

Jal Public Schools

Board of Education and Employee Policies

Section I

Board of Education

Responsibility for determining the general policies of the school system is entrusted by the community to an elected governing board, hereafter designated as the Board of Education. The Board functions only when in an official session. At any other time its members have no authority in school matters except as specifically authorized by the Board. The administrative head of the schools is the chief executive officer of the Board of Education. Subject to the approval of the Board of Education, the administrative head is responsible for the selection and assignment of all school employees, the business management of the school, including the school plant and equipment, the administrative and supervision of the educational program, and the public relations program. These duties necessitate organization of resources, both material and personal, delegated tasks for all individuals to whom authority and responsibility are assigned, and work toward improvement of programs and facilities.

Each new school year the doors of the schools open and new groups of young people enter your life. These beginning or advanced students enter school with fear, excitement, wonder, and anticipation of an adventure which lies before them. The professional teacher is here to help and guide them into new fields of learning. The teaching profession is very demanding, but extremely interesting and rewarding. There is no other profession in the world, which so closely touches the lives of so many. In Jal, as in other American communities, the schools belong to the people. Special efforts are constantly being made to keep citizens informed about instruction, finances, and regulations governing the operation of an efficient school system. Only through a highly organized, efficient system of education can our children receive the training, which will directly influence their lives, their future, and the future of our entire society.

This policy manual contains information that relates to every employee and representative of our school system. It will not answer all questions, but it contains pertinent information on the more fundamental policies and procedures of the Jal Public Schools. When problems or questions arise that are not answered in this manual, supervisors or the superintendent can be contacted for assistance.

1.1 Legal Status (Reference: State of New Mexico Public Code)

Resolution of Adoption. Resolved, that the Board of Education hereby adopts the following policies for School District No. 19, Jal, Lea County, New Mexico. The size of Jal's school district is thirty-nine (39) miles east to west by twenty (20) miles north to south. These policies shall remain until revision shall be made according to the provisions set forth herein.

Mandatory Law and Board of Education Action. The Board of Education shall comply at all times with the laws of the State of New Mexico and the United States.

Permissive Law and Board of Education Action. The Board of Education shall comply with permissive law so long as it is to the advantage of the school children under its jurisdiction.

1.2 Membership and Election to Board of Education

Number and Term of Office. The number of members shall consist of five (5). The term of office is for four-year staggered terms.

Election and Position. The election will be held the first Tuesday in February on odd numbered years. Members must file for specific position on the ballot. (Reference: New Mexico School Code)

Recall. Any elected member of the local school board of any school district may be recalled as provided in the Local School Board Member Recall Act. (22-7-1 to 22-7-16 NMSA 1978)

1.3 Organization of the Board

Officers. There will be a President, Vice President, Secretary and Chief Executive Officer who will be the superintendent of Schools. An election of officers will be held following each Board election year. (Reference: Duties of the superintendent, New Mexico Code)

Board Vacancies. The Board of Education will have the power to fill vacancies in their membership by a majority vote of the members of the Board, the appointee to hold office until the next succeeding election for members of such Board. (Reference: New Mexico School Code)

Orientation. When new members are elected to the Board of Education the existing Board members and the superintendent will make every effort to orient them in order to facilitate their working with the Board.

Compensation. The members of a local school board shall serve without compensation. No member of a local school board will be employed in any capacity by the local district during the term of office for which the member was elected or appointed.

1.4 Membership in Associations

Membership and Dues. The Jal Board of Education shall maintain membership in the New Mexico School Boards Association. Dues for this membership shall be paid by the Jal School District.

Reimbursement of Expenses. All Board members will be reimbursed for travel and per diem expenses at the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle. Per diem will be \$85 a day. The rate will be \$95 if traveling to Santa Fe. Board members may be reimbursed actual expenses in lieu of the per diem rate where

overnight travel is required. Meal expenses may be reimbursed up to \$30.00 per day. Receipts for meals and lodging must be turned into the business office. (Adopted July 8, 2009.)

1.5 Records and Meetings

School Board Records. The superintendent is designated as the custodian of the Board records. All Board records will be housed in the School Administration building, 200 East Panther Avenue. Such safeguards as are required by law will be available for all Board meetings and may be used by an individual Board member at any time by contacting the superintendent or designated representative. Records may be removed from the office only by consent of the Board and shall be receipted at time of removal.

Availability of Records. All records of the Board will be available to citizens for inspection at the School Administration Office, 200 East Panther Avenue, Jal, New Mexico. This inspection is to be under the direction of the superintendent of Schools or a member of the Board of Education.

Regular and Special Meetings. Regular meetings of the Board will be held on the second Wednesday of each month. Special meetings of the Board will be called at the discretion of the President of the Board, or upon the request of a majority of the Board members.

Notice of Meetings. Once each year there will be a legal notice published designating the regular meeting date of the Jal Board of Education as the second Wednesday in each month at 4:00 p.m. in the School Administration building. For special meetings notice will be given to a newspaper of general circulation in the district not later than the day prior to the special meeting.

Alternate Notice of Meetings. As an alternative to (but not in addition to the notice of regular and special meetings prescribed by section above,) whichever is applicable, notice of either regular or special meetings may be given by posting a notice in the administration office, and when school is in session, in the offices of the school buildings.

Emergency Meetings. Emergency meetings involving the health, welfare or safety of personnel of the school district will be announced and advertised as far in advance as possible under the existing circumstances.

Place and Time of Meetings. The regular meeting place of the Board will be held in the Board Room, School Administration building, 200 East Panther Avenue, Jal, New Mexico. Special meetings may be held at other locations, which will be designated in the "Notice of Meeting." Four o'clock (4:00) p.m. will be the time for regular meetings. Time will be specified at the calling of the special meetings.

Agenda. The agenda will be prepared by the Superintendent of Schools and the President of the Board, and will be mailed to members prior to the regular meeting date.

1.6 Meeting Attendance by Electronic Means

In accordance with Section 10-15-1C of the Open Meetings Act, a member of a local public body may participate in a meeting of the public body by means of telephone conference call or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting, if this practice is allowed by law or rule of the public body. Jal School Board of Education allows Board members to participate in a manner consistent with this subsection of the Open Meetings Act. (Adopted July 12, 2006)

1.7 Minutes of Procedures

Preparation and Approval. Minutes of the proceedings of the Board meetings will be prepared by the superintendent of Schools and mailed to each Board member on the Friday preceding the Wednesday meeting. The minutes of the preceding meetings(s) will be approved by the Board and signed by the Board members.

Motions and Resolutions. A copy of all motions will be carefully recorded. The names of those who make motions, those who second motions, and those who vote “yes” and “no” will be recorded. All resolutions made by the Board of Education will be consecutively numbered.

Storage. The official minutes will be bound and kept in the office of the superintendent of Schools.

1.8 Order of Business

Rules of Order. The rules of parliamentary procedures comprised in *Robert's Rules of Order* will govern the Board in its deliberations. Rules may be amended at any meeting by a majority vote of those present.

Order of Business. The order of business shall be as follows:

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| 1. Call to Order | 6. Superintendent's Reports and Recommendations |
| 2. Approval of Agenda | 7. New Business |
| 3. Approval of Minutes of Preceding Meeting(s) | 8. Old Business |
| 4. Approval of Bills | 9. Adjournment |
| 5. Communications | |

1.9 Quorum

A majority of the members of the Board present, three (3) voting shall constitute a quorum for the transaction of business. A majority vote of the quorum may pass a resolution, but a lesser number may adjourn to a future date.

1.10 Committees

The President of the Board shall appoint special committee as needed, which shall serve for a specified length of time.

1.11 Election Process for School Councils

To initiate the process for electing a school council for each campus, an open invitation is given to the community. All interested parents, teachers, and community members are encouraged to attend an initial meeting at the school of interest (either elementary or secondary).

At the initial meeting, a minimum of two or a maximum of four each of parents and teachers will be elected by the attendees of the meeting to serve for a term of two school years. At least one community member (preferably from the business community), if possible, will also be elected. The building principal will chair the committee.

The purpose of the council will be to serve as an advisory council to the principal and staff for each respective campus. Areas of participation for the council will include (but are not limited to):

- Budget,
- Textbook selection,
- Curriculum,
- Organization of extracurricular programs,
- Facility management (building and grounds),
- Revision of parent involvement plans,
- Revision of school safety plans,
- Revision of the school-level EPSS,
- Other items as needed on a case-by-case basis.

Meetings will be conducted monthly from October to April of each school year.

1.12 Transaction of Business

The Board of Education will transact all business at a legal meeting of the Board. No member of the Board will have power to act in the name of the Board outside Board meetings unless this authority is extended for specific purposes to a member.

1.13 Citizen Concerns

Participation. Interested people are invited to attend regular meetings, serve on committees, and assist in advisory capacity. Representatives of the news media are welcome to attend all meetings of the Board of Education.

Concerns. Board members shall refer persons with concerns about the schools, or any phase of the total school operation, to the appropriate administrative officer. The Board will hear concerns, which have not been resolved through appropriate administrative channels.

1.14 Revision of Policies

Revision and Review. Policies may be revised, added to, or amended at a regular meeting of the Board of Education by a majority vote of the members present. Proposed amendments may be voted upon at any meeting subsequent to their presentation. The Board shall meet as a committee of the whole at least once a year to review and appraise existing policies.

Policy Suspension. The operation of any section or sections of these policies, not established by law, may be temporarily suspended by a majority vote of the Board of Education at a regular or special meeting.

Notification of Revisions. The Board shall notify all employees whenever revisions, additions, amendments, and/or deletions are made. New or revised policies will be filed with the State Department of Education Accreditation Unit upon adoption by the local board.

1.15 School Attorney

The Board of Education will employ a school attorney on a need basis. The attorney will be contacted periodically by the Superintendent of Schools for legal advice and review of Board of Education documents and policies. The attorney shall be paid by statement for services and no contract will be issued. The Board will exercise its privilege of using more than one attorney. In the event the Board is involved in legal proceedings, an attorney will be retained on a case basis.

1.16 Performance Bonds

The Board of Education shall carry honesty and surety bonds on Board members, the superintendent of Schools, and the Office Manager as required by law in the following amounts.

- a) \$50,000 – Board President, superintendent of Schools, and the Office Manager
- b) \$5,000 -- Vice President, Secretary, and Members of the Board of Education.

1.17 Code of Ethics for New Mexico School Board Members

Members of the Board of Education having been elected by the citizens of the community will strive to improve public education for all children, and to that end, will ...

- Attend all scheduled board meetings insofar as possible.
- Recognize that a board member has no legal authority outside the board meetings, and that all decisions of the board will be made at a public meeting where a quorum of the board is present and only after a thorough review of all the available information.
- Work in harmony with the rest of the board members to always promote and preserve the integrity of the Board.

- Avoid speaking on behalf of the Board except at those times when the Board, by official action, authorizes a member to do so, and respect the confidentiality of information that is privileged under applicable law.
- Upgrade performance as a board member by being informed about current educational issues through individual study and through participation in programs provided by the local school district and by the state and national school boards associations.
- Support the employment of those persons best qualified to serve as school staff and make every effort to ascertain that all employees are properly remunerated for their services, and that they are dealt with fairly in the performance of their duties.
- Avoid being placed in a position of conflict of interest and refrain from using board position for personal or partisan gain.
- Accept that the board's primary function is to establish policy by which schools are administered; and that the actual administration of the education program is delegated to the superintendent and staff.
- Welcome and encourage active participation by citizens for better understanding of their needs and improvement of relations with the public.

1.18Philosophy

The Board of Education believes that each individual is unique and should be accepted into the educational program and provided with a stimulating environment with opportunities for learning experiences that contribute to a successful life. Students of the Jal Schools will be provided opportunities to obtain an education to meet their personal interests, abilities, and needs; to learn citizenship and democracy with an emphasis on world and community problems; to develop emotionally, morally, and socially; to develop a healthy body; and to develop cultural and aesthetic appreciation.

1.19Equal Educational Opportunity

The Jal Public Schools are committed to providing equal educational and employment opportunity regardless of sex, marital or parental status, race, color, religion, or national origin. Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance by way of grant, contract, or loan. Title VI of Civil Rights of 1964 is similar in its prohibition of discrimination on the basis of race, color, or national origin. Equal educational opportunity includes admission, recruitment, extracurricular programs and activities, facilities, access to course offerings, counseling and testing, financial assistance, employment, health and insurance services, and athletics. The Jal Public Schools are also committed to equal opportunity for the physically or mentally handicapped, in compliance with federal regulations.

Responsibility for equal employment and education opportunity throughout the School rests with the Jal Board of Education. The Board has assigned the Jal Public Schools Superintendent the responsibility of promoting and encouraging progress in

meeting the equal opportunity goals. All grievances, questions or requests for information relating to students or employee concerns should be referred to the Jal Public Schools superintendent, 200 East Panther Street, Jal, New Mexico 88252, 505 395-2101.

1.20Statement of Purpose

The Jal Board of Education affirms that the primary purpose of the Jal Schools is to educate all students equitably. The Jal Schools are responsible for students mastering learning skills and knowledge, and for acquiring and displaying desirable personal qualities and values. The school, under local control and direction, recognizes its shared responsibility with the community and parents for the effective and efficient use of public and private resources and for the continuing involvement of that community in education.

1.21Educational Goals and Objectives

The Jal Board of Education is committed to the establishment of policies which will enable the students of the Jal Schools to obtain an education based on personal interests, abilities, and needs. Students will learn citizenship and democracy, develop emotionally, and socially, and develop a healthy body. A cultural and aesthetic appreciation will become part of each student's development.

The Jal Board of Education will support a continuing program of self-improvement which will include political activity and awareness and the inclusion of the community of Jal in the process of educating the youth of Jal.

Educational Goals

- ◆ Each student should acquire a mastery of the basic skills in reading, arithmetic, and other basics.
- ◆ New educational ideas will be continually innovated and evaluated.
- ◆ A top professional and service staff will be provided.
- ◆ Students and parents of the community will participate in decisions relevant to the school program.
- ◆ The educational program should be supported with a relatively stable taxing level.
- ◆ The school plant and each learning area should be conducive to achieving educational goals.
- ◆ Each student should acquire good habits and an understanding of the conditions necessary for the maintenance of physical and emotional well-being.
- ◆ Each student will develop an awareness of how to use leisure time wisely.
- ◆ Each student will be helped to understand human achievement in the natural sciences, the social sciences, the humanities, and the arts.
- ◆ Self-worth and pride in family, school, and community will be instilled in students.

Educational Objectives

- ◆ Encourage staff members to continue education through workshops, seminars, etc.
- ◆ Assist students to become environmentally sensitive.
- ◆ Emphasize the vocational aspects of education.
- ◆ Concentrate on the basic skills of reading, writing, and arithmetic in the elementary school.
- ◆ Develop parental interest, support, and input.
- ◆ Integrate all racial groups into school activities.
- ◆ Provide the best in equipment, plant, and materials for staff and students.
- ◆ Reduce the drop-out rate.
- ◆ Insure an orderly atmosphere conducive to learning.
- ◆ Develop politically-conscious personnel.

1.22 Title I Parent Involvement Policy

All schools receiving Title I funds must consult with parents and teachers of children participating in Title I programs on the design and implementation of those programs. Through these meetings, activities, and efforts, parents are provided opportunities to participate in the program planning process from the school level all the way through to the district level. In addition, parents are exposed to a vast amount of information on almost every topic related to encouraging and ensuring a successful educational experience for their child.

- The goal of Title I parental involvement opportunities are to build effective partnerships with the school community to support student academic achievement.
- This is accomplished by parent organizations at the school and district level. Jal Public Schools chooses to utilize the building level “School Council” to serve as both the district and school level parent organizations.
- A critical means of supporting this partnership is the school/parent compact. The compact ensures *shared* responsibility in student performance. It is discussed at a parent-teacher conference at least annually as it relates to the individual child’s achievement.

I. PARENT INVOLVMENT TIMELINES

A. AUGUST-SEPTEMBER

Annual Mandatory Meeting

At the annual meeting school personnel will review the school’s Title I program design including description and explanation of the curriculum and assessment information on school performance profiles; solicit input from parents to plan the remainder of the school’s parent meetings; and discuss and distribute the Title I Parent Involvement Policy. Parents will be informed of their right of consultation in terms of flexible and regular meetings (am/pm) with transportation/childcare provided as needed; provide parents with an opportunity to establish mechanisms for reasonable access to staff, opportunities to volunteer and participate in their child’s class, and observe classroom activities; and written evaluations following activities

with timely responses to parents' suggestions. This occurs during the elementary school's orientation meetings at the beginning of the school year.

B. OCTOBER – DECEMBER

A parent/teacher conference must be held at least annually in the elementary grades to discuss the school/parent compact. Schools must provide activities that focus on the development and reinforcement of parenting skills/training that support their child's educational plan.

C. JANUARY – MAY

Schools hold parent meetings that continue training and building strong parent involvement in the school. This should include needs assessment and program planning sessions for the school year.

II. STRUCTURES AND OPERATION: DISTRICT LEVEL

A. The only Title I school in the Jal School District is Jal Elementary School and it is implementing a School wide Title I program

The elementary school shall hold its Parent Involvement Annual meeting early in August or September (during the school's orientation meetings) to review the school's program design for the current school year, and discuss meetings/activities for the remainder of the school year. At least one of the School Council's meetings will involve consulting with parents on the design and implementation of the program for the next school year. Parents will also be members of the school's program planning committee – "school council", the group responsible for planning the school's program. "All Title I schools must ensure that the parents signing the Title I Proposal are not also Jal Public Schools employees".

B. Schools may provide information on a wide variety of topics, including: reinforcing academic skills at home, setting up a stimulating learning environment at home, monitoring television/computer use, fostering positive self-esteem in their children, assisting in homework completion, monitoring attendance, understanding key issues in child development, and providing even more encouragement for their child to do their very best in school.

C. Parents, teachers and educational assistants, and other school personnel may participate in the parent activities. Interested parties may attend the Title I activities as long as no additional expenditures of money will result from their participation and that the intent of the activity is to address needs, interest, and concerns of Title I parents.

D. A Plan/Calendar of the school-level parent activities should include a flexible series of meetings during the school year. The Jal Public Schools has enthusiastically supported not only Title I parent participation at both the district and school levels, but has also provided a broad base of parental involvement activities for all parents of all students in the district.

E. Parent may request, and JPS District staff will provide the parents information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

- Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction to their child.

- Whether the child is provided services by paraprofessionals and, if so, their qualifications.
- Parents will be notified if a child is assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.

NCLB LAW FOR DISTRICT TITLE I PARENT INVOLVEMENT

The District must:

- ☐ Provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports in a language such parents understand.
- ☐ Assist parents and parental organizations by informing them of the existence and purpose of State parental information and resource centers.
- ☐ Develop the District's written parental involvement policy jointly with parents of participating children and incorporate the policy into the district's plan.
- ☐ Conduct, with parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving academic quality of the Title I schools, including:
 - Identifying barriers to greater participation by parents in parent involvement activities (with particular attention to parents 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 this evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the district's Title I parent involvement policy.
- ☐ Notify parents, annually, that they have a right to request information about the qualifications of their children's teachers and of any paraprofessional who instructs them.
- ☐ Notify parents, annually, if a child was assigned to, or taught for at least four consecutive weeks, by a teacher who is not "highly qualified" as defined in the law.
- ☐ Notify parents if school was identified as needing improvement.
- ☐ Notify parents they may request that name, address, and telephone number of their child not be released without prior consent to military recruiters.
- ☐ Provide any parent comments on the District Plan (EPSS), if plan was not satisfactory to the parents of participating children, when the district makes the plan available to the State.
- ☐ Evaluate, annually, the effectiveness of parent involvement activities.
- ☐ Involve parents in decisions regarding how parent involvement funds are allotted for parental involvement activities.
- ☐ Involve parents in the activities of the schools.
- ☐ Be sure schools utilize Title II monies to provide training to help teachers involve parents.

- Coordinate with Head Start agencies and other early childhood programs, such as programs funded by Early Reading First. Activities must include:
 - Developing a “systematic procedure” for transferring the records of preschool children.
 - Meetings involving parents, kindergarten or elementary school teachers, and Head Start Teachers, or if appropriate, teachers from other early childhood development program “to discuss the developmental and other needs of individual children.”
 - Joint transition-related training of school staff, and preschool program staff.
- Incorporate the parent involvement policy into the District’s plan (EPSS). The policy will establish the district’s expectations for parent involvement, and describe how the district will:
 - Involve parents in the joint development and support necessary to assist schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.
 - Provide coordination, technical assistance and support necessary to assist schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.
 - Build the school’s and parent’s capacity for strong parental involvement (see section below, “Building Capacity for Involvement”).
 - Coordinate and integrate Title I (Part A) parental involvement strategies with other programs, such as Head Start, Reading First, Early Reading First, Even Start, Parents as Teachers, and State-run preschool programs.

Building Capacity for Involvement:

The Jal Public Schools will strive to build capacity for involvement by:

- Providing assistance to parents in understanding state academic content standards and state student academic achievement standards, state and local academic assessments, the requirements and how to monitor their children’s progress and work with educators to improve the achievement of their children.
- Providing materials and training to help parents to work with their children to improve their children’s achievement (literacy training, using technology, etc.) to foster parental involvement.
- Educating teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school.
- Coordinating and integrating, to the extent feasible and appropriate, parent involvement programs and activities with Head Start, Reading First, Early

Reading First, Even Start, Parents as Teachers, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in education of their children.

- Ensuring that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.
- Providing other reasonable support for parental involvement activities as parents may request.

The District is not required to, but may:

- Involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of parent involvement training.
- Provide necessary literacy training from Title I funds, if the District has exhausted all other reasonably available sources of funding for such training.
- Pay reasonable and necessary expenses associated with district's parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions.
- Train parents to enhance the involvement of other parents.
- Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, 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 Title I programs.
- Develop appropriate roles for community-based organizations and businesses in parent involvement activities.

Section II

Personnel

The chief purpose of all positions within the Jal Public Schools is to create the best learning situation possible for children. Every member of the staff will be informed as to specific duties and responsibilities. Further, the Board of Education believes that the school functions better if each staff member knows what is expected of him or her. Therefore, it is important that each member of the school team understands the areas of responsibility and functions of his or her particular job, respects the roles of his or her colleagues in the school enterprise, displays pride in the school and profession, and functions as a responsible citizen of the school and community.

2.1 Code of Ethics and Conduct

CODE OF CONDUCT FOR ALL PERSONNEL

The Board of Education adopts the following code of conduct **for all employees**. The Code of Conduct establishes the standards of employee conduct, violation of which may provide a basis for discipline, up to and including termination or discharge.

Accordingly, the Board declares that ***all school employees shall:***

A. As to Students:

- (1) serve as a constructive role model for students of the District in accordance with the State Board's Code of Ethical Responsibility, this policy and local community standards;
- (2) in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) (20U.S.C. Section 1232g, 29 C.F.R. Part 99 Subparts A – E), the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1401 *et seq.*, 34 C. F. R. Part 300), the Mental Health and Developmental Disabilities Code (43-1-19, NMSA 1978), the Inspection of Public Records Act (12-2-1A, NMSA 1978), the Public School Code (22-1-8, NMSA 1978), and the Children's Code (32A-2-32, 32A-4-3, NMSA 1978), refrain from disclosing confidential student records or information about a student and his/her personal and family life unless release of information has been approved by the student's parent(s)/legal guardian, or is allowed or required by law;
- (3) not discriminate against any student on the basis of race, color, national origin, ethnicity, sex, disability, religion, or serious medical condition, nor permit students within the employee's control, supervision or responsibility to do so;
- (4) avoid using their position as a school employee to exploit a student or influence a student to engage in an illegal act, immoral act, or any other behavior that would subject a school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;
- (5) refrain from giving any gift to any student unless all similarly-situated students receive or are offered the same gift for the same reason;
- (6) refrain from lending a student money except in instances of emergencies;
- (7) report any instances to the Superintendent in which the employee reasonably suspects that another employee has engaged in sexual or physical contact prohibited by this Code with a student, or that any other adult has engaged in sexual contact with a minor student;
- (8) abide by the prohibitions of NMSA 1978 Section 30-9-10 which imposes felony sanctions for a school employee who has had sexual relations with a student under 18 years of age;

- (9) become familiar with and abide by Board policies related to inappropriate contact with students and sexual harassment of students by employees or by students, avoid sexual harassment of students, and do not permit students within the control, supervision or responsibility of the employee to sexually harass any other student, such as by any verbal or physical conduct of a sexual nature with a student – including any sexual advances or requests for sexual favors, and use of any sexually oriented names or references – even when the employee believes the student is initiating or consents to such conduct, and avoidance of any possession, display, or distribution of sexually-oriented materials or information at school except any that are part of the curriculum;
- (10) report to the administration any instance in which the employee reasonably suspects that a student has been subjected to sexual harassment at school, during school-sponsored activities, or during school transportation to or from such activities;
- (11) avoid any unauthorized or inappropriate discipline of a student or corporal punishment in excess of, or contrary to, Board policy, and, in interactions with students;
 - a. control anger, de-escalate conflicts and confrontations, avoid loss of temper, and refrain from any form of physical or verbal abuse of students, except reasonable physical intervention limited to restraint of students actively engaged in, or threatening, physical violence or harm toward himself, other staff members, or other students, in which cases, instances of such physical restraint shall be reported to the administration as soon as practicable;
 - b. (1) refrain from using or tolerating on school premises, while at any school activity, or during school transportation to or from any school activity, the use of vulgar, profane, or personally offensive terms, names or nicknames, racial, ethnic, or sexual epithets, and racially, ethnically, or sexually insensitive terms, racial, ethnic, or sexual jokes or slurs, crude anatomical references, other offensive, profane or abusive verbal or non-verbal communications, and, (2) obtain written supervisory approval with regard to particular words, terms, or other communications the employee uses or proposes to use that are or may be otherwise prohibited by this Code;
 - c. avoid being provoked into a response barred by this policy, by student conduct or communications;
- (12) avoid engaging in violent or threatening behavior toward students, regardless of provocation, except when required for the immediate defense from serious physical harm of the employee, another student, staff member, or authorized person on campus.

B. In General

- (1) comply with all Board policies, administrative regulations, and applicable approved collective bargaining agreements, regarding standards of employee behavior or conduct;
- (2) disclose all material facts in all procedures for obtaining employment or licensure, and refrain from making false or misleading statements in connection therewith;
- (3) avoid misrepresentation of his/her qualification for employment or promotion;
- (4) refrain from assisting persons in obtaining educational employment whom he/she knows to be unqualified with respect to their character, education, or employment history;
- (5) refrain from making false or misleading statements concerning the qualifications of anyone seeking employment in the District;
- (6) refrain from permitting or assisting unqualified or unauthorized persons to obtain employment with the School District;
- (7) avoid disclosure of personal, medical, or other confidential information about other employees to anyone, unless disclosure is required or authorized by law;
- (8) avoid making false and derogatory statements about other employees;
- (9) refrain from accepting any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item, offered on the basis of the employee's employment with the District, and exceeding in fair market value \$100, excluding approved educational or employment-related awards, honoraria, plaques, trophies, and prizes;

- (10) avoid conduct connected with the performance of official duties that is improper or illegal, or which creates the appearance of impropriety or illegality;
- (11) become familiar with and abide by the Board's policies related to sexual harassment of employees, and avoid sexual harassment of any school employee, any school visitor, and anyone else who he/she might encounter in the course of official duties, by any verbal or physical conduct of a sexual nature – including unwelcome sexual advances or requests for sexual favors, and the use of any sexually-oriented jokes, innuendos, names, or references – and avoidance of any possession, display, or distribution of sexually-oriented materials or information at school except any that is part of the curriculum;
- (12) refrain from engaging in public displays of affection, even with consenting adults, while on school property, during school-sponsored activities, and during school transportation to or from such activities;
- (13) use educational facilities and property only for purposes related to the legitimate school-related business for which they are intended, consistent with applicable policy, law and regulation, and avoid use of public school facilities or property to conduct personal business or personal affairs;
- (14) avoid discrimination on the basis of race, color, national origin, ethnicity, sex, disability, religion, or serious medical condition against any school employee or any other person with whom he/she has any dealing or contact in the course of official duties;
- (15) avoid all outside employment the performance of which conflicts with school employment duties, or which uses confidential or privileged information obtained from public school employment, or that impairs the employee's physical ability to perform school employment duties;
- (16) refrain from changing or altering, and from encouraging or assisting anyone else to change or alter, any record or document, with the intent to conceal or confuse a fact:
 - a. in connection with official school duties;
 - b. in connection with another person's official school duties;
 - c. in connection with standardized or non-standardized testing;
 - d. in connection with any school application or disclosure process;
 - e. in connection with any submission to any state or federal regulatory authority.
- (17) avoid knowingly engaging in any conduct or making any statement:
 - a. that would breach the security of any standardized or non-standardized test;
 - b. that would omit all or part of the testing instructions of any standardized or non-standardized test;
 - c. that would assist students in obtaining services or benefits to which they do not qualify or are not entitled;
- (18) avoid engaging in violent, abusive, indecent, profane, boisterous, disruptive, unreasonably loud, or otherwise disorderly conduct such as would tend to disturb the peace or interfere with or obstruct the lawful mission, processes, procedures or function of the schools or the District while on school property, while present at a school activity, and during school transportation to or from such activities;
- (19) refrain from violent, threatening, or unprofessional conduct toward other employees, supervisors, parents, members of the school community, members of the general public, and others with whom the employee has contact in connection with his/her duties;
- (20) avoid engaging in any behavior prohibited by the state's criminal code, and in conduct that may result in criminal penalties, civil fines, or similar sanctions;
- (21) respond in a prompt, direct, and professional manner to lawful directives, instructions, and requests from supervisors or administrators.

C. Teacher/ Staff Dress Code

All employees of the Jal Public Schools shall dress in a professional manner on a daily basis. Dress slacks and collared shirts or appropriate dress shirts will be worn Monday – Thursday and denim will be allowed on Friday with a school shirt. In following the guidelines established for students, all males must be cleanly shaven; a mustache may be worn but must be neatly trimmed. No beards. Hair must also be neatly trimmed and clean. All employees shall maintain good hygiene.

PENALTIES FOR FAILURE TO COMPLY WITH THIS CODE

- A.** The Board of Education finds that adherence to this Code of Ethics and Conduct has a significant bearing on a school employee's competence, turpitude, or the proper performance of his/her duties. Although the Code of Ethics and Conduct is intended to provide a valuable framework of personal ethics to assist employees in their interactions with colleagues, students, parents, and others, the Code of Conduct also sets standards of conduct with which all employees are expected and required to comply.
- B.** The failure to abide by the standards of ethical behavior and conduct set forth in the Code of Ethics and Conduct may constitute just cause for discipline – including termination or discharge – of personnel subject to this code, by action of the District Superintendent in accordance with applicable procedural requirements.
- C.** A failure to abide by the standards of conduct set forth in this Code shall constitute insubordination, and shall be considered conduct outside the normal scope of duties of school personnel and, thus, not subject to the procedures for correction of unsatisfactory work performance applicable to discharge of licenses personnel for unsatisfactory work performance, set forth in NMSA 1978 Section 22-10-21 and 6 NMAC 4.5.1.
- D.** After final action is taken to discharge or terminate the employment of any licensed or certified school employee, or any other person providing instructional services in a school who does not hold a standard license but whose presence was authorized by the SBE through a waiver, substandard license, substitute license, or an educational plan approved by the SBE, when such discharge or termination or employment is based in whole or part upon a violation of this Code of Ethics and Conduct, the Superintendent shall report such discharge or termination of employment to the Licensure Unit of the State Department of Education for possible license suspension or revocation.

2.2 Personnel Recruitment and Employment

It is the intent of the Board of Education to employ the best-qualified person available for a position regardless of sex, race, or national origin, handicap, age, marital status, or membership/non-membership in a labor organization. In determining the best-qualified applicant, the following areas will be considered:

- ◆ College credit, if required, should be relevant to the job.
- ◆ References from previous employers.
- ◆ Applicant's attitude and temperament toward children and their activities.
- ◆ Personal characteristics.
- ◆ Knowledge and skills required in performing the job.

Each person's application for employment with the Jal Schools will be kept on file by the superintendent of Schools. When applicants are needed for a vacancy, notification will be sent to personnel directors in regional public schools, placement services in at least eight area universities, to the New Mexico Employment Service, and are newspapers. The board reserves the right to require applicants to demonstrate knowledge and skills required in specific employment areas.

Highly Qualified Teachers. Jal Schools will include all No Child Left Behind criteria in determining if an employee is highly qualified. The superintendent and/or principal will review each employee's credentials to determine their status. If the employee is not highly qualified, a plan will be developed according to the procedures implemented by the state licensure department that will lead to the employee becoming highly qualified as soon as possible. The superintendent and/or principals will attend licensure meetings concerning highly qualified regulations. Employees will be informed of the options available to them to secure Highly Qualified status through staff meetings, memos, and/or individual conferences.

Background Investigations. Applicants recommended for employment with the district are subject to work history, education history, and reference investigations, including but not limited to substitutes and volunteers. 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 investigations. Criminal convictions shall not automatically bar an applicant from obtaining employment with the District, but pursuant to the Criminal Offender Act, NMSA 1978, 8-2-4 and 28-2-5, may be the basis for refusing employment.

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

The administration may also conduct the referenced background investigations of incumbent employees if it becomes aware of facts, circumstances, or conduct that give rise to a reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue in employment with the district.

Administrative Staff Vacancies. The superintendent shall determine the procedure for filling vacancies in the administrative staff at the time of a vacancy. The present staff shall have the first consideration for vacant positions.

2.3 *Recommendation of Employment*

The superintendent will employ all employees, and will assign them to positions. State statute delegates responsibility and authority for the employment and discharge of all personnel to the superintendent within state regulations.

Nepotism. The School District is prohibited from the initial employment or approval of employment, in any capacity, of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, or sister-in-law of any member of the School Board or Superintendent. The continued employment of an individual related to a member

of the School Board or Superintendent shall not be prohibited so long as the individual was regularly employed by the School District at the time of the election or appointment of the related Board member or the Superintendent to the respective office. (Public School Code 22-5-6)

Community Resident. All personnel of the school system should reside in the district if at all possible.

2.4 Contracts of Employment for Certified Personnel

Forms. All employment contracts between superintendent and certified personnel shall be on forms approved by the Public Education Department and will specify the terms of service, date, salary, method of payment, reasons for termination of the contract, and any other provisions required regulations of the state and local boards. All certified and administrative personnel must comply with local and state certification requirements.

Time Periods for Contracts. All employment contracts between local school boards and certified school personnel shall be for a period of one (1) year, except certified school administrators engaged in administrative functions for more than one-half of their employment time may enter into employment contracts for a period not to exceed two (2) years.

The administrative personnel contracts will be reviewed annually. Upon the recommendation of the superintendent, these contracts may be made on a two-year basis and perpetuated on this basis by an annual voiding of the present contract and issuance of a new two-year contract. The superintendent will be placed on a twelve-month contract. Principals will be placed on a 204-day contract.

Contractual Status for Certified Personnel. All teachers are to report for duty two days before the opening of the school year. These two (2) days are a part of the 184-day contractual period and are subject to the same leave policies as is the regular teaching day. All teachers are to remain on duty until officially dismissed after the last day for student attendance. These days are a part of the 184-day contractual period and are subject to the same leave policies as is the regular school day. The school calendar shall be outlined for the next school year and approved by the Board of Education prior to the close of the school year.

Teacher contracts are not binding upon the superintendent unless all conditions of employment considered part of the contract are met including (1) Certification (a valid New Mexico teaching certificate). (2) an official transcript (3) Health certificate signed by a licensed physician, and (4) verification of outside experience from school or schools where they have taught.

Probationary Contracts. *Probationary contracts* are given to teachers in each of their first two (2) school years. The teacher may terminate the contract upon 30

days written notice. The contract may be terminated by the superintendent as provided by the state statutes. Teachers of one or two years will be given contracts on a yearly basis. The principal will make personnel evaluation reports on all teachers with one or two years experience and submit them to the superintendent once each year. The reports will be kept in the teacher's personnel files for superintendent review at any time.

Contractual Status According to the New Mexico Code. The state uniform contract for teachers shall be awarded to regularly qualified teachers in accordance with law, but with the specific provision that stipulates salary therein must be in accordance with the salary schedule. The school term shall be at least the minimum number of days required by state law, 180 days, with teacher contracts calling for 184 days.

Termination of Contracts. All certified contracts may be terminated by the Board for cause, including unsatisfactory work performance, incompetency, insubordination, physical or mental inability to perform the required duties or for any other good and just cause, provided that any such termination may be affected only in accordance with the New Mexico statutes and the rules and regulations of the Public Education Department.

2.5 Resignation

Certified personnel will give the superintendent thirty (30) calendar days, written notice of intention to resign. Failure to give such thirty (30) calendar days notice shall entitle the superintendent, at its discretion, to file a written complaint with the Public Education Department requesting suspension or revocation of the instructor's certificate.

Non-certified personnel shall file a written notice of resignation with the superintendent at least fifteen (15) days prior to the effective date of resignation. Such notice may be waived under extenuating circumstances.

2.6 Employee Suspension

An employee may be suspended with pay pending the outcome of a hearing or investigation of allegations of misconduct. The superintendent in accordance with the rights of the individual and due process will make such suspension.

2.7 Job Assignments

Certified Personnel. The assignment of all faculty members will be made by the superintendent and building principals. A teacher is subject to transfer from position to position at the discretion of the superintendent with at least thirty (30) days advance notice. A conference of all employees involved in a transfer shall be held with the superintendent. All reasons for the transfer shall be reviewed. The superintendent's decision will be final and will inform all parties involved in a written disposition. If the transfer is necessary because of decreased enrollment, consideration shall be given to the teacher's length of and quality of service.

Non-certified Personnel. Job assignment transfers of non-certified personnel will be made after a conference between the individual involved his or her supervisor, and the superintendent.

2.8 Personnel Records

Personnel File. The superintendent will maintain a personnel record on each employee. These records will be kept in the school administration office with proper security controls. Staff members will be made aware of the materials placed in the personnel record. Items such as supervisory reports shall be dated, reviewed, and signed by the staff member before inclusion in the record. School personnel records shall comply with all state and federal regulatory agencies. The records will include but will not be limited to:

- ❖ Original application and reference
- ❖ Verification of previous experience
- ❖ Official transcript of college credits
- ❖ Current health certificate
- ❖ Current teaching certificate
- ❖ Withholding statement and social security number
- ❖ Signed permission for payroll deductions
- ❖ Service record for retirement
- ❖ Current contract
- ❖ Sick leave record
- ❖ Supervisory reports and conference notations
- ❖ Form I-9 Immigration Reform and Control Act of 1986

Health Certificate. The law of the State of New Mexico requires all school personnel to have a certificate signed by a licensed physician stating they are free from transmissible tuberculosis. Only one certificate is required and does not have to be renewed annually.

Health Examination. If at any time there is a question as to the ability of a school employee to perform his or her assigned responsibilities, the school will require a complete physical examination by a school-appointed physician to be paid for by the school.

Professional Staff Records. In order to comply with the laws of the State of New Mexico, the policies of the Board of Education, and to assist the personnel office in maintaining accurate, up-to-date records, all certified personnel must submit the following items on or before the first day of school:

Official Transcript. An official transcript must be on file in the school administration office. Request transcripts from colleges or universities to be sent to the superintendent of Schools, Box 1386, Jal, New Mexico 88252 and to the New Mexico Department of Education Licensure, Santa Fe, New Mexico. If a teacher earns additional hours to qualify for advancement on the salary schedule, a transcript listing these hours must be on file by September 20 of each year. Grade records for summer work will be

accepted temporarily until an official transcript can be secured. The teacher is responsible for securing transcripts. For T & E purposes and for credit on the salary schedule, all college hours above the bachelor's degree must be earned after the bachelor's degree has been completed. Credit will be given for graduate hours and for undergraduate hours for courses in Spanish, technology, and education. Courses in the teaching field of the faculty member and courses that will lead to extra endorsements will also be allowed. Similarly, all hours credited above the master's degree must be earned after the master's degree has been completed. The hours must be graduate credit hours or in the field given above.

Increments for experience are granted upon satisfactory completion of a year's work. Experience of less than one school year but more than 90 days will be counted as a full year of experience. Verified employment for trades and industries instructors will be counted as experience for the T & E and salary purposes, and verified employment for support service personnel will also be counted as experience for T & E and salary purposes. All out-of-district experience is accepted upon verification.

Valid Teaching License. The teacher must have and present to the superintendent a valid New Mexico teacher's certificate for the appropriate teaching level. A record of the certificate must be on file in the school administration office before payment can be made for teaching services. New teachers will write the New Mexico Public Education Department Licensure, Education Building, Santa Fe, New Mexico, and request an application form. Fill out the application and return it with an official transcript to the licensure department. For certification renewal, see the Public Education Department bulletin concerning certification.

Public Use. Personnel records of the school system are not classified as public records and are not open for public inspection. The use of the personnel file will be limited to the employee or designated representative, the superintendent or designated representative, the supervisory principal and the Board. Individual use of the file by any of the above will be through the authorization of the superintendent.

Retention of Records. Personnel records will not be destroyed. Components of the file may be destroyed upon mutual agreement of the employee, the principal or immediate supervisor, and the superintendent. Inactive records will be kept on file either in original form or microfilm. Transcripts, military records, and teaching certificates will be returned to the employee upon termination of employment.

2.9 Evaluation of Certified Personnel

The full New Mexico evaluation process will be conducted with teachers through their second consecutive year of employment with the Jal Schools. Teachers beginning their third consecutive year will receive a professional local district evaluation. Every third year, each teacher of this group will receive the full New Mexico evaluation. Evaluation of the superintendent and principals will be

conducted annually—a management responsibility and is not subject to bargaining. All teachers will be evaluated annually.

The staff of each school will be encouraged to participate in the evaluation of the building principal by completing an evaluation form provided by the superintendent. The form should be completed and returned to the superintendent. It must be signed by the staff member to be considered. The superintendent will review the total results with the principals but will not discuss individual staff responses.

2.10 Professional Growth

The professional staff is urged to keep abreast of changes in education. Each faculty member is encouraged to enroll in college courses, to travel, to do research, and to visit other school systems. The salary schedule is designed to offer incentive for all faculty members to obtain additional training and degrees.

In-Service Training. As new instructional programs are added, it will be necessary for those faculty members affected to obtain additional training in the new areas. In order to provide a means of continuing professional growth, the Board of Education endorses a well-rounded in-service training program. It shall be the responsibility of the superintendent of Schools to administer this program.

Visitation to Other Schools. Teachers are encouraged to visit other schools for individual comparisons and self-improvement. The Board of Education approves a visitation day for this purpose. The number participating shall be limited to not more than one-fourth of the faculty each year. Teachers who visit other schools are requested to make a report to their faculty about the visitation. Requests for such visits should be made to the principal. The Board will pay the substitute.

Education. Staff members may be required to obtain special or additional education in a field or area upon the request of the superintendent and the Board of Education.

Professional Organizations. Although it is not a requirement for certified personnel to join their local, state and/or national education organizations, it is their privilege and responsibility to affiliate with these groups. The New Mexico Education Association will hold an annual meeting each year. Jal Schools may send delegates to this meeting.

Workshop Attendance. Teachers who are authorized to attend workshops may be paid per diem by the Board of Education. Teachers attending any workshop approved by the Board of Education and administration may use appropriate budgeted funds to pay expenses.

2.11 Employee Service Recognition

It is the desire of the Board of Education that loyal and faithful service to the school system by its employees be recognized. In order to encourage long position tenure,

express appreciation for service, and encourage pride in being a member of the staff of the Jal Public Schools, the Board of Education authorizes the awarding of a plaque or other symbol of recognition at the conclusion of the following years of service: 5 years; 10 years; 15 years; 20 years; 25 years; and 30 years. These awards are to be presented by the Board of Education at the annual employee awards banquet.

2.12 *Support for Staff Members*

The Board will provide reasonable legal support for staff members in their execution of school policies, rules, and regulations. The superintendent will arrange for personal and comprehensive liability insurance, which includes civil rights and corporal punishment issues, worker's compensation insurance, and legal services to all employees. Furthermore, the Board pledges its full support in the assumption of each staff member if complications arise from obligations, duties, or responsibilities related to job assignments.

The Board will insure itself and school personnel against liability claims within the amounts outlined by State regulatory agencies.

2.13 *Line of Communication*

Questions, disagreements, and conflicts should be solved in an ethical and professional manner. Employees are expected to consult directly with their immediate supervisor or principal, then with the superintendent if necessary. If a satisfactory solution is not reached, the superintendent and employee should, through established procedures, approach the Board of Education.

2.14 *Board Policy on Roles and Communications*

The Board of Education, in the interests of clarifying the roles of the Board, individual Board members, the Superintendent, and the administration in the governance and administration of the School District, and to establish appropriate lines of communications according to such roles, adopts the following principles as policy.

A. *Communications Between the Board and the Administration*

1. The work of the School District is best pursued when information is shared among the Board members and the Superintendent;
2. All communications and distribution of information between the Board and the administration should be through the Superintendent;
3. Administrative priorities are established between the Board as a whole and the Superintendent, and implemented by the Superintendent;
4. The Board's objectives and concerns should be communicated from the Board to the administration exclusively through the Superintendent;
5. It is the Superintendent's responsibility to prioritize and implement the Board's directions and goals;
6. If the administration is to pursue the Board's priorities efficiently, its attention and resources must not be diverted by individual Board members without the assent of the entire Board and the knowledge of the Superintendent;

7. It is the Superintendent's responsibility to bring administrative problems and concerns to the attention of the Board;

8. Individual members of the Board should not communicate directly with subordinate administrators about school business except through, or with the involvement of, the Superintendent;

9. Communications from subordinate administrators to the Board or to individual members of the Board should go through the Superintendent or should involve the Superintendent;

B. Limits of Individual Board Members' Authority and Conduct

1. Apart from duties specifically delegated to Board officers by the entire Board, the authority of the Board lies with the Board as a whole, and not with individual members of the Board;

2. The publicly-issued views of individual members of the Board should not be taken as representing those of other Board members or of the Board as a whole;

3. Subject to paragraph B.1, herein, individual members of the Board have not authority or speak on the Board's behalf in regard to any matter;

4. Subject to paragraph B.1, herein, individual members of the Board have no authority to act on the Board's behalf in regard to any matter;

5. It is the duty of Board members to set overall direction and policy through the actions of the entire Board;

6. Individual Board members shall avoid direct involvement in administrative matters and should instead refer them to the Superintendent or to the Board;

7. Except in the case of a contrary resolution of the Board as a whole, employees of the School District are subject exclusively to the direction and supervision of the Superintendent and subordinate supervisors;

8. Subject to paragraph B.1, herein, individual members of the Board have no authority to direct or influence actions of any School District employee, directly or indirectly, in regard to any matter, and School District employees are neither required nor authorized to follow the directions of individual Board members;

9. Subject to paragraph B.1, herein, and to the rights afforded to the public generally, individual members of the Board may not divert the attention, the priorities, or the resources of the administration toward the individual member's concerns without the positive vote of the Board, except for routine requests for information;

10. Individual members of the Board have no authority to ignore school rules applicable to the general public regarding entry upon school premises, distribution of leaflets or other written materials on school premises, or contact with school employees or students on school premises;

11. Any District employee who believes that a member of the Board has engaged in threatening or coercive comments or conduct toward the employee to influence the employee in the discharge of his or her duties is encouraged to report such instances to the Superintendent or to the Board, and no such employee shall be subject to retaliation or reprisal;

12. Nothing herein should be construed as prohibiting the communication of views at meetings of the Board of Education by appropriate and non-disruptive means, including through written materials.

C. Board Members' Communications with Parents, Employees, and Other Constituents

1. Board duties involve both “legislative” and “adjudicative” functions and members’ ability to communicate with constituents differs depending on the nature of the matter to be addressed;
2. Board duties usually involve legislative functions, in which the Board determines overall directions and policies, or makes rules, in areas of school district business such as financial and budgetary policies, curricular and academic policies, employment and personnel policies, disciplinary policies, etc.;
3. The Board and individual Board members may and should be open to discussions with employees, parents, and other constituents at any time concerning current or proposed policy matters or actions by the Board in establishing such policies and overall direction of the School District;
4. Board duties also encompass adjudicative functions in which the Board must review administrative decisions, or make final determinations, concerning the rights and obligations of individual students or employees, including disciplinary or employment matters that will or may become the subject of a hearing before the Board;
5. Such adjudicative matters may be addressed only to the Board as a whole by interested parties in the context of a Board meeting convened to hear such matters;
6. Individual Board members should strictly avoid involvement in any discussions concerning such adjudicative matters, regardless of whether such discussions are with persons who have a direct interest in the outcome of such matters, and regardless of whether such discussion is sought before, during, or after Board adjudication;
7. With respect to parents, employees, or other constituents, who approach an individual Board member with issues of their individual concern – including student academic, extra-curricular, or disciplinary matters, and employee performance or disciplinary matters – Board members are to direct such persons to the appropriate administrator or to the Superintendent for resolution, rather than becoming directly involved in such matters themselves;
8. If a parent, employee, or other constituent has pursued an issue through the administration, including with the Superintendent, and remains dissatisfied, he or she, or an individual Board member, may request that the Superintendent place the matter on the agenda for a meeting of the Board, and the Board, in its discretion, may decide whether it wishes to consider the matter.

2.15 *Grievance Procedures (Adopted 1993)*

The purpose of these grievance procedures shall be to achieve equitable solutions to problems, which may arise at the lowest possible administrative level. Grievance shall mean allegation of a misinterpretation, violation, or misapplication of any board policy, rule, regulation, or procedure.

Situations Not Grievable.

- (1) The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor unless a misapplication of evaluation procedure has been made. In which case, the procedural misapplication itself, if resulting in a direct and adverse way upon the employee, may be cause for the filing of a grievance.
- (2) Any personnel decision made by the school board, the refusal to reemploy an employee, discharge, demotion, or any other school board action directly and adversely affecting the employment of an employee.
- (3) Situations in which the superintendent and school board are without authority to act.
- (4) Situations where the remedy for the alleged violation exclusively resides in a person, agency, or authority other than the school board.

General Procedures. No matter shall be submitted under this procedure unless it has been first informally discussed with the affected principal or immediate supervisor. Days, (working days), in each case shall be interpreted as the maximum. All parties agree to expedite each step whenever possible. Time limits may be extended only by written agreement of the parties.

Step One – Principal/Supervisor. Any employee must present a written grievance to the principal or appropriate immediate supervisor within three workdays following the act or condition or the employee's first awareness thereof which is the basis of the complaint. Within two workdays, the employee and the appropriate supervisor shall confer on the grievance with a view to arriving at a mutually satisfactory resolution of the complaint. The appropriate supervisor or principal shall communicate his or her decision to the aggrieved employee within five workdays after the conference.

Step Two – Superintendent. If the grievance is not resolved at step one, the aggrieved employee may appeal to the superintendent within ten workdays after she/he has received the decision of the administrator or supervisor at step one. Within five workdays, the superintendent shall meet and confer with the aggrieved employee and the administrator/supervisor on the grievance with a view to arriving at mutually satisfactory resolution of the complaint. Should the conference not result in a satisfactory resolution of the complaint. The superintendent shall render a decision on the matters relevant to the grievance within five workdays. The decision may be how a plan is to be put in effect to solve the grievance, but the actual plan may take more time to implement. The superintendent shall forward a copy to all parties involved in the grievance.

Step Three – Board of Education. If the grievant is dissatisfied with the decision of step two, the aggrieved employee may appeal the matter to the Board of Education within ten working days. The Board may hear the grievance in a closed session at or prior to its next regularly scheduled meeting. The employee may demand an open hearing on the grievance if it is in regard to a termination

procedure. If any other employee is to be mentioned in the grievance that employee must also agree to the hearing being conducted in an open meeting. The Board shall render its decision on the matters relevant to the grievance and forward a copy to all parties involved. The final decision of the Board will be made by action in open session and will be binding on all parties.

2.16 *Americans with Disabilities Act Grievance Procedure*

The Jal Public School District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that “No otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity.

Alleged Violation. Complaints should be addressed to the superintendent, Jal Public Schools, P.O. Box 1386, Jal, New Mexico 88252, 505-395-2101, who has been designated to coordinate ADA compliance efforts. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. Processing of allegations of discrimination, which occurred before this grievance procedure was in place, will be considered on a case-by-case basis.

Investigation. An investigation, as may be appropriate, shall follow a filing of the complaint. The superintendent or designee shall conduct the investigation. These rules contemplate informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Notice to Complainant. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the superintendent or designee and a copy forwarded to the complainant no later than 30 days after its filing.

Case Records. The ADA coordinator shall maintain the files and records of the Jal Public School District relating to the complaints filed.

Request for Reconsideration. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to the superintendent of Schools.

Other Remedies. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person’s pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

2.17 Sexual Harassment

The policy of the Board of Education forbids discrimination against any employee or applicant for employment on the basis of sex. The Board of Education will not tolerate sexual harassment activity by any of its employees. This policy similarly applies to non-employee volunteers who work subject to the control of school authorities.

General Prohibitions

Unwelcome Conduct of a Sexual Nature. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented “kidding,” “teasing,” double-entendres, and jokes. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

Sexual Harassment. For the purposes of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if (1) submission to the conduct is made either an explicit or implicit condition of employment; or (2) submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or (3) the conduct substantially interferes with an employee’s work performance, or creates an intimidating, hostile, or offensive work environment.

Specific Prohibitions

Administrators and Supervisors. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate’s failure to submit will result in adverse treatment, or when the subordinate’s acquiescence will result in preferential treatment. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

Non-administrative and Non-supervisory Employees. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

Reporting, Investigation, and Sanctions

It is the express policy of the Board of Education to encourage victims of sexual harassment to come forward with such claims. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate

administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level or administration supervision.

Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges or sexual harassment.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.

Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning, suspension, or termination of the offending personnel, pursuant to statutory procedural prerequisites.

2.18 Sexual Harassment of Students

The Board of Education forbids harassment of any student on the basis of sex. The Board will not tolerate sexual harassment of students by employees or by other students. The intent of this policy regarding conduct between employees and students is clear and straightforward: *No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.* Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is unwelcome conduct of a sexual nature. (See Section III, 3.2, pp. 25-27)

Standard of Conduct for Employees. No employees may engage in conduct of a sexual nature with a student at any time or under any circumstances, regardless of whether such conduct takes place on school property or in connection with any school-sponsored activity.

Reporting of Employees Mandatory. Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.

Investigation. All reports of sexual harassment of students will be appropriately and promptly investigated by the superintendent or his or her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

Sanctions. Any **employee** found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.

2.19 Drugs, and/or Alcohol and Tobacco, Weapons

Drugs and/or Alcohol. The Jal Public Schools prohibit the unlawful possession, use, or distribution of illicit drugs and/or alcohol on school premises or as part of any school activities. A copy of this standard of conduct will be given to all new employees and will be included in the policies and procedures manual.

Disciplining sanctions (consistent with local, state, and federal law) up to and including termination of employment and referral for prosecution, will be imposed on employees who violate these standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program. The Jal Public Schools will provide information to employees concerning drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.

Tobacco-Free Campus. The use of tobacco products is prohibited in school buildings, on school property, and for students at school functions away from school property. Students, school staff, parents, school visitors, and the community will be made aware of this policy through public and school media procedures. Enforcement of this policy will be the responsibility of the administrative and instructional staff of the Jal Public Schools.

Weapons. The Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to **forbid the possession, custody, and use of weapons by unauthorized persons in or around school property.** This policy is enacted to implement the requirements of the federal Gun Free Schools Act of 1994, 33 U.S.C. 3351 (a)(1), and it is the intention of the Board that it be interpreted to conform to provisions of that law.

2.20 Compensation and Benefits

Monthly Payroll. Employees will be paid on the 10th and 25th of each month. Should the 10th or 25th fall on the last day of the month or Saturday, or Sunday, employees will be paid on the preceding Friday. Should the 10th or 25th of the month occur on a holiday, employees will be paid on the last preceding school day. Certified personnel are paid on a twelve (12) month basis. To coincide with the school's fiscal year, all contracts will be paid in full by June 30.

Withholding. By law, effective July 1, 2013, for employees making over \$20,000, 10.1% of salaries must be withheld for retirement. For employees making under \$20,000, 7.9% of salaries will be withheld for retirement. Federal and state income tax is deducted according to tax schedules. Additional withholding will be deducted

at the request of the employee and after completion of the appropriate form. Any changes to withholding should be made by the first of the month prior to receipt of the paycheck on the 10th of the month.

The employee must give written authorization before any of the following deductions can be made.

- ☐ Lea County Community Federal Credit Union (for loan payments or shares—even dollar amounts only)
- ☐ United States Savings Bonds
- ☐ Insurance for Loss of Time, Life, or Cancer/Heart
- ☐ Health Plan
- ☐ Board of Education Approved Annuity Programs
- ☐ Professional Organization Dues

Social Security. Members of the professional staff employed prior to April 1, 1986, are not presently covered by social security. However, coverage may be obtained by a referendum involving the entire staff. Professional staff members employed after March 31, 1986, are subject to 1.45% withholding for Medicare. All members of the nonprofessional staff are covered by social security.

Insurance. The Board of Education has authorized payments of sixty (60%) to seventy-five (75%) based on gross salary, according to law, to be applied to the cost of the accident, health, hospitalization, and loss-of-time insurance for all school employees and their families who qualify and wish to participate in this program. The Jal Public Schools will make available to its employees these insurance plans as bid and made available by the New Mexico Public Schools Insurance Authority.

The Board of Education shall furnish a *\$50,000 Basic Life Insurance* policy for all school employees. Premiums are the sole responsibility of the school.

An **emeritus employee** may be covered by any insurance available to persons of that age carried by the school for school employees or available to them through the administration office, if the proper share of the cost (as prescribed by the insurance company) is presented in the school administration office on the specified date. All retired school personnel with fifteen years of service in the Jal Public Schools are emeritus employees. The school can assume no portion of the premium.

Internal Revenue Service Benefit Plan. The Jal Public Schools will offer employees the option of participation in the Internal Revenue Service 125 flexible benefit plan. (This action was adopted by the Board, February 5, 1991.)

Retiree Health Care Program. The Jal Public Schools will be a participant in the Retiree Health Care program as authorized by action of the 1990 Legislature. Beginning July 1, 2013, active employee contributions amounting to 1% of payroll will be deducted from paychecks with employers contributing 2% of payroll. Benefits for these retirees will begin January 1, 2012.

Worker's Compensation. Worker's compensation insurance is carried on all school employees. Employees pay \$2.00 and the employer is required to pay \$2.30 per quarter for administrative fees to the Taxation and Revenue Department of the State of New Mexico. It is illegal for New Mexico schools to budget monies for the total cost of accident insurance on students or faculty members.

Employees absent due to on-the-job injuries must take sick leave for a period of seven (7) working days before workers compensation payment begins. Sick leave is not allowed while receiving workers compensation. For absences due to on-the-job injuries, sick leave and vacation time will continue to accrue for up to six months absence from a single injury. After a continuous absence of six months, neither sick leave nor vacation will accumulate. In case of certified personnel, the time periods mentioned are continuous from date of injury excluding summer holidays.

The Board of Education will continue to pay for all employees the allowed amount of insurance premiums until any one of the following occurs: (1) Premiums are waived by the company. (2) The employee is declared permanently disabled by ERA, Social Security or the insurance carrier. (3) One year from the date of injury.

Long Term Disability Insurance. Long-term disability insurance is available for all school employees. Should an employee become disabled, Jal Public Schools will continue to pay the regular percentage of the total premium for six months. After six months, the employee has the option of dropping the policy or paying 100% of the premium. Should the policy be allowed to lapse, a physical examination would be necessary to renew.

New Mexico State Retirement System. New employees are required to be members of the New Mexico Educational Retirement Association. This requirement does not apply to contract labor. Members of the Association contribute (10.1%) of gross salaries if salary is over \$20,000. If the employee's salary is less than \$20,000, the contribution will be seven and nine-tenths percent (7.9%).

Members may withdraw their contributions only when they terminate employment and certification of termination is provided the Education Retirement Board by school officials. Employer contributions are not placed in the member's account and are not refundable to a member upon termination of employment. A member desiring to withdraw contributions must complete a request for refund form (Form 3-A) and submit it to the Educational Retirement Board. Forms are available at the school administration business office.

Under provisions of a law passed in February 1974, employees may retire when years of service plus age add up to 75.

Overtime for Operation and Maintenance Support Staff. Subject to the limitations and expectations set forth below, overtime at the rate of time and one-

half will be earned by any employee who is required to work more than forty (40) hours during the work week. All overtime must have prior approval of the superintendent or designee. Compensation for overtime shall be paid at a rate of one and one-half times that employee's regular rate of pay. Payment for overtime shall be made on the employee's regular payday for the pay period encompassing the workweek in which overtime was earned. The hours worked by an employee who, at his or her option, engages in part-time, occasional, or sporadic employment for the district in a different capacity than his or her primary employment, shall be excluded from the calculations of hours for which the employee is entitled to overtime compensation.

The overtime compensation does not apply to executive, administrative, professional or certified teachers or to volunteers.

Holiday Pay. If a paid holiday occurs while a non-certified employee is sick and unable to work and after the employee has used all accumulated sick leave, the employee shall be paid at the regular rate for the holiday.

Lea County Community Federal Credit Union. The Jal Schools are affiliated with the Lea County Community Federal Credit Union, which offers loans, savings, and checking account services to members. Jal employees have the option of becoming members. Information about these services is available at the Credit Union office, 2220 North Dal Paso, Hobbs, New Mexico, or by telephone at 393-1596.

Cafeteria Charges. Employees of the Jal Schools may charge meals in the school cafeteria for one month at a time with the bill payable on the 25th (payroll date) of each month. If charges extend more than one month without payment, the amount owed may be deducted from the employee's payroll check. (Adopted 9-12-95)

Travel Expenses. With prior approval by the superintendent, Jal school employees are entitled per diem or reimbursement of expenses incurred in official travel.

Per Diem Rate. All school employees and members of the school board will be reimbursed for travel and per diem expenses at the Board approved-rate which is the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle, and \$85 per day for per diem, or \$95 per day when traveling to Albuquerque and or Santa Fe. School employees may be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required. Meal expenses may be reimbursed up to \$30.00 per day. Receipts for meals and lodging must be turned into the business office. (Adopted September 9, 2003).

Personal Reimbursement. When a personal vehicle is authorized for official school travel, the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled will be used. Under no circumstances is a

school-owned courtesy, or credit card, to be used to make purchases for a personal vehicle.

2.21 *Gratuities*

The giving and receiving of gifts by school personnel in situations related to their professional status is not in accordance with good professional practice. An action or comment by an individual, which might be interpreted as an invitation for a gift of any nature, is disapproved. The implications of uncontrolled practices may lead to very undesirable consequences, grief for individuals, and criticism of employees and administrators who allow such practices to exist. Words of appreciation or warm and friendly letters are encouraged as being far more desirable than expensive gifts, etc.

2.22 *School Calendar and Work Schedule*

The fiscal and statistical year shall begin on the first day of July and end June 30 of the following year. The superintendent at the regular meeting of the Board of Education in January shall submit the calendar for the succeeding year. The lengths of the school day and opening and closing of the sessions shall be recommended by the superintendent. The length of the school term shall be at least the minimum number of days required by State Law, 180 days, with teachers' contracts calling for at least 184 days. (See New Mexico Code.)

Certified Employees. The professional staff will report to work Monday through Friday at 7:30 a.m. and remain on duty until 3:30 p.m.

Non-certified Employees. Non-certified employees will begin work at 7:00 a.m. and remain on duty until 4:00 p.m., Monday through Friday, with time off for lunch from 12:00 until 1:00 p.m. If necessary, the immediate supervisor may assign alternate work hours. All changes must be approved by the superintendent.

2.23 *Vacation Allowance*

Custodial and Maintenance Personnel. When a twelve-month non-certified employee has been with the Jal Schools for a period of one year, the employee is entitled to a vacation period of two weeks. After a non-certified employee has worked for the Jal Schools for at least six months, he or she is entitled to a one-week vacation provided it can be taken during the summer months. After ten years of service, custodial and maintenance employees will be increased to three weeks. As a courtesy to new employees, the Board of Education will allow the employee to request one (1) week vacation time after three (3) months but less than six (6) months service. The superintendent must approve vacation schedules.

Vacation leave is not accumulative. In the event an employee resigns or is discharged before the regular vacation period, he or she shall be entitled to receive accumulated vacation pay. All computations for pay purposes which involve vacation time will be computed on a prorated basis, i.e., approximately five-sixths days of vacation time is earned for each month of work. After an employee uses

two (2) weeks vacation, approximately twelve (12) months must be served before he or she is entitled to another two (2) weeks vacation. The Board reserves the right to allow an employee to use vacation time in lieu of sick leave in extenuating circumstances. The Board reserves the right to allow an employee to take vacation time for conducting personal business, subject to time of service and duty schedule. Should a holiday fall within the employee's vacation period, he or she will not be required to count that day as vacation time.

After employees have completed one year of service, their vacation will be prorated from their anniversary date to July 1st so that all employees will be on the same schedule, i.e. (two or three weeks of vacation time for July 1st to June 30th). Example: An employee begins work on May 1, 1998. May 1, 1999 to July 1, 1999, the employee would have $2/12 \times 10/1 = 1.67$ rounded to 2 days of vacation. On July 1, 1999, to June 30, 2000 the employee would have 10 days of vacation.

Secretarial and Clerical Personnel. The secretarial and clerical personnel shall schedule their vacations with approval by their supervisors and the superintendent.

Administrative Personnel. Employees will receive 12 days per year of sick leave. Unused sick leave will be carried over to the next year and is accumulative to 120 days.

Two weeks of vacation time per year will be given to new employees. After five years of experience, the vacation time will increase to three weeks, and after ten years, four weeks a year will be given. Employees who have been working in other positions in the school system will be given credit for this experience. Vacation time not used will be credited to the next year up to a maximum of 50 days.

Each employee will have two days per year of optional leave. Optional leave must be taken a full day at a time, not before or after a holiday, and is not accumulative.

Employees retiring from Jal Schools may be compensated for up to 240 hours of unused vacation time. This limit is set by the Education Retirement Board.

2.24 Leave of Absence

Jury Duty or Court Subpoena. School personnel will receive their regular daily pay from the school when attending court for jury duty or a court subpoena less the hourly pay received for their services on the jury. It is the intention of the Board that employees not lose any salary as a result of these services.

Military Leave. Military leave is regulated by Federal Law.

Attendance at Conferences. It shall be left to the discretion of the supervisor and superintendent to grant leaves of absence or attendance at conference of local, state, and national professional organizations.

Personal Leave. All personnel assigned for less than twelve months and not entitled to annual vacation will be allowed a maximum of two (2) days during any one school year for personal leave in any sequence, but must be on a minimum of one-half day basis.

- Personal leave is not accumulative and will not be deducted from sick leave.
- The staff member will pay the cost of the substitute during such absence.
- The deduction for this purpose will be \$50 per day.
- Requests for leave shall be acted upon by the superintendent after recommendation by the building principal.
- Personal leave may not be granted on days that substitutes are not available or school activities require that the regular classroom teacher be present.
- The building principal will inform the staff about the days that personal leave should not be requested.
- Personal leave will be recorded in the monthly teacher's service record.
- Personal leave not approved will be deducted at the rate of 1/184th per teaching day of absence.
- Proper request forms should be submitted in duplicate.
- A copy of the request indicating the action of the superintendent will be returned to the building principal.

Optional Leave. (Mental Health Days!). Two days of leave per year will be granted to each employee. The employee may use the days for any purpose he/she wishes. Prior approval must be obtained from the employee's immediate supervisor. There is no deduct from pay for these days.

- Optional leave is not accumulative and must be taken on a minimum of one day at a time.
- Requests for leave shall be acted upon by the superintendent after recommendation by the employee's supervisor.
- Optional leave will not be approved on the following days:
 1. The beginning and end of the school year.
 2. Immediately before and after holidays.
 3. During examination and report card periods.
- Optional leave will be recorded in the monthly teacher's service records.
- Proper request forms should be submitted in duplicate.
- A copy of the request indicating the action of the superintendent will be returned to the building principal.

Sick Leave. All employees assigned for less than twelve months and not entitled to annual vacation are allowed ten (10) days sick leave per year, accumulative to 120 days without deduction in salary. Employees assigned for twelve months that are entitled to annual vacation are allowed twelve (12) days sick leave per year,

accumulative to 120 days without deduction in salary. Listed below are the allowable reasons for sick leave:

Personal illness of the employee.

Serious illness in the immediate family. Although the birth of a grandchild would fall under that definition, employees are urged to use discretion in the use of sick leave for this purpose. It is not intended that sick leave provide an employee time off to provide maternity care for a normal childbirth nor to merely visit the child and its family.

Death in the immediate family. The “immediate family” is defined as the employee and spouse, their children, their brothers, their sisters, parents, grandparents, and grandchildren. Brothers-in-law and sisters-in-law of the employee and spouse shall also be considered immediate family.

Any additional reasons for unavoidable absence from school and/or assigned duties, and/or interpretation of the sick leave clause or statements, shall be left to the discretion of the Board of Education. If an employee is absent from duty more than ten (10) school days, the employee may be required to submit a physician’s statement of verification.

Maternity Leave. Any employee who becomes pregnant should report this condition to their supervisor. A normal pregnancy is not considered an illness requiring sick leave. When unable to work due to illness associated with pregnancy, impending delivery and recovery, the employee will be given a leave of absence as outlined in the Family and Medical Leave Policy.

Family and Medical Leave Policy. The policy is adopted to implement the federal Family and Medical Leave Act of 1993 pursuant to the terms, conditions, and limitations of the Act. In the event of any conflict between the provisions of this or any other leave policy of the District and the provisions of the FMLA, the latter shall prevail. To be eligible for leave under the Act an employee must have worked for the district for a total of 12 months, during which the employee must have worked a total of 1,250 hours. Pursuant to the Family and Medical Leave Act, employees are permitted up to 12 workweeks of unpaid leave per year during any 12-month period. An employee requesting leave shall submit a “Request for Leave” form to the superintendent. All requests for family/medical leave must be approved by the employee’s supervisor and the superintendent. Family and medical leave can be requested for the following reasons:

- 1) Childbirth and infant care
- 2) Placement of a child with the employee for adoption or placement of a child with the employee by state agency for foster care (entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child)
- 3) Care of the employee’s spouse, son, or daughter or parent with a serious health condition
- 4) The inability of the employee to perform his or her job duties due to his or her own serious health condition, or the necessary treatment.

The 12-month period within which each employee may take 12 weeks of leave under the FMLA shall be a “rolling” 12-month period, measured backward for each employee from the first time each such employee uses leave under the FMLA.

A “**serious health condition**” is an illness, injury, impairment, or physical or mental condition that requires in-patient care in a hospital, hospice, or residential medical care facility, or requires continuing treatment by a health care provider and which, if left untreated, would likely result in an absence from work of more than three days, or involves pre-natal care. A “serious condition” does not include voluntary cosmetic treatments, unless inpatient care is required or routine physical examinations.

If an employee requests leave for treatment of an employee’s serious medical condition or for that of a child, parent, or spouse, the employee must make a reasonable effort to schedule the treatment at a time that is not unduly disruptive to the district.

An employee seeking **leave for foreseeable reason** such as the birth or placement of a child for planned medical treatment, shall provide the district with at least **30 days advance notice** of the leave. If 30 days advance notice is not possible under the circumstances, e.g. in the case of a premature birth, the employee shall give such notice as is practicable e.g. within one or two business days of the day the employee learns of the need for leave. When an employee’s reason for seeking leave was unforeseeable, such employee shall give such notice as is practicable. An employee who fails to give notice of leave as required herein may be denied such leave until the notice requirements are met. If less than 30 days notice of leave is provided, the employee must schedule an appointment with the superintendent for approval.

An employee seeking leave on the basis of the serious medical condition of the employee or the employee’s spouse, son or daughter, or parent, **must provide certification** issued by the health care provider of the employee or of the employee’s spouse, son or daughter, or parent, stating the date the condition began, its probably duration, appropriate medical facts, and that, for a specified time, either the employee is unable to perform his or her job functions or will be unavailable to do so while receiving necessary medical treatment or the employee will be needed to care for the sick family member. If the adequacy of medical certification is questioned by the district, the district may require the employee to seek the opinion of a second health care provider, who is not regularly employed by the district, at the district’s expense. If the opinions of the first and second health care providers differ, the district may require the employee to obtain a third opinion at the district’s expense, from a health care provider agreed upon by the employee and the district. The third opinion shall be final and binding.

Spouses employed by the district are limited to a combined total of 12 workweeks per year for the birth or placement of a child, or to care for a parent. However, for

other covered leaves, such as to care for a spouse or child, or for treatment of the employee's own serious health condition, each spouse may take up to 12 weeks a year.

Intermittent leave and reduced work schedules are allowed when such are medically necessary; however, employees may not take intermittent leaves or go on reduced work schedules that reduce the number of hours worked per week or per day for childbirth/infant care or adoption leave. If an eligible "instructional employee" seeks intermittent leave or reduced-schedule leave for the care of a spouse, son or daughter, or parent, or for the employee's own serious condition, and the leave is foreseeable on the basis of planned medical treatment, and the employee would be on leave for more than 20 percent of the work days during the period, the employee must choose either to; (1) take leave for a period or periods of a particular length, not greater than the length of the planned medical treatment; or (2) transfer temporarily to an equivalent position which better accommodates recurring periods of leave.

"Instructional employees" include teachers, instructional assistants, coaches, and other employees whose duties principally involve the direct provision of instructional services to students. In the event an employee involuntarily takes additional leave time under subparagraph 1, above, the entire leave time shall be counted against the employee's available leave under the FMLA and any district leave policy.

If any employee requests intermittent leave or leave on a reduced work schedule to care for a seriously-ill family member or for the employee's own serious health condition, and the need for leave is foreseeable based upon planned medical treatment, the employee may temporarily be transferred to an available alternative position with equivalent pay and benefits, if the employee is qualified for the position and the position better accommodates recurring periods of leave than the employee's regular job.

The **responsibilities of instructional employees near the end of academic terms**—examinations, grading, etc.—requires that the school district be able to limit leave taking by instructional employees at such times as follows:

- 1) Leaves beginning more than five weeks before the end of a semester. If an instructional employee starts a leave more than five weeks before the end of a semester, the school district may require the employee to continue the leave until the end of the semester if the leave is of at least three week's duration; and the employee would return from leave during the three-week period preceding the semester's end.
- 2) Leaves beginning five weeks or less before the end of a semester. If an instructional employee begins a leave five weeks or less before the end of a semester, the school district may require the employee to continue the leave until the end of the semester, if the leave will last more than two weeks and the

employee would return from leave during the two-week period before the term's end.

- 3) Leaves beginning three weeks or less before the end of a semester. If an instructional employee starts a leave three weeks or less before the end of a semester, the school district may require the employee to continue the leave until the end of the term if the leave will last more than five working days.

Employees who take family/medical leave must **utilize any available paid leave** they have accrued under another of the District's leave policies when the reason for leave corresponds with the basis for leave under the other policy. Accrued vacation or personal leave shall be substituted for any FMLA-qualifying purpose. If the requested leave period extends beyond the employee's accrued number of paid leave days, the remaining leave days will be unpaid. **Example A:** An employee who sought leave due to his or her own serious medical condition and inability to perform his or her job duties has accrued six weeks sick leave. The employee must use the six weeks of paid sick leave and may thereafter use the remaining six weeks of unpaid leave available under this policy. **Example B:** An employee wishes to use four weeks of leave under this policy for birth or adoption of a child. The employee may substitute paid maternity or paternity leave, but is not required to, and may not, substitute paid sick leave, except to the extent allowed by the maternity/paternity leave policy.

Any employee seeking leave shall **explain the reasons for the needed leave on forms** provided by the district. It shall be the district's responsibility to identify the requested leave as covered by the FMLA and as paid or unpaid on the basis of leave time accrued under other district leave policies. Such identification shall be made at the time leave is requested or during such leave, on the basis of information provided by the employee.

During the period of leave, the school district will maintain for the employee under the district coverage group health plan if enrolled; however, the employee is responsible for continuing to pay the employee's monthly portion of the premium. If an employee fails to make payment of the employee's share of health insurance premiums for 30 days after such payment is due, coverage of such employee for benefits shall be discontinued. If the employee fails to return to work following leave under the FMLA for any reason (1) other than the continuation of the FMLA-qualifying circumstances upon which the need for leave was originally based, or (2) circumstances beyond the control of the employee, the employee shall be required to reimburse the district for the cost of health insurance premiums the district paid to maintain coverage for the employee during the leave period. Employees will not accrue leave or other benefits during the family/medical leave period.

An employee other than a "key employee," who has taken family medical leave will be restored to his or her previous position or to a position of equivalent pay, benefit, and other terms and conditions of employment. Equivalency of positions shall be determined on the basis of district policy. A "key employee" may be denied

reinstatement if it would create a substantial and grievous economic injury for the school district. A “key employee” is one whose compensation is within the highest 10 percent of the work force of the school district.

In each district building there shall be posted a notice to employees, describing the provisions of the FMLA, provided and approved by the Wage and Hour Division of the United States Department of Labor.

2.25 *Attendance at School Activities*

Employees of Jal Public Schools are admitted free of charge to all regular school activities and are expected to attend if at all possible. A courtesy pass is given to all retirees of the Jal Public Schools.

Employees will be assigned duties to these events as deemed necessary by the principal. It is the responsibility of every teacher to correct, and then report to the principal, any improper behavior on the part of any student at school-sponsored events.

2.26 *Outside Employment*

The Board of Education may permit extra or employment outside of school hours, but such employment must not interfere with regular schoolwork or responsibility in any way.

There will be no tutoring of school students for pay by school personnel during the school day. Tutoring one’s own students for pay will not occur at any time during the regular school year. (See Code of Ethics.)

2.27 *Cell Phones*

Teachers may take their cell phones into their classrooms, but they should be turned off during class instruction time and should be used very sparingly.

2.28 *Certified Personnel Job Titles and Positions*

Superintendent of Schools. The chief executive, administrative and supervisory officer of the Board of Education shall be the superintendent of Schools. To be eligible for appointment, a candidate shall have the necessary administrative certificate as required by law, shall possess qualities of professional and civic leadership; shall have specialized training in the educational and business administration of public schools, with at least a master’s degree from an accredited institution of higher learning, and shall have demonstrated by suitable experience the capability of leading a staff and community in a continuous program of school improvement.

The superintendent will be compensated at a rate commensurate with responsibility, experience, and ability. The divisions of executive services which shall demand the attention of the superintendent shall include:

- (1) Instructional services, including curriculum improvements.

- (2) Business, finance, record keeping, and auxiliary services.
- (3) Development, maintenance and operation of plant and equipment.
- (4) School interpretation, including research and public relations.

Each division shall be so organized and administered that it will aid instruction and facilitate learning.

Administrative Assistant Superintendent. The qualifications for an administrative assistant superintendent shall be the same as for the superintendent and appointment for this position shall be made by the Board of Education. The assistant superintendent shall have charge of those areas of responsibility designated by the superintendent. The salary shall be set by the Board of Education.

Elementary and Secondary Principals. An elementary or secondary principal shall have at least a master's degree and the necessary administrative certificate as required by law. The superintendent shall recommend each principal for appointment to his or her position. The Board of Education must approve the recommendation before the appointment can take place. The success of a principal depends, to a great extent, upon the ability to keep harmony, enthusiasm, and a desirable school spirit existing among all school personnel and the community as a whole. The principal is directly responsible to the superintendent for the proper management and successful functioning of the school. The principal shall be responsible for:

- (1) Supervision over all teachers in the assigned school and shall see that teachers use the state-adopted textbooks or equivalent, the state-adopted curriculum guides, and any local guides available.
- (2) General conduct of the entire school in which he or she is assigned.
- (3) Supervision of student activity in each cafeteria and/or lunchroom in the building.
- (4) Supervision of students in the buildings, playgrounds, and adjacent school property.
- (5) Serving as the attendance officer for his or her assigned school.
- (6) Supervision of the Special Education program at the assigned school.

Teacher. It shall be the policy of the Board of Education to employ to the instructional staff only those persons who hold at least a bachelor's degree with an academic major in the appropriate subject field and an acceptable state teacher's certificate. Individuals without degrees and those who cannot properly certify shall be employed only in case of emergency and for no longer than the current year.

Counselor. A counselor must have a New Mexico Counselor's certificate. When possible, counselor positions will be filled from members of the present staff. This policy does not provide for the compromise of qualifications in order to select from within the present staff. Counselors shall be on the teacher's salary schedule and shall work basic teacher's hours and be subject to extra assignments.

Activities Coordinator. The activities coordinator is directly responsible to the superintendent. The activities coordinator shall provide leadership of the coaching staff and sponsors of extracurricular activities and coordinate and develop annual sports and activity schedules. He or she shall request travel arrangements, make recommendations for coaching and activity assignments to the Superintendent, and evaluate the performance of the coaches and the activity sponsors. The activities coordinator is responsible for maintaining the eligibility rules and regulations of interscholastic activities.

Nurse. A nurse shall be licensed as a registered nurse in the State of New Mexico with training in public health and must hold a valid nursing certificate from the State Department of Education. Experience shall not be a prerequisite for employment, but experience in the field of public health shall be preferred. School nurses are employed by the Board of Education. Duties shall be to coordinate the school health program under the direction and supervision of the superintendent and in harmony with other appropriate directives. The superintendent shall work out the work schedule for a school nurse with assistance of the principal. The school nurse may be paid according to the teacher salary schedule. A travel allowance shall be determined by the Board of Education.

The school health program shall be planned in cooperation with the County Health Department and coordinated with the physical education program and the instructional program of the schools in the system.

Teacher on Part-time Contract. A teacher employed on a part-time contract shall have the same qualifications as full-time teachers and on the same salary schedule with the same benefits.

Substitute Teacher. At the very minimum, all applicants for initial substitute teacher licensure shall have attained eighteen (18) years of age for those seeking to perform instructional services in grades K-8, and twenty-one (21) years of age for those seeking to perform instructional services in grades 9-12, and have earned a high school diploma or high school diploma equivalency. Additionally, each applicant shall meet the requirements of either subsection H or I below, or shall meet the requirements of two or more of subsections A through G.

- A. Have, within 12 months of their date for initial employment with a local district, received on the job training by serving as a voluntary assistant to a licensed teacher in a school classroom for a minimum of three hours during three days;
- B. Have observed 3 hours or more of teaching in a school system and at the grade level of students in which the substitute will serve;
- C. Have completed a substitute teacher workshop conducted by or acceptable to the local school district in which the substitute teacher is employed or seeking employment;
- D. Have, within the past three school years of applications for employment or licensure, performed at least three hours of

instructional services as a substitute teacher in any school accredited or recognized by the New Mexico state board of education;

- E.** Have engaged in any paid employment in the three years prior to applying for substitute teaching licensure or employment which, after verification by and in the opinion of the superintendent of the local district, invests that application with relevant work or life experiences;
- F.** Have completed at least 60 hours of college-credit courses in a regionally accredited college;
- G.** 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 teacher preparation;
- H.** Have completed an approved teacher preparation program from a regionally accredited college or university;
- I.** Is in possession of a current substitute or standard teaching license issued by another state's educator licensure issuing agency.

Hiring Guidelines. Persons wishing to serve as substitute teachers are required to file an application in the office of the superintendent and to secure a substitute teacher's license from the State Department of Education. At least 15 hours of college work shall be preferred for substitute teaching. Transcripts must be filed in the superintendent's office.

Substitutes are encouraged to meet with the school principals to review the day to day routine of the school and to arrange a time to observe in the classroom.

Tracking Guidelines. A form for each substitute teacher shall be kept on file at the elementary and secondary school offices. The form will permit tracking of a substitute by specific classroom placement and by date, and hours in placement. A copy of the form is enclosed.

Conduct. Substitute teachers should dress in a professional manner and follow all school policies. Workshops will be conducted by the school principals to familiarize substitutes with school procedures.

Substitute teachers who do not follow established school procedures may have their name removed from the substitute list.

The school will conduct an annual workshop to acquaint the substitute teacher with his or her duties in the overall school program. Each principal shall be responsible for calling his or her own substitute teachers. Substitute teachers shall be paid on a per day basis. A substitute with no degree will be paid \$70 per day. A replacement teacher with a degree will receive \$80 per day.

After ten (10) consecutive teaching days for the same teacher, the rate of pay for a substitute teacher with a degree and a teaching certificate will be based on the amount for which he or she qualifies on the teacher salary schedule computed on a daily basis. A

substitute teacher with only a substitute-teaching certificate shall after ten (10) consecutive teaching days for the same teacher/position, will receive \$80 per day for services.

Coach. Coaching assignments are made by the athletic coordinator annually and must be approved by the superintendent. A coach must be an employee of the Jal Public Schools. The athletic director, superintendent, and school board must approve any exception to this policy. A coach must be licensed as a coach in the state of New Mexico.

A coach is expected to drive a team bus to and from contests. He or she must qualify for a Commercial Drivers License (CDL) and receive an annual physical examination and be subject to random drug testing. The Jal Schools will pay for the required license. Physical examination charges should be filed on personal insurance forms.

A coach is expected to perform additional duties such as scouting, keeping score, video recording, etc. The activities coordinator and head varsity coach will assign these duties.

2.29 Non-certified Personnel Job Titles and Positions

Business Manager. The business manager should have adequate training, skills, and experience to perform the following duties: (1) Preparation and dissemination of financial records (local, state, and federal) to the State Department of Education and local school board. (2) Understand and aid in the formulation and control of the school budget. (3) Formulate and disseminate personnel reports, T & E reports, unemployment reports, and quarterly payroll reports. (4) Reconcile bank accounts and process accounts payable. (5) Direct the annual independent audit of school business practices. (6) Monitor and facilitate the investment of school funds. (7) Prepare the employee payroll, the end-of-the-year payroll reports, and the salary benefit worksheets. (8) Process retirement and insurance information for employees. (9) Assist in routine daily office procedures. (10) Assist in the processing of requisitions and monitoring of deliveries. (11) Furnish up-to-date financial reports to the superintendent.

Office Personnel. Office employees should possess the necessary skills and training to enable them to perform their duties with efficiency. No experience is required but is preferred. Salaries shall be on a schedule based on the beginning teachers' salary as adopted by the Board as of April 13, 1976. Duties and responsibilities shall be assigned at the time of employment and left to the discretion of the immediate supervisor.

The educational secretary should be courteous and professional in all relations with other school personnel, students, and visitors to the school office. The educational secretary should not disclose any information of confidential nature.

Cafeteria Personnel. All cafeteria applicants shall make application directly to the superintendent. Salaries shall be determined by the type of work. Salaries shall be paid on the 15th and the last day of the month.

Operation and Maintenance Personnel. All custodians and maintenance applicants must apply directly with the superintendent. The applicant is required to take a physical examination to determine if the applicant is physically able-bodied. The results must be recorded on a form adopted by the Board of Education. Job appointment to the operation and maintenance staff shall be probationary until ability to perform the job has been determined and disposition to fit into a school situation is established. The employees shall be assured employment for as long as his or her work performance remains satisfactory or as long as the need for the job exists.

Operation and maintenance employees should have good moral habits, be literate—able to read, write and follow instructions and directions, be adaptable to working around children, and should possess the necessary job skills.

Classification of operation employees shall be: Building Custodian I, Yardman, Maintenance, Repairman, Chief Repairman, and Maintenance Supervisor. Duties shall be outlined to each employee by the building principal or superintendent. An employee in any classification may be required to perform activities normally assigned to other job classifications. The work schedule for the maintenance employees shall be eight (8) hours per day, subject to call twenty-four (24) hours per day in the event of an emergency.

The salaries of custodians and maintenance employees shall be determined by the salary schedule adopted by the Board of Education and revised with each budget.

Non-Certified Employees. All non-certified employees will be employed on an “at-will” basis during the first three years of employment prior to tenure. After the third year of employment, the non-certified employee will be offered the standard one-year contract.

Part-Time Employees. Part time employees are persons employed by the school district for less than fifteen (15) hours per week. The amount paid per hour will be determined according to the terms of the contract. Part time employees will not be eligible for insurance benefits, sick leave, or vacation time.

2.30 Reduction-in-Force (R.I.F.)

Authority. Pursuant to NMSA 1978 Section 22-5-14 (2003), the Superintendent has the authority to discharge licensed school personnel during the term of their contracts or to terminate licensed school instructors and non-licensed school employees with rights granted by NMSA 1978, Section 22-10A-24© (hereafter “tenured employees”), after notice and a hearing when a reduction in such personnel is required as a result of circumstances justifying a reduction in force as specified herein. Reduction-in-force (R.I.F.), is “just cause” for discharge of licensed school personnel and terminations of tenured employees, when established pursuant to this policy. This policy is adopted as the procedure by which reductions in personnel who are covered by the policy may be accomplished, within the context of the District’s general personnel policies.

Board Discretion. The Board is vested with the discretion to develop educational policies for the District, so long as the state educational standards and statutorily-required standards are met. The Superintendent, in carrying out the educational policies of the Board and administering and supervising the District, shall exercise his or her discretion in accordance with this policy in determining when decreased enrollment, financial exigency or other causes justify a reduction in personnel.

Grounds Justifying Reduction-in-Force.

Situation that justify a R.I.F. shall include, but are not limited to, the following:

- A. decrease in student enrollment or reduced student demand for or participation in programs or activities;
- B. decrease in revenue:
 - 1. because of decrease of student enrollment;
 - 2. because of loss or reduction of tax revenues;
 - 3. because of reduction of state, local, or federal financial support; or
 - 4. because of inflation reducing the value of revenues received or significantly increasing costs of operation;
- C. change in the educational program of the district, as determined by the Board, in its good-faith exercise of discretion;
- D. consolidation or de-consolidation involving the district;
- E. court orders;
- F. orders of the Secretary of Education;
- G. legislative mandates;
- H. unanticipated financial or programmatic exigencies identified by the Superintendent which warrants initiation of a RIF process.

Good Faith Determination. The Superintendent shall exercise discretion in good faith, and determinations that a R.I.F. is necessary shall be based on bona fide educational consideration, and shall not be a subterfuge for discharging or terminating licensed personnel without just cause or for impermissible reasons.

Timing of Reduction-in-Force. A R.I.F. may occur at any time during the calendar year when the Superintendent, in his or her discretion, determines that it is justified and the procedures prescribed herein are applicable and are followed. A R.I.F. may be based upon projections prescribed herein are applicable and are followed. A R.I.F. may be based upon projections of future enrollment, revenues or expenses, and the subsequent receipt of more revenue than expected or a subsequent saving of projected expenses shall not invalidate any actions previously taken in good-faith reliance on such projections, nor shall it require the reemployment of any employees who were released on the basis of such projections.

Determinations of need for Reduction-in-Force. Except as required by legislative mandate or orders of the State Secretary of Education and to the extent that circumstances permit, the Superintendent, with the assistance of the administrative staff, shall report to the Board any circumstances which may ultimately require a R.I.F., in order that notice be given to licensed personnel of the possibility of a R.I.F. and so that consideration be

given to means by which a R.I.F. may be avoided. Preparation of a R.I.F. Plan shall not be necessary if the reductions can be accomplished through attrition (i.e. resignations, retirements, etc.), or by termination of a sufficient number of non-tenured staff.

Preparation of R.I.F. Plan. When the Superintendent concludes that a R.I.F. is necessary, a plan for R.I.F. shall be developed for presentation to the Board. The R.I.F. plan shall not identify individuals to be discharged or terminated, but rather shall focus upon the total educational program of the district and how it may be modified to reduce costs, programs and personnel while still providing the educational program required of school districts and the particular educational needs of the district. Where circumstances warrant, a R.I.F. plan may address particular programs, departments, school sites, content areas or activities if the causes for the R.I.F. predominately impact that aspect of the educational program. Such impact shall be described in the R.I.F. plan. The R.I.F. plan shall include, but need not be limited to, the following:

1. a detailed description of the cause or causes requiring a R.I.F.;
2. a description of all adjustments already made by the Administration in an attempt to avoid a R.I.F., if any (e.g. reduction by attrition, cuts in non-licensed staff, abolition of non-essential services or activities such as extra-curricular programs, etc.)
3. a designation of the part or parts of the total educational program or particular program or activity in which the R.I.F. is proposed and the number of positions proposed to be reduced in each program or activity;
4. a designation of non-essential services or activities which are to be retained, with a justification for retaining such programs; and
5. a discussion of alternatives (if any) considered by the Superintendent with an explanation as to why such alternatives were rejected.

The Superintendent shall include in the R.I.F. plan a listing of all extra-curricular, co-curricular and athletic programs or activities which may be considered for rating points in the proposed R.I.F. rating sheet and the proposed weight to be given each category of such programs or activities for discussion at the public meeting at which the R.I.F. plan is considered.

Board considerations. The Board shall consider the recommendations of the Superintendent for the adoption of the R.I.F. plan at a duly-called board meeting, the public notice of which announces that a R.I.F. will be considered. The discussion and action on the plan shall be in open session; however, nothing herein shall restrict the Board from holding portions of those discussions in closed session, if such discussion would be proper under the New Mexico Open Meetings Act. The Board may allow such review, consultation, and comment by employees and members of the public, as the Board, in its discretion, deems appropriate. The Board may propose modifications to the plan recommended by the Superintendent as it deems appropriate, provided that the Superintendent shall be the final decision-maker on the content and scope of the plan after giving due consideration to the Board's proposals.

If a mid-year R.I.F. is proposed which would require the discharge of tenured certified staff, the Superintendent and Board shall adopt a joint determination that as to the projected financial burdens to the District in the future and concluding the District cannot survive financially for the fiscal year already underway, if the R.I.F. is not carried out.

Any final plan for a R.I.F. shall be made available to all staff, by providing copies thereof in the office of each building principal and at the Superintendent's office, within two (2) work days after the final plan has been approved by the Superintendent.

Adopted Plan. If a R.I.F. plan is adopted, the Board shall not be required to deplete its operational cash balances maintained or carried over as permitted by NMSA 1978 Section 22-8-41C and Section 71, Laws 2003, Ch. 153 in order to avoid the R.I.F., if the Board, in its discretion, determines that the cash balance must be maintained at the level determined by the Board, in order to cover other permitted expenditures or as a contingency for unforeseen expenditures or emergencies.

Based upon the R.I.F. plan approved by the Board, the Administration shall perform a study of the school district's personnel to determine which person or persons must be wholly or partially terminated or discharged in order to implement the plan. The primary concern to be applied in making the R.I.F. selections shall be the Board's interest in maintaining a sound and balanced educational program which is accredited and meets state and federal or regulatory requirements or standards, as well as the educational and extra-curricular program established for the District. In performing the study, the School Administration shall prepare a rating sheet and apply a point scale using the criteria applicable to the affected personnel specified in the following section.

Criteria for selection of employees for R.I.F.

A. Licensed personnel.

1. Licensing as qualifications/substandard licenses. Substandard licensure is inferior to full licensure, and a person who is fully licensed to teach within the presently assigned content area shall be retained in preference to a person holding a substandard license.
 - a. A person holding a "teaching waiver" of licensure requirements approved by the Public Education Department (per NMSA 1978 Section 22-10A-14B) shall be treated as having substandard licensure for the purpose of the policy, and shall receive zero (0) points for licensure in the survey and rating sheet.
 - b. A licensed person working in the affected content area pursuant to an "assignment waiver" (per NMSA 1978 Section 22-10A-14C), but possessing full licensing in another content area not affected by the R.I.F. shall be allocated five (5) points on the rating sheet.
 - c. A person who is fully licensed and teaching in the affect content area shall be allocated ten (10) points on the rating sheet.
2. Endorsements.

Licensed personnel possessing teaching endorsements recognized by the Public Education Department beyond those requested or required as qualifications for the individual's current assignment or content area shall receive an additional one (1) point per current valid endorsement, up to a maximum of five (5) points.

3. Extracurricular licensing/experience/assignment.

Licensing, experience and current assignment in the extra-curricular or co-curricular activities which are to be retained as an integral part of the district's overall program for its students may be considered as a qualification requirement, in addition to licensure status, in making selection of personnel to be released under this policy. Head coaches or trainers possessing current licensing as a coach or trainer who are also certified employees of the district may be allocated two (2) points for each head coaching or training assignment up to a maximum of six (6) points for all current assignments. Licensed assistant coaches who are also certified employees of the district may be allocated one (1) point for each assistant coaching assignment up to a maximum of three (3) points for all current assistant coaching assignments.

The Board shall also possess the discretion to grant up to, but no more than, three (3) points for current extra-curricular or co-curricular assignments, requiring specialized knowledge, training, expertise, or significant time commitment, but for which licensing is not available, in programs or activities which the Board has determined to retain as an integral part of its overall program.

No employee may receive in excess of ten (10) total points on the rating sheet for extracurricular, athletic, or co-curricular assignments. The Administration shall include in the proposed R.I.F. Plan a listing of all extracurricular, athletic, and co-curricular programs or activities which may be considered for rating points in the proposed R.I.F. rating sheet and the proposed weight to be given to each category of such programs or activities for discussion at the Board meeting at which the R.I.F. Plan is considered.

4. Service.

Where cumulative scores on the rating sheet are equal between two or more licensed school instructors being considered for termination or discharge, tenured licensed school instructors shall be retained in preference to licensed school instructors who have been employed by the district for less than three consecutive school years of service.

- a. Each licensed individual considered for termination or discharge shall be awarded two (2) points for each year of full-time service during the most recent period of uninterrupted

service with the district prior to the current year, excluding approved extended leaves of absence, up to a maximum of fifty (50) points.

- b. Each licensed individual considered for termination or discharge shall be awarded one (1) point for each year of full-time service out of the district, up to a maximum of eight (8) points.

5. Education

The amount of credit for education shall be determined based on degree and additional hours:

- | | |
|-----------------------------|-----------|
| a. B.A. | 2 points |
| b. B.A. +15 | 4 points |
| c. B.A. +45 or M.A. | 6 points |
| d. M.A. +15 | 8 points |
| e. Post M.A. +45 and higher | 10 points |

6. Performance (Optional – The School Superintendent shall determine whether this criterion shall be used at the time the R.I.F. Plan is approved.) The current supervisor of each licensed school instructor considered for termination or each licensed person considered for discharge shall rate the relative performance of each such person on a rating form to be prepared by the Superintendent, or under his/her discretion. Such rating form may be based on the district's standard evaluation form(s) rating teacher competencies but may include additional competencies identified by the Superintendent which reflect his or her judgment as to the attributes necessary for success in the particular program(s) affected by a R.I.F. The rating form shall include not more than a total of ten standard and specific competency areas, shall specify the score to each performance category or attribute, and shall allow for a maximum score of twenty-seven (27) points. The supervisor(s) may consult with the Superintendent concerning the implementation of the evaluation. The supervisor(s) shall complete the rating forms and return them to the Superintendent within the time specified for completion of the evaluations.

If different individuals considered for a R.I.F. have different supervisors, the supervisors may consult with each other and/or with the Superintendent to insure that the rating system is applied uniformly. There shall be no requirement of observation of performance by a supervisor specifically for the purpose of completing the rating form; however, each supervisor shall review prior evaluations of the individuals considered for a R.I.F., if available. Where a supervisor lacks familiarity with an individual's performance (e.g., a new supervisor), the Superintendent may assign the evaluation to a present or past district administrator or supervisor who has greater familiarity with the individual's performance. The Superintendent may devise such other measures as he or she deems necessary to address with situations where

implementation of the performance rating cannot occur in the normal manner, so long as such measures are rationally designed to award points to licensed personnel based on the employee's performance.

B. Selections Based on Scores

The Superintendent shall total the points allocated based on the criteria specified above. The person with the lowest score shall be the person who is released by termination or discharge unless such action would have a serious and detrimental effect on the total educational program. In such event, the Superintendent may select a higher scoring person for termination or discharge but shall prepare a written justification for such action in the best interests of the district, along with the rating sheets for such positions. The computations of the Superintendent, plus the rating forms on the persons considered for release, shall be available for review by the person released.

C. Transfers/reassignment

If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person ("the affected person") is also licensed and qualified for another program(s) within the district, the person shall be considered for transfer or reassignment to such program(s). The fact that there are one or more other licensed employees within the program affected by the R.I.F. who scored higher than the affected person, and that such person(s) may be licensed and qualified to teach or administer in other programs in the district, shall not require that the higher scoring person(s) be transferred or reassigned to the other program or programs, even if there is a vacancy in the other program or programs. The transfer/reassignment obligation shall not arise until after the selection of the person or persons to be released from program affected by the R.I.F. and shall only apply to the person or persons selected for release. Consideration of transfer or reassignment of the affected person shall be governed by the following criteria:

1. Existing Vacancy. If, upon the effective date of the termination or discharge due to a R.I.F., there is an existing vacancy in another program for which the affected person is licensed and qualified, he or she shall be transferred or reassigned to that vacant position. There shall be no obligation to create a vacancy to accommodate such person.
2. No Existing Vacancy. Where the affected person is licensed and qualified for another program or programs in the district, but all such positions are currently filled, the selection criteria described above, subject to the modifications described below, shall be applied to determine whether the affected person will be transferred or reassigned to another program and another person, currently employed in the other program, shall be released.

- a. If the person is fully licensed for a position in another program or an administrative position but has not actually taught in such program or held such an administrative position during any part of the preceding five (5) school years, such person shall not be considered qualified for transfer or reassignment to the other person.
- b. If neither the Superintendent nor the current supervisor of the program has observed the person being considered for transfer or reassignment performing the duties of the other program, it is impractical for the relative performance of the person being considered for transfer or reassignment and the person or persons currently teaching or administering in the program to be rated based on direct observation. Under such circumstances, the Superintendent or his/her designee shall make a judgment as to the likely performance of the person being considered for transfer or reassignment and assign the performance score which may be used in the selection process in comparison to the person or persons currently employed in the other program. The Superintendent or designee shall consider the affected person's performance in other programs and his/her knowledge of all persons in the program in question in making the judgment, and may consult with other knowledgeable persons in making this determination.
- c. Each licensed instructor or administrator discharged and each tenured teacher terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable statutes and regulations of the State Secretary of Education governing discharge of licensed school personnel or the termination of tenured teachers. The written decision of the Superintendent, to the extent required by statute and regulation, shall clearly specify that the termination or discharge resulted from a R.I.F. and not from any cause personal to the person released.

D. Non-Licensed Personnel

Seniority shall be the primary criterion in determining which non-certified personnel shall be recommended for complete or partial termination in order to implement the R.I.F. Plan. More senior non-certified personnel ordinarily shall be retained in preference to less senior non-certified personnel within the same job category. However, where multiple positions and programs are affected by the R.I.F., the School Administration may prepare a rating sheet which includes the following criteria in making the selection:

1. Specialized Qualifications/Licenses. Specialized training/certification or licensing directly related to the current job duties of the non-certified employee (e.g. electrician's license held by maintenance employee) may

be allocated up to, but not more than, five (5) points. This factor excludes credit for extra-curricular licensing referred to in the next section.

2. Extra-curricular Licensing/Assignments/Experience. Licensing/training in extra-curricular activities, such as coaching or training in athletic programs, which are to be retained as an integral part of the District's overall program for its students, may be considered as a qualification requirement in making selection of personnel to be released under this policy. Head coaches and trainers who possess current licensing as a coach or trainer may be allocated up to, but no more than, two (2) points for each head coaching or training assignment, up to a maximum of six (6) points for all current assignments. Licensed assistant coaches, or service in current extra-curricular assignments requiring specialized knowledge, training expertise, or significant time commitments, may be allocated up to, but no more than one (1) point for each assistant coaching assignment, up to a maximum of three (3) points for all current assignments.
3. Service in District. Each noncertified employee rated shall be awarded one (1) point for each complete school year of full-time service during the most recent period of uninterrupted service with the District, up to a maximum of twenty (20) points. Periods of extended leave of absence without pay shall not be included. Where cumulative scores are equal, tenured noncertified individuals (those who have completed three full consecutive years of service in the District) shall be retained over non-tenured noncertified individuals.
4. Performance. (Optional – To be used only if directed by School Superintendent). If two or more individuals have equal ratings on the above criteria, the current supervisor of each person classified as support staff who is considered for termination shall rate the relative performance of such person on a rating form to be prepared by the Superintendent. Such rating form will be designed based on the District's performance evaluation form for non-certified employees. The rating form will allow for a maximum score of twenty (20) points. The forms will be returned to the Superintendent for tabulation.
5. Selection Based on Scores. The Superintendent shall total the points for service and performance. The person with the lowest score shall be the person who is released. The computations of the Superintendent, plus the rating forms on the persons considered for release, shall be available for review by the person released.
6. Transfer/Reassignments. If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person is tenured and qualified for another program within the District in which a vacancy exists, that person shall be considered for transfer-reassignment to the other program.
7. Termination. Each non-licensed employee terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable New Mexico statutes and regulations governing the termination of non-licensed personnel. The written decision of the Board, to the extent

required by statute and regulation, shall clearly specify that the termination resulted from a R.I.F. and not from any cause personal to the person released.

E. Appeal

Appeals to an independent arbitrator from termination or discharge pursuant to this policy are governed by the provisions of NMSA 1978, Section 22-10A-25, NMSA 1978 22-10A-28, respectively, and any applicable regulations of the State Secretary of Education.

F. Recall of Released Staff

For a period of one year after the effective date of the discharge or termination of any employee pursuant to this policy, the Superintendent shall offer to such person any position(s) which becomes available for which such person is licensed and qualified, provided that such person has complied with the requirements specified below.

1. Every person discharged or terminated under this policy who wished 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.
2. In the event that more than one interested person who was discharged or terminated within the calendar year prior to recall is qualified for the position by experience, training, and/or licensure to which a person will be recalled, the selection criteria of this policy will be applied to determine which person is to be recalled. The points accrued for "Service in District" and "Performance" shall be the same as when the persons were discharged or terminated, but additional points for any additional education earned after the discharge or termination which is directly related to the District's educational program shall be credited and considered.
3. 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 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.

4. Any person recalled pursuant to this policy shall have all accrued unused sick leave restored and be given credit for all years of actual service in the district for salary purposes.
5. After the one-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.

In the event legislation is passed which requires the Superintendent to reduce licensed school personnel, for any reason, the Superintendent shall follow the legislative procedures, if any, in lieu of this policy.

In the event State Secretary of Education orders are entered which have the effect of revising the district's boundaries to exclude school facilities previously operated by the district, reducing the district's enrollment, or reassigning licensed school personnel to another district, or other state board orders resulting from exercise of its legislative powers, then the procedures described in the State Secretary's order for transfer of school facilities, students, and personnel shall be followed in lieu of this policy. Unless a different procedure is mandated by law, the termination or discharge of school employees in compliance with a State Secretary order shall be governed by NMSA 1978, Statutes 22-10A-24, 22-10A-25, 22-10A-27, and 22-10A-28, if applicable.

Section III ***The Instructional Program***

The Board of Education and staff of the Jal Public Schools believe that American educational aspirations for our young children have kept us free, and it is the intention of the Board and staff to help perpetuate this freedom by providing the best education possible for all Jal students. We believe the purpose of public school education is to develop individuals who in a world of continuing change and progress, can evidence basic training in desirable moral, ethical, and academic preparation necessary to develop a competent individual who is prepared to assume a role in shaping the future of our nation.

We believe that all children should have an equal opportunity in the pursuit of educational opportunities, and the Jal Board of Education and staff will attempt to balance its programs to provide for the interests of the students of the schools. The quality of the program deserves as much consideration as the quantity criterion. The Board and staff accept the premise that the center of the curriculum is the child and that the instructional program should be tailored to fit educational patterns of child development.

We believe that the education of children is a comprehensive program which must be undertaken in cooperation with other institutions of our society, and we seek to establish and maintain strong ties with parents and community programs.

3.1 Goals and Objectives of the Instructional Program

Academic Development of a Child. Inherent in this objective is the desire to teach the students to think rationally in a society in which many actions are irrational.

Citizenship Development. To become a functioning member of our democratic society and to possess knowledge necessary to improve it is one of the highest achievements a student can attain. Therefore, a primary objective is to help students develop a respect for the rights, opinions, and credos of others and a desire to live cooperatively and responsibly within our society.

Development of Physical Fitness. The Board of Education and staff recognizes the need for guidance of physical development as well as mental growth. Such a program will include preparation of students for worthwhile leisure time activities as adults and an awareness of the importance of diet and exercise in maintaining good health.

Development of Practical Skills. It is the intention of the Board of Education and the staff to help students acquire the basic skills necessary to earn a living in a competitive society. We encourage students to seek additional education at colleges and universities, but realizing that many students will seek employment upon graduation from the public schools, the board and staff feels that the needs of this group must also be addressed.

3.2 Professional Expectations of School Personnel

- Be regular in attendance and always on time.
- Place the welfare of children first in importance in all school activities. Believe in the potential greatness of each individual student.
- Provide equal educational opportunities to all students through personalized and individualized service to each student according to his or her needs and abilities. Strive for improvement of instruction and job performance.
- Be fair, courteous, and cooperative in all human relationships. Share ideas for the improvement of the Jal Schools.
- Be loyal to the Jal School System and support its philosophies, objectives, and policies.

3.3 American Flag

Each school should always fly the American flag, except in inclement weather, and display both the American flag and the New Mexico flag in each classroom. Each student should memorize and recite the Pledge of Allegiance to the American flag in unison daily and at school programs. The meaning of the Pledge of Allegiance and proper flag etiquette should be taught at all levels.

3.4 Sectarian Doctrine

New Mexico Status 77-11-10,1953, compilation. No person shall teach sectarian doctrine in a public school. Any person violating the provisions of this section by teaching sectarian doctrine in a public school shall be immediately discharged from further employment with the school districts.

3.5 Curriculum

The elementary, junior high and high school faculties will develop curriculum guides within state regulations. Any major changes in curriculum shall be approved by the Board of Education before becoming effective.

First Aid. Instruction in first aid shall be a part of all health and physical education classes on the secondary level. Elementary teachers should include first aid in their course of study.

Physical Education. Only students having an excuse from a doctor may be exempt from physical education. Chiropractors are included (State Board of Education ruling March, 1970).

Swimming. Swimming instructors must have both Red Cross Life Saving and Water Safety Instructor qualifications. Swimming instructors for physical education shall have had special training in swimming.

Driver Education. Driver education is an elective course taught outside the regular school day.

Effects of Drugs, Alcohol and Tobacco. The harmful effects of using drugs, alcohol and tobacco shall be taught regularly in all health and physical education classes when practical, as required by the New Mexico Statutes.

Grading. Grading will be objective and will not be affected by personal opinion or used as a disciplinary agent. Students' grades will be based on normal achievement of content of the subject and not on the basis of effort. Teachers should counsel the entire class on a systematic basis at regular intervals as to how and on what basis grading is done. When necessary, students should be advised as to why their grades are unsatisfactory, need improvement or excellent. Principals will inform teachers on grading, promotion, and retention policies.

Student credits will be counted on a semester basis with the student receiving ½ credit for regular high school classes and/or 1 credit for dual credit classes. If a student passes one semester but fails a second semester and the average is over 60%, the student will be given credit for the class.

Field Trips and Excursions. Field trips are encouraged by the Board of Education. Field trips should be an outgrowth of the instructional program and should comply with all other policies of the school system. All school trips, regardless of their nature, will be scheduled with the superintendent. No school-sponsored trips will be planned or encouraged outside the Continental United States.

3.6 Special Education

Child Find/Interventions

It is the policy of the Jal Public Schools to ensure that all children with disabilities residing in Jal School District, including children with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

It is the policy of the Jal Public Schools to ensure that a free appropriate public education (FAPE) is available to all children with disabilities from birth through the school year in which the student reaches 21 years of age, including children who have been suspended or expelled from school.

Procedural Safeguards

It is the policy of the Jal Public Schools to ensure that children with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its federal and state implementing regulations) including with respect to the confidentiality of records and personally identifiable information.

Full and Individual Evaluation

It is the policy of the Jal Public Schools to ensure that children with disabilities are evaluated in accordance with the IDEA (and its federal and state implementing regulations), including by having in place procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and

placement of children with disabilities are selected and administered so as to not be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining whether a child is a child with a disability or for determining an appropriate education program for a child with a disability.

Disabilities – Exceptionalities

It is the policy of the Jal Public School to ensure that children are assessed in all areas of suspected disability/exceptionality under the IDEA (and its federal and state implementing regulations, and that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the IDEA (and its federal and state implementing regulations), a group of qualified professionals and the parent of the child determine if the child is a child with a disability under state and federal standards.

Individualized Education Program (IEP)

It is the policy of the Jal Public Schools to ensure that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with the IDEA (and its federal and state implementing regulations).

Least Restrictive Environment

It is the policy of the Jal Public Schools to ensure that to the maximum extent appropriate, children with disabilities, including children in public and non-public institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved.

Discipline/Behavior

It is the policy of the Jal Public Schools to ensure that children with disabilities (including a child not yet eligible if the school had knowledge prior to the disciplinary conduct that the child was a child with a disability under the IDEA and meets the standards for receiving protection under the IDEA) are disciplined for a violation of the student code of conduct in accordance with the IDEA (and its federal and state implementing regulations), including with respect to any disciplinary removal from the current educational placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion.

General Administration

It is the goal of the Jal Public Schools to provide a full educational opportunity for all children with disabilities consistent with the state's full educational opportunity goal including having a comprehensive system of personnel development, a curriculum that meets the New Mexico Standards of Excellence, an accountability system that complies with state standards including the Student Teach Accountability and Reporting System (STARS) and the Special Education Accountability System (SEAS), collaboration with other agencies, a funding system that complies with state standards, and a program for gifted children that complies with state standards.

Procedures

It is the policy of the Jal Public Schools to have in effect procedures and programs to implement this policy governing special education that are consistent with the IDEA (and its federal and state implementing regulations).

The superintendent of schools shall develop procedures to implement this policy governing special education that are localized for the Jal Public Schools and conform to the standards of the New Mexico Special Education Policies and Procedures manual developed by the New Mexico Public Education Department.

The purpose of these procedures shall be to implement the IDEA (and its federal and state implementing regulations), and therefore, shall be interpreted consistent with the IDEA. The procedures shall not be for the purpose of creating a requirement that is not otherwise imposed by the IDEA (and its federal and state implementing regulations), and shall not be read to create a higher standard. This handbook of procedures developed by the superintendent shall be available in the administrative office of the Jal Public Schools.

3.7 High School Graduation Requirements

It is recommended that no more than two courses be earned by correspondence in meeting the graduation requirements from Jal High School. The superintendent shall approve exceptions to this. Students must display proficiency on the High School Graduation Assessment or on an Alternate Demonstration of Competency Portfolio to meet graduation requirements. Students who do not fulfill the graduation requirements will not be allowed to participate in the graduation ceremonies.

3.8 Grade Promotion

Students must attain a satisfactory level of understanding and performance of grade level competencies (New Mexico Standards and Benchmarks) prior to being promoted to the next grade level.

3.9 High School Library

The Junior High and High School library will operate as part of the Woolworth Community Library as per the agreement of the Board of Education and the Trustees of the Jal Woolworth Library Fund.

3.10 Textbooks and Instructional Supplies

Instructional Materials. It shall be the policy of the Board of Education to see that the supply of instructional materials is adequate. Administration of supplies shall be the responsibility of the superintendent. The school shall furnish supplies such as textbooks, supplementary textbooks, and instructional materials as the law will provide to implement the curriculum from kindergarten through the twelfth grades. Supplies will be requested on forms provided by the business office.

Any student or teacher who, through the course of instruction, produces any article for his or her personal use or ownership, will pay the cost of the material used in the construction of each article.

Destruction. Any student who willfully destroys textbooks or other school property shall be expected to replace or pay for it.

Selection of Textbooks. The selection of textbooks shall be made upon the recommendation of school personnel. Textbooks and supplementary books shall be adopted after consultation with teachers and approval of principals and superintendent. Textbook selections shall be displayed to the public for their opinions and input.

3.11 Yearbook

Each year Jal High School publishes a yearbook, which includes all students and faculty. A professional photographer makes school day pictures for the yearbook and for student files.

3.12 Care and Use of School Property

It shall be the duty of each school employee to safeguard and protect the properties of the school district. Employees should assist in keeping inventory numbers affixed on all assigned equipment. Care shall be taken to see that windows and doors are properly secured before leaving the school building at the close of each day. It is the responsibility of the building principals that students are informed regarding the proper care and use of textbooks and supplies. Any damage to classroom and/or equipment should be reported to the principal at the time damage occurs if possible.

Staff members may request use of special equipment during the summer months from the principal. The Board of Education prohibits the lending of school equipment or furniture to agencies and individuals outside the school system except on the approval of the principal or superintendent.

3.13 Course Fees

Teachers will inform students and parents of any fees to be assessed and why they are required. Generally fees will be assessed for the following: (1) Band instrument rental (2) Band uniform cleaning (3) Items that become the property of the student

in special courses such as shop, arts and crafts, home economics, etc. Adult students will pay fees as determined by the Board.

3.14 Evaluation of the Instructional Program

An evaluation of the school's instructional program will be compiled in the *Annual Report on the Instructional Program*. An advisory committee shall be appointed on a year-to-year basis by the Board of Education as needed. An annual evaluation of education goal achievements budget utilization and school management will be conducted. (Senate Bill 738, approved April 6, 1989)

3.15 Emergency Closing of School

The superintendent shall determine if there is a need for the emergency closing of schools. If the closing of school is necessary due to extremely bad weather or other severe emergencies, an announcement will be made on local radio and television stations. If school is not open because of unforeseen circumstances, an announcement will be made on local radio and television stations by 7:00 a.m. on the day in question. If such a need exists, the principals shall be notified as soon as possible.

3.16 Home Schools

Home school procedures will be followed as established by State Regulation S22-1-2.1 (NMSA 1978). Any person operating or intending to operate a home school shall:

- a) Within thirty days of its establishment, notify the Public Education Department in writing of the establishment of a home school on or before April 1 of each subsequent year of operation;
- b) Maintain records of student disease immunization or a waiver of that requirement;
- c) Provide instruction by a person possessing at least a high school diploma or its equivalent;
- d) Home school students who wish to enter Jal Public Schools and are of elementary or junior high age will be placed in the grade appropriate for their age. Home school students entering high school will be required to take a test for all courses for which they will receive credit. The test will normally be the most recent semester exam administered for that course. The grade made on the test will be the grade that is recorded on the student's transcript.

3.17 Safety Regulations and Procedures

Fire Drills. One fire drill each week is to be held during the first month of the school year and once each month thereafter as required by the New Mexico School Code. School employees should know the fire drill regulations for their respective room or rooms and building. The fire drill shall be conducted as prescribed by the principal of each building and approved by the City Fire Department. The principal shall report the evacuation time, problems, etc. of each fire drill to the superintendent.

Playgrounds. Supervision and safety inspection shall be the responsibility of the building principal.

Accident or Illness. If a student is injured or becomes ill at school and requires the services of a doctor, the parent should be contacted and the building principal and the health clerk notified. If the parent is contacted, the parent shall take the child to his/her own doctor. If the parent cannot be contacted, the principal or other school employee shall take the student to the family doctor, provided one is listed on the student's permanent records. If the family doctor cannot be contacted, the principal or school employee shall use his or her own judgment in securing medical emergency services for transporting the student to the hospital. If the parent cannot be contacted before taking the student to the doctor or to the hospital, the school shall continue attempts to contact the parent. The attending physician shall decide the disposition of the case. A complete cumulative written record of each accident shall be maintained in the principal's office.

3.18 Extracurricular Activities

The Board of Education emphasizes a strong and comprehensive extracurricular activity program to complement the regular instructional program. The school staff is expected to maintain the activity program in its proper perspective as related to the overall school program.

Scheduling Activities. Students participating in extracurricular activities (such as athletic contests, band contests, etc., student organization activities, etc.) shall miss as little classroom time as possible. Faculty members are encouraged to schedule activities on weekends and after school on Fridays. Every attempt will be made by the school staff to conserve and protect school time. No activity of any nature shall interfere with semester examinations. All activities occurring outside the normal school day shall be cleared by the superintendent's office.

Procedure References. Each activity sponsor is to follow all procedures as authorized in the Jal Schools publication, **Activities Policies**. Regulations prescribed by the legislature, the State Department of Education and the New Mexico Activities Association shall be followed.

Meals and Lodging. Meals and lodging for students by law cannot be paid from tax money. Such meals and lodging, where possible, will be paid by activity funds raised by the organizations such as band, student council, athletics, etc. It is understood that in many cases there will be no money available.

Students are encouraged to excel in as many school and school-related areas as possible. It may not be possible to provide meals, transportation, or faculty sponsors for each activity. Travel on special occasions that are not clearly a part of existing student organizations will be approved by the administration and/or the Board of Education on a trip-by-trip basis.

Sponsors. A certified teacher must be in charge of each activity and is responsible to the principal for supervision of the activity. Assignment of sponsors must be well distributed among the members of the staff, and at no time shall a teacher's responsibility for the activity program overshadow or supersede regular classroom work.

3.19 Summer Recreation Program

The Jal Public Schools will operate a summer recreational program in conjunction with the City of Jal. The City budgets money for this purpose. These funds will be expended according to all regulations of the regular school budget. The administrative staff of the schools will organize and direct the summer program, keeping the following guidelines in mind:

- (1) Present a comprehensive quality recreational program for all school-age children.
- (2) Employ competent supervisors.
- (3) If students are employed as assistants, those students currently enrolled in the Jal Schools will be given first priority.
- (4) Maintain effective safety standards in all activities.

Section IV *Student Policies*

4.1 Possession of Weapons in School

The Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to **forbid the possession, custody, and use of weapons by unauthorized persons in or around school property.** This policy is enacted to implement the requirements of the federal Gun Free Schools Act of 1994, 33 U.S.C. 3351 (a)(1), and it is the intention of the Board that it be interpreted to conform to provisions of that law.

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

Definition of Firearm. *For purposes of this policy and compliance with the federal Gun Free Schools Act, a “firearm” is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer, or any destructive device.*

Prohibitions. It is the policy of the Board that no student shall bring a weapon to school, nor carry or keep any weapon on school property or while attending or participating in any school activity, including during transportation to or from such activity.

Enforcement. This policy shall be enforced according to the Board’s Student Search and Seizure Policy. Disciplinary actions pursuant to this policy shall follow the procedures prescribed by State Statute 6.11.2 NMAC, as amended, and the policies of the District.

Any student who brings a firearm or weapon to a school or school-sponsored activity shall, in addition to penalties imposed under school board policy, be referred to appropriate law enforcement authorities for prosecution.

Penalties for Violations. Any student found to be in violation of this policy shall be subject to discipline, including long-term suspension and expulsion. In compliance with federal Gun Free Schools Act, any student found to be in violation of this policy due to possession of a firearm, as defined in this policy, shall, at a minimum, be expelled from school for a period of not less than one year, provided that the superintendent or the Board of Education may modify such penalty in appropriate cases at their discretion.

This policy shall be interpreted in a manner consistent with the individuals with Disabilities Education Act (IDEA). In accordance with the provisions of 20 U.S.C. 14115e(3)(B) of the IDEA, a child with a disability who is determined to have brought a weapon to a school under the jurisdiction to the School Board may be placed in an interim alternative educational setting as specified by the IEP team. If the parent or guardian requests a due process hearing, the child shall remain in the alternative educational setting during the pendency of such proceedings, unless the parents and school officials agree otherwise.

4.2 *Student Use of Drugs and/or Alcohol and Tobacco*

The use of tobacco by students on school property is prohibited. Students are not to bring tobacco in any form to school. Any student involved in the use, possession of, or under the influence of drugs or alcoholic beverages on school property may be expelled from school. Parents will be called for a conference.

4.3 *Search and Seizure*

All teachers, administrators or school bus drivers (hereafter school employees) may conduct a search of student's personal or school property assigned to that student if they have a reasonable cause to suspect that a crime is being or has been committed or they have reasonable cause to believe that a search is necessary to help maintain school discipline and/or safety.

Search of a student's person or vehicle on school property may be conducted only if the school employee notices, or is suspicious of arrangements of a student's clothing, possessions or actions which give reasonable cause to believe that a crime or breach of the disciplinary code is being or has been committed.

- ☐ (a) Search of a student's person may be conducted only by a school employee in the presence of another school employee.
- ☐ (b) Search of a student's person may be conducted only by a school employee of the same sex.

If the search of a student, his or her locker possessions disclose contraband material whose possession violates the law, school employees should notify the appropriate authorities. Illegal items (firearms, knives, or other dangerous weapons) or other possessions which are a threat to the safety or security of other may be seized and released to appropriate authorities. Items which are used or may be used to disrupt or interfere with the educational process may be removed from student possession.

- ☐ Parts (a) and (b) will be adhered to by school personnel where possible and practical. In extenuating circumstances, school employees are hereby authorized by the Board to carry out their lawful responsibilities as the situation dictates. Legal Reference: New Mexico State Board of Education Regulation 77-3, June 1977.

4.4 Drug Dogs

Drug dogs will be used in the schools only upon the permission of the superintendent. The use of dogs will be limited to locker and vehicle sweeps. They will not be used to sniff students without the permission of the school board. This permission will be given only if school officials can document a serious problem of student drug use.

This policy does not prevent the use of drug dogs in special assemblies to show students the ability of the dogs. Students who volunteer may be sniffed by the dogs, but again only if the student wants to be part of the program.

4.5 Sexual Harassment

The Board of Education forbids harassment of any student on the basis of sex. The Board will not tolerate sexual harassment of students by employees or by other students. The intent of this policy regarding conduct between employees and students is clear and straightforward: *No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.*

Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is unwelcome conduct of a sexual nature.

Conduct of a Sexual Nature. Conduct of a sexual nature may include, but is not limited to:

- ... verbal or physical sexual advances, including subtle pressure or sexual activity;
- ... repeated or persistent requests for dates, meetings, and other social interactions;
- ... sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
- ... showing or giving sexual pictures, photographs, illustrations, messages, or notes;
- ... writing graffiti of a sexual nature on school property;
- ... comments or name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature;
- ... sexually-oriented "kidding," "teasing," double-entendres, and jokes; and
- ... any harassing conduct to which a student is subjected because of or regarding the student's sex.

Standard of Conduct for Employees. No employee may engage in conduct of a sexual nature with a student at any time or under any circumstances, regardless of whether such conduct takes place on school property or in connection with any school-sponsored activity.

Standard of Conduct for Students-Unwelcome Conduct of a Sexual Nature.

Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the allegedly harassed student has indicated, by

his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.

A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

Reporting, Investigation, and Sanctions. It is the express policy of the Board to encourage students who feel they have been sexually harassed by a school employee or by another student or students to report such claims.

Reporting of Sexual Harassment by a School Employee. Any student who believes a school employee has subjected him or her to any conduct of a sexual nature may tell a counselor or principal.

If a student who believes he or she has been sexually harassed by a school employee, feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

If a student believes he or she has been sexually harassed by a counselor or a principal, or by any other administrator, the student should seek the assistance of his or her parent(s) in reporting such harassment to the superintendent or to a member of the Board.

Reporting of Sexual Harassment by a Student or Students. Any student who believes he or she has been sexually harassed by another student or other students may tell a teacher, counselor, or principal or assistant principal.

If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

Reporting by Employees Mandatory. Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.

Investigation. The superintendent or his or her designee will appropriately and promptly investigate all reports of sexual harassment of students. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

Sanctions. Any **employee** found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.

Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

4.6 School Attendance

Definitions.

An “excused absence” occurs when the parent notifies the school telling the reason for the absence.

An “unexcused absence” occurs when the parents does not notify the school of the reason for the absence.

A “truant” student is one who has accumulated three or more unexcused absences.

A “habitually truant” student is one who has accumulated more than ten unexcused absences.

School Attendance and Truancy Policy. The Jal Public School District, within the laws of the State of New Mexico, believe that regular, uninterrupted classroom instruction, classroom participation, and interaction with classmates are essential to the educational process. Preparation and training for subsequent study or employment includes the development of self-discipline through regular class attendance. For these reasons and others, the Jal School District and the State of New Mexico require that all children of appropriate age and condition attend classes regularly (Compulsory School Attendance Law, 22-12-1 *et seq.*). This policy implements state law.

The New Mexico Children’s Code provides that if a child has more than ten unexcused absences per semester, the child’s family may be designated a “family in need of services,” or a “family in need of court-ordered supervision”.

(N.M.Stat.Ann. 32A-3A-2(A)(1) and 32A-3B-2(A)). A child who is permitted by his/her parents to be chronically truant may also be a “neglected child”. State law requires the schools to report violations of the Compulsory School Attendance Law to the Probation Services Office of the judicial district in which the student resides for investigation to determine whether the student may be a neglected child or a child in a family in need of services, and thus subject to the provisions of the Children’s Code. Violations of the compulsory school attendance laws can subject parents to criminal sanctions as provided by New Mexico law. In addition to any other disposition, the Children’s Court may order the habitual truant’s driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent finding of habitual truancy.

Maintaining regular school attendance is the joint responsibility of the parents and educators. In keeping with that obligation, the following rules of school attendance shall be observed and enforced.

Attendance Requirements:

Parent or guardian shall notify the school each day his/her child will be absent from class and the reasons for the absence. Upon return, the student shall present to the principal's office written, signed verification from the parent/guardian stating the reason for the student's absence. After 10 parent excuses for absences, a doctor's note is required. If a student is to be absent for 10 or more consecutive days, the parent/guardian shall present written verification from the student's health care provider verifying the expected length of absence and the ability of the student to do school work at home. At that time, the student will be placed on home-bound study until he/she can return to school.

Make Up Work Missed and Grades:

Following an excused absence, a student shall be given a reasonable time by his/her teachers within which to make up work the student missed during absence. In the case of an unexcused absence, the student will be allowed to make up missed work however the highest grade a student may receive for this is a 60.

Discipline:

In addition to the other measures to be imposed according to this policy, students may receive detention, in-school suspension, or other discipline designed to keep the student in school and progressing academically, for each unexcused absence, at the discretion of the principal or his/her designee. Out-of-school suspension and expulsion will not be used as punishment for truancy or unexcused absences.

Notification of Parents of Unexcused Absences:

If a student is absent from school without a parent notification of absence, as required under "attendance requirements", the principal or his/her designee will, as soon as practicable, contact the parents or legal guardians by telephone or certified mail to give notice of the student's absence and to ascertain and document the reason for the absence and to schedule a meeting to establish a plan to address the student's unexcused absences. The notification and meeting will be respectful and in a language and manner that is understandable to the parents/guardians. The plan to improve the student's attendance will include follow up procedures to ensure that the causes for the student's unexcused absences are addressed.

Fourth and Subsequent Unexcused Absences:

The Probation Services Office for the judicial district will be notified after the fourth unexcused absence.

Distribution of Policy; Acknowledgement of Receipt:

A copy of the policy and an acknowledgment form will be issued to each student on the first day of school. The student shall return the acknowledgment form, signed by his/her parent/guardian no later than the fifth day of school. A student who fails to return the signed form within that time shall be subject to disciplinary actions as deemed by the principal.

Student Attendance Records. Student daily attendance will be verified by the principals of the elementary, junior high and high schools on forms provided by the Public Education Department. Attendance records will be submitted to the superintendent.

Tardies. Three unexcused tardies within one school year will equal to 1 unexcused absence

4.7 Admission Requirements

Students shall be accepted into the secondary school upon the recommendation of the elementary school principal.

Non-Accredited Schools and Home Schools. Students who transfers to the Jal Public Schools from a private, public, or home school which is not state-accredited will be admitted upon presentation of up-to-date immunization records and an evaluation by Jal School officials of the student's transcript. The Jal Public Schools reserve the right to require testing to establish an appropriate level if deemed necessary.

4.8 Release of Students From Campus

Students are to be released only through permission from a parent or guardian and to identified individuals. Each school campus will have an outlined procedure for the release of students. This procedure will be outlined in student handbooks of each school.

Should the police or social workers be involved, the following procedures will be in effect:

- (1) The agent must provide proper and complete identification.
- (2) The agent's office or supervisor will be contacted to verify identification and purpose of visit.
- (3) If students are questioned at school, a school representative will be present.
- (4) Should a warrant be served and it is necessary for a student to be transported to the police station, a school representative will stay with the student until the parent or guardian arrives.

4.9 Student Investigations and Arrests by Police

The police may be called to the schools at the request of the administration. If the police wish to come to a school for official business, they must contact the school administration. Contact between the school and the police department on matters involving students shall be made through the office of the principal or superintendent and an officer of the police department. The police department should be encouraged to talk to students away from school before or after school hours.

Law enforcement authorities are allowed to conduct an interview in the school if they can show that special circumstances exist or if the interview is to be conducted at the request of the school. The principal or superintendent should make this determination. Circumstances where the health, life or safety of the student is at risk if the interview were conducted at home would come within this category, i.e. child abuse, etc.

If the police have a warrant for a student's arrest, they must be permitted to arrest the student; however, whenever possible, the arrest should be conducted in the

principal's office out of view of other students. Before removing a student from school, the police shall sign a release form in which they assume full responsibility for the student.

Law enforcement personnel should remain in the principal's office until the student is located and brought to the office by school personnel. If possible, the educational program of the student should not be disrupted to allow for police questioning. Any questioning by the police, if allowed, should be conducted in a private room or area where confidentiality can be maintained. This should be an area removed from observation by or contact with other students and school personnel.

If law enforcement officials are to be allowed to question a student under the age of eighteen (18) years of age, a reasonable attempt shall be made to notify the parents except in cases of suspected child abuse or child neglect involving the parent. The parents should be given the opportunity to come to the school prior to questioning.

If the parents are notified and can attend, they should be allowed to be present at the interview. The school administrator should be present at the interview but should not take part in any questioning. The administrator should at all times remain a neutral observer.

4.10 Student First Amendment Restraints

Students are within the protection of the first amendment, although their rights are not co-extensive with those of adults. Therefore, administrative authorities may exercise reasonable prior restraint upon the exercise of students' first amendment rights, including standards of decency.

Material to be considered for distribution or posting must be submitted to the principal for review and approval at least three (3) days before such contemplated distribution or posting. The principal must notify the requesting party of his or her decision by 4 p.m. the day previous to the contemplated distribution or posting. Failure to make such notification on the part of the principal will be interpreted to mean approval is granted for such distribution or posting. If the principal disapproves the distribution or posting of materials, the requester may appeal the decision to the superintendent of Schools and finally to the Board of Education. (Legal Reference: New Mexico State Board of Education, Regulation 77-3, June, 1977)

4.11 Disciplinary Management Plan

The Board of Education expects that proper discipline be maintained in all classrooms and related school activities. Student conduct shall be compatible with the welfare of the groups, of the preservation of order, and for the protection of other persons or the property of the Board of Education. The administrative staff of the Jal Schools will design standards of discipline, conduct, and personal appearance of Jal students. All personnel will use sound judgment in designing and administering the disciplinary codes

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

The school is a community and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each right carries with it a corresponding obligation. The right to attend public school is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through lawful processes.

Teachers, administrators, and other school employees also have rights and duties. Teachers are required by law to maintain a suitable environment for learning in their classes and to assist in maintaining school order and discipline. Administrators are responsible for maintaining and facilitating the educational program by ensuring an orderly, safe environment in the public schools. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their lawful requests and instructions followed by students.

Detention of Students after School. Students shall not be detained after school for disciplinary purposes later than 3:30 p.m. Bus students will not be kept unless prior arrangements have been made with the parents. Saturday detention will be from 8:00 a.m. until 10:00 a.m. Students must come prepared to work on school assignments. Any type of misconduct or tardiness will result in the student being sent home and possible suspended from school.

Grades. The maintenance of proper discipline will never be done by raising or lowering of subject grades. However, class attendance and participation are important parts of each student's education; therefore, any time a student is absent and unexcused, three points will be deducted from his or her nine weeks grade.

Supervised Study. The student will be separated from the other students. The separation may be for the entire day or any part of the day. The separation will not be longer than five days. The students will work on class assignments during this time and credit will be given for all work finished.

In-School Suspension. The student will be confined continuously from 7:50 a.m. until 3:00 p.m. The student will not be allowed contact with other students but will be given short breaks throughout the day.

The principal may place a student on in-school suspension for up to ten days. The parents will be notified immediately by phone, when possible, followed by a letter stating the events that led up to suspension. The student will be given the class assignments for the time of the suspension and grades will be given for this work. If

the student does not return with completed work on day of return, a zero will be given for each assignment.

4.12 Health Curriculum Opt-out Policy

The Jal Public School District, in accordance with the Health Education Content Standards and Benchmarks, requires abstinence education in grades K-12 and comprehensive sexuality education in grades 7-12. Parents have the option to request an exemption from these required sections of the health curriculum. Students who are exempt will be assigned an alternative curriculum. The opt-out forms must be on file in the principal's office at the appropriate school.

4.13 Conduct at School-Sponsored Activities. Students who are engaged in school-sponsored activities away from school are responsible for their conduct the same as if they were at school.

4.14 Temporary Suspension. Temporary suspension means the removal of a student from school for a specified period of 10 days or less. Temporary suspension shall be left to the discretion of the principal. The parents will be notified immediately by phone, when possible, followed by a letter stating the events that led up to suspension. The student will be given the class assignments for the time of the suspension and grades will be given for this work. If the student does not return with completed work on day of return, a zero will be given for each assignment.

4.15 Long-Term Suspensions and Expulsions. Long term suspensions and expulsions shall be carried out in accordance with the requirements of 6.11.2 NMAC. Principals and the superintendent shall ensure that suitable written procedures and notices are developed, approved by the Board, and provided to affected students when proceedings for long-term suspensions or expulsions are initiated. Pursuant to its authority, under 6.11.2 NMAC, the Board hereby establishes the following framework for long-term suspensions and expulsions from the Jal Public Schools: A principal may initiate proceedings to suspend a student for up to the remainder of the year. The superintendent shall serve as hearing authority/disciplinarian in such cases unless she or he is disqualified under 6.11.2 for personal involvement, prejudice, or bias, in which event she or he shall designate another person to hear and decide the case. The administrator who initiates the proceedings shall present the school's case at the suspension hearing or ensure that arrangements are made for it to be presented.

The Board of Education shall serve as the review authority for long-term suspensions or other punishments imposed after hearings whenever a right of review is granted under 6.11.2. The review shall proceed in accordance with the requirements of 6.11.2.

The superintendent may initiate proceeding to expel a student or to suspend a student for longer than the remainder of school year. The Board of Education shall hear and decide such cases, administratively.

Complaints concerning student attendance may be filed in local courts. This procedure must conform to the requirements of the Juvenile Code as approved by the 2007 session of the legislature.

4.16 Suspension for Degrading or Destroying Property of School Employee. Any student of the Jal Public Schools, who intentionally and deliberately degrades or destroys the property of any school employee because they are employees of the Jal Schools, may be suspended from school for a period of up to five days. Should the student be suspended he or she shall be entitled to a hearing as set forth by the State School Board policy and the local School Board policy. The parents shall be notified immediately of the suspension in writing.

4.17 Discipline of Special Education Students

Special education students are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program; however, the public schools are required by state law and regulations to meet the individual educational needs of the exceptional children to the extent that current educational expertise permits. Accordingly, before a long-term suspension or expulsion may be imposed on a special education student, public school authorities shall seek to determine whether the objectionable conduct is caused by a failure to provide the student with an appropriate educational program. For lesser disciplinary measures, a special education student's individual education program (IEP) may prescribe or prohibit the use of specified sanctions. (Ref. 6.11.2 NMAC)

4.18 Policy and Procedures Regarding Student Records

Family Education Rights and Privacy Act of 1974.

Student Records Policies and Procedures for Jal School District.

Definitions. For the purpose of the policy, Jal Schools uses the following definitions of terms.

- Student: Any person who is enrolled and attends or has attended a school in the District.
- Eligible Student: Any student or former student who has reached age 18 or is attending a postsecondary school.
- Parent: Either natural parent of a student, a guardian, or an individual authorized to act as a parent or guardian in the absence of the student's parent or guardian.
- School Official: A person employed by the District as an administrator, supervision, instructor, or support staff member, including health or medical staff; a person elected to the School Board; a person employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a person who is employed by the District for law enforcement purposes.
- Legitimate Educational Interest: An interest is deemed legitimate if the School Official is performing a task that is specified in his/her position

description or by contractual agreement in connection with the operation, maintenance, management, or programs and functions of the School District; performing a task related to the student's education; performing a task related to the discipline of a student' providing a service or benefit relating to the student or student's family, such as healthcare, counseling, job placement, or financial aid; maintaining the safety and security of the campus.

- Education records: Any record (in handwriting, print, tapes, film, or other medium) maintained by the District, or an agent of the District which contains information directly related to the student *except*:
 - 1) A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
 - 2) An employment record which relates exclusively to an individual in his/her capacity as an employee of the District and which is not available for other use.
 - 3) Alumni records that contain information about a student after he/she is no longer in attendance at the District and do not relate to the person as a student.

Maintenance of Records: The District shall maintain a cumulative record folder for each student attending its schools. The cumulative record folder shall contain all the education records identified in the definition above and not include any record that qualifies as an exception to the definition.

The following types of files shall be considered education records and shall be included in the cumulative folder:

- Identification information, including name, sex, race, birthplace, and birth date;
- Family data;
- Medical health records and emergency medical information;
- Attendance records;
- Academic and scholastic records;
- Standardized test scores;
- Records of educational and vocational plans;
- Records of interests, activities, and honors;
- Teacher evaluations, if shared with anyone else;
- Counselor evaluations, if shared with anyone else;
- Information pertaining to special services provided for students;
- Records of incidents of unsatisfactory behavior or imposition of discipline.

Records that may be purged shall be removed from the record and properly disposed of unless a request for a review by a parent or student is pending. At a minimum, the student's record shall be reviewed for records to be purged when the student has completed elementary school, junior high school, and high school. Records that may be purged include those previously designated as such.

The following is a list of the types of records that the district maintains, their locations, and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Cumulative School Records (<i>Current Students</i>)	School of attendance	Principal
Cumulative School Records (<i>Former Students</i>)	School last attended	Principal
Health Records	Elementary School	Nurse
Speech Therapy Records/ Psychological Records	School of attendance	Spec. Ed. Dept.
School Transportation Records	Administration Bldg.	Superintendent
Standardized Test Records	School of attendance	Principal

Method of Annual Notification: In compliance with 34 C.F.R. Section 99.7 of the regulations adopted pursuant to the Federal Educational Rights and Privacy Act, parents shall be notified of their rights under such statute by:

- a) Annual publication in student handbook, or;
- b) Letter sent via U.S. Mail at the beginning of the academic year.

The notice shall be in a form substantially similar to the attached as Appendix A to this policy.

Procedure to Inspect Educational Records:

- Parents of students or eligible students may inspect and review the student's education records upon request.
- Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he/she wishes to inspect.
- The principal (or appropriate school authority) will make needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given in 45 days or less from the date of receipt of the request.
- Parents or eligible students who wish to inspect records who live within 50 miles of the place where the records are kept must do so at a place designated by the District. After inspection, the parent or eligible student may request copies of the records inspected. Parents or eligible students who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the district's designated place. In such a case, the District will copy the records at the requestor's expense and mail the records by registered mail with return receipt requested.
- A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.

- 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 portion of the record which pertains to other students. At the discretion of School Officials, the names of the students may be excised or deleted from the record in order to permit inspection.

Refusal to Provide Copies: The District reserves the right to deny a parent or eligible student a copy of the student's education records in the following circumstances, unless failure to provide a copy would effectively prevent the parent or eligible student the right to inspect and review education records:

- a) The parent or student has an unpaid financial obligation to the District;
- b) The education record requested is an exam or set of standardized test questions, covered by the publisher's restriction or copyright.

Fees for Copies of Records: The fee for copies requested of education records shall not exceed \$1.00 per page which includes copy time and postage.

Disclosure of Educational Records: The District will disclose information from a student's education records only with the written consent of the parent or eligible student, except that the District may disclose or permit inspection or disclosure, without consent when disclosure is for the reasons enumerated below:

- To school officials who have a legitimate educational interest in the records, including for purposes of related financial aid.
- To officials of another school, upon request, in which a student seeks or intends to enroll. In such a case, the parent or eligible student shall receive notice of the request.
- To certain officials of the U.S. Department of Education, the Comptroller General, the State and local educational authorities, in connection with an audit or evaluation of certain state or federally-supported education programs.
- In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the conditions of the aid.
- To state and local officials or authorities if specifically required by State law adopted before November 19, 1974.
- To organizations conducting education-related studies for or on behalf of the District.
- To accrediting organizations to carry out their functions.
- To parents of an eligible student if the student is a dependant for tax purposes.
- To comply with a judicial order or a lawfully issued subpoena. In such a case, school officials shall make reasonable efforts to notify the parents or eligible student to permit them to challenge disclosure if desired.
- To appropriate parties in a health or safety emergency, or in connection with any investigation of child abuse or neglect if knowledge of the information is necessary to protect the health and safety of the student or other individuals.
- State and local authorities, within a juvenile justice system, pursuant to specific State law. A subpoena must be presented with the request for the records.

- To individuals requesting directory information as designated by the District.

Re-Disclosure: An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

Record of Request for Disclosure: The district will maintain a record of all requests for and/or disclosures of information from a student's education records. The record shall be kept in each student's cumulative file and shall indicate the name of the party making the request, any additional information to whom the information may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent or eligible student.

Directory Information: The District designates the following items as Directory Information: student's name, parent's name, address, telephone number, electronic mail address, date and place of birth, major field of study, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and student's photograph. The district may disclose any of those items without prior written consent, unless notified in writing to the contrary within 14 days from the first day of the academic year.

Dates of attendance shall be construed to mean periods of time such as certain academic year, semester, or quarter. The term does not include specific daily records or attendance.

Corrections of Education Records: Parents or eligible students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. The following procedures apply to requests for correction of records:

- Parents or the eligible student must ask the District to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading, or in violation of the student's privacy rights.
- The District may comply with the request or it may decide not to comply. If it decides not to comply, the District will notify the parents or eligible students of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
- Upon request, the District will arrange for a hearing, and notify the parent's or eligible student, reasonably to advance of the date, place, and time of the hearing.
- The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the district. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issue raised in the original request to amend the student's education records. The parents or student may be assisted by one or more individuals, including an attorney.

- The District will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
- If the District decided that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student, in writing, that the record has been amended.
- If the District decided that the challenged information is not accurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have the right to place in the record a statement commenting on the challenged information and/or statement setting forth reasons for disagreeing with the decision.
- The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the District discloses the contested portion of the record, it must also disclose the statement.

Waiver of Rights: Parents of a student or an eligible student may waive any of their rights under this policy. A waiver of rights must be in writing, must be by the parent or the student, and must specify those rights intended to be waived. A waiver is effective until revoked in writing. If a parent executes a waiver, the student may revoke it upon turning 18 years of age.

Complaints: A parent or eligible student may file a written complaint with the Family Policy Compliance Office regarding an alleged violation of the Federal Education Rights and Privacy Act. The Office's address is : Family Policy and Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

Right of Non-Custodial Parents: Either natural parent is entitled to review student records without consent from the other parent or the student so long as the non-custodial parent retains parental rights over the student (as is common in joint custody situations) and the divorce decree does not specifically designate one parent as the exclusive individual for making educational decisions about the child.

A request by a non-custodial parent to visit with students at school should also be governed by the terms of the divorce decree. In the event the divorce decree grants specific visitation right to the non-custodial parent (for instance, during every other weekend from 5:00 p.m. on Friday through 6:00 p.m. on Sunday, and the like) an attempt by the non-custodial parent to visit with the children at school violates the terms of such visitation rights as set out by the Court. In event the divorce decree is not specific as to the times of the non-custodial parent's visitation, but the custodial parent has directed that the School District not allow the non-custodial parent to visit with the children at school, the principal of the school should decline the request to allow visitation which is contrary to the custodial parent's desires, since allowing such visitation will embroil the school officials in a custody dispute and will often be disruptive to the student's ability to benefit from the educational process that day. The principal or other authorized administrator should advise the non-custodial parent to seek a modification of the divorce decree to spell out the right to visit with the children at school, rather than becoming involved in

custody disputes. School officials need not become involved in disputes between divorced parents. If the parents persist in making demands contrary to the terms of divorce decree, they should be referred back to their own attorneys to seek a modification to the decree. Confrontations or abusive use of the telephone by non-custodial parents may violate provisions of the Criminal Code if it interferes with the orderly conduct of school or administrative operations.

Student Data: No student should be required to furnish any confidential information about home life, diet, habits, etc.

Waiver and Consent to Disclose Student Information: Parents grant permission for the District to release information about their children in connection with the following education-related activities:

- Inclusion in the Honor Roll and publication of the student's name as part of the Honor Roll in any print or broadcast medium for the purpose of recognizing the named student's academic achievements. Such recognition may include publication of criteria for the Honor Roll inclusion, such as name and grade point average.
- Inclusion in other honors publicly bestowed on the student by the District, School, or School-related organization, including any honor related to academic achievement, community service, or extracurricular activity. Public recognition of the student may include dissemination of the criteria for the student's honor, including name, grade point average, and like information.
- Public display of the student's artwork and other school-related material that may bear any award, grade earned, and the student's name.
- At the high school, provide student's name, address, and phone number to various branches of the military, upon their request, for purposes of recruiting.
- At the elementary school level, group-grading exercises in which students may grade other student's assignments; at all levels, students may participate in cooperative or group projects and receive a group grade. These activities promote peer learning and peer teaching.
- Identification in written or oral recommendations of the student by an employee of the District.

The consent form shall remain in effect unless revoked by the fourteenth day of the current school year.

4.19 Student Insurance

The Jal Board of Education shall make available student accident insurance to all students, administrators, certified, and non-certified personnel with the cost for each policy to be borne by the individual concerned. The Board shall pay for, from gate receipts, catastrophic type insurance only. This will only help cover expenses above \$5,000 per injury. All students participating in athletics will provide evidence that they are covered by some type of insurance. A family policy or the school-day coverage are

examples. The Board is not to set the precedent of paying hospital and doctor charges beyond that covered by the insurance policy (adopted September 3, 1963).

4.20 School Cafeteria

All students shall be encouraged to eat in the school cafeterias, but no one shall be required to do so. Students receiving free or reduced price lunches must have a properly approved application on file in the superintendent's office. Students may charge for no more than three (3) consecutive days unless parents/guardians have made arrangements with the school. (Adopted 9-12-95)

4.21 Student Work Permit

Student work permits are regulated by State law. Students must obtain work permits from the high school principal.

4.22 Academic Eligibility Requirements for Extracurricular Activities

The eligibility requirements as outlined in the guidelines of the New Mexico Activities Association shall be met by students of the Jal Schools. No scholastic eligibility requirements exceeding those of NMAA are to be imposed.

4.23 Student Absence Affecting Activities

If a student is absent and unexcused on the day of a school-sponsored extracurricular activity (band, athletic contest, etc.), he or she cannot participate in that activity. If the student is absent the day of an activity because of illness, he or she must have a doctor's release in order to participate in the activity. If he or she is absent and unexcused on the day after an activity, he or she cannot participate in the next activity.

4.24 Student Appearance

It is not the intent of the school to regulate details of dress to students; however, it is the duty and responsibility of the school to encourage and insist upon good taste in grooming. Neatness, cleanliness, and appropriate dress are conducive to good manners and proper attitudes. No odd regalia will be allowed that is worn to attract attention. All types of clothing should be conducive to a good school-environment and should be accepted as being in good taste. Dress at school-sponsored activities should also be in good taste. The students of Jal Schools are expected to dress properly and according to good taste. The dress of the students should enhance the dignity of the individual and the school. All students should be clean, neat, and well-groomed.

School Dress Code. Muscle shirts, tank tops, tube tops, spaghetti straps on tops or dresses, and fish net shirts should not be worn to school. Clothing with offensive, obscene, and/or suggestive pictures or writing or that advertises prohibited nuisances such as drugs, alcohol, and tobacco may not be worn. Students may not wear extremely short skirts or dresses. There should be no skin exposed between upper and lower garments. Students may wear shorts, but they must extend past the mid-thigh close to the knee. No spandex shorts or leggings may be worn unless covered by another garment.

Cut-offs should not be worn unless they are cuffed. Pants or shorts with holes or rips in them shall not be worn to school. No hats or head coverings are allowed in the building.

Hairstyles, in the opinion of the school administration, shall not cause a health or safety hazard or cause a disruption of the educational process. Mustaches, if worn, will be neatly trimmed. No beards.

Radios, tape players, pagers, or any electronic devices that may create a disturbance are not to be taken to school.

4.25 Cell Phones/Electronic Equipment Policy. Due to the fact that cell phones/electronic equipment has become a distraction in the classrooms, this policy has been established. If a parent/guardian needs to reach his/her child during the school day, a call may be placed to 395-2277. If a student needs to reach his/her parent during the school day, a student phone is available in the conference room. *Due to issues with class disruptions, inappropriate photos being taken, and test security, this policy will be strictly enforced.*

Students are not permitted to have cell phones or electronic equipment in the school during instruction time. Students that have cell phones/ electronic equipment on their person or in their lockers will be:

1st Offense: Pay a fifteen (\$15.00) dollar fine and upon payment the cell phone will be given back to the student.

2nd Offense: Pay a twenty (\$20.00) dollar fine and the phone will be kept for a week (7days).

3rd Offense: The phone or electronic equipment will be kept for the remainder of the academic school year.

4.26 Graduation Dress Code. All graduating seniors will wear the traditional royal blue cap and gown. Boys must wear dark colored pants and girls must wear a dress or dark colored pantsuit under their gowns. Students should wear dress shoes or boots; no tennis shoes. Boys should wear socks to match their pants and should wear a light colored shirt that has a collar. If, in the opinion of the administration, a student is not dressed properly, he or she will be given an opportunity to change, if time allows before the graduation ceremony. If he or she does not change, he or she will not be allowed to participate in the ceremony.

4.27 Communicable Diseases

The Board of Education recognizes that the health and safety of the students of this district is primary concern and that it is necessary, in order to protect student health and safety, to adopt a policy governing the manner in which the Board and its administration will protect the health and safety of all students when any current or potential student is infected with a communicable disease. This policy is adopted in order to protect the legitimate interests and rights of students with communicable diseases or who are carriers of communicable diseases, while also protecting the health and safety of the remaining students in the district.

No student, otherwise qualified to attend the schools of this District, shall be denied admission, suspended, expelled, segregated, restricted from curricular and extracurricular activities, have his or her educational program changed nor otherwise be denied the benefits of the educational program as a result of the student being a carrier of or having any communicable disease, unless the procedures specified herein have not been followed.

Any decision affecting the educational program or attendance of a student who is a carrier of or who has a communicable disease will be based upon competent medical advice and will balance the rights of the infected student against the legitimate interest of the District in protecting the health and safety of the remaining students.

Parents or guardians of students attending or enrolling in the schools of the District have an obligation to disclose, to the appropriate administrator, the fact that the child is a carrier of or is infected with a communicable disease, as soon as the parent or guardian becomes aware of the condition. For the purposes of this policy, communicable diseases include, but are not limited to, the following:

Acquired Immune Deficiency Syndrome (HTLVE-III) AIDS	Herpes Simplex
Chicken Pox	Measles
Cytomegalovirus	Rubella
Diphtheria	Salmonella
Hepatitis B Virus	Typhoid Fever
	Whooping Cough

The District will not require mandatory testing or screening of students for communicable diseases as a condition precedent to registration or admission to school, either initially or annually. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease, such student may be required to submit to an appropriate medical examination, at the expense of the District. **The Jal Public Schools reserve the right to deny admittance to any student or staff member until proper enrollment procedures have been completed.**

Parents or guardians may voluntarily choose to remove their children from school, without compliance with these procedures for any period during which the child's condition is infectious or communicable, provided that such an absence is supported by a statement to that effect prepared by a medical doctor or other competent medical professional. A determination as to whether alternative instruction will be provided in such circumstances will be made on a case-by-cases basis, based upon other policies of the Board, the length of the absence, the severity of the condition and other factors considered relevant by school authorities.

The number of personnel who are aware of the child's condition shall be kept at a minimum needed to assure proper care of the child and to deal with situations where the potential for transmission may increase (e.g., bleeding injury).

The educational program and placement setting decisions concerning those students shall be determined by a committee composed of the following: (1) The child's physician. (2) The child's parents or legal guardians. (3) The school personnel with whom the child will interact and who are familiar with the child's educational and physical care needs. (4) The superintendent or his or her designee. (5) Any other person, to be appointed to the committee by the superintendent, whose expertise would be useful to the committee in reaching and implementing its decisions.

In determining the educational program and placement setting for any student who has or is a carrier of communicable disease, the following factors will be evaluated: (1) The nature of the disease. (2) The age of the student. (3) The behavior of the student. (4) The neurological development of the student. (5) The physical condition of the student. (6) The expected type of interaction which the student will have with other individuals in the proposed placement setting. (7) The degree to which other individuals may be exposed to infectious organisms. (8) The hygienic practices of the student. (9) The risk of transmission of the disease from the student to those individuals with whom he or she will interact. (10) Any other pertinent factor reasonably related to the decision.

An unrestricted educational program and placement setting will be the primary goal for any student who has or is a carrier of a communicable disease. Restrictions upon a student's educational program and/or placement will be imposed only when the committee determines that the risks of an unrestricted program and placement outweigh any benefits which the student may receive from an unrestricted program.

The educational program and/or placement setting established by committee for any student who has or is a carrier of a communicable disease will be reevaluated at least once per school year. Any reevaluation will be done by the committee taking into account those factors listed above.

All school personnel and all members of the committee appointed according to the provisions of this policy shall maintain the student's right of confidentiality with respect to the fact the student has or is a carrier of a communicable disease and with respect to any records, documents, statements, letters or memoranda developed or prepared by the committee; provided, however, that nothing herein shall prohibit or prevent the disclosure of information that may be permitted or required by state or federal law or regulations promulgated there under.

Any parent or guardian aggrieved by a program or placement decision made pursuant to this policy may appeal that decision to the Board of Education by requesting a hearing, in writing, within the (10) calendar days of the program or placement decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. The decision of the Board shall be final.

The procedures outlined, with necessary adjustments, may be applied to any staff member suspected of posing a health risk to other staff members or students.

4.28 Foreign Exchange Students

Jal High School will accept up to two foreign exchange students per year. The students will be able to participate in all curricular and extra-curricular activities in which they are eligible to participate in according to Jal School's regulations and the NMAA's regulations.

4.29 Computing and Internet Acceptable Use Policy

Teachers and students attending Jal Public Schools have the privilege to use technological tools to help them excel in their jobs or course work, while also providing the opportunity to communicate electronically with other schools, organizations, and individuals around the world. With this opportunity also comes responsibility. The Internet is a vast array of information networks. While most of this information is useful and appropriate, there are times when a user may encounter material or information that can be offensive, illegal, or obscene, etc. While the District takes every precaution to curb such access and does not encourage this contact, it is not 100% possible to prevent it. That is also why the District incorporates Internet Safety into its curriculum, and encourages users to report inappropriate content to teachers or other school officials. Deliberate misuse of the District's technology resources can result in the temporary or permanent loss of privileges to technology tools within the District's private network.

A. Purpose

- a. Jal Public Schools provides its employees and students ("Users") with access to computing equipment and local network functions such as District email and the Internet.
- b. This access has a limited education purpose for students and is to facilitate work productivity for employees.

B. Access Rights and Privileges

- a. The School District has the right to place reasonable restriction on the use of equipment, resources, and materials students and employees access or post through the system. Students and employees are also expected to follow the rules set forth in the District's rules and regulations governing conduct, disciplinary code, and the law in their use of the District's equipment and network. This access has not been established as a public access service or a public forum.
- b. All access and rights are privileges granted by the District, and users should expect no privacy rights. District computers and other technological tools are to be used only for business or educational purposes. Users consent to allowing personnel of the District to access and review all materials they create, store, send, or receive on school equipment. Users understand that the School District may use human or automated means to monitor use of its computer resources.
- c. All District employees and students will have access to the Internet through the District's private network. Parents may specifically request that their children not be provided such access by notifying the District in writing.

- d. Guests/contractors are not automatically eligible for a District email account or network and Internet access. Such access may be granted if directly sponsored by a District Administrator.
- e. Employees are expected to use their District-provided email accounts for school business purposes only. Any personal messages or information transmitted through the District-provided email is subject to review by District Administrators.
- f. While students in grades 7-12 have privileges to District-provided email, such access will be closely monitored and limited to activity which only relates to classroom curricula or contact with higher education institutions. Any personal messages or information transmitted through the District-provided email is subject to review by District Administrators.

C. System Security Obligations

- a. Users are responsible for their passwords and for the use of their individual access account(s) and should take all reasonable precautions to prevent others from being able to use their account(s), including co-workers, friends, or family. Under no conditions should a user provide his/her password to another person, nor attempt to access the network with another User's password or account.
- b. Attempts to log on to the District's network as a System Administrator are strictly prohibited.
- c. Users must take reasonable precaution to ensure he/she does not introduce viruses to the School District's network. Any material received on flash drives, CDs, DVDs, or other media MUST be scanned for viruses or other destructive programs before being placed on a computer system within the District's network. Further, any detection of viruses, spyware, malware, or other destructive programs must be reported immediately to the Technology Department or to District Administrators.
- d. Users should immediately notify a teacher or system administrator of any possible security breach.
- e. Students will promptly disclose to their teacher or other appropriate school employee any message or file received that is offensive, illegal, obscene, profane, or in any other way inappropriate.
- f. Users may not connect unauthorized wireless devices to the District network. Such devices include but are not limited to: wireless access points, wireless routers, or any other type of wireless gateway device.
- g. Users may not install or use encryption software on any of the District's computers without first obtaining written permission from their supervisors. Users may not use passwords or encryption passwords that have not been provided to their supervisors.
- h. Any user identified as a security risk or having a history of violating this or any other Acceptable Use Policy may be denied access to the District's network or other resources.

D. Filtering

- a. As required by law, and in recognizing the need to establish a safe and appropriate computing environment, the District employs the use of filtering technology to prohibit access to objectionable or unsuitable content that might otherwise be accessible via the Internet.
- b. In addition to filtering, the District also integrates Internet Safety courses into its curriculum.

E. Unacceptable Uses

- a. Users may not use the District's private network to access material that is profane or obscene, that advocates illegal acts, or that advocates violence or discrimination towards other people.
- b. Users may not use District equipment to post personal information on the Internet about themselves or other people. Personal contact information includes address, telephone numbers, school address, work address, pictures, videos, etc.
- c. Users may not attempt to gain unauthorized access to any computer system. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purpose of "browsing," "snooping," or "electronic discovery."
- d. Users may not deliberately disrupt or harm hardware or systems, interfere with computer or network performance, interfere with another's ability to use equipment or systems, or destroy data.
- e. Users may not use the District's private network to engage in illegal acts, such as threatening the safety of another person, accessing or sharing unauthorized copyrighted music, movies, and other intellectual properties.
- f. Users may not utilize peer-to-peer file-sharing applications or execute programs to facilitate the downloading or exchange of copyrighted or unauthorized music, movies, or other materials.
- g. Users may not use the District's private network to solicit information with the intent of using such information to cause personal harm or bodily injury to others.
- h. Users may not post information that could endanger an individual, cause personal damage or a danger of service disruption.
- i. Users may not knowingly or recklessly post false or defamatory information about a person or organization.
- j. Users may not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users.
- k. Users may not indirectly or directly make connections that create "back doors" to the District's network that allow unauthorized access from outside of the network.
- l. Users may not use obscene, profane, lewd, vulgar, rude, inflammatory, hateful, threatening, or disrespectful language.
- m. Users may not engage in personal attacks, including prejudicial or discriminatory attacks.
- n. Users may not harass another person.

- o. Users may not re-post a message that was sent to them privately without permission from the original author.
- p. Users may not forward or post chain letters or engage in “Spamming” (sending large amounts of unnecessary mail to a large number of people). Users must also refrain from abusing email privileges by forwarding non-school/work related emails, advertising, and solicitations.
- q. Users may not install or reproduce unauthorized or unlicensed software on District resources. Authorized software will be installed by authorized personnel only.
- r. Users may not use technology resources and Internet for private business activities or unreasonable personal use.
- s. Users may not use the District’s private network for political lobbying.
- t. Students may not download any programs on District machines. File downloads are only allowed with teacher’s permission or if the file is necessary for an assignment.
- u. Users may not use any type of internet proxy service or proxy server to bypass District web filters. Any such attempts will result in immediate revocation of computing and internet privileges.
- v. Users may not alter machine configurations or attempt to perform unauthorized diagnostics or repairs on District machines. Diagnostics and repairs must be performed by or under the supervision of authorized personnel only.
- w. Unless expressly authorized by District Administration, sending, transmitting, or otherwise disseminating proprietary data, trade secrets, or other confidential information of the School District is strictly prohibited. Unauthorized dissemination of this information may result in substantial civil liability as well as severe criminal penalties under the Economic Espionage Act of 1996.

F. Due Process

- a. The School District will cooperate fully with local, state, and federal officials in any investigation concerning or relating to any illegal activities conducted through the District’s private network.
- b. In the event there is an allegation that a student has violated the District’s Acceptable Use Policy, disciplinary actions may be taken.
- c. Employee violations of the District’s Acceptable Use Policy will be handled in accordance with law and School Board policies.

G. Administration

- a. School Administration and Technology Directors have the responsibility and authority for the development, publication, implementation and ongoing administration and enforcement of the processes and techniques required to protect Jal Public School’s technology systems and services from unauthorized access, loss, or misuse.

- b. School Principals have the responsibility to establish a plan to ensure adequate supervision of students. They are also responsible for interpreting and enforcing this policy at the local level.
- c. Teachers and Staff have the responsibility to enforce and interpret this policy.

Foreign exchange students will be eligible for graduation from Jal High School providing they meet all local graduation requirements.

Foreign exchange students will not be ranked with resident seniors and will not be eligible for graduation honors.

Employee Signature

Date

4.30 Open Enrollment Policy

The Board of Education adopts this policy pursuant to the terms of SB 64 of the 1998 New Mexico Legislature, also known as the Open Enrollment Act, amending N.M. Stat. Ann. 22-1-4, as amended by HB 46 of the 2000 New Mexico Legislature.

The Open Enrollment Act requires that a free public school education be available to any school-age person who is a resident of New Mexico and who has not received a high school diploma and its equivalent. This policy does not apply to students who are not New Mexico residents. The board retains the discretion to determine whether the school district has sufficient accommodations to offer enrollment to students who are not New Mexico residents.

1. Attendance: The attendance area of each school within the district shall be established annually by the Board of Education.
2. Enrollment Priorities: In-state students shall be enrolled or re-enrolled in each district school according to the following priorities:
 - a. First, persons residing within the attendance area of the school;
 - b. Second, persons who previously attended the school; and
 - c. Third, all other applicants for enrollment at the school.
3. Transportation: Transportation shall be provided by the district for transportation-eligible students residing within the attendance area of the school they attend. Transportation of students residing outside the attendance area of the school they attend shall be the responsibility of the parent/guardian or student.
4. Maximum Class Size: The superintendent shall determine the maximum allowable class size in the district by administrative regulation.
 - a. So long as the maximum allowable class size established by the superintendent or as permitted by law is not exceeded by the

- enrollment of first-priority students (those residing in the attendance area) the school shall continue to enroll students on the basis of the priorities established in this policy.
- b. If the maximum allowable class size would be exceeded by enrollment of an applicant in the second or third priority category, the school may deny such student enrollment.
 - c. Each school shall establish a waiting list of second and third priority students who are seeking enrollment in the school and enter the names of such students on the list in the order in which each student sought enrollment.
 - d. As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll 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.
5. Denial of Enrollment or of Re-enrollment: Notwithstanding any other provision of this policy, enrollment or re-enrollment of a student to any District school may be denied by the principal of such school on the following grounds:
- a. The student seeking enrollment or re-enrollment has been expelled from another school district in New Mexico or in another state during the preceding twelve month period; or
 - b. The student's behavior in a school district in New Mexico or in another state during the preceding twelve month period makes the student's enrollment or re-enrollment detrimental to the welfare or safety of other students or school personnel.
6. Hearing and Appeal of Denial of Enrollment or of Re-enrollment: A student or the student's parents may appeal a denial of enrollment or of re-enrollment pursuant to paragraph 5, above, through the procedures established for long-term suspensions and expulsions of students, *provided*, that when the denial of enrollment or re-enrollment was based upon the student's prior expulsion from another school district within the preceding twelve month period, the admission of evidence of such expulsion shall shift the burden of proof to the student or parents to show that the student should be admitted despite such expulsion. In proceedings regarding denials under all other circumstances provided under paragraph 5, above, the burden of sustaining the denial shall remain with the school.

4.31 Allergy Policy

The Board recognizes the importance of addressing student food intolerances and food allergies, including life-threatening food allergies. By addressing these types of student conditions, the District will be better able to provide a safe educational environment for all students.

The Board delegates to the Superintendent the authority and responsibility to develop administrative regulations in the event that a student enrolls in the District with a food intolerance or food allergy which adversely affects the student's ability to attend or

to benefit from the District's educational program. These administrative regulations shall be designed to implement or augment a student's Section 504, Individualized Health Plan and/or Individual Educational Plan, as appropriate.

4.32 Policy Prohibiting Bullying, Cyberbullying, Intimidation, and Hostile or Offensive Conduct

The effective education of our students requires a school environment in which students feel safe and secure. The Board of Education ("Board") is committed to maintaining an environment conducive to learning in which students are safe from bullying, cyberbullying, threats, name-calling, intimidation, and unlawful harassment, when such conduct occurs through the use of electronic devices or services provided by the Jal Public Schools ("District") or belonging to the student.

A. **Official Policy.** This policy supersedes and rescinds all previous policies, statements, or practices and is the official Bullying, Cyberbullying, Intimidation, and Hostile or Offensive Conduct ("Policy") for the District.

B. **Other District Policies.** This Policy incorporates all other relevant District policies relating to student conduct and acceptable use of the District Electronic Technologies and Resources, made available to District students in connection with the student's academic program or other school-related activities.

C. **Application.** This Policy will apply to the use of all District Electronic Technologies and Resources, whether owned by the District, the student, or a third party and whether on or off District property.

D. **Definitions.**

1. "Unlawful harassment" means verbal or physical conduct based on a student's actual or perceived race, color, national origin, gender, religion, or disability and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students is addressed by separate Board policies. See Board Policy 4.5.
2. "Bullying" or "intimidation" means intimidating or offensive verbal or physical conduct toward a student, which may also involve electronic media or the use of District Electronic Technologies and Resources, when such conduct is habitual or recurring, including but not limited to verbal or physical confrontation, threats, stalking, and name-calling
3. "Cyberbullying" means electronic communication that:
 - (a) targets a specific student;
 - (b) is published with the intention that the communication be seen by or disclosed to the targeted student;

- (c) is in fact seen by or disclosed to the targeted student; and
 - (d) creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities, or performance.
- 4. "Electronic Technologies and Resources" means computers, laptops, tablets, smart phones, desktop computers, networks, electronic mail, Internet access, and any other form of electronic technologies resources created or acquired by the School District for use in the conduct of School District operations and business, or its academic or other student related programs and activities.
 - 5. "Name-calling," means the chronic, habitual, or recurring use of names or verbal comments to or about a student, as well as any verbal or physical gestures, regarding the student's actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names, comments or gestures are unwelcome, or when the names, comments or gestures are clearly unwelcome, inappropriate, or offensive by their nature.
 - 6. "Social Networking Websites" includes Facebook, MySpace, Twitter, YouTube or similar Internet-based websites, whose functions may include sharing personal information and directly communicating with other members or participants or broad electronic distribution of written, graphic, photographic or video materials or images, in a web-based format.

E. Prohibitions

- 1. It is the policy of the Board to prohibit bullying, cyberbullying, threats, name-calling, unlawful harassment, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile, or offensive environment for students, regardless of motive or reason. The Board and Superintendent will not tolerate such victim-based misconduct by students or staff directed toward any student enrolled in School District programs or activities.
- 2. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this Policy.
- 3. No employee or student may knowingly give false reports or information under this Policy.

- F. Use of Social Networking Websites.** Students are responsible for their own behavior when communicating on Social Networking Websites and will be held accountable for the content of the communications that they initiate or post on Social Networking Website locations.
1. **Inappropriate Communications.** Students are strongly discouraged from including inappropriate communications on any Social Network Website, including but not limited to:
 - (a) Confidential, personally identifiable, and sensitive District information about other students, employees, and guests;
 - (b) Child pornography or sexual exploitation;
 - (c) Unlawful harassment, intimidation or name-calling as defined in the Policy;
 - (d) Bullying or cyberbullying as defined by this Policy;
 - (e) Defamatory or discriminatory statements and images; and
 - (f) Threats of harm, damage, or injury to persons or property.
 2. **Interactions with Staff.** Students are strongly discouraged from inviting District staff members to join a student's Social Network or from accepting a friend request from a teacher or other staff member. Communications between students and staff in any electronic medium should be limited to that which is school-related and consistent with the student code of conduct and the ethical standards required of education professionals.
 3. **Prohibited Use of Social Networking Websites.** A student may be subject sanctions provided herein if:
 - (a) The student's use of Social Networking Websites materially or substantially disrupts or interferes with the normal operations of the school;
 - (b) The student's use of Social Networking Websites materially or substantially disrupts or interferes with the rights of other students or teachers; or
 - (c) The District Administration has reasonable cause to believe that the expression would cause a material and substantial disruption of school operations or programs.

G. Training and Reporting

1. All licensed school employees shall complete training in how to recognize signs that a person is a victim of bullying or cyberbullying.
2. It is the express policy of the Board to encourage students who are victims of such physical or verbal misconduct to report such claims. Students or their parents may report such conduct to the principal or assistant principal of the school.
3. Any employee who, as a result of personal observation or a report, has reason to believe that a person is a victim of conduct prohibited by this Policy, whether the conduct is by another student or by another employee, shall notify his or her principal, the superintendent, or both, of such observation or report, in writing as soon as possible after the observation or receipt of the report.

H. Investigation

1. All reports of physical or verbal misconduct in violation of this Policy shall be promptly investigated by the school principal, the Superintendent, or his/her designee.
2. Principals who receive complaints of bullying or cyberbullying or other conduct defined by and prohibited by this Policy, shall investigate such complaints, and shall report the complaints, the scope and elements of their investigations, the findings of their investigations, and actions they propose to take, if any, to the Superintendent for approval within ten (10) school days of receipt of such complaints. The Superintendent will respond to such submissions within five (5) school days, approving the proposal or directing further or different action.
3. In assessing the existence of a violation of this policy and the appropriate discipline, the principal or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct by the violator prohibited by this policy.

I. Confidentiality. The identities of those reporting violations of this Policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.

J. Sanctions

1. Any employee who is found to have engaged in conduct prohibited by this Policy, or to have failed to discharge a duty imposed by this Policy, shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.

2. Any student who is found to have engaged in conduct prohibited by this Policy, shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.

3. Disciplinary action taken pursuant to this policy must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed bullying or cyberbullying or other conduct prohibited by this Policy and may include counseling, mediation, and appropriate disciplinary action that is consistent with the legal rights of the students involved.

K. Publication. This Policy shall be published in the Board's policy manual and on the District's website. A summary of this Policy shall be published each year in all student and employee handbooks.

L. Health Education. The Superintendent or his/her designee shall ensure that District health education programs address bullying, cyberbullying and related issues encompassed by this Policy.

M. Revisions. The Board shall make any necessary revisions to its disciplinary policies to ensure compliance with the provisions of this Policy.

Consequences of Bullying

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

Consequences of Knowingly Making False Reports

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

Anti-Bullying Included in Health Education Curriculum

“Health Education” is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19NMAC.

Bullying behavior is mentioned specifically in many areas of the Health Education performance standards, in all grade levels. All students need to be aware of bullying behavior beginning in Kindergarten and continuing throughout their school years. It is imperative that students are comfortable with understanding, describing, and recognizing bullying behaviors, and then in the later grades being able to analyze those behaviors and role play refusal skills.

Our curriculum does recognize the importance of bully prevention skills in all grade levels.

Threats of Violence

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

4.33 Calculator Use Policy

Calculators can be a very important technological tool in enhancing student learning in the subject of Mathematics. Thus, every student in grades 9-12 who are participating in Algebra or other higher level math courses will be issued a Texas Instruments 84-Plus graphing calculator.

Students may choose to purchase a different brand or model of calculator, but they will not be required to. It should be noted that students who use or purchase a different brand or model calculator risk being at a disadvantage in the classroom setting.

The use of the calculator for an individual course is at the discretion of the teacher. While a calculator is an invaluable tool for studying mathematics, there may be times when the instructor deems that a particular topic or skill is more appropriately investigated and assessed without the use of a calculator.

With the ability to link calculators to a computer and update them via the Internet as new features and operating systems become available, students should be confident that the calculator will be adequate for their entire high school career.

Students are expected to demonstrate the utmost personal integrity in using the calculator. Inappropriate uses of the calculator include, but are not limited to:

- Playing calculator games during class.
- Storing formulas, notes, programs, and/or answers unauthorized by the teacher.
- Sharing a calculator during a quiz, test, or final exam.
- Using the calculator on an assessment not intended for calculator use.

Inappropriate use may result in disciplinary action. The teacher reserves the right to take steps to avoid inappropriate use by clearing the memory of the calculator, trading calculators, or other measures as necessary.

While the first set of batteries is provided, students are responsible for purchasing batteries in a timely manner when they need to be replaced. When stock is available, batteries can be purchased in the high school office.

While no deposit for the calculator is required, students are responsible for replacing any calculators that are lost, damaged, or stolen at the cost of \$110.00, which is the value of the calculator.

☐ I have read and accept the terms for calculator use as described above.

Student Signature

Principal

Section V

School and Community

Since public understanding and support are basic to the very existence of the school system, it shall be the policy of the board to keep the public informed about the policies, problems, progress, and operation of the schools. The Board encourages study, discussion, and the active participation by all concerned in the promotion of the best possible program of education in the advice and assistance of all interested individuals and groups in the solution of its educational and financial problems.

The Board of Education wishes to make it clear, however, that in no way does it wish to escape its responsibility to the citizens of the community as the official governing body responsible for a final decision on all matter of policy and educational programs.

5.1 *Community Relations*

The value of each employee bears a close relationship to the individual's value as a citizen of his or her community. School personnel are encouraged to take an active part in the community's social, civic, and religious organizations. Every employee should exercise the right to vote in all public elections.

5.2 *Public Visitation*

Visitors and parents are welcome in all schools at all times. It will be necessary to make prior arrangements before visiting a classroom. Visitors must report to the office of the principal upon entering the building. Each school shall have at least one date each year when parents and others are especially encouraged to visit the school.

5.3 *School Elections and Public Hearings*

The Board shall conduct all elections in accordance with the New Mexico School Code. It shall be an established policy for the Board to request assistance of advisory groups in conducting school elections, under the direction of the Board. Publicity and attendance by citizens at public hearings conducted by the Board shall be welcome. Such hearings shall be held to obtain information pertinent to problems faced by the Board, to discover opinions of public and school issues, to furnish interested citizens an opportunity to express their opinions and reasons for them, and to develop interest in the schools and their characteristics.

5.4 *Gifts and Donations*

It shall be the policy of the Board to exercise appropriate control in respect to the receiving of gifts, including student awards, donations, or contributions of any kind, to any school, or department within the school system from any source (civic organization, business firm, adult booster club, individual, etc.)

It shall be expected that individuals or organizations desiring to contribute supplies or equipment to the schools will counsel with school officials (principals or

superintendent) regarding the acceptance of such contributions in advance of the solicitation of funds or the making of budgetary appropriations.

Contributions of equipment or services that may involve installations or major costs for maintenance, or initial or continuing financial commitments from school funds, shall be presented to the superintendent for Board consideration and approval.

It shall be the general policy of the Board to direct those individuals or groups who desire to make contributions to the schools. It shall be recommended that consideration be given to the purchase of equipment or services which would likely be considered an appropriate operational fund expenditure.

It shall be understood that any gifts contributed to the school shall become the property of the school district, and are subject to the same controls and regulations that govern the use of other school-owned properties.

The superintendent shall report a list of supplies and equipment contributions primarily for school use to the Board at least annually.

5.5 Advertising Media Distribution

Media that promotes citizenship or education may be distributed through the schools with the permission of school authorities. The Jal Schools shall not serve as a medium for distributing commercial advertising or special propaganda of vested or special interest.

5.6 Salespersons and Solicitors

All salespersons and solicitors are to contact the superintendent's office for permission to contact any school in the district.

5.7 Use of School Buildings and Facilities

The Board of Education recognizes the capital investment the community has in school buildings and facilities, and believes that such facilities should be used for legitimate community purposes. State law gives the Board full responsibility for the care and use of the buildings and facilities.

Regulations. Organizations permitted to use school facilities shall observe the regulations for use which shall be posted in each building. No charge will be made to any civic group for any building, unless extra help has to be employed or the activity is a money-raising event, in which instance the Board may set a fee.

Any individual or organization desiring to use a school facility must submit an application to the building principal of the school in which the building to be used is located. Staff members are not to take it upon themselves to obligate the use of any school facility to individuals, groups, or organizations.

Outside Groups. Buildings and facilities may be used by outside groups, when authorized, as long as they do not interfere with the school program in any way. An exception being that no school building or facility in the Jal School System is to be used for dances unless school-sponsored and authorized.

Civil Defense and Adult Education. Any or all school buildings may be used for civilian defense purposes in the event of a disaster and for adult education courses.

Old Gymnasium. There will be no charge for civic clubs who use the old gymnasium. (Adopted December 6, 1963)

High School Auditorium. The high school auditorium may be used for emergency meetings by church groups. (Adopted May 14, 1963)

Swimming Pool. The use of the swimming pool is to be limited to school-sponsored and authorized recreational activities. Permission of the principal or superintendent and certified lifeguards are required.

5.8 Reward Plan

The Jal Board of Education may pay a reward as per Chapter 3 Laws of 1973 Amending 77-4-2 NMSA.

To offer, and upon compliance with the conditions of such offer, to pay reward for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of thefts, defacement, or destruction of local school district funds in accordance with regulations which shall be promulgated by the chief of Public Finance Division.

Signs. Appropriate signs shall be placed on school property announcing the reward for arrest and conviction in cases of theft and vandalism committed upon the premises. **Reward Amount.** The reward per event will be a minimum of \$50 and a maximum of \$500. The Board of Education shall determine the amount for each occurrence. The payment of the reward will be subject to the availability of budget and funds. The payment will be made from operational funds. The source of information will remain confidential. All procedures outlined in Public School Finance directive September 4, 1973, will be followed.

5.9 Patron Complaints

The method by which complaints from parents, patrons, community groups or employees are handled may well set the pattern for harmony or lack of it. Complaints, whether they be large or small, must not be ignored. It shall be the policy of the Board of Education to individually and collectively encourage those having complaints, real or imagined, to bring them to the attention of the proper authorities through very specific, recognized channels of communication.

Individual Board Members should not refuse to listen to grievances, but shall guide individuals or groups through the proper procedures. Many times knowledge of policies on the part of an individual Board Member will make it possible for him to stop a grievance by a simple explanation of a policy already in effect and its purpose. This should not be attempted, however, unless there is a strong reason to believe the result will be settlement of the grievance at that point.

Informal.

Complainants should first contact the school employee with whom they have a complaint to try and solve the problem.

Should the complainants not be able to resolve the problem with the employee, they should then contact the building principal. The principal will make an effort to resolve the matter to the satisfaction of those concerned. The principal will keep all parties informed of the progress toward solution of the problem.

The principal will manage the problem “in house” if he/she can possibly do so. If not, he/she will then bring the problem to the superintendent; who will have a conference with all parties involved.

Formal.

If a satisfactory conclusion cannot be reached with the superintendent, then the complainant will be asked to complete a review form and to request to appear before the Board of Education. At the next board meeting, the complainant will be allowed to address the board concerning his/her complaint. The superintendent shall present a review of the situation and make his recommendation. The final decision will rest with the Board of Education.

Section VI

Business and Operational

The Board of Education has public responsibility to see that all business transactions of the school district are in the public interest and meet legal requirements. The Board takes pride in the fact that the New Mexico Public Education Department has designated it as a Local Board of Finance. Thus, the Board enjoys a great deal of latitude in business and operational procedures.

The Board desires that the school staff adhere to the business and operational procedures outlined in New Mexico Statutes, the manual of Procedures for Uniform Financial Accounting and Budgeting for New Mexico School Districts by the State Department of Education.

6.1 Budgets

The budget sources of revenue are set by State law. The Board of Education shall determine the amount needed for the building fund. The budget shall be prepared by the superintendent and approved by the Board. Requests for budget expenditures shall be submitted by the teachers to their principals, who in turn shall submit the requests to the superintendent.

Budget Hearing and Adoption. The superintendent of schools sets the date, time and place of the annual budget hearing. When the budget receives its approval from the Public Education Department, it is adopted by the Board for the new fiscal year.

Financial Reports. The superintendent will submit periodic financial statements to the Board of Education and to the Public Education Department.

Audit. There will be an annual audit on all school funds as required by state law. The auditor must be approved by the Board of Education and the State Auditor.

6.2 Purchasing and Accounting

New Mexico School laws are very specific about the accounting procedures of budget, activity, and cafeteria funds. A quarterly audit is conducted by the Public Education Department. A thorough annual audit is conducted by contract auditors to ascertain the school's effectiveness. The proper procedures for handling all school monies entrusted to an individual school become an established routine.

All purchasing will be done through the office of the superintendent, who is designated as the purchasing agent for the Board of Education. Purchases below \$1,500 do not require quotes but the best obtainable price should be sought by using discount vendors or by comparing catalogue prices. Three written or oral quotes should be obtained on purchases between \$1,500 and \$5,000 or efforts to secure such quotes will be documented. Three written quotes or the formal bid process is required for purchases between \$5,000 and \$20,000 dollars. Purchases over \$20,000 are covered by the bid law. All purchases must comply with New Mexico Statutes

governing public purchases. Board approval will be obtained on all purchases which are of sufficient amount to be covered by the bid law. Other purchases of lesser and routine nature will be approved and processed by the superintendent and reviewed by the Board.

Purchase Requisitions. Requests for purchases and expenditures must be submitted on school requisition forms or purchase orders. All purchase requisitions shall be submitted to the principal who shall submit them to the superintendent. Authority to make purchases for the schools shall be given by superintendent upon the receipt of the requests. Submit the request well in advance of the need and indicate the date the item is needed. **All purchases and expenditures must be approved by the principal and/or the superintendent.** The Board of Education shall review all bills.

6.3 Handling of Monies

Depository of Funds. All school district funds will be deposited in the Jal Branch of Wells Fargo Bank upon receipt. Receipts and deposits will be as outlined in the Jal Schools Financial Procedures booklet.

Investments. The superintendent will be responsible for the effective investment of school district funds. Such investments are to comply with all regulatory agency standards. Any uncommitted revenue which is earmarked for the operational fund will be invested to obtain the best yield possible, and leave the funds readily obtainable on a scheduled basis. Earnings from such investments will be considered as revenue for the operational fund. A report of such investments will be made to the Board each month.

Permanent Funds. A permanent fund may be maintained by the school district if it has set aside money, securities, or lands as an investment for public school purposes of which the income, but not the principal, may be expended. In some instances there may be endowment funds, or endowments for a particular activity or phase of the public school operation. All such funds shall be classified as Permanent Funds and shall be given an identity if the school district maintains more than one.

Cafeteria Funds. The building principals shall arrange for the collection of the cafeteria money. All monies collected must be receipted and deposited in the bank within 24 hours if totaling more than \$50. If under \$50, money may be held for three working days or until \$50 is collected. The school auditor shall audit the account annually. Reports shall be made to the business office on approved forms. The cafeteria program shall be self-supporting with the subsidy received from the Federal Foods Administration. Cafeteria employees' salaries and/or benefits may be paid from the Operational Funds if necessary.

Activity Fund. The Jal Public Schools shall maintain an Activity Fund in an account with the Jal Branch of Wells Fargo. The official accounting records of this fund shall be maintained in the business office. Each school organization having a

fund shall also keep records of their receipts and expenditures for comparison with those in the business office. All monies collected must be receipted and deposited in the bank within 24 hours if totaling more than \$50. If under \$50, money may be held for three working days or until \$50 is collected. The school auditor shall audit the account annually.

Book Fines. All money collected for book fines shall be turned into the principals, who shall deposit it in the bank. Money collected from book fines shall be applied to the library account of the school where collected.

Outstanding Checks. Any outstanding check is void after one (1) fiscal year. See State law.

6.4 *Inventory*

An accurate up-to-date inventory of all school property is required by law. Equipment valued at \$1,000 or more must be assigned an inventory number at the time of purchase and its location recorded. The superintendent of the school district will maintain a complete and accurate inventory of all school district-owned property. A copy of the inventory shall be kept on file in his/her office.

Property Disposal Procedure. It will be the responsibility of the superintendent to administer the inventory system of the school district. State statutes will be followed in determining items to be included in the inventory. Items to be declared surplus and sold must be approved by the Department of Finance and Administration. Approval must be requested in the disposal of land or buildings over the value prescribed by current regulations.

6.5 *Maintenance and Retention of Records*

Maximum effort will be put forth by school personnel to employ proper security safeguards for all school district records. The superintendent will specifically be charged with providing fire protection storage for business, financial, and personnel records. Student records shall be kept by building principals.

Building and Equipment Records. Blueprints of all school construction shall be kept on file in the superintendent's office. Floor plans shall be kept by building principals.

6.6 *School Property*

Insurance. It will be the responsibility of the superintendent to effectively administer the insurance program. Insurance coverage will be maintained on all buildings and facilities, vehicles, school-owned musical instruments, and boilers.

All school property will be protected against losses through fire, tornado, earthquakes, explosions, and other unforeseen circumstances. School district property should be insured at replacement value. Policies will be reviewed annually for adequacy of coverage. Such reserves as are necessary will be maintained by the

school district for meeting replacement costs of deductibles and items not in the insurance program.

School Site Acquisitions. It shall be the aim of the Board to be farsighted in the purchase of future school sites. Sites shall be purchased as far in advance as possible with input from both community and school officials. When possible, all new buildings shall be constructed with a combination heating and cooling system. A school architect shall be employed whenever school construction is being planned.

Paving of Streets. When all owners of property under a paving project adjacent to school property have agreed to contract for “city-approved paving”, the Board shall also enter into a contract.