remove a student from a specific position, such as officer, editor, or captain of an activity, without removing the student from the entire activity.

The principal may remove a student pursuant to the preceding two (2) paragraphs, whether or not the student has been elected, appointed, or assigned to, or has volunteered for, the activity.

Before removing a student from an activity or position as a result of the student's violation of the student discipline policies, rules, and/or regulations, the principal must comply with the notice-and-hearing provisions of those policies, rules, and/or regulations.

Before removing a student from an activity or position for reasons other than a student's violation of the student discipline policies and/or regulations, the principal shall give written notice to the student. The notice shall include the reason or reasons for the removal and the date that the removal is to become effective. If the student disagrees with the principal's determination, the student may, within five (5) school days, request in writing a conference with the principal. The conference shall be held as soon as practicable after the principal receives the written request. At the conference, the student shall be given a full explanation of the reason or reasons for the action taken. The student shall be given an opportunity to present an explanation of the events relating to the action.

If, after the conference, the principal determines that the decision to remove the student from the activity or position is correct, the removal shall become effective on the date indicated in the principal's notice. If, after the

conference, the principal determines that action of a less severe nature than removal is warranted, the principal may impose the less severe action. If, after the conference, the principal determines that neither removal nor less severe action is warranted, the prior decision to remove the student shall be rescinded.

For purposes of this policy, *activity* is defined as:

- Any school-sponsored athletic activity; or
- Any school-sponsored club; or
- Any school-sponsored organization such as yearbook, newspaper, student government, drama, music, honor society, or any other organization or class of a similar nature.

An *activity* includes activities as defined above, whether or not a student is receiving or may receive academic credit for the activity.

The principal's determination shall be the final administrative action to which a student is entitled.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
6.11.2.7 NMAC
6.11.2.8 NMAC
6.11.2.9 NMAC
6.11.2.10 NMAC
6.11.2.11 NMAC
6.11.2.12 NMAC

CROSS REF.: IHB - Special Instructional Programs
JR - Student Records

The School District strives to make a significant contribution to the general well being, mental and physical capacity and learning ability of each student while affording them the opportunity to fully participate in the educational process.

The District is committed to providing school environments that promote and protect children's health, safety, well-being, and ability to learn by supporting healthy eating and physical activity in a safe environment. Healthy eating is demonstrably linked to reduced risk for mortality and development of many chronic diseases as adults.

To ensure the health and well being of all students, the Board shall promote and monitor student wellness in a manner that the Board determines is appropriate in the following areas:

- *Nutrition Guidelines:* All foods available in each school during the day will have as a primary goal the promotion of student health and the reduction of childhood obesity. All guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture, as those regulations and guidance apply to schools.
- *Nutrition Education:* The goal is to influence students' eating behaviors by providing nutrition education that is appropriate for students' ages; reflects students' cultures; is integrated into health education or core curricula; and provides opportunities for students to practice skills and have fun.
- *Physical Activity:* The goals for physical activity are to provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain students' physical fitness, to ensure students' regular participation in physical activity, and to teach students the short- and long-term benefits of a physically active and healthful lifestyle.
- *Other School-Based Activities:* The goal is to create a total school environment that is conducive to healthy eating and physical activity.

- *Evaluation:* A primary goal will be to regularly evaluate the effectiveness of this policy in promoting healthy eating and changing the program as appropriate to increase its effectiveness.
- *Parent, Community and Staff Involvement:* A primary goal will be to engage family members, students, and representatives of the school food authority, the Governing Board, school administrators, and the public in development and regular review of this school policy.

A health advisory council consisting of parent(s), school food authority personnel, School Board member(s), school administrator(s), school staff, student(s) and community member(s) shall be established by the Superintendent with the advice and consent of the Board. This council shall meet a minimum of twice a year for the purpose of making recommendations to the local board on the implementation, revision and evaluation of the wellness program. The Superintendent shall be the presiding officer of the health advisory council and shall provide

- A written, specific statement of the purpose of the council.
- The dates on which reports of the council are to be rendered.
- Recommendations on replacements required upon a council members unavailability or resignation.
- The extent to which facilities, supplies, equipment, and clerical support will be provided to the council.
- A briefing on the requirements of the New Mexico Open Meeting Law (10-15-1 NMSA 1978) as it applies to committees of the Board.
- Posting of all notices and agendas of meetings of the council.

The Superintendent is directed to seek the input of the council in the development of recommendations and administrative regulations to implement this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school (i.e., competitive foods, snacks and beverages sold from vending machines, school stores, and funding-raising activities and refreshments that are made available at school parties, celebrations and meetings), including provisions for staff development, family and community involvement and program evaluation. Regulations and exhibits created for the purpose of implementing this policy shall be considered, in effect, to be an extension of this policy.

Adopted: date of manual adoption

LEGAL REF.: 42 U. S. C. 1751 *et seq.*, The National School Lunch Act
42 U.S.C. 1771 *et seq.*, The Child Nutrition Act as amended.
6.12.5.8 NMAC, New Mexico Requirements for Competitive
Foods Sold to Students
6.12.6.8 NMAC, Wellness Requirements
6.30.2.19 NMAC, Health Education
6.30.2.20 NMAC, Physical Education

CROSS REF.: ABA - Community Involvement in Education
ABAA - Parental Involvement
BBA - Board Powers and Responsibilities
EF - Food Services
EFE - Competitive Food Sales/Vending Machines
IHA - Basic Instructional Programs

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REGULATION

REGULATION

STUDENT WELLNESS

An annual report shall be made to the Board on the District's compliance with student wellness practices. The report may include but not be limited to:

- Evaluation of the food services program.
- Recommendations for policy and/or program revisions.
- Review of all foods and beverages sold in schools for compliance with established nutrition guidelines.
- Assessment of school environment regarding student wellness issues.
- Listing activities and programs conducted to promote nutrition and physical activity.
- Providing feedback received from District staff, students, parents/guardians, and community members.

In accordance with the National School Lunch Act (42 U. S. C. 1751 *et seq.*) and the Child Nutrition Act (42 U.S.C. 1771 *et seq.*), as amended, an assurance that District guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law shall be provided annually. The Superintendent shall

receive assurances from the health advisory council and all appropriate administrators and supervisors prior to making the annual Board report.

Nutrition Education

Nutrition education shall focus on students' eating behaviors, be based on theories and methods proven effective by research and be consistent with state and local District health education standards. Nutrition education at all levels of the curriculum shall include, but not be limited to, the following essential components designed to help students learn:

- Age-appropriate nutritional knowledge, including the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;
- Age-appropriate nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
- How to assess one's personal eating habits, set goals for improvement and achieve those goals.

In order to reinforce and support nutrition education efforts, the guidelines will ensure that:

- Nutrition instruction provides sequential, comprehensive health education in accordance with the New Mexico Public Education Department curriculum regulations and academic standards;
- Cooperation with agencies and community organizations is encouraged to provide opportunities for appropriate student projects related to nutrition;
- Consistent nutrition messages are disseminated from the District throughout the schools, communities, homes and media; and
- Nutrition education is extended beyond the school environment by engaging and involving families and community.

Nutrition Guidelines and Food Services Operations

The District will create procedures that address all foods (including Competitive Food Sales) available to students throughout the school day in the following areas:

- National School Lunch Program and Child Nutrition Act.
- À la carte offerings in the food service program.
- Vending machines and school stores.
- Classroom parties, celebrations, fund-raisers, rewards and school events.
- Snacks served in after-school programs.

In keeping with the District's nutrition program goals, only food prepared or obtained or approved by the District's food services program should be served in classroom reward or incentive programs involving food items as well as foods and beverages offered or sold at school-sponsored events outside the school day. Approval is required to ensure that the foods served meet the requirements of the District's nutrition policy and regulation (i.e., all foods served fit in a healthy diet and contribute to the development of lifelong healthy eating habits for the District's students).

Physical Activity

District schools shall strive to provide opportunities for developmentally appropriate physical activity during the school day for all students.

Other School-Based Activities

The goal for other school-based activities is to ensure whole-school integration with the wellness program. The District will achieve the goal by addressing elements that include, but are not limited to, school meal times, dining environment, food as an incentive, marketing and advertising, staff wellness, and staff development and training.

Program Evaluation

In each school, the principal will ensure compliance with established district-wide student wellness goals and will report on the school's compliance to the Superintendent.

The individual schools within the District, will, as necessary, develop and revise action plans to facilitate implementation of the approved programs.

REGULATION**REGULATION****STUDENT WELLNESS****Physical Activity Goals**

The primary goal for the District's physical activity component is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short- and long-term benefits of a physically active and healthy lifestyle.

A comprehensive physical activity program encompasses a variety of opportunities for students to be physically active, including physical education, recess, walk-to-school programs, after-school physical activity programs, health education that includes physical activity as a main component, and physical activity breaks within regular classrooms.

Physical education (high school graduation requirements): Students must, at the least, satisfy the state and District's physical education credit requirement.

Physical activity (time, frequency, and/or intensity): Schools will ensure that students are moderately to vigorously active at least fifty percent (50%) of the time while participating in physical education classes.

Physical activity outside of physical education: Schools may offer after-school intramural programs and/or physical activity clubs that meet the needs and interests of all students, including those who are not athletically involved or those with special health care needs.

Recess to promote physical activity: Grades kindergarten (K) through six (6) will have recess or physical education classes daily.

Walking or biking to school to promote physical activity: The District shall annually review safe routes for students who walk or bike to school.

Prohibition of use of punishment: The District will discourage the use of physical activity as punishment, the withholding of participation in physical education class as punishment, or the use of physical education class time to complete assignments from other classes.

After-school programs: The District shall encourage after-school programs to provide developmentally appropriate physical activity for participating children and reduce or eliminate the time spent in sedentary activities such as watching television or videos.

Community use: The District shall encourage community access to, and student and community use of, the school's physical activity facilities outside the normal school day.

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STUDENT INSURANCE PROGRAMS

The Board may provide or make available a student health benefits insurance program for the District. The program will be conducted at no expense to the District.

The Superintendent will provide to parents or guardians information on student health benefits insurance if such insurance is available.

Adopted: date of manual adoption

LEGAL REF.: 22-2-2 NMSA (1978)

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STUDENT HEALTH SERVICES
AND REQUIREMENTS

JLC

The Superintendent shall establish procedures for the student health services program in the District. Such procedures will provide for:

- Administration of patent or proprietary medications (over-the-counter [OTC] medications) in compliance with New Mexico Statutes Annotated, New Mexico Administrative Code and District policies.
- Administration of prescription medications in compliance with New Mexico Administrative Code and District policies.
- Administration of immunizations in conjunction with the Health Department and in compliance with New Mexico Administrative Code.
- Providing preventive health information.
- The treatment of school-related injuries/illnesses, and recommendation for follow-up care.
- Screening clinics for selected physical impairments.

Do Not Resuscitate Orders

There is no requirement in the law that a school or school personnel comply with a Do Not Resuscitate (DNR) order. In addition, the uncertainties and risks associated with compliance with DNR orders makes such compliance inappropriate for the schools. Accordingly, it is the policy of the Board that DNR orders shall not be accepted, honored, or followed by any employee of the School District. School District employees who are health care providers, as part of their duties and in lieu of compliance with a DNR order, shall:

- Immediately inform a parent or guardian of a student who presents a DNR order on behalf of the student, of their refusal to comply with the DNR order pursuant to this policy;
- Provide care for the student until transfer of the student can be made; and

- Make all reasonable efforts to assist the transfer of the student to another facility that is willing to comply with the health care decisions of the student or the students' parent or guardian. Nothing in this policy shall be construed as a denial of rights under section 504 of the Rehabilitation Act of 1973 or the Individuals With Disabilities Education Act (IDEA).

Adopted: date of manual adoption

J-5150 ©
PHYSICAL EXAMINATIONS
OF STUDENTS

JLCA

Each student participating in high school and junior high school interscholastic athletics is required to submit to a physical examination when required by the New Mexico Activities Association or to submit evidence of being physically fit, as verified by competent medical personnel.

Adopted: date of manual adoption

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VISION SCREENING
OF STUDENTS**

JLCAA

A person trained to administer vision screening in accordance with the standards of the department of health shall administer a vision screening test to students in pre-kindergarten (Pre-K), kindergarten (K), first (1st) grade, third (3rd) grade and all new or transfer students in those grades unless a parent affirmatively prohibits the screening. Such affirmation shall be accepted in writing and kept as a part of the student's health record. If the parent affirmatively prohibits the vision screen verbally, the action shall be put in writing, witnessed and placed in the student's health record.

Should the vision screening of a student indicate the need for further evaluation, the parent of the student shall be notified of that need and be provided with information on the availability of funds from the Save Our Children's Sight Fund.

Adopted: date of manual adoption

LEGAL REF.: 22-13-30 NMSA
 24-1-31 NMSA

EXHIBIT**EXHIBIT****VISION SCREENING
OF STUDENTS****(Follow-up Notice to Parents)**

Dear Parent:

In a routine vision screening, using the standards established by the Department of Health, it was determined that _____ is in need of a comprehensive vision screening. If your child is not already covered by health insurance for a comprehensive eye examination, you may be eligible to apply to the Children's Sight Fund for the following expenses as a result of the screening:

- a comprehensive eye examination by an optometrist or ophthalmologist whose services are used to follow up the school vision screening;
- the cost of contact lenses or polycarbonate lenses and frames for eyeglasses; and
- replacement insurance for lost or broken lenses.

The School District will assist you in applying for these funds through the Department of Health.

Salutation,

Signature

J-5200 ©
IMMUNIZATIONS OF STUDENTS

JLCB

Subject to the exemptions as provided by law, no student shall be enrolled unless the student can present satisfactory evidence of commencement and completion of immunization in accordance with the immunization schedule and rules and regulations of the public health division, except that a homeless student shall not be prevented from attendance until the fifth (5th) calendar day after enrollment.

The student is exempt from immunization pursuant to Section 6.12.2.8 NMAC upon filing with the governing authority:

- 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;
- an exemption granted by the public health division on the basis of:
 - notarized affidavits or written affirmation from an officer of a recognized religious denomination that such student's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or
 - notarized affidavits or written affirmation from the student's parent or legal guardian that the student's religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

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

Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

The District will cooperate with health departments in programs of immunization. Parents' permission must be secured before a student may participate in such immunization projects.

Adopted: date of manual adoption

LEGAL REF.: 6.12.2.8 NMAC
6.12.2.9 NMAC
6.12.2.10 NMAC
6.12.2.11 NMAC
7.4.3.8 NMAC
7.4.3.13 NMAC

REGULATION**REGULATION****IMMUNIZATIONS OF STUDENTS**

Immunizations required as indicated below shall be administered in accordance with guidelines established by the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services (ACIP) and the American Academy of Pediatrics.

- Diphtheria.
- Tetanus.
- Pertussis.
- Poliomyelitis.
- Rubeola (measles).
- Mumps.
- Rubella (German measles).
- Hepatitis B (for 7th grade entry) (effective 09-01-2000 for facilities regulated by New Mexico Children, Youth and Families Department (CYFD) as described in 8.16.2 NMAC), effective 09-01-2002 for school entry.
- Haemophilus influenzae b (Hib) (only for facilities regulated by CYFD as described in 8.16.2 NMAC).
- Varicella (effective 09-1-2000 for facilities regulated by CYFD as described in 8.16.2 NMAC) (effective 09-01-2002 for school entry).
- Hepatitis A in areas/counties targeted by the Office of Epidemiology of the Department. Targeted areas/counties will include any area/county whose three (3) year running average rate of hepatitis A is at or above twenty (20) cases per one hundred thousand (100,000) people per year or which has been determined by the Office of Epidemiology of the Department to have an elevated risk of hepatitis A (effective 09-01-2002 for school entry and for facilities regulated by CYFD as described in 8.16.2 NMAC). Targeted areas/counties will be reassessed and redefined annually by the Office of Epidemiology of the Department.

For non-targeted areas/counties, routine vaccination of children two (2) years of age and older is recommended in conformance with the recommendations of the ACIP and the American Academy of Pediatrics.

A child shall be non-compliant with these regulations if the child is eligible to receive and has not received any of the remaining required immunization doses within the recommended intervals between doses published by the ACIP.

No child shall be enrolled in a school in New Mexico unless satisfactory evidence of immunization requirements has been provided.

The admitting official shall deem the student to be in compliance with the requirements of this regulation if:

- A statement, certificate or record signed by a duly licensed physician or other recognized licensed health facility stating that the required immunizations have been given to the person is provided; or
- An exemption from immunization is submitted in accordance with the procedures set forth in 6.12.2.9 NMAC.

Immunization records shall be kept current and available to the Public Health Division.

A completed Immunization Roster shall be filed annually with the Public Health Division. The Immunization Roster shall be filed on forms furnished by the Public Health Division.

All schools required to comply with these regulations shall notify the local Public Health Division District Health Officer if a child about to be enrolled or while enrolled has been held out of school for more than five (5) consecutive school days for noncompliance with these regulations.

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COMMUNICABLE / INFECTIOUS DISEASES

Any student with, or recovering from, a communicable disease will not be permitted in school until the period of contagion is passed or until a physician recommends a return.

Parents will be requested to provide a history of the communicable diseases for each student, and such records will be kept and maintained by the District.

A student suffering from a communicable disease shall be excluded from school to protect the student's own welfare and also to protect other students from illness. Early recognition of a communicable disease is of prime importance.

A principal or person in charge of a public school having knowledge of any person having or suspected of having a notifiable condition, shall immediately report the instance to the office of public health in accordance with New Mexico Administrative Code 7.4.3.8.

Pediculosis (Lice Infestation)

Students with pediculosis shall be excluded from school until treatment specific for pediculosis has been initiated and the student is symptom free.

Adopted: date of manual adoption

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**ACQUIRED IMMUNE DEFICIENCY SYNDROME
AND HUMAN IMMUNODEFICIENCY
VIRUS INFECTIONS**

Students ill with HIV virus or acquired immune deficiency syndrome (AIDS) have a right to receive a public education. The Board has a responsibility to assure that the school provides a safe environment for all of its students and employees.

The Board directs that:

- infected students receive a public education.
- information be provided for parents, faculty and staff members, and other concerned persons concerning the actual and potential dangers of transmission of the disease.
- decisions concerning the educational placement of infected students be determined upon the best medical knowledge available and on a case-by-case basis.
- restrictions be placed upon a student as required by state laws and regulations, and advice of a physician selected by the District.
- protection for the rights of privacy of each infected student be a primary consideration.

Decision(s) regarding the type of educational setting for the student who is infected with HIV virus shall be based upon the behavior, neurologic development, and physical and mental condition of the student. Recommendations will be made upon consultation with public health personnel, school officials, the student's physician and parents, and, at the discretion of the District, a physician selected by the District.

Adopted: date of manual adoption

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ADMINISTERING MEDICINES
TO STUDENTS**

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Under certain circumstances, when it is necessary for a student to take medicine during school hours, the District will cooperate with the family physician and the parents if the following requirements are met:

- There must be a written order from the physician stating the name of the medicine, the dosage, and the time it is to be given.
- There must be written permission from the parent to allow the school or the student to administer the medicine. Appropriate forms are available from the school office.
- The medicine must come to the school office in the prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.

The District reserves the right, in accordance with procedures established by the Superintendent, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population.

This policy and any related policies or amendments to such policies shall be forwarded to the District liability insurance carrier for review.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA
6.12.2.9 NMAC

CROSS REF.: EBC-RC - Emergencies (First Aid)

REGULATION**REGULATION****ADMINISTERING MEDICINES
TO STUDENTS****(Medication Procedures)****Prescription Drugs**

For occasions when it is necessary for a student to receive a prescription drug during the school day, the following procedure has been established to ensure the protection of the school and the student and to assure compliance with existing rules and regulations:

Administration by school personnel:

- The medication must be prescribed by a physician.
- The parent or guardian must provide written permission to administer the medicine to the student. Appropriate forms are available from the school office.
- The medication must come to the school office in the prescription container as put up by the pharmacist. Written directions from the physician or pharmacist must state the name of the patient, the name of the medicine, the dosage, the time it is to be given and in the case of asthma or anaphylaxis episodes, a written treatment plan for managing asthma or anaphylaxis episodes of the student to or from school or school-sponsored activities.
- An administrator may designate a school employee to administer the medication.
- Each administration of prescription drugs must be documented, making a record of the student having received the medication.
- Drugs must be kept in their original containers in a locked medicine cabinet.

Self-administration:

- When the physician feels it is necessary for the student to carry and self-administer the medication, the physician shall provide written recommendations, to be attached to the signed parent permission form.
- The parent or guardian must provide written permission for the student to self-administer and carry the medication. Appropriate forms are available from the school office.
- The child must demonstrate the ability to self administer to the medication provider and school nurse or other school personnel.
- The medication must come in the prescription container as put up by the pharmacist.

Asthma medication and emergency anaphylaxis self administration:

- When the physician feels it is necessary for the student to carry and self-administer either of these medications, the physician shall provide written recommendations, to be attached to the signed parent permission form, including a written treatment plan for managing asthma or anaphylaxis episodes; and
- Backup medication may be provided by the parent. Such medication must come in the prescription container as prepared by the pharmacist with a written permission to administer on an emergency basis from a parent and shall be kept in a locked area in the office.

Over-the-Counter Medication

When it is necessary for a student to receive a medicine that does not require a prescription order but is sold, offered, promoted, and advertised to the general public, the following procedure has been established to ensure the protection of the school and the student:

Administration by school personnel:

- Written permission must be provided by the parent or guardian for the administration of specific over-the-counter drugs.
- Any over-the-counter drug or medicine sent by the parent to be administered to a student must come to the school office in the original manufacturer's packaging with all directions, dosages, compound contents, and proportions clearly marked.
- An administrator may designate a school employee to administer a specific over-the-counter drug.

- Each instance of administration of an over-the-counter drug must be documented in the daily log.
- Over-the-counter drugs must be kept in their original containers in a locked medicine cabinet.

Self-administration:

- Written permission must be provided by the parent or guardian for the administration of specific over-the-counter drugs by the student.
- Over-the-counter drugs or medicine sent by the parent to be administered by the student must be kept by the student in the original manufacturer's packaging, with all directions, dosages, compound contents, and proportions clearly marked.
- *Necessity* for self-administration of an over-the-counter drug or medicine shall be determined by the student's physician and must be verified by a signed physician's statement attached to the parent or guardian permission form, indicating the specific drug or medicine.

Protection of Students

Use or administration of medication on school premises may be disallowed or strictly limited if it is determined by the Superintendent, in consultation with medical personnel, that a threat of abuse or misuse of the medicine may pose a risk of harm to a member of the student population.

The student shall take extraordinary precautions to keep secure any medication or drug, and under no circumstances shall make available, provide, or give the item to another person. The student shall immediately report the loss or theft of any medication brought onto school campus. Violation of this regulation may subject the student to disciplinary action.

EXHIBIT

EXHIBIT

**ADMINISTERING MEDICINE
TO STUDENTS**

(Request for Giving Medicine at School)

Name _____ Grade _____

Teacher _____ School _____

Medication _____

Diagnosis/reason for giving _____

Time to be given _____ a.m. Time to be given _____ p.m.

Dates from _____ to _____

Prescription medication must be in the original container as prepared by a pharmacist and labeled, including the patient name, name of medication, dosage, and time to be given. An over-the-counter medication must be in the original packaging, with all directions, dosages, compound contents, and proportions clearly marked. Student misuse of medication being self-administered may result in seizure and disciplinary action.

Parent's or Guardian's Signature

Date

A signed physician's statement indicating the necessity must accompany any request for self-administration of medicine, whether it is prescription or over-the-counter medicine.

J-5500 ©
GUIDANCE AND COUNSELING

JLD

The focus of the counseling and guidance program in the District is on the developmental needs of students.

Personnel involved in counseling will demonstrate respect for the dignity and worth of each individual, and encourage each student to develop individual responsibility and decision-making skills. Personnel involved in counseling coordinate the school guidance program and involve all staff members in designing and implementing plans to meet three (3) major goals:

- *Educational development.* Students may participate in planning their education.
- *Personal/social development.* Students will develop appropriate behaviors for a variety of social settings. Students will develop awareness of self and confidence in their own abilities in order to enhance their career options and development.
- *Career development.* Students will develop career options consistent with their interests, abilities, and values.

Adopted: date of manual adoption

**J-5550 ©
SCHOOL COUNSELORS AND
PSYCHOLOGISTS**

JLDA

Psychological services, including testing, are available to students through the public schools. Initial referrals for psychological evaluations may come from licensed staff members or parents, or from the student. Parental or eligible student authorization must be obtained.

A school psychologist shall administer preliminary tests to determine the need for psychological evaluations.

Referrals to outside agencies shall be made only with parental or eligible student authorization.

Adopted: date of manual adoption

REGULATION**REGULATION****SCHOOL COUNSELORS AND
PSYCHOLOGISTS****(Psychological Reports)**

Psychological reports or case study evaluations are confidential. Such information will be kept locked in the appropriate records location when not in use by authorized personnel.

Teachers may review a student's file under the cognizance of an administrator.

Psychological reports shall be maintained in the office of the department responsible for the preservation of records.

J-5600
SCREENING / TESTING OF STUDENTS

JLDAC

(Child Study Team/Student Assistance Team)

The Gadsden Independent School District utilizes an ongoing process of general screening for all entering students to assess readiness, academic achievement, physical and health status, and home language. Appropriate placement of students in programs will be based on results of this screening.

The District's Child Study Team process will match the student-identified needs with appropriate personnel and academic program placements. If the student develops a problem after general screening, the Child Study Team serves as an avenue for referral for classroom interventions or to alternative programs.

Participants

The General Screening Committee consists of a school administrator, counselor, nurse, teachers, and other school staff as needed. The Child Study Team consists of a school administrator, counselor, one (1) or more teachers working with the student and other school staff as needed.

Process

General screening on each campus is routinely conducted for assessment of health and physical status, learning readiness, home language, and academic achievement. All new students coming into the school throughout the school year, as well as students currently enrolled, are included in the general screening process. The Child Study Team process is initiated by a student referral from any concerned individual.

Timeline

General screening is an ongoing process conducted at the time of admission into the District, and throughout the school years.

Adopted: date of manual adoption

J-6250 ©
REPORTING CHILD ABUSE /
CHILD PROTECTION

JLF

All licensed school employees shall be required to complete training in the detection and reporting of child abuse and neglect and substance abuse. This requirement shall be completed within the licensed school employee's first year of employment by a school district.

Every person, including a schoolteacher or a school official who has information that is not privileged as a matter of law, who *knows or has a reasonable suspicion* that a child is an abused or a neglected child shall report the matter immediately to:

- New Mexico Child Abuse Hotline (1-800-797-3260);
- a local law enforcement agency;
- the department office in the county where the child resides; or
- a tribal law enforcement or social services agency for any Indian child residing in Indian country.

The report shall contain the following information:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
- The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.
- Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

The school administrator should be informed, and the "Agency Referral Form and Procedure" should be used in order to have documentation and follow up.

A school administrator and/or their designee may permit a member of a law enforcement agency or an employee of the Human Services Department to

interview the child with respect to a report without the permission of the child's parent, guardian or custodian.

A person who fails to report abuse as provided in 32A-4-3 NMSA 1978 is guilty of a misdemeanor. A person failing, neglecting or refusing to report a suspected case of child abuse, neglect or starving as provided in 9 N.N.C. 1123 is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Adopted: date of manual adoption

LEGAL REF.: 22-10A-32 NMSA (1978)
22-5-4.2 NMSA (1978)
32A-4-2 NMSA (1978)
32A-4-3 NMSA (1978)

CROSS REF.: GBEB - Staff Conduct
GBEBB - Staff Conduct With Students
JKA - Corporal Punishment

EXHIBIT **EXHIBIT**

**REPORTING CHILD ABUSE /
CHILD PROTECTION**

(Suspected Abuse/Neglect)

To: **Law enforcement agency** -New Mexico Child Abuse Hotline (1-800-797-3260)

Student's name _____ Birth date _____ Sex ____

Address _____

Names of parents/guardians _____

School _____ Grade ____ Teacher _____

Description of injury (use reverse side of form if necessary)

Referral source: Name _____

Address _____ Position _____

Symbols:

- A = Abrasion
- Bl = Blister
- Bu = Burn
- Br = Bruise
- La = Laceration
- Le = Lesions
- S = Scar
- R = Rash

Severity:

- (1) = Mild
- (2) = Moderate
- (3) = Severe

V = Vermin
O = Other (describe)

Signature and Title of Person Making the Report

Date

To whom reported _____

Date of oral report _____

Copy filed in school nurse's office

J-6400 ©
STUDENT SAFETY

JLI

Teachers will be responsible for their classes at all times. At no time are students to be left unsupervised. Students are not to be sent on errands from the school premises.

Teachers have the authority to prohibit the use of and/or to confiscate any article that is a hazard to a student or that may damage school property. In the case of an emergency, the teacher will seek help from the principal.

In addition, school buildings, playgrounds, and equipment will be regularly inspected for health, fire, and safety hazards.

Adopted: date of manual adoption

J-6450 ©
SUPERVISION OF STUDENTS

JLIA

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school and the school is responsible for them.

Supervision shall include being within the physical presence and, whenever possible, within a line of vision of the students so that school personnel will have a reasonable opportunity to control the behavior of and assist the students if necessary. Teachers shall exercise supervision as appropriate from the commencement of the school day, before classes begin, during class sessions, between classes, and at any other time when performing teaching or related duties on behalf of the school. The performance of non-instructional duties by licensed or unlicensed personnel is necessary during the educational process; however, assignment of such duties shall be limited and assigned on an equitable, rotating basis during the duty day. Teachers shall not be required to perform the following noninstructional duties; noon hall duty, noon ground duty and noon cafeteria duty.

If it should be necessary in an emergency situation for a teacher to leave the physical presence of the students, then the teacher shall make a reasonable effort to obtain a school employee to supervise the students during the teacher's absence. In no case shall the teacher leave students unsupervised if there is a reasonable possibility that harm to students or property will result from the students being left unattended.

School administrators, teachers, and other staff members will ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-20 NMSA (1978)

J-6500

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JLIB

STUDENT DISMISSAL PRECAUTIONS

No student will be removed from the school grounds, from any school building, or from any school function during school hours except by a person authorized to do so by the student's parent or by a person who has legal custody of the student, except as provided in law. Before a student is removed, the person seeking to remove the student must present, to the satisfaction of the Superintendent, evidence of proper authority to remove the student. If any police or court official requests the dismissal of a student during school hours, parents should be notified as soon as possible.

Adopted: date of manual adoption

CROSS REF.: JIH - Student Interrogations, Searches, and Arrests

REGULATION**REGULATION****STUDENT DISMISSAL PRECAUTIONS****(Student Release Requirements)**

Release of students during the school day shall be permitted only under the following conditions:

- Written parental permission has been given and approved by the principal.
- The school principal has given express permission.
- The student has completed the day's schedule.
- The student is reporting to an off-campus location for a class-related activity or duty.

Nothing in this regulation shall be construed as a denial of rights under Section 504 of the Rehabilitation Act of 1973 or the Individuals With Disabilities Education Act (IDEA).

At the time of school admission, the principal must complete the student's permanent record form, which will identify the student's legal name and the name, address, and telephone number of the student's lawful custodian(s).

Before releasing a student during the school day, the principal shall be responsible for the verification of the identity of any lawful custodian or any representative seeking release of a student.

If a lawful custodian, as indicated on the student's permanent record, is not recognized by sight, the principal shall require satisfactory identification before such release. If there is a doubt, release may not be granted.

In the case of a written or verbal authorization by a lawful custodian of record, the principal shall require satisfactory verification of the message as being from the lawful custodian of record. If there is a doubt, release may not be granted.

If an unauthorized person refuses to honor the decision of the principal, the principal shall call the local law enforcement authority.

If, in the granting of a release of a student, a change in the record of the student's lawful custodian(s) becomes apparent and is verified to the satisfaction of the principal, such change shall immediately be entered on the student's permanent record.

If any police or court official requests the release of a student during school hours, parents should be notified as soon as possible.

**J-6650 ©
STUDENT AUTOMOBILE USE
AND PARKING**

JLIE

The Superintendent shall establish procedures for registration, parking, and use of motorized vehicles and for searches for and seizures of illegal material contained therein. In the establishment of such procedures the Superintendent will be guided by the following:

- Students will not bring any motorized vehicles on any campus in the District other than the high school campus.
- All students will register their vehicles.
- Registration stickers must be displayed on all student vehicles.

Adopted: date of manual adoption

LEGAL REF.: 6.11.2.9 NMAC

REGULATION**REGULATION****STUDENT AUTOMOBILE USE
AND PARKING****Registration**

Students will register their vehicles if they intend to drive to school. The registration will require that the owner of the vehicle sign the forms and acknowledgments. Registration stickers will be affixed to the vehicles in a manner specified by the school administration. Students who fail to register their vehicles or who fail to follow school policy and procedures related to use of vehicles may be subject to discipline.

Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reason to believe that illegal or unauthorized materials may be contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

EXHIBIT **EXHIBIT**

**STUDENT AUTOMOBILE USE
AND PARKING**

**ACKNOWLEDGMENT CONCERNING USE OF
STUDENT PARKING LOTS**

I acknowledge and understand that:

- Students are permitted to park on school premises as a matter of privilege, not of right.
- The District retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property.
- The District may inspect the interiors of student automobiles whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside the automobiles.
- Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.
- A student who fails to provide access to the interior of the car upon request by a school official will be subject to school disciplinary action.

Signature of the Student

Date

Signature of the Parent/Guardian

Date

Signature of the Vehicle Owner

Date

Vehicle license number: _____

J-6750

©

JN

**STUDENT VOLUNTEERS FOR
SCHOOL AND COMMUNITY SERVICE**

The Board encourages the utilization of student volunteers in the educational program (e.g., student librarians, student office helpers, etc.) and in useful community services. However, student volunteers must be capable of carrying out the additional load without endangering their academic achievement. Therefore, all student volunteers shall be expected to maintain their grades, attend all classes, and recognize that the activity to which they are volunteering their services is secondary to their primary goal of getting an education.

Teachers and members of the community are encouraged to check with a student's teacher and the principal before a student is sought for volunteer help, to make sure that the additional responsibility can be undertaken without endangering the student's academic achievement.

Adopted: date of manual adoption

J-6900

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JP

STUDENT DONATIONS AND GIFTS

Students shall be discouraged from collecting money, setting aside funds, or purchasing gifts for the school or for faculty members.

Gifts from groups of students to other student(s) shall be limited to small expressions of condolence, remembrance, or appreciation. Guidelines for such remembrances shall be established by the Superintendent.

Solicitations by or of students are to be governed by the following policies:

- Students shall not be solicited to purchase books or other merchandise, except for materials approved by the District for use in the classroom.
- Solicitations by students shall be limited to small contributions, i.e., expressions of condolence, remembrance, or appreciation. Guidelines for such solicitations shall be established by the Superintendent.
- No other solicitations shall be made by or of students during school hours or on school premises.

Adopted: date of manual adoption

**^ & ^J-7050 ©
STUDENT RECORDS**

JR

Required student records (regular and special education) will be prepared in a manner consistent with the federal and state laws

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), and the No Child Left Behind Act of 2001 (NCLB) in the establishment, maintenance, correction, and disposition of student records.

The Board directs the Superintendent to establish procedures for such compliance, including informing parents, students, and the public of the contents. The Superintendent will implement procedures as required by law and will establish procedures for dealing with violations.

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Telephone number: (202) 260-3887

In adopting this policy it is the intent of the Board that the policy and related procedures be implemented immediately. Copies of the policy and procedures will be available for parent and eligible student review in the office of each school and in the Superintendent's office.

Confidentiality

The right to inspect and review education records and the release of or access to such records, other information, or instructional materials will be consistent with federal law in the Family Educational Rights and Privacy

Act, Title 20, United States Code, sections 1232g and 1232h, the USA PATRIOT ACT, NCLB, and with federal regulations issued pursuant to such act.

Annual Notification

Within the first three (3) weeks of each school year, the District will publish in a District communication a notice to parents and eligible students of their rights under the FERPA and this procedure. This notice will also be provided to each parent of new students enrolling after school begins [34 C.F.R. 99.7]. The District will arrange to provide translation of the notice to non-English-speaking parents in their native language or mode of communication [34 C.F.R. 300.9]. The notice shall inform the parents of:

- The right of the parent or an eligible student to inspect and review the student's education records.
- The intent of the District to limit the disclosure of personally identifiable information contained in a student's education records, including disciplinary records, except by the prior written consent of the parent or eligible student or under certain limited circumstances as permitted by the FERPA, the USA PATRIOT Act or the NCLB Act.
- The right of the parent or eligible student to seek to correct parts of the school education records that the student or the parent believes to be inaccurate, misleading, or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent's or eligible student's request.
- The right of the parent or eligible student to file a complaint with the U.S. Department of Education if they believe the District has violated the FERPA.

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this procedure [34 C.F.R. 99.7 and 300.613]. The notice shall also include:

- The procedure for exercising the right to inspect and review education records.
- The procedure for requesting amendments of education records that the parent or eligible student believe to be inaccurate, misleading or otherwise a violation of the student's privacy rights.

- The conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

Adopted: date of manual adoption

LEGAL REF.: 10 U.S.C. 503
20 U.S.C. 1232
20 U.S.C. 1400 *et seq.*
20 U.S.C. 7908
34 C.F.R. 300

CROSS REF.: IHB - Special Instructional Programs
JF - Student Admissions
JFAB - Admission of Nonresident Students
JRCA - Request for Transfer of Records

REGULATION**REGULATION****STUDENT RECORDS**

This procedure is designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities in Education Act (IDEA). All personnel in the District are expected to fulfill the requirements of policy and the following procedures in order to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages [34 C.F.R. 300.612].

The Superintendent has the responsibility for ensuring the confidentiality of any personally identifiable information [34 C.F.R. 300.612].

All rights and protections given parents under the FERPA and this procedure transfer to the student upon reaching age eighteen (18) except where the student continues as a dependent under specified circumstances, or enrolling in a postsecondary school. The student then becomes an "eligible student" [34 C.F.R. 99.5 and 300.625].

Definitions

For the purpose of the procedure, the District has used the following definitions of terms:

- *Student* - Any person who attends or has attended a program of instruction sponsored by the District and for whom the District maintains education records.
- *Eligible student* - A student who has reached age eighteen (18) or is attending a postsecondary school.
- *Parent* - Either the natural parent of a student, unless the parent's rights under the FERPA have been removed by a court order, statute, or other legal document, or a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. The District may presume that the parent has the authority to inspect and review education records relating to his or her child unless the District has been advised that the parent does not have authority under applicable law.

- *Education records* - Any information directly related to a student recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm or microfiche, that is maintained by the District, an employee of the District, or any agent of the District except:
 - Personal records kept by an employee of the District that meets the following tests:
 - ▲ It is used only as a personal memory aid.
 - ▲ It is kept in the personal possession of the individual who made it.
 - ▲ It is not accessible and has never been revealed to any other person except the employee's temporary substitute.
 - Medical treatment records maintained for "eligible students."
 - Records collected and maintained by a law enforcement unit of the school.
 - Records containing only information about a person after that individual is no longer a student in the District.
 - An employment record that is used only in relation to a student's employment by the District. (*Employment* for this purpose does not include activities for which a student receives a grade or credit in a course.)
 - Related alumni records after the student no longer attends classes provided by the District, and the records do not relate to the person as a student.
- *Personally identifiable information* - Any data or information that makes the subject of a record known. This includes the student's name, the name(s) of the student's parent(s) or other family member(s), the student's address, the student's Social Security number, a student number, a list of personal characteristics, or other information that would make the student's identity easily traceable.
- *Signed and dated written consent* - May include a record and signature in electronic form that:
 - Identifies and authenticates a particular person as the source of the electronic consent.
 - Indicates such person's approval of the information contained in the electronic consent.

Locations of Education Records

A list of types and locations of education records collected, maintained, or used will be provided to the parents on request [34 C.F.R. 300.616]. See Exhibit JR-EA.

Procedure to Inspect Education Records

Parents of a student, the designated representative of the parents, and an eligible student may inspect and review the student's education records that are collected, maintained, or used by the District [34 C.F.R. 300.501]. In some circumstances it may be mutually more convenient for the record custodian to provide copies of records. Charges for the copies of records will be costs of copying unless the fee would effectively prevent the parent from exercising rights to inspect and review those records [34 C.F.R. 300.613 and 300.617].

Since a student's records may be maintained in several locations, the school principal will offer to collect copies of records or the records themselves from locations other than a student's school so they may be inspected at one (1) site. However, if parents and eligible students wish to inspect records where they are maintained, the school's principal will make every effort to accommodate their wishes.

Parents, the designated representative of the parents, or the eligible student should submit to the student's school principal a signed and dated written request that identifies as precisely as possible the record or records wanted for inspection. The District will respond to any request without unnecessary delay before any meeting regarding any individual education program or hearing relating to the identification, evaluation, placement of a student, or the provision of a free appropriate public education, and in no case more than forty-five (45) days after the request has been made [34 C.F.R. 300.613 and 99.10]. See Exhibit JR-ED.

The principal, or other education records custodian, will contact the parent of the student or the eligible student to discuss how access will be best arranged (e.g., copies, at the exact location, or records brought to a single site).

Parents have the right, upon reasonable request, for explanations and interpretations of the information contained in the records and a right to request copies of the records containing the information, if not in violation of stated policy of FERPA. Parents have the right to have a representative of the parent to inspect and review the records [34 C.F.R. 300.613 and 99.10].

The principal, or other education records custodian, will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in forty-five (45) days or less after receipt of the request for access [34 C.F.R. 300.613].

If for any valid reason, such as working hours, distance between record location sites, or health, the parent or eligible student cannot personally inspect and review a student's education records, the District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records [34 C.F.R. 300.613 and 99.10].

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students [34 C.F.R. 300.615, 99.5 and 99.12].

Fees for Copies of Records

All records subject to disclosure under this procedure shall be available for inspection free of charge. If copies are desired, they shall be furnished by the District to the parent or eligible student on request and free of charge. Additional copies may be sent to other schools or agencies without charge. However, the District reserves the right to charge up to thirty-five cents (35¢) per page for multiple or excessive requests. Copies of available records shall be produced as promptly as possible upon receipt of the request. No fee will be charged for search and retrieval of records [34 C.F.R. 300.617 and 99.11].

The District will provide copies of records:

- When the refusal to provide copies effectively denies access to the records by the parent or eligible student [34 C.F.R. 300.617].
- At the request of the parent or eligible student, when the District has provided the records to third parties by the prior consent of the parent or eligible student.
- At the request of the parent or eligible student when the District has forwarded the records to another school where the student seeks or intends to enroll.

Directory Information

The District designates the following personally identifiable information contained in a student's education records as "directory information" and may disclose that information without prior written consent [1232g(a)(5)(A)]:

- The student's name.
- The student's address.
- The student's telephone listing.
- The student's date and place of birth.
- The student's electronic mail address.
- The student's photograph.
- The student's grade level.
- The student's major field of study.
- The student's dates of attendance.
- The student's enrollment status (e.g., part time or full time).
- The student's participation in officially recognized activities and sports.
- The student's weight and height if a member of an athletic team.
- The student's honors and awards received.
- The student's most recently attended educational agency or institution.

Within the first three (3) weeks of each school year the District will publish in a District communication or send home with each student the above list, or a revised list, of the items of directory information designated as directory information. For a student who enrolls after the notice is published, the list will be given to the parent or eligible student at the time and place of enrollment. See Exhibit JR-EB.

After the parents or eligible student have been notified, they will have two (2) weeks to advise the District in writing (a letter to the Superintendent's office) of any or all of the items they refuse to permit the District to designate as directory information about that student.

According to state and federal law if the Board permits the release of directory information relating to students to persons or organizations who inform students of educational or occupational opportunities, then the Board shall provide access to directory information on the same basis to military official recruiting representatives for the purpose of informing students of

educational and occupational opportunities available to them, unless the parent or eligible student requests in writing to the District (a letter to the Superintendent's office within two [2] weeks after notification) not to release directory information to any person or organization without prior signed and dated written consent. If the parent or eligible student refuses to allow the release of directory information without prior signed and dated written consent, then the District will not provide military recruiters, upon request, directory information containing the student's name, addresses and telephone listings.

At the end of the two-week period, if the parent or eligible student has not returned the form indicating refusal to allow the release of directory information, the District will assume it has their permission to release the above-mentioned information. This designation will remain in effect until it is modified by the prior signed and dated written direction of the parent or eligible student. The student's records will be appropriately marked by the records custodian to ensure compliance with the parents' or eligible student's request.

Use of Student Education Records

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The District will use the following criteria to determine who are school officials [34 C.F.R. 99.31]:

- A person duly elected to the Board (under limited circumstances).
- A person licensed by the state and appointed by the Board to an administrative or supervisory position.
- A person licensed by the state and under contract to the Board as an instructor.
- A person employed by the Board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of such performance as a substitute.
- A person employed by or under contract to the Board to perform a special task, such as a secretary, a clerk, the Board attorney, or auditor, for the period of such performance as an employee or contractor.

School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so [34 C.F.R. 99.32]. A "legitimate educational interest" is the person's need to know in order to:

- Perform an administrative task required in the school employee's position description approved by the Board.

- Perform a supervisory or instructional task directly related to the student's education.
- Perform a service or benefit for the student or the student's family, such as health care, counseling, student job placement, or student financial aid.

Records of students placed in special educational programs will be under the direct supervision of the program administration. All persons collecting or using personally identifiable information in records of students determined to be a student with a disability will receive training or instruction regarding New Mexico's policies and procedures for the protection of these records at the collection, storage, disclosure, and destruction stages in accordance with FERPA and IDEA [34 C.F.R. 300.623].

The District will maintain for public inspection a current listing of the names and positions of employees who have access to personally identifiable information maintained on students placed in special education [34 C.F.R. 300.623]. When the information maintained in these records is no longer needed to provide educational services to the student, the District will notify the parents of their right to have the personally identifiable information destroyed [34 C.F.R. 300.624]. However a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed will be maintained [34 C.F.R. 300.624]. Destruction of records will be accomplished in accordance with the requirements of New Mexico law and regulations of the New Mexico Commission of Public Records. [34 C.F.R. 300.623]

The District will release information from or permit access to a student's education records only with a parent's or eligible student's prior signed and dated written consent, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure [34 C.F.R. 99.30, 99.31, 99.34, and 99.37]:

- When a student seeks or intends to enroll in another school district or a postsecondary school, the District will not further notify parents or eligible students prior to such a transfer of records. Parents and student have a right to obtain copies of records transferred under this provision. See Exhibit JR-EC.
- When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District.
- To parties who provide or may provide financial aid to a student to:
 - Establish the student's eligibility for the aid.

- Determine the amount of financial aid.
 - Establish the conditions for the receipt of the financial aid.
 - Enforce the agreement between the provider and the receiver of financial aid.
- If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials.
 - If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials of the juvenile justice system and the officials certify in writing that the information will not be disclosed to any other party, except as provided under state law, without prior signed and dated written consent of the parent or the eligible student.
 - When the District has entered into a written agreement or contract for an organization to conduct studies on the District's behalf to develop tests, administer student aid, or improve instruction.
 - To accrediting organizations to carry out their accrediting functions.
 - To parents of an eligible student if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954.
 - To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction.
 - To comply with an *ex parte* order from a court of competent jurisdiction requiring the District to permit the U.S. Attorney General or U.S. Attorney General's designee to collect education records in the possession of the District that are relevant to an authorized investigation or prosecution of an offense listed in 18 U.S.C. 2332b(g)(5)(B) for an act of domestic or international terrorism as defined in 18 U.S.C. 2331. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to the adverse party. A disclosure pursuant to an *ex parte* order will not be recorded as a disclosure of information from a student's education records by the District.

- If the District initiates legal action against a parent or student, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action.
- If a parent or eligible student initiates legal action against the District, the District may, without a court order or subpoena, disclose the student's education records that are relevant for the District to defend itself.
- To comply with the request of authorized law enforcement officials conducting an investigation of acts of terrorism.
- The disclosure is in connection with a health or safety emergency. Time is an important and limiting factor in determining whether the disclosure is in connection with a health or safety emergency. The District will permit any school official to make the needed disclosure from student education records in a health or safety emergency if:
 - The official deems the disclosure is warranted by the seriousness of the threat to the health or safety of the student or other persons.
 - The information is necessary and needed to address the emergency.
 - The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.
- The District may release student attendance, disciplinary, and other education records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement between the District, the law enforcement agency, the county attorney, and other state, local, or tribal government agencies to create a local or tribal juvenile justice network for the purpose of:
 - providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.
 - providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
 - increasing the safety and security of the community and its children by reducing juvenile crime.

- Education records provided pursuant to an intergovernmental agreement entered into in accord with the above provisions shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

A District school official may release information from a student's education records, other than directory information, to a third party if the parent or the eligible student gives prior signed and dated written consent for the disclosure and the third party agrees that the information will not be disclosed to any other party without the prior consent of the parent or eligible student. The signed and dated written consent must include at least:

- A specification of the records to be released.
- The reasons for the disclosure.
- The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
- The signature of the parent or eligible student.
- The date of the consent and, if appropriate, a date when the consent is to be terminated.

The parent or the eligible student may obtain a copy of any records disclosed under this provision, unless otherwise provided.

Records of Requests for Access and Disclosures Made from Education Records

The District will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records, and of information it discloses and access it permits, with some exceptions as listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs [34 C.F.R. 99.32]. See Exhibit JR-EE

The record will include at least:

- The name of the person, organization or agency that made the request.
- The interest the person, organization or agency had in the information.
- The date the person, organization or agency made the request.

- Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education records. The record will not include requests for access or access granted to:

- the parent or eligible student,
- authorized law enforcement officials conducting an investigation of acts of terrorism,
- school officials who have a legitimate educational interest in the student,
- requests for or disclosures of information contained in the student's education records if the request is accompanied by or authorized by the prior signed and dated written consent of the parent or eligible student, or
- for requests for or disclosures of directory information designated for that student.

Procedures to Seek to Correct Education Records

[34 C.F.R. 99.20 and 99.21]

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights [34 C.F.R. 300.618 and 99.20]. (Note: Under the FERPA, the District may decline to consider a request to change the grade a teacher assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term *incorrect* will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term *correct* will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term *requester* will be used to describe the parent of a student or the eligible student who is asking the District to correct a record.

To establish an orderly process to review and correct education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure [34 C.F.R. 300.618 and 99.20].

First-level decision. A parent of a student or an eligible student who finds an item in the student's education records that appears to be inaccurate,

misleading, or in violation of student rights should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:

- Provide the requester a copy of the questioned record at no cost.
- Ask the requester to initiate a written request for the change.
- Follow the procedure for a second-level decision.

Second-level decision. The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item thought to be incorrect and state whether the requester believes the item:

- Is inaccurate and why,
- Is misleading and why, or
- Violates student rights and why.

The request will be dated and signed by the requester.

Within two (2) weeks after receiving a written request, the record custodian will study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, a decision is reached that the record should be corrected, the record custodian will affect the change and notify the requester, in writing, of that action. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the record is in order and the correction is satisfactory.

If a decision is reached that the record is correct, the custodian will make a written summary of any discussions with other officials and of the findings in the matter. This summary and a copy of the written request will be transmitted to the Superintendent.

Third-level decision. The Superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the Board (in executive session unless otherwise requested by parent[s]). The Superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two (2) weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, the record custodian will be advised to make the changes. The record custodian will advise the requester of the change.

If the Superintendent decides the record is correct, a letter to the requester will be prepared that will include [34 C.F.R. 300.619 and 99.20]:

- The District's decision that the record is correct and the basis for the decision.
- A notice to the requester explaining the requester's right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing.
- Instructions for the requester to contact the Superintendent to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. (The District will not be bound by the requester's positions on these items but will, as far as possible, arrange the hearing as the requester wishes.)
- Advice that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.

Fourth-level decision. After the requester has submitted (orally or in writing) any wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within one (1) week, notify the requester when and where the District will hold the hearing and whom it has designated as the hearing officer [34 C.F.R. 300.621, 99.21, 99.22, and 99.34].

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records is incorrect as shown in the requester's written request for a change in the record (second level).

Within one (1) week after the hearing, the hearing officer will submit to the Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the record should be changed or should remain unchanged.

The Superintendent will prepare the District's decision within two (2) weeks after the hearing. That decision will be based on the summary of the evidence presented at the hearing and on the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if the hearing officer's recommendation is deemed inconsistent with the evidence presented. As a result of the District's decision, the Superintendent will take one (1) of the following actions:

- If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second-level decision [34 C.F.R. 300.620 and 99.21].
- If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include [34 C.F.R. 300.620 and 99.21]:
 - The District's decision that the record is correct and will not be changed.
 - A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision.
 - Advice to the requester that an explanatory statement may be placed in the student's education records stating the reasons for disagreement with the District's decision and/or the reasons for believing the record to be incorrect.

Final administrative step in the procedure. When the District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed the explanatory statement will also be disclosed [34 C.F.R. 300.620 and 99.21].

**Annual Notification to Parents Regarding
Confidentiality of Student Education
Records [34 C.F.R. 300.612]**

Dear Parent:

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. The Board has established written policies regarding the collection, storage, retrieval, release, use, and transfer of student educational information collected and maintained pertinent to the education of all students to ensure the confidentiality of the information and to guarantee parents' and students' rights to privacy. These policies and procedures are in compliance with:

The Family Education Rights and Privacy Act; Title 20, United States Code, Sections 1232g and 1232h; and the Federal Regulations (34 C.F.R., Part 99) issued pursuant to such act;

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT);

No Child Left Behind Act of 2001 (NCLB); and

The Individuals with Disabilities in Education Act; 20 U.S.C. Chapter 33; and the Federal Regulations (34 C.F.R. Part 300).

Student education records are collected and maintained to help in the instruction, guidance, and educational progress of the student, to provide information to parents and staff members, to provide a basis for the evaluation and improvement of school programs, and for legitimate educational research. The students' records maintained by the District may include - but are not necessarily limited to, identifying data, report cards and transcripts of academic work completed, standardized achievement test scores, attendance data, reports of psychological testing, health data, teacher or counselor observations, and verified reports of serious or recurrent behavior patterns.

These records are maintained in the office of the District under the supervision of the school administrator and are available only to the teachers and staff members working with the student. Upon request, the School discloses education records, including disciplinary records without consent to officials of another school district in which a student seeks or intends to enroll. Otherwise, records are not released to most agencies, persons or

organizations without prior signed and dated written consent of the parent [34 C.F.R. 99.7]. The signed and dated written consent may be in electronic form under certain conditions [34 C.F.R.99.30].

You shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be maintained for two (2) years after the date your child was last enrolled in this school district.

You have the right to inspect and review any and all records related to your child within forty-five (45) days of the day of receiving a request for access, including a listing of persons or organizations who have reviewed or have received copies of the information [34 C.F.R. 99.7]. Parents who wish to review their children's records should contact the principal for an appointment or submit to the principal a written request that identifies the record(s) you wish to inspect. School personnel will make arrangements for access and notify you of the time and place where the records may be inspected. School personnel will be available to explain the contents of the records to you. Copies of student education records will be made available to parents when it is not practicable for you to inspect and review the records at the school. Charges for the copies of records will be costs of copying unless the fee prevents the parent from exercising rights to inspect and review those records.

You have the right to request that an amendment be made to the student's education records and to add comments of your own if you believe information in the record file is inaccurate or misleading [34 C.F.R. 99.7(a)(1)]. You should write the principal, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by you, the School will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.

You have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official

committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Copies of the District student education records confidentiality policies and procedures may be reviewed in the assigned office in each school [34 C.F.R. 99.7]. You have the right to file a complaint with the Family Educational Rights and Privacy Act Office in Washington, D.C., concerning alleged failures by the School to comply with the requirements of FERPA [34 C.F.R. 99.7]. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605**

J-7081

©

JR-EA

EXHIBIT

EXHIBIT

STUDENT RECORDS

(Locations of Education Records)

Types	Location	Custodian
Cumulative school records	School site	Principal
Cumulative school records (former students)	District Warehouse	Records clerk
Health records	School site	Principal
Speech therapy records	Special Education office	Special education director
Psychological records	Special Education office	Special education director
Special test records	Special Education office	Special education director

School transportation records	Transportation	Principal/transportation director
Occasional records: education records not identified above, such as those in the Superintendent's office, in the school attorney's office, or in the personal possession of teachers (examples: discipline records, Honor awards)	The principal will collect and make available at the student's school	

EXHIBIT

EXHIBIT

STUDENT RECORDS

DESIGNATION OF DIRECTORY INFORMATION

During the school year, District staff members may compile nonconfidential student directory information specified below.

According to state and federal law the below-designated directory information may be publicly released to educational, occupational or military recruiting representatives without your permission. If the Board permits the release of the below-designated directory information to persons or organizations who inform students of educational or occupational opportunities, by law the District is required to provide the same access on the same basis to official military recruiting representatives for the purpose of informing students of educational and occupational opportunities available to them, unless you request in writing that the school not to release the student's information without your prior signed and dated written consent. *If you do not object to the release of any and all of the below-designated information in writing, then the District must provide military recruiters, upon request, directory information containing the student's names, addresses and telephone listings.*

If you *do not* want any or all of the below-designated information about your son/daughter to be released to any person or organization without your prior signed and dated written consent, you must notify the District in writing by checking off any or all of the rejected information, signing the form at the bottom of this page, and returning it to the Principal, within two (2) weeks of receiving this form. If the School District does not receive this notification from you within the prescribed time, *it will be assumed that your permission is given* to release your son's/daughter's designated directory information.

TO: Principal

I *do not* want **any or all** the information I have below concerning (student's name) _____ designated as directory information and released to any person or organization without my prior signed and dated written consent:

- | | |
|---|--|
| <input type="checkbox"/> Name | <input type="checkbox"/> Address |
| <input type="checkbox"/> Telephone listing | <input type="checkbox"/> Electronic mail address |
| <input type="checkbox"/> Date and place of birth | <input type="checkbox"/> Photograph |
| <input type="checkbox"/> Dates of attendance | <input type="checkbox"/> Grade level |
| <input type="checkbox"/> Honors and awards received | <input type="checkbox"/> Major field of study |
| <input type="checkbox"/> Enrollment status (e.g., part time or full time) | |
| <input type="checkbox"/> Participation in officially recognized activities and sports | |
| <input type="checkbox"/> Weight and height of members of athletic teams | |
| <input type="checkbox"/> Most recent educational agency or institution attended | |

(Parent/guardian signature)

(Date)

EXHIBIT**EXHIBIT****STUDENT RECORDS****(Notification to New School of Attendance
of Records Available at Previous
School of Attendance)**

Dear Principal,

_____ has been attending District school(s) at _____, New Mexico. Records available at our school contain information that should be helpful to your staff in developing an educational program. Our student education records policy permits forwarding copies of records to schools in which the student intends to enroll upon a formal request to receive them.

To expedite the transfer of the information, please review the enclosed Request for Student Education Records and check the records for which you are requesting a copy.

Return this form and the enclosed Request for Student Education Records to:

(Records Custodian)

(School District Name)

(Date)

(Address)

Enclosed: Request for Student Education Records

EXHIBIT

EXHIBIT

STUDENT RECORDS

(Request for Student Education Records)

Copy to student file

	_____	_____
	Name of Agency	Address
<i>Requester</i>	_____	_____
	Name of Authorized Person	Phone

<i>Requested from</i>	_____	_____
	Name of Agency	Address

	_____	_____
	Student Name	Address
<i>Student</i>	_____	_____
	Parent Name	Address
	_____	_____
	Previous School	Address
		Dates Attended

<i>Purpose for request</i>	<input type="checkbox"/> No information available about previous school program	<input type="checkbox"/> Need information to help prepare an educational program for the student
	<input type="checkbox"/> Need assistance in understanding complex behavior and needs	<input type="checkbox"/> Need verification that the student has a disability

Need evaluation information for immediate special education placement

Other: _____

Type of information requested

Permanent record data:

Basic identifying data, attendance data, and academic data

General cumulative data:

General administrative data and results of group tests

Health data:

General medical data and reports

Specialized student data:

Individualized evaluation records and specialized reports (including reports from outside agencies)

Special education placement records:

All records of placement if special education

Suspension and/or expulsion records:

All records of suspension and/or expulsion

Assurance statement and signatures

In making this request, the undersigned agrees that the information received will be used only by the professional school staff members who are assigned to work with the student in the educational program and will not be released to any other party without the prior written consent of the parent.

Signature

Date Requested

Authorized

Parental consent

I, _____, as the parent of _____, consent to the
(Parent Name) (Student's Name)
release of records listed above to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if I so request.

(Signature of Parent)

(Date)

EXHIBIT

EXHIBIT

STUDENT RECORDS

RECORD OF ACCESS

(To be Placed Inside the Student's Record File.)

Requester (Name or Agency)	Date of Request	Date Request Filled	Records Requested	Method of Access (C- copy, E- examine, V- Verbal)	Educational Interest or Purpose	Date Parents Notified

EXHIBIT

EXHIBIT

STUDENT RECORDS

DESTRUCTION OF INFORMATION

Date _____

Dear _____ (parent or guardian),

This is to advise you that District schools may destroy special education data and other information on a student who has been in a special education program whenever the student has been withdrawn, transferred, or graduated from the District for at least five (5) years or when the information is no longer needed to provide education services to

(Student's
name)

However, information contained in these records may be needed for other purposes, such as documentation for eligibility for Social Security benefits.

Before these records are destroyed, you have the right to review the records and obtain copies of any information. Please indicate your desire below and return this form to the School District before

(Date)

Sincerely,

Signature and Title of District Official

I **Do** **Do Not** wish to review the records of _____

Parent's or Guardian's Signature

Date

If you do not complete and return this form within 90 days, records will be destroyed in accordance with established policy.

LEGAL REF.: 20 U.S.C. 1232(f)(a)
34

C.F.R.

80.42

EXHIBIT **EXHIBIT**

STUDENT RECORDS

(Transcript Release)

Request for _____
Student Name Identification Number Class/year

Transcripts may be released to those indicated below

Check Those That Apply Postsecondary Institutions United States Armed Forces
 State Militia (National Guard) Other: _____

Assurance statement and signatures In making this request, the undersigned agrees that a transcript requested by a party meeting the description indicated above may be transmitted upon such party's request without further authorization. *The student and parent must sign this request if the student is under 18 years of age. Only the student need sign if over 18 years of age.*

Date Requested

Student _____
Print Name Authorized Signature and date

I, _____, as the parent of _____,
(Parent Name) (Student's Name)

Parental consent request statement consent to the release of transcripts to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if I so

(Date)

Parent authorization and _____
Print Name Authorized Signature date

J-7200 ©
**REQUEST FOR TRANSFER
OF RECORDS**

JRCA

The Superintendent shall develop procedures that comply with federal and New Mexico law related to the request for, and the response to such request for, records of students who transfer into or out of the schools of the District from or to another school.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 1232

REGULATION**REGULATION****REQUEST FOR TRANSFER
OF RECORDS****Requesting Records of
Transfer Students**

Upon enrollment of a transfer student from a private school or from a public school in another district, the principal shall request that the student's parent or guardian (or an emancipated student) authorize consent for the request for the student's education records on form JR-ED.

Within five (5) school days after enrolling a transfer student from a private school or from a public school in another district, the principal shall request, directly from the student's previous school, a certified copy of the student's record.

**Responding to Requests
for Student Records**

Upon receiving a request for the records of a student who has withdrawn from school, the principal shall comply and forward the record within five (5) days after receipt of the request, unless the request does not conform to the requirements related to proper release of records by an emancipated student or parent.

**J-7250 ©
STUDENT PHOTOGRAPHS**

JRD

The Superintendent shall establish procedures for selection of school photographers and collection of funds for school pictures.

In any circumstance where an agreement or arrangement for school photography requires prepayment by students prior to the receipt of services and products, the photography company shall provide a copy of a current commercial performance bond in an amount not less than the total projected receipts to be collected from students.

Adopted: date of manual adoption

REGULATION**REGULATION****STUDENT PHOTOGRAPHS**

School pictures may be taken for individual or school purposes.

The selection of a school picture photographer shall be considered annually by the Board. Specifications for photographic products and services must be drafted to serve as a standard for proposals that shall be solicited from qualified studios or individuals. Proposals shall be solicited from qualified persons. Proposals shall be evaluated according to the following criteria:

- Ability to provide required services in a timely manner.
- Quality of service and products.
- Reliability of contractor.
- Contractor experience and reputation.
- Lowest cost to students.

The Superintendent shall recommend a school photographer to the Board.

Procedures for collection of funds for school pictures shall be approved by the principal.

If an agreement or arrangement for school photography requires the students to prepay for their pictures, the photography company must provide a copy of their current commercial performance bond in an amount at least as great as the cumulative gross total amount of money to be collected from the students.

SECTION K

SCHOOL - COMMUNITY RELATIONS

K-0050

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KA

SCHOOL - COMMUNITY - HOME RELATIONS GOALS / PRIORITY OBJECTIVES

The Superintendent shall interpret the educational program to the people and invite discussions and suggestions on important educational issues, and shall attempt, at all times, to represent the entire community rather than any single group or section. The District shall pursue the following school-community relations goals:

- To develop intelligent citizen understanding of the District in all aspects of its operation.
- To determine how the citizenry feels about the District and what it wishes the District to accomplish.
- To develop citizen understanding of the need for adequate financial support for a sound educational program.
- To help citizens assume a more direct responsibility for the quality of education the District provides.
- To earn the goodwill, respect, and confidence of the citizenry in the personnel and services of the District.
- To bring about citizen understanding of the need for the improvement and what must be done to facilitate essential change.
- To involve citizens in the work of the District and the solving of its educational problems.
- To invite the assistance, cooperation, and understanding of elected and appointed community officials and committees in the development of educational programs and facilities.
- To promote a genuine spirit of cooperation between the District and community in sharing leadership for the improvement of the community.

Adopted: date of manual adoption

**K-0150 ©
PARENTAL INVOLVEMENT
IN EDUCATION**

KB

The Superintendent, in consultation with parents, teachers, and administrators, shall develop a procedure for parental involvement in the school(s). This shall include:

- A plan for parent participation in the school designed to improve parent and teacher cooperation in such areas as homework, attendance, and discipline.
- Giving notice to parents, explaining the budget process and inviting parental involvement and input in that process prior to the date for the public hearing.
- Giving written notice to parents and other community members and inviting parental involvement in the instructional materials adoption process at the District level. Also giving public notice regarding the instructional materials adoption process, such notice may include publication in a newspaper of general circulation in the School District.

Parent means parent or person who has custody of the student.

Adopted: date of manual adoption

LEGAL REF.: 22-15-8 NMSA (1978)
22-15-10 NMSA (1978)

CROSS REF.: ABA - Community Involvement in Education
IJ - Instructional Resources and Materials
KDB - Public's Right to Know/Freedom of Information

**K-0850 ©
PUBLIC GIFTS / DONATIONS
TO SCHOOLS**

KCD

The Board has the authority to accept gifts and donations as may be made to the District or to any school in the District.

The Board reserves the right to refuse to accept any gift that does not contribute toward the achievement of the goals of this District and the ownership of which would tend to adversely affect the District.

Any gift accepted by the Board shall become the property of the District, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the District. The Board shall be responsible for the maintenance of any gift it accepts, unless otherwise stipulated.

The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the District.

In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product or business enterprise or institution of learning.

The Superintendent shall:

- Encourage individuals and organizations considering contributions to the schools to consult with the Superintendent on the appropriateness of any such gifts.
- Report to the Board all gifts that have been offered to the District, for their review and action.
- Acknowledge the receipt and value of any gift accepted by the District, and prepare fitting means, as appropriate, for recognizing or memorializing gifts to the District.

Gifts shall be recorded in appropriate inventory listing(s) and property records.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA (1978)

REGULATION**REGULATION****PUBLIC GIFTS / DONATIONS
TO SCHOOLS**

To be acceptable, a gift must satisfy the following criteria:

- It will have a purpose consistent with those of the school.
- It will be offered by a donor acceptable to the Board.
- It will not begin a program that the Board would be unwilling to take over when the gift or grant funds are exhausted.
- It will not bring undesirable or hidden costs to the school system.
- It will place no restrictions on the school program.
- It will not imply endorsement of any business or product.
- It will not be in conflict with any provision of the school policy or public law.

All gifts, grants, and bequests shall become District property and subject to policies of the District.

**K-0900 ©
PUBLIC INFORMATION
AND COMMUNICATIONS**

KD

The Superintendent has the responsibility of keeping the public informed as to the purpose, goals, methods, and progress of the educational program. Accuracy, reliability, and leadership in this area will develop confidence and understanding, creating better relationships between the District and the community. All school personnel are responsible for good public relations.

All written notices, bulletins, newsletters, and matters pertaining to students are to be approved prior to release. Matters that pertain to an individual school are to be approved by the principal prior to release. Matters that pertain to the District are to be submitted for approval to the Superintendent prior to release.

Non-school-originated material of a commercial, political, or religious nature shall not be released through the students.

This policy is not intended to interfere with the responsibility of District personnel to communicate directly with the parents or legal guardians of a particular student in areas affecting that student's progress at school. It is intended to ensure that prompt, reliable, and accurate information is released to the parents and patrons of the District.

Adopted: date of manual adoption

**K-1000 ©
PUBLIC'S RIGHT TO KNOW /
FREEDOM OF INFORMATION**

KDB

The Board recognizes the right of the public to information concerning its actions, its policies, and the details of its educational and business operations. The Superintendent is appointed the custodian of public records and may delegate this duty as necessary. The custodian of records shall follow the directives of 14-2-7 NMSA (1978) in providing access to public records including the posting in a conspicuous place at the administrative office of the District the proper notice of a person's rights and the procedures.

The office of the Superintendent will be open to receive requests for records inspection or copying during normal business hours on Monday through Friday.

Requests for access to records shall be made in writing (which may include electronic communication such as e-mail or facsimile) directed to the office of the Superintendent. Any written communication should contain the name, address and telephone number of the requestor and should state the record required with reasonable particularity.

The Superintendent may permit access to, or provide for the copying of, the records requested within a reasonable period of time following receipt of the written request (fifteen [15] days) or will provide an explanation of a cause for delay if the records are not available and will give notification of the time the records will be available, or, may deny access if there is no record to match the request. If the inspection of the requested records is not permitted within three (3) days the Superintendent will explain in writing when the records will be available for inspection or when the Board will respond to the request.

Requirements of access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Superintendent if (1) the record is made confidential by statute, or (2) the record involves the privacy interests of persons. If a public record contains material that is not subject to disclosure, the District will delete such material and make available to the requester such material in the record as is subject to disclosure.

Records contained on a computer will be provided only in the form in which the information can be made available using existing computer programs.

Copies of radio or recording tapes of discs, video or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices will not be furnished unless such items or devices have been shown or played at a public meeting of the Board.

A fee shall be levied on each request to cover the cost of making copies, staff time, computer time, etc. Fees will be collected prior to releasing material.

If a person requesting inspection would like a copy of a public record, a reasonable fee will be charged. The fee for documents eleven inches by seventeen inches (11" x 17") or smaller shall not exceed one dollar (\$1.00) per page and shall be assessed based upon personnel time involved to compile and copy requested records plus the cost of the materials used. The fee for larger documents shall not exceed two dollars (\$2.00) per page and shall be assessed as previously indicated. The records custodian shall request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

The cost for duplication of audio tapes shall be five dollars (\$5.00). Any other types of duplicating requests outside of the above mentioned will be assessed individually upon review of costs.

An assessment log will be kept of each records request which shall indicate by date the person making the request, person receiving the request, individual completing the request, personnel costs involved with completing the request, and cost of materials to complete the request.

Adopted: date of manual adoption

LEGAL REF.: 14-2-1 to 14-2-12 NMSA (1978)
14-3-1 to 14-3-24 NMSA (1978)

EXHIBIT **EXHIBIT**

**PUBLIC'S RIGHT TO KNOW /
FREEDOM OF INFORMATION**

REQUEST FOR PUBLIC RECORDS OF THE SCHOOL DISTRICT

Name _____ Date _____

Address _____
(street) (city) (state) (zip)

Phone: Home _____ Work _____

E-mail address _____

Nature of request:

- Opportunity to review records (no original record may leave the custodian's office)
- Copies of records.

Notice: A fee will be charged for copying based upon actual cost for providing the information.

Records requested (please be as explicit as possible as to the records you desire):

(Date)

(Signature)

**K-1050 ©
SCHOOL - SPONSORED
INFORMATION MEDIA**

KDC

Publications issued by and in the name of the schools of this District shall reflect a high quality of editorial content and format. The exercise of appropriate economy in materials and production is expected as long as the main purpose is not jeopardized.

Articles circulated or submitted for publication by District employees in which the District, or employees of the District, are mentioned directly or indirectly must be cleared by the Superintendent.

Adopted: date of manual adoption

**K-1100 ©
USE OF STUDENTS IN
PUBLIC INFORMATION PROGRAM**

KDCA

The participation of students in interpreting the educational program of the schools to the community shall be encouraged with the understanding that:

- Students shall not be exploited for the benefit of any individual or group.
- Students shall participate only in appropriate situations.
- The use of students shall always be evaluated in terms of the effect on the students.
- Students shall not solicit or promote District issues without approval by the Superintendent's office.
- The best possible community relations grow from a superior teaching job in the classroom. Enthusiastic students with serious intentions, well directed by sympathetic and capable teachers, communicate positively with parents and the community. This shall be the cornerstone of good community relations in the District.

Adopted: date of manual adoption

**K-1150 ©
MEDIA RELATIONS**

KDD

The Board recognizes its responsibility to provide information to the community and actively seeks to establish a good working relationship with local news media.

To promote a positive relationship between the District and the media, the Board shall provide information to the media concerning the programs and activities of the District as well as matters pending before the Board.

Adopted: date of manual adoption

CROSS REF.: KDC - School-Sponsored Information Media

**K-1350 ©
PUBLIC CONCERNS AND COMPLAINTS**

KE

Whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it will be referred to the school administration for study and resolution, if possible.

The administration will develop a procedure for courteously receiving complaints, and will take steps to make proper replies to complainants. If resolution of a problem cannot be accomplished at the building level, either party may refer the matter to the Superintendent for review.

The Board will consider hearing citizen complaints when they have not been resolved by the administration. Matters referred to the Board as a whole must be in writing, should clearly identify the problem, and specifically state the desired action. The Board will not consider or act on complaints that have not been explored at the appropriate administrative level.

Adopted: date of manual adoption

REGULATION**REGULATION****PUBLIC CONCERNS AND COMPLAINTS**

If a member of the community has a complaint, the following procedures are intended to assist in its resolution:

- If the matter relates to a student, and it is appropriate, talk with the student's teacher. If the matter remains unresolved, talk with the school administrator.
- If resolution of a problem cannot be accomplished at the building level, either party may refer the matter to the Superintendent for review.
- When a complaint is made directly to the Board as a whole or to a Board member as an individual, it will be referred to the school administration for study and resolution, if possible.

EXHIBIT

EXHIBIT

PUBLIC CONCERNS AND COMPLAINTS

(This Form to be Submitted to the Superintendent)

Person(s) or group filing complaint _____

Complainant's address _____ Phone _____

Complainant's E-mail address _____

Date complaint is filed _____

Has problem been discussed with the administration?

Yes No Date _____

Summary of the charges (description of incident or event, including date, place, time, additional persons, alleged problem, and suggested solution):

Identification of other witnesses or persons with information about concern:

K-1450 ©
PUBLIC CONCERNS / COMPLAINTS
ABOUT PERSONNEL

KEB

Trust in staff members and support for their actions should be such that employees are freed from unnecessary, spiteful, or negative criticisms and complaints.

In spite of this, criticisms and complaints may be forthcoming from the community. These complaints are best handled starting at the school level and, when necessary, should proceed through the various administrative levels.

All complaints shall be referred to the Superintendent for investigation. The employee involved shall be given an opportunity, at each administrative level at which the matter is reviewed, for explanation, comment, and presentation of facts, either formally or informally. The employee will be afforded elements of due process as provided in New Mexico law.

Adopted: date of manual adoption

CROSS REF.: BBA - Board Member Authority and Responsibilities
BEDH - Public Participation at Board Meetings
CBA - Qualifications and Duties of the Superintendent

REGULATION**REGULATION****PUBLIC CONCERNS / COMPLAINTS
ABOUT PERSONNEL****Required Information**

The following information concerning a complaint is required:

- The name(s) of the person(s) making the complaint.
- Whether the person(s) making the complaint represents an individual or a group. If a group is represented, information shall be provided about the nature of the group and the manner in which the group has reviewed and taken a position on the matter.
- Whether the person(s) making the complaint has discussed the problem with the employee in question.
- A summary of the complaint(s) and of the above three (3) items.

**Processing of Complaint(s) Following
Written Summation**

The complaint shall be presented to the employee toward whom it is directed, together with a suggested solution, personally and in writing, by the person(s) filing the complaint. It is the responsibility of the employee's supervisor to keep the Superintendent informed as the matter is reviewed at the various administrative levels.

The employee will have a minimum of five (5) working days in which to reply to the complaint at each administrative level at which the matter is reviewed.

If the complaint is not resolved between the originator of the complaint and the employee, the complaint shall be reviewed by the employee's supervisor. Until the matter is resolved, it may be reviewed at each successive administrative level.

The Superintendent shall be the final level of review.

EXHIBIT

EXHIBIT

**PUBLIC CONCERNS / COMPLAINTS
ABOUT PERSONNEL**

PUBLIC COMPLAINTS ABOUT SCHOOL PERSONNEL

(This Form to be Submitted to the Employee's Supervisor)

Person against whom the complaint is made _____

Employee's position _____ School/dept. _____

Person(s) or group filing complaint _____

Complainant's address _____ Phone _____

Complainant's E-mail address _____

Date complaint is filed _____

Has problem been discussed with the employee?

Yes No Date _____

Has problem been discussed with the employee's supervisor?

Yes No Date _____

Summary of the charges (description of incident or event, including date, place, time, additional persons, alleged improper conduct, and suggested solution):

**K-1500 ©
PUBLIC CONCERNS / COMPLAINTS
ABOUT INSTRUCTIONAL RESOURCES**

KEC

Occasional objections to the selection of instructional materials may be made by the public despite the care taken to select materials most valuable for the student and the teacher. The complainant will be asked to complete the form "Resident's Request for Reconsideration of Instructional Material." Upon receipt of a request for reconsideration, the Superintendent will review the work in question. After review by the Superintendent, copies of the request form and the report will be sent to the principal and the resident.

If not satisfied with the decision contained in the report, the resident may appeal the decision to the Board.

Should a complaint reach the Board, the Board may refer the matter back to the Superintendent for further review, or the Board may review the materials in question in the light of its policy establishing criteria for the selection of materials.

Adopted: date of manual adoption

EXHIBIT

EXHIBIT

**PUBLIC CONCERNS / COMPLAINTS
ABOUT INSTRUCTIONAL RESOURCES**

**RESIDENT'S REQUEST FOR RECONSIDERATION
OF INSTRUCTIONAL MATERIAL**

Author _____ Hardcover _____ Paperback _____ Other media _____

Title _____ Copyright date _____

Publisher (if known) _____

Request initiated by _____ Telephone _____

Address _____

Complainant's E-mail address _____

Complainant

represents: himself or herself

(name organization): _____

(identify other group): _____

Please use the reverse side for additional space or comments

To what in the material do you object? (Please be specific; cite pages.)

What do you feel might be the result of the use of this material?

For what age group would you recommend this material?

What do you feel is good about this material?

Did you review the entire material?_____ What parts?

Are you aware of the judgment of this material by literary critics?

What do you believe is the theme of this material?

Are you aware of the instructional purpose in using this work?

What would you like the District to do about this material?

- Do not assign or recommend it to my child (children).
- Do not assign it to students.
- Withdraw it from all patrons of the library.
- Refer it to an official committee for reevaluation.

In its place, what material of equal literary quality would you recommend that would convey as valuable a picture and perspective?

Signature of complainant

Date

K-1550 ©
PUBLIC CONCERNS / COMPLAINTS
ABOUT FACILITIES AND SERVICES

KED

The Superintendent shall establish procedures to be used by citizens of the District who have complaints about District facilities or services. Such procedures shall provide for administrative review of such complaints and, further, shall provide for Board review at the request of the complainant if the matter is not resolved by administrative review.

Adopted: date of manual adoption

LEGAL REF.: 29 U.S.C. 794 Rehabilitation Act of 1973, (Section 504)

REGULATION**REGULATION****PUBLIC CONCERNS / COMPLAINTS
ABOUT FACILITIES AND SERVICES**

Citizens of the District who have complaints about District facilities or services may register such complaints with the site administrator.*

Required information concerning complaint:

- Name(s) of person(s) making the complaint.
- Whether the person(s) represents an individual or group.
- Whether the person(s) making the complaint has discussed the problem with the site administrator.
- A summary of the complaint and suggested solution.

Processing of complaint:*

- *Level 1.* The complaint shall be presented in writing, with a suggested solution, to the site administrator. Five (5) working days will be allowed for a reply.
- *Level 2.* If a satisfactory response is not received within five (5) working days, a copy of the complaint may be forwarded to the Superintendent, who will have ten (10) working days to reply.
- *Level 3.* If a satisfactory response is not received within ten (10) working days, a copy of the complaint may be forwarded to the Board for its consideration. Consideration as to the disposition of the complaint will be given within thirty (30) days.

*If the matters of concern are eligibility and related procedures, procedural safeguards, or provision of a free and appropriate public education, the matter may be referred at any juncture in the procedure to the appropriate compliance coordinator.

EXHIBIT

EXHIBIT

**PUBLIC CONCERNS / COMPLAINTS
ABOUT FACILITIES AND SERVICES**

Complainant _____

Representing _____

Date of presentation _____

School (if appropriate) _____

Prior contacts with the site administrator or teacher _____

Statement of complaint:

Action requested:

Signature _____

^K-1650

KF

**COMMUNITY USE OF
SCHOOL FACILITIES**

It is therefore the policy of the Board of Education of the District that the District buildings and facilities should be available, subject to reasonable conditions, to non-school persons and organizations for activities that foster the educational, cultural, recreational, civic, moral, religious or social development of the community when the facilities are not otherwise needed for school-related purposes.

Individuals or groups requesting the use of school buildings shall be classified as one (1) of the following: school groups, youth groups, other New Mexico and Texas public educational institutions, community groups, or precinct polling places as defined below. In all instances, the first priority for use of school buildings, grounds, and equipment shall be given to the school, its educational programs and extracurricular activities, athletics, and groups. All individuals or groups securing permission to use school buildings, grounds or equipment shall be responsible for:

- Damages to the building, equipment and supplies.
- Prohibiting the use of tobacco, food or drink except in approved areas. Alcoholic beverages, weapons, controlled substances and drugs on the premises are prohibited at all times.
- Furnishing adequate and responsible supervision of the facilities and the activities.
- Maintaining proper conduct on the part of all persons present.
- Submitting a request form to the site administrator in charge of that building.

Only written requests on a form furnished by the District shall be considered by the site administrator on a first-come, first-served basis. If one (1) group has requested and received permission to use a designated facility on one (1) certain day and at a certain time over a designated period of time, and a second group requests the use of the same facility for the same day and time, the following shall occur if there is no reason to prohibit the use by the second group:

- The first group shall receive priority the first day in question, following the second group's request.
- The second group shall receive priority on the second day in question and an alternate day, time, or facility offered to the first group if available.
- An alternating arrangement between the first and second group shall continue, with each group as it is denied the requested day being offered an alternate day, time, or facility, if available.

Any request for use of buildings, grounds, or equipment shall be denied by the site administrator or the Superintendent for just cause, such as, but not limited to, the following: conflict with use by any school group, the intended use is illegal or immoral, a potential threat of danger or injury, etc. Only upon prior arrangement and on a very limited and case-by-case basis, the storage of materials and equipment on school property or in school buildings on a short term basis by youth groups and community groups may be permitted solely in the areas designated by the principal or the Superintendent and under such conditions and terms so specified by the site administrator or the Superintendent.

All groups utilizing school buildings, grounds, and equipment are encouraged to submit requests for such use two (2) weeks in advance of the date needed. The site administrator shall respond within two (2) school days after request is received. If a school group's request conflicts with that granted to another group, the school group's request shall have priority and notification of cancellation shall be given to the other group as soon as possible, but in no instance later than forty-eight (48) hours prior to the time requested.

Any denial of a request for use of school buildings, grounds, or equipment may be appealed to the Superintendent. If the Superintendent in turn denies the request, the Superintendent shall submit the request and reasons for denial to the Gadsden School Board at its next regular monthly meeting. The Gadsden School Board, at its discretion, may consider further action on the request submitted to them by the Superintendent or may affirm the Superintendent's decision. The decision of the Gadsden School Board shall be final.

School groups/organizations:

- This classification includes activity and athletic groups approved by the site administrator, parent/teacher organizations of that school, and advisory committees appointed or established by the Gadsden School Board or the Superintendent.

- Custodial overtime, if necessary, will be provided by the school.
- No utility fees will be charged.
- Groups have the option of setting up for the activity and cleaning up after the activity to the satisfaction of the principal, or paying a fee for such service.
- Insurance coverage is provided by the District.
- No deposit or rental fee shall be charged for use of equipment.
- Use of specialized equipment shall be by personnel paid by the District who have been approved by the site administrator.
- If security personnel are deemed necessary by the site administrator, the group shall pay for such.
- Requests shall be made to and approved or disapproved by the site administrator.
- The cost of the District-established overtime rate for cafeteria employees of the School District shall be paid by the group/organization utilizing food services.
- Use of the District swimming pool located at Gadsden High School by groups/organizations shall be allowed only under the conditions separately listed for said swimming pool.
- Materials and supplies for any activity shall be obtained by the group/organization at its own expense.
- All grounds, buildings, and equipment shall be available for use by such groups/organizations.

Other Texas and New Mexico public educational institutions:

- This group includes all educational institutions approved by the State of New Mexico or the State of Texas, including, but not limited to, the following: NMSU, DACOEB, ABE, UTEP. This group does not include such profit-making organizations or businesses which are not certified as public educational institutions.
- Custodial overtime, if necessary, will be paid by the user.
- No utility fees will be charged.

- Groups have the option of setting up for the activity and cleaning up after the activity to the satisfaction of the site administrator, or paying a fee for such service. No deposit or rental fee shall be charged for use of equipment.
- Insurance coverage as deemed appropriate by the Superintendent shall be provided by the user.
- No deposit or rental fee shall be charged for use of equipment.
- Use of specialized equipment shall be by personnel who have been approved by the principal and shall be paid for by the user.
- If security personnel are deemed necessary by the site administrator, the user shall pay for such.
- Requests shall be made to and approved or disapproved by the site administrator.
- The cost of the District-established overtime rate for cafeteria employees of the School District shall be paid by the group/organization utilizing food services.
- Use of the District swimming pool located at Gadsden High School by groups/organizations shall be allowed only under the conditions separately listed for said swimming pool.
- Materials and supplies for any activity shall be obtained by the group/organization at its own expense.
- All grounds, buildings, and equipment shall be available for use by such groups/organizations.

Youth groups:

- This group includes all groups, organizations, etc., comprised of school-aged individuals and appropriate adult sponsors/chaperones/advisors such as, but not limited to, the following: boy scouts, girl scouts, church youth groups, etc.
- Custodial overtime, if necessary, will be paid by the group.
- Utility fees may be charged.
- Groups have the option of setting up for the activity and cleaning up after the activity to the satisfaction of the site administrator, or paying a fee for such service.

- Insurance coverage as deemed appropriate by the Superintendent shall be provided by the group.
- No deposit or rental fee shall be charged for use of equipment.
- Use of specialized equipment shall be by personnel who have been approved by the site administrator and shall be paid by the group.
- If security personnel are deemed necessary by the site administrator, the group shall pay for such.
- Requests shall be made to and approved or disapproved by the site administrator.
- The cost of the District-established overtime rate for cafeteria employees of the School District shall be paid by the group/organization utilizing food services.
- Use of the District swimming pool located at Gadsden High School by groups/organizations shall be allowed only under the conditions separately listed for said swimming pool.
- Materials and supplies for any activity shall be obtained by the group/organization at its own expense.
- Only the following school buildings and grounds may be utilized by youth groups:
 - Athletic fields and playgrounds.
 - Cafeteria/cafetoriums.
 - Gymnasiums.
 - Classrooms.
- Any expense or requirement may be waived by the Superintendent if it is in the best interest of the District.

Community groups:

- This classification includes all groups, clubs, organizations, and institutions which do not meet the criteria established for school groups or youth groups as outlined previously.
- Custodial overtime wages, if deemed necessary by site administrator, shall be paid by the community group.
- Utility fees will be paid by the community group.

- Insurance coverage as deemed appropriate by the Superintendent will be provided by the community group.
- A fee for setting up an activity and cleaning up after an activity will be paid by the community group if deemed necessary by the site administrator.
- A deposit and a rental fee for school equipment used shall be paid by the community group.
- The community group shall utilize only District employees to operate specialized school equipment and shall bear the cost for such.
- If security personnel are deemed necessary by the principal, the community group shall pay for such.
- Requests shall be made to and approved by the site administrator.
- The cost of the District-established overtime rate for cafeteria employees of the School District shall be paid by the school group/organization utilizing food services.
- Use of the District swimming pool located at Gadsden High School by school groups/organizations shall be allowed only under the conditions separately listed for said swimming pool.
- Materials and supplies for any activity shall be obtained by the school/group/organization at its own expense.
- Only the following school buildings and grounds may be utilized by community groups:
 - Athletic fields and playgrounds.
 - Cafeteria/cafeteriums.
 - Gymnasiums.
 - Classrooms.
- Any expense or requirement may be waived by the Superintendent if it is in the best interest of the District.

Precinct polling places:

- This classification includes all federal, state and local public bodies which conduct elections encompassing any part of the Gadsden School District.

- Application for use may be made directly to the Superintendent if more than one (1) building is requested for use, and the request shall be granted where possible to facilitate public participation in the democratic process.
- Standard fees will be charged for all federal, state and local public bodies.
- The Superintendent shall designate the appropriate areas to be utilized for the placing of voting equipment.

Even though payment may be made for use by a group, the use of any buildings, grounds and equipment is a privilege granted by the Gadsden Independent School District. The privilege of use does not establish the right of continued use.

If there is disagreement or dispute as concerning the use of any building, grounds or equipment where the privilege of use has been granted, such disagreement or dispute shall be presented to the Superintendent in writing and not to the site administrator. The site administrator shall respond only to the Superintendent in matters dealing with the use of buildings, grounds and equipment.

Adopted: date of manual adoption

CROSS REF.: EDC - Authorized Use of School-Owned Materials and
Equipment

REGULATION

REGULATION

**COMMUNITY USE OF
SCHOOL FACILITIES**

**FILING PROCEDURES FOR USE OF
EQUIPMENT/FACILITIES**

1. Applicant requesting use of building contacts the Site Administrator 2 weeks prior to date of event.
2. Site Administrator issues Use of Buildings, Grounds and Equipment Application/Permit form and provides the applicant an opportunity to review the policy regarding such use.
3. Applicant completes all sections of the application.
4. Site Administrator must complete the section regarding deposits and/or fees and notes any additional requirements or restrictions (if applicable). This is only an estimate until approved by the Associate Superintendent for Support Services.
5. Applicant signs and dates the application if the terms are acceptable.
6. Site Administrator signature indicates if the building, site, or equipment is approved or disapproved as outlined in relation to the buildings' instructional program.
7. Site Administrator forwards the application to the Associate Superintendent for Support Services within two school days after request is received, who submits to the appropriate department(s) for approval.

8. All permits to use school facilities will be issued for specific rooms in school buildings and it shall be the responsibility of the organization to see that the remainder of the building is secured and not disturbed. The organization must provide competent adult supervision for each room occupied by participants.
9. The organization shall be responsible for all thefts or school property and/or damage thereto and shall reimburse the school district for such thefts or damage.
10. The organization shall assume responsibility for securing appropriate security/police protection when it is deemed that such attendance is necessary.
11. There shall be a school custodian or a school representative on duty at all times when school facilities are in use.
12. Consumption of food and beverages shall not be permitted except in places designated by the building principal. Smoking, alcoholic beverages or liquors shall not be permitted on school property at any time.
13. Permits shall not be granted for any meeting that, which in the judgment of the School Board of Education, may be in any way prejudicial to the best interests of the schools or the educational system, or for which satisfactory sponsorship is not provided. Every application for the use of a school building shall state the general nature and purpose of the meeting and, upon request, the program proposed must be furnished.
14. The organization requesting the space must also request chairs, risers or other equipment if it is not available at the requested location. You must indicate this need in "Other Request and Remarks" on the application for use of school

building. This also applies to
having the heaters of air conditioners turned on.

15. All building charges for food service workers and custodian will be billed after the building has been used and time sheets for workers submitted. The organization will have 30 days to pay. A late fee of \$25.00 will be charged for every 30 days late. Deposits may be required in certain situations to be determined by the Director of Transportation.
16. The organization using the kitchen must supply its own cleaning supplies, working supplies, etc. The Gadsden I.S.D. not responsible for providing such supplies or material.
17. If foods are sold or served, a temporary food permit from the Environmental Department of New Mexico will need to be attached.

EXHIBIT

EXHIBIT

COMMUNITY USE OF SCHOOL FACILITIES

REQUEST FOR USE OF SCHOOL GROUNDS AND EQUIPMENT APPLICATION/PERMIT

_____ Facility Requested _____ Application Date

Organization Requesting Use of Facility: - Liability Insurance Required*

Name of Applicant _____ Relation to Organization _____

Address _____ Phone Number _____

Proposed Use of Facility: (Give Details)

Requested Date and Time: (Application *must* be turned in two [2] weeks prior to date of event)

From Date _____ To _____ Date _____

Day _____ Day _____

Time From _____ Time _____ From _____

Time To _____ Time _____ To _____

Admission will be charged? _____ (Yes) _____ (No)

Facilities Requested:

Custodial Personnel (\$15/hr.) Student Nutrition Personnel (\$15/hr.) Swimming Pool (\$50 per activity)

Baseball/Football Field Kitchen (\$25 per event) Life Guard (\$20/hr.)

- Playground
- Gymnasium (No Dances)
- Library
- Equipment (\$15 deposit)
- Volunteers**
- Security (\$15/hr.)
- Folding Chairs (\$0.20/unit/day)
- Tables (\$1.00/unit/day)
- Other (Specify) _____

Utilities - \$2.50/hr. for classroom usage
 \$4.50/hr. for gymnasium, stadium, or cafeteria usage

** If volunteering custodial services, facilities should be left in the same or better condition as initially received. Should an inspection of the facilities show otherwise, charges will be assessed in accordance with this contract.

 Applicant's Signature Date Site Administrator's Signature Date

FOR OFFICIAL USE ONLY

Approved: _____ (Initials) Disapproved: _____ (Initials)

 Assistant Superintendent for Support Services Date

 Director of Physical Plant Date

 Student Nutrition Program Director Date

Fees:

Utility Fee \$ _____
 Custodial Fee \$ _____
 Student Nutrition \$ _____
 Equipment Fee \$ _____
 Security Fee \$ _____
 Insurance Fee \$ _____
 TOTALS \$ _____

* TENANT USERS LIABILITY INSURANCE PROGRAM (Liability Insurance)
 _____ (Forms available at the Support Service office) (Initials)

Set Up Arrangements: (Give specific details if possible)

Before Event: _____ After _____ Event: _____
 Required _____ Time Required _____ Time

Required _____ Date Required _____ Date

_____ Overhead Projector	_____ Table	<input type="checkbox"/> Cafeteria Kitchen (check of applies)
_____ Television	_____ Chairs	<input type="checkbox"/> Stoves <input type="checkbox"/> Freezers <input type="checkbox"/> Refrigerators
_____ VCR	_____ Chalk Board	<input type="checkbox"/> Sinks <input type="checkbox"/> Warmers <input type="checkbox"/> Utensils
_____ Podium	_____ Microphone	<input type="checkbox"/> Ovens <input type="checkbox"/> Ice Machines <input type="checkbox"/> Pots and Pans
		<input type="checkbox"/> Ice Chest

Drawing (If	of	Set	Up: <i>applicable</i>)

Custodial Services: (To be completed by Head Custodian)

Services Recommended:

In-House Schedule Adjustment Compensatory Time Overtime

Number of hours requested _____ Name of employee working function _____

_____ Notes:

Head _____	Custodian's _____	Signature _____
_____	_____	_____

FOR OFFICIAL USE ONLY

Custodial Recommendations: Approved: Disapproved

_____ _____ Comments

Coordinator of Physical Operations _____	Date _____
_____	_____
_____	_____

EXHIBIT**EXHIBIT****COMMUNITY USE OF
SCHOOL FACILITIES****COST FOR USE OF BUILDING, GROUNDS AND EQUIPMENT**

1. Custodial coverage district-established coverage rate of \$25.00 per hour per custodian.
2. Clean-up services \$50.00 per hour or as determined by the custodial office.
3. Student Nutrition Program personnel district established rate of \$25.00 per hour per cafeteria personnel.
4. Utilities--\$5.00/hour for classroom usage.
\$4.50/hour for gymnasium, stadium without lighting, or cafeteria usage.
5. Deposit for equipment use \$50.00 per day.
6. District personnel to operate specialized equipment district established rate of \$75.00 per hour per person.
7. Use of District Swimming Pool \$100.00 per activity.
8. Lifeguard services district established rate of \$25.00 per hour per lifeguard.
9. Rental
 - a. Folding chairs \$.50 per chair per day except weekends. Chairs taken Friday and returned prior to 9:00 a.m. Monday will be charged according to the daily rate.
 - b. Tables \$1.50 per table per day except weekends. Tables taken Friday and returned prior to 9:00 a.m. Monday will be charged according to the daily rate.

**K-1700 ©
PUBLIC CONDUCT ON
SCHOOL PROPERTY**

KFA

A person commits interference with or disruption of an educational institution by doing any of the following:

- Willfully interfering with or disruption of the normal operations of an educational institution by either:
 - Threatening to cause physical injury to any employee or student of an educational institution or any person on the property of an educational institution.
 - Threatening to cause damage to the District, the property of the District, or the property of any person attending the District.
- Willfully entering or remaining on the property of an educational institution for the purpose of interfering with or denying lawful use of the property to others.
- Refuse to obey a lawful order given by the Superintendent or a person designated to maintain order.

Restitution for any financial loss caused by a violation of the policy may be required. Furthermore, an individual who interferes with or disrupts an educational institution may be subject to misdemeanor or felony charges.

A person may also interfere with or disrupt the District function by committing any of the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions or any activity sponsored or approved by this Board.
- Physical or verbal abuse or threat of harm to any person on property owned or controlled by the District or at supervised functions sponsored by the District.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.

- Illicit use, possession, distribution, or sale of tobacco, alcohol, or drugs, other controlled substances, or other illegal contraband on District property or at school-sponsored functions.
- Use of speech or language that is offensive or inappropriate to the limited forum of the public school educational environment.
- Failure to comply with the lawful directions of District officials or of District security officers or other law enforcement officers acting in performance of their duties, and failure to identify oneself to such officials or officers when lawfully requested to do so.
- Knowing violation of a District rule and regulation. Proof that an alleged violator has a reasonable opportunity to become aware of such rules and regulations shall be sufficient proof that the violation was done knowingly.
- Any conduct constituting an infraction of any federal, state, or city law or policy or regulation of the Board.
- Carrying or possessing a weapon on school grounds unless the individual is a peace officer or has obtained specific authorization from the appropriate school administrator.

Additional Requirements of the General Public

The definition of *general public* is anyone who does not come under the definition of student, faculty member, staff member, or employee.

- No person shall visit or audit a classroom or other school activity, nor shall any person come upon or remain upon school premises, without approval by the principal or the principal's authorized representative. Nor shall any person conduct or attempt to conduct any activity on school premises without prior approval by the Superintendent or the Superintendent's authorized representative.
- Any member of the general public considered by the Superintendent, or a person authorized by the Superintendent, to be in violation of these rules shall be instructed to leave the property of the District. Failure to obey the instruction may subject the person to criminal proceedings and to any other applicable civil or criminal proceedings, or to tribal ordinance.

- Persons attending special functions shall confine themselves to the specific part of the facility assigned in the permit.
- Persons who engage in disorderly conduct of any kind may be subject to removal and exclusion from the facility.
- The use of facilities shall be granted only for legitimate purposes. Therefore, the permit holder shall assume full responsibility for any unlawful act committed during the exercise of the permit.

Adopted: date of manual adoption

LEGAL REF.: 30-20-13 NMSA (1978)
30-20-16 NMSA (1978)
30-20-18 NMSA (1978)
6.11.2.9 NMAC

CROSS REF.: GBEB - Staff Conduct
GCQF - Discipline, Suspension, and Dismissal of
Professional Staff Members
GDQD - Discipline, Suspension, and Dismissal of
Support Staff Members
JIC - Student Conduct
JK - Student Discipline

K-1750 ©
TOBACCO USE ON SCHOOL
PREMISES AT PUBLIC FUNCTIONS

KFAA

The use of tobacco products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is approved by the school.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 6083
6.12.4.8 NMAC
6.11.2.9 NMAC

CROSS REF.: GBED - Tobacco Use by Staff Members
JICG - Tobacco Use by Students

REGULATION**REGULATION****TOBACCO USE ON SCHOOL PREMISES
AT PUBLIC FUNCTIONS**

All entrances to buildings and athletic facilities will be posted with a notice that these facilities are tobacco-free. Announcements will be made at school activities and events.

All District employees are expected to cooperate in the enforcement of this policy. A verbal warning should be given. If there is a second violation, the employee's supervisor must be notified for appropriate corrective action.

Members of the public using or blatantly flaunting tobacco or tobacco products on school premises shall be requested to leave the premises in accord with laws on trespass.

K-2200 ©
PUBLIC SOLICITATIONS IN SCHOOLS

KHA

A school employee's position in the District shall not be used to influence parents or students to purchase books or other merchandise, except for materials approved by the Superintendent for use in the classroom.

Solicitation of employees and/or students by any profit, nonprofit, or charitable groups, institutions, or organizations must have the approval of the Superintendent in advance.

The District shall strive to safeguard the students and their parents from money-raising plans of outside organizations, commercial enterprises, and individuals. This policy shall apply particularly to ticket sales and sales of articles or services except those directly sponsored by school authorities or school organizations.

Adopted: date of manual adoption

K-2250 ©
ADVERTISING IN SCHOOLS

KHB

No materials used for propaganda purposes shall be permitted in school buildings or on school grounds or properties.

Product advertisement may occur incidental to the use of the product or service in the school but posting of advertisement shall be permitted only by authorization of the Board as lawfully permitted.

Nothing herein shall be construed to prevent advertising in student publications that are published by student organizations.

Use of the school system personnel to promote the merit of any product by brand name or trademark shall not be permitted.

Adopted: date of manual adoption

K-2450 ©
VISITORS TO SCHOOLS

KI

School patrons and parents are encouraged to visit the school system.

The Superintendent shall establish school-visit procedures for the control of persons other than school personnel or students who enter District premises. Such procedures shall permit full use of all legal means to ensure that students, employees, and District property are properly safeguarded. No person, other than one who is a peace officer or one who has obtained specific authorization from the appropriate school administrator, shall carry or possess a weapon on school grounds.

Adopted: date of manual adoption

LEGAL REF.: 6.11.2.9 NMAC

CROSS REF.: AD - Educational Philosophy/School District Mission
KFA - Public Conduct on School Property

REGULATION**REGULATION****VISITORS TO SCHOOLS**

Parents are encouraged to visit the schools.

All visitors to any school must report to the school office upon arrival.

For those who wish to visit a classroom during the school day, it is preferred that the teacher and the principal be contacted in advance to arrange a day and time for such visit so as to avoid any conflicts with the school schedule.

In visiting a classroom, parents must realize that the teacher's first responsibility is to the class as a whole, and the teacher will be unable to converse at any length with the visitor. If a conference is desired, arrangements will be made by the teacher for an appointment with the parent either before or after school hours.

No person may enter onto school premises, including visits or audits to a classroom or other school activity, without approval by the principal. Neither will any person be allowed to conduct or attempt to conduct any activity on school premises that has not had prior approval by the principal.

Anyone who is not a student or staff member of the District schools, and is in violation of this policy, may be asked to leave the property of the District. Failure to comply with the lawful directions of District officials or of District security officers or any other law enforcement officers acting in performance of their duties, and failure to identify oneself to such officials or officers when lawfully requested to do so, will be against District regulations. Failure to obey such instructions may subject the person to criminal proceedings applicable under law.

K-2600 ©
RELATIONS WITH
BOOSTER ORGANIZATIONS

KJA

Some of the strongest school support comes from parents or organizations having strong interests in specific students or school activities. Support from booster organizations is encouraged wherever appropriate as a means of involving the public in the activities and goals of the District. School personnel shall seek to strengthen and support booster organizations by cooperating in any way possible to provide assistance, materials, facilities, or other aid to assist them in helping the schools.

Close communication with booster organizations ensures greater harmony with the policies and goals of the District. Each principal shall assume responsibility for the conduct of any organization approved by that principal for interaction with the students, staff, or program of the school.

The Superintendent shall develop procedures as necessary for the guidance of school personnel who are involved with booster organizations.

Adopted: date of manual adoption

CROSS REF.: JJE - Student Fund-Raising Activities

K-2900 ©
RELATIONS WITH INDIAN
TRIBAL COUNCILS

KJG

The Superintendent will maintain formal and informal communication channels between Indian tribal councils and the District staff, will keep the Board fully informed of the effectiveness of this policy and will, when necessary, make recommendations for improving its effectiveness.

Adopted: date of manual adoption

CROSS REF.: IHBJ - Indian Education

**K-2950 © KJGA
RELATIONS WITH PARENTS OF CHILDREN
EDUCATED PURSUANT TO FEDERAL
IMPACT AID LAWS**

(Parental Involvement)

All students shall have the opportunity to participate in school programs on an equal basis, depending upon each student's individual ability and needs.

The District is governed according to state law by the local Board, which is elected by vote of the citizens residing within the District boundaries. District policies require that (1) the meetings of the Board are open to the public, (2) the public is invited and encouraged to attend meetings, and (3) the public may, upon request, speak to the Board regarding their views and desires as they pertain to the education of the students who attend the District schools. When it is deemed necessary and/or advisable, the Board has the authority to take steps that will promote an active role of the public. The District promotes a willingness to involve Indian people in the educational process of their children.

The main groups of parents with children who are eligible under Impact Aid provisions are (1) parents who are certified as American Indians and (2) parents who live on federal land or who work for the federal government.

The provision will be made to ensure that parents are involved in schools in different ways because of the different needs involved. The District will involve parents of Indian students. The majority of the parents serving on such committees will be those who reside on Indian lands. The purpose of such committees is to advise the District regarding the identification of special programs and services that are needed to help ensure that the educational and social development of all Indian students attending the District are as excellent and appropriate as possible. Meetings with such parents will be held during each school year. The dates of these meetings, as well as a record of the minutes, will be on file in the District office and will be available for inspection during normal office hours. In addition, the names and addresses of parents who have participated on such committees throughout the years will be on file. Normal business brought to such committees will include descriptions of regular District programs as well as programs designed specifically for Indian students. Parents will serve in an

advisory capacity, assisting the District in planning the best programs possible. Included in such meetings will be public hearings designed for all parents of Indian students. The public hearings will be widely advertised, and all Indian parents will be encouraged to attend. These meetings will be designed to provide Indian parents the opportunity to advise the District regarding the education of Indian students. In addition to these meetings, each year the District will conduct a formal needs-assessment program that encourages the participation of all parents in the identification of the educational needs of Indian students. The District has not limited its activities, in the area of attempting to gain Indian involvement, solely through the use of meetings of formal needs-assessment procedures. An administrator will serve as coordinator of all Indian education programs in the District. An Indian resource staff will also be employed by the District. Such personnel will work with Indian people to obtain their viewpoints regarding the programs that the District offers Indian students. The District will take formal action to accept federal funds, utilizing the parent committees as part of that formal application procedure. The Board, in formally approving the project, gives its formal approval to the formation of the Indian parent committees. Minutes of the Board will be available at the District office. Written notices of the meetings will be sent to parents, and parents are also contacted personally by telephone.

All parents will be informed of Board meetings through notices posted at the District office. Parents may take an active role in attending Board meetings, in petitioning the Board, in filing and campaigning for a seat on the Board, and by serving on Board advisory committees that advise the Board and the administration. Individual parents, students, or employees may ask to speak to the Board.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 7701 *et seq.*, Impact Aid Act

K-3150 ©
RELATIONS WITH
GOVERNMENT AUTHORITIES

KL

The District shall seek to establish mutually beneficial relations with all local, county, state, and federal governmental agencies. Governmental agencies are an integral part of the community, and their participation shall be sought in matters that affect the educational program and quality of life in the community.

Adopted: date of manual adoption

SECTION L

EDUCATION AGENCY RELATIONS

**L-0250 ©
RELATIONS WITH OTHER SCHOOLS
AND SCHOOL SYSTEMS**

LB

It shall be the policy of the District to cooperate with other schools and local and state regional agencies and organizations in the solution of educational problems of common concern. The District may also cooperate with parochial and private schools in matters of mutual benefit where not expressly prohibited by law.

This cooperation shall extend to such areas as research, exchange of information and data, coordination of curriculum, coordination of school calendars and activities, and construction of facilities that may be efficiently utilized on a cooperative basis.

Adopted: date of manual adoption

**^L-0500 ©
RELATIONS WITH EDUCATION
RESEARCH AGENCIES**

LC

The Superintendent is authorized to cooperate with colleges, universities, and other recognized research agencies in promoting potentially useful research. Because of the requirements in the Protection of Pupil Rights Amendment (20 U.S.C. 1232h) it may be necessary to limit the number and establish guidelines for the approval of studies.

Decisions in connection with research involving students, teachers, or other employees will be influenced by the following factors:

- The objectives of the research should be clearly stated and the design should produce valid and reliable results that will then be made available to the District.
- The research should be expected to contribute to the improvement of education or the general welfare of students.
- Data derived from school records, interviews, surveys or questionnaires that have potential for invasion of the privacy of students or their families must have advance written authorization of parents or guardians even though the collecting and reporting of data are to be conducted under conditions of anonymity.
- Research proposals should be of sufficient scope and depth to justify the time and effort.
- In general, instructional activities will not be interrupted unless there is a clear significance for the educational program of the schools.
- Projects involving student researchers must have prior written approval by a faculty member of the institution in which the student is enrolled. This faculty member must have direct responsibility related to the student's research.

The following activities require direct annual notification to parents at the beginning of the school year of the specific or approximate dates when scheduled, if scheduled in accordance with the Protection of Pupil Rights Amendment:

- Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- The administration of any survey containing one or more items described below.
 - Political affiliations or beliefs of the student or the student's parent.
 - Mental or psychological problems of the student or the student's family.
 - Sex behavior or attitudes.
 - Illegal, anti-social, self-incriminating, or demeaning behavior.
 - Critical appraisals of other individuals with whom respondents have close family relationships.
 - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
 - Religious practices, affiliations, or beliefs of the student or the student's parent.
 - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- Any nonemergency, invasive physical examination or screening that is:
 - required as a condition of attendance;
 - administered by the school and scheduled by the school in advance; and
 - not necessary to protect the immediate health and safety of the student, or of other students.

Adopted: date of manual adoption

LEGAL REF.: 20 U.S.C. 1232h

EXHIBIT**EXHIBIT****RELATIONS WITH EDUCATION
RESEARCH AGENCIES****(Model Notification of Rights Under the Protection of
Pupil Rights Amendment [PPRA])**

PPRA affords parents and students who are under age eighteen (18) or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one (1) or more of the following protected areas:
 - Political affiliations or beliefs of the student or student's parent;
 - Mental or psychological problems of the student or student's family;
 - Sex behavior or attitudes;
 - Illegal, anti-social, self-incriminating, or demeaning behavior;
 - Critical appraisals of others with whom respondents have close family relationships;
 - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 - Religious practices, affiliations, or beliefs of the student or parents; or
 - Income other than as required by law to determine program eligibility.

- *Receive notice and opportunity to opt a student out of:*
 - Any other protected information survey, regardless of funding;
 - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and

safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and

- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- *Receive/Inspect, upon request and before administration or use:*
 - Protected information surveys of students;
 - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 - Instructional material used as part of the educational curriculum.

School District will/has develop(ed) and adopt(ed) policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

School District will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes.

School District will also directly notify parents and eligible students, such as through registration materials, the U.S. Mail or e-mail, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by the U.S. Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education

400 Maryland Avenue, SW
Washington, D.C. 20202-4605

**L-0550 ©
RELATIONS WITH COLLEGES
AND UNIVERSITIES**

LD

In order for staff members and students to benefit from the resources provided by colleges and universities, the Superintendent shall seek out and utilize the services of college and university faculty members or programs when they are compatible with the needs of the District.

Research involving student time shall be of benefit to the District.

Adopted: date of manual adoption

**L-0600 ©
STUDENT TEACHING AND
INTERNSHIPS**

LDA

The Board authorizes the Superintendent to arrange for the supervision and training of a reasonable number of student teachers each year and to establish procedures for such activity.

Adopted: date of manual adoption

**L-0800 ©
RELATIONS WITH STATE
EDUCATION AGENCIES**

LF

It shall be the policy of the District to cooperate with the state educational agencies in the attainment of educational goals and objectives.

**Waiver from The New Mexico
Administrative Code**

A waiver from specific administrative rules may be requested, in accord with 22-2-2.1 and 22-5-14, by submitting such request to the Secretary of Education for approval. Such requests from the Board may include:

- The graduation requirement as provided in Section 22-2-8.4 NMSA 1978 [recompiled];
- Evaluation standards for school personnel; and
- Other requirements of the Public School Code [Chapter 22 NMSA 1978] that impede innovation in education if the waiver request is supported by the teachers at the requesting school and the requesting school's local school board.

Waivers granted pursuant to 22-2-2.1 shall begin in the school year following that in which a public school exceeds educational standards and may remain in effect as long as the school continues to exceed educational standards.

The Secretary shall only waive requirements that do not conflict with the federal No Child Left Behind Act of 2001 or rules adopted pursuant to that act.

The superintendent may apply to the Secretary for a waiver of the following provisions of the Public School Code:

- The length of the school day.
- Staffing patterns.
- Subject areas.

- The purchase of instructional materials for the purpose of implementing a collaborative school improvement program for an individual public school.

Adopted: date of manual adoption

LEGAL REF.: 22-2-2.1 NMSA (1978)
22-5-14 NMSA (1978)

L-0900 ©
RELATIONS WITH EDUCATION
ACCREDITATION AGENCIES

LH

It shall be the policy of the Board to seek the highest status of membership for its schools in the North Central Association of Colleges and Schools, cooperating in the association's evaluations of the school system and considering its recommendations.

Adopted: date of manual adoption

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SUGGESTED MOTIONS TO ACCOMPLISH POLICY MANUAL ADOPTION

Initial Motion

"I move to rescind and nullify all current and past policies of the
_____ Schools."

*If the initial motion carries, the Board should
proceed to act on **one** of the following motions.*

Subsequent Motion A

"I move that we adopt the policy manual that has been developed with
consulting assistance from the New Mexico School Boards Association."

or

Subsequent Motion B

"I move that we adopt the policy manual that has been developed with consulting assistance from the New Mexico School Boards Association, including the changes prescribed and approved by the Board.

ⁱ **format**

ⁱⁱ **check links from GDC to this policy**

ⁱⁱⁱ **Format**

^{iv} **make link**

^v **Format**

^{vi} **Format**

^{vii} **Format**