

**SECTION J****STUDENTS**

<b>POLICY</b>	<b>TITLE</b>	<b>PAGE</b>
J-0050	Student Policies Goals/Priority Objectives	7
J-0150	Equal Educational Opportunities	8
J-0161	Equal Educational Opportunities	9
J-0181	Equal Employment Opportunity Complaint form (EXHIBIT)	11
J-0250	School Attendance Areas	13
J-0500	School Attendance	14
J-0511	School Attendance (Regulation 1)	18
J-0511	Student Attendance (Regulation 2)	19
J-0550	Compulsory Attendance Ages	20
J-0600	Entrance Age Requirements	21
J-0650	Student Admissions	22
J-0750	Admission of Resident Students	23
J-0800	Tuition / Admission of Nonresident Students	25
J-0950	Admission of Transfer Students	26
J-1000	Admission of Homeless Students	28
J-1011	Admission of Homeless Students	31
J-1031	Admission of Homeless Students (Liaison Position)	35
J-1032	Admission of Homeless Students ( Complaint Form)	38
J-1050	Open Enrollment	40
J-1061	Open Enrollment	45

<b>J-1081</b>	<b>Open Enrollment Attendance Application</b>	<b>46</b>
<b>J-1300</b>	<b>Student Withdrawal from School/Dropouts</b>	<b>48</b>
<b>J-1400</b>	<b>Assignment of Students to Classes and Grade Levels</b>	<b>49</b>
<b>J-1411</b>	<b>Assignment of Students to Classes and Grade Levels (Reg.)</b>	<b>50</b>
<b>J-1550</b>	<b>Student Absences and excuses Procedures</b>	<b>52</b>
<b>J-1561</b>	<b>Student Absences and Excuses (Regulation)</b>	<b>53</b>
<b>J-1650</b>	<b>Truancy / Chronic Absence</b>	<b>54</b>
<b>J-1660</b>	<b>Truancy</b>	<b>56</b>
<b>J-1661</b>	<b>Truancy (Regulation)</b>	<b>57</b>
<b>J-1681</b>	<b>Truancy (EXHIBIT)</b>	<b>59</b>
<b>J-1682</b>	<b>Truancy Action Plan (EXHIBIT)</b>	<b>60</b>
<b>J-1683</b>	<b>Truancy / Chronic Absence (Exhibit 1)</b>	<b>61</b>
<b>J-1684</b>	<b>Truancy / Chronic Absence (Exhibit 2)</b>	<b>63</b>
<b>J-1900</b>	<b>Released Time for Religious Instructions</b>	<b>65</b>
<b>J-1950</b>	<b>Exclusions and Exemptions form School Attendance</b>	<b>66</b>
<b>J-1961</b>	<b>Exclusions and Exemptions from School Attendance (REG.)</b>	<b>67</b>
<b>J-1981</b>	<b>Exclusion and Exemptions from School Attendance (EXHIBIT)</b>	<b>69</b>
<b>J-1982</b>	<b>Exclusion &amp; Exemptions from School Attendance (EXHIBIT)</b>	<b>70</b>
<b>J-1983</b>	<b>Exclusion &amp; Exemption from School Attendance (EXHIBIT)</b>	<b>72</b>
<b>J-2050</b>	<b>Student Due Process Rights</b>	<b>74</b>
<b>J-2150</b>	<b>Student Government</b>	<b>75</b>
<b>J-2300</b>	<b>Student Conduct</b>	<b>76</b>
<b>J-2350</b>	<b>Student Dress</b>	<b>78</b>

<b>J-2361</b>	<b>Student Dress (Regulation)</b>	<b>79</b>
<b>J-2400</b>	<b>Care of School Property By Students</b>	<b>80</b>
<b>J-2450</b>	<b>Student Conduct on School Buses</b>	<b>81</b>
<b>J-2550</b>	<b>Student Harassment Bullying Cyberbullying Prevention</b>	<b>82</b>
<b>J-2550</b>	<b>Student harassment Bullying Cyberbullying Prev. (Regulation)</b>	<b>84</b>
<b>J-2550</b>	<b>Student harassment Bullying Cyberbullying Prev. (EXHIBIT)</b>	<b>86</b>
<b>J-2750</b>	<b>Student Publications</b>	<b>88</b>
<b>J-2761</b>	<b>Student Publications (Regulation)</b>	<b>89</b>
<b>J-2900</b>	<b>Secret Societies/Gang Activity</b>	<b>91</b>
<b>J-2900</b>	<b>Secret Societies/Gang Activity (Regulation)</b>	<b>92</b>
<b>J-3000</b>	<b>Tobacco Use by Students</b>	<b>93</b>
<b>J-3050</b>	<b>Drug and Alcohol use by Students</b>	<b>96</b>
<b>J-3100</b>	<b>Weapons in School Policy</b>	<b>97</b>
<b>J-3200</b>	<b>Pregnant/Parenting Student</b>	<b>99</b>
<b>J-3350</b>	<b>Married Students</b>	<b>100</b>
<b>J-3400</b>	<b>Student Interrogations, Searches and Arrests</b>	<b>101</b>
<b>J-3411</b>	<b>Student Interrogations, Searches &amp; Arrests (Regulations)</b>	<b>104</b>
<b>J-3431</b>	<b>Student Interrogations Searches &amp; Arrests (EXHIBIT)</b>	<b>105</b>
<b>J-3432</b>	<b>Student Interrogations Searches &amp; Arrests (EXHIBIT 2)</b>	<b>106</b>
<b>J-3433</b>	<b>Student Interrogations Searches &amp; Arrests (EXHIBIT 3)</b>	<b>107</b>
<b>J-3600</b>	<b>Student Concerns Complaints and Grievances</b>	<b>108</b>
<b>J-3611</b>	<b>Student Concerns Complaints and Grievance (Regulation)</b>	<b>111</b>
<b>J-3631</b>	<b>Student Concerns Complaints and Grievance (EXHIBIT 1)</b>	<b>112</b>

<b>J-3632</b>	<b>Student Concerns Complaints and Grievance (EXHIBIT 2)</b>	<b>115</b>
<b>J-3750</b>	<b>Student Organizations</b>	<b>117</b>
<b>J-3761</b>	<b>Student Organizations (Regulation)</b>	<b>118</b>
<b>J-3850</b>	<b>Limited Open/Closed Forum</b>	<b>120</b>
<b>J-3900</b>	<b>Student Social Events</b>	<b>122</b>
<b>J-4050</b>	<b>Student Fund-Raising Activities</b>	<b>123</b>
<b>J-4100</b>	<b>Student Activities Funds</b>	<b>126</b>
<b>J-4150</b>	<b>Contests for Students</b>	<b>127</b>
<b>J-4161</b>	<b>Contest for Students (Regulation)</b>	<b>128</b>
<b>J-4250</b>	<b>Acceptable Students use of Personal Electronic Devices</b>	<b>129</b>
<b>J-4261</b>	<b>Accept. Students use of Personal Elect, Devices (Regulation)</b>	<b>130</b>
<b>J-4350</b>	<b>Interscholastic Sports (School Athletic Activities)</b>	<b>131</b>
<b>J-4361</b>	<b>Interscholastic Sports (EXHIBIT)</b>	<b>134</b>
<b>J-4550</b>	<b>Extracurricular Activity Eligibility</b>	<b>135</b>
<b>J-4600</b>	<b>Student Discipline</b>	<b>137</b>
<b>J-4611</b>	<b>Student Discipline (Regulation 1)</b>	<b>138</b>
<b>J-4631</b>	<b>Student Discipline (Regulation 2)</b>	<b>142</b>
<b>J-4650</b>	<b>Corporal Punishment</b>	<b>144</b>
<b>J-4700</b>	<b>Detention of Students</b>	<b>145</b>
<b>J-4711</b>	<b>Detention of Students</b>	<b>146</b>
<b>J-4850</b>	<b>Student Suspension / Expulsion</b>	<b>147</b>
<b>J-4890</b>	<b>Removal of Students from School-Sponsored Activities</b>	<b>155</b>
<b>J-4950</b>	<b>Students Wellness</b>	<b>157</b>

<b>J-4961</b>	<b>Student Wellness (Regulation 1)</b>	<b>160</b>
<b>J-4962</b>	<b>Student Wellness (Regulation 2)</b>	<b>163</b>
<b>J-5000</b>	<b>Student Insurance Programs</b>	<b>165</b>
<b>J-5100</b>	<b>Student Health Services &amp; Requirements</b>	<b>166</b>
<b>J-5150</b>	<b>Physical Examinations of Students</b>	<b>167</b>
<b>J-5190</b>	<b>Vision Screening of Students</b>	<b>168</b>
<b>J-5193</b>	<b>Vision Screening of Students (EXHIBIT)</b>	<b>169</b>
<b>J-5185</b>	<b>School Based Health Clinic</b>	<b>170</b>
<b>J-5200</b>	<b>Immunization of Students</b>	<b>171</b>
<b>J-5211</b>	<b>Immunizations of Students (Regulation)</b>	<b>173</b>
<b>J-5250</b>	<b>Communicable/Infectious Diseases</b>	<b>175</b>
<b>J-5300</b>	<b>Acquired Immune Deficiency and Viruses</b>	<b>176</b>
<b>J-5350</b>	<b>Administering Medicines to Students</b>	<b>177</b>
<b>J-5361</b>	<b>Administering Medicines to Students (Regulation)</b>	<b>179</b>
<b>J-5381</b>	<b>Administering Medicines to Students (EXHIBIT)</b>	<b>182</b>
<b>J-5450</b>	<b>Do Not Resuscitate Orders</b>	<b>183</b>
<b>J-5461</b>	<b>Do Not Resuscitate Orders (Regulation)</b>	<b>184</b>
<b>J-5500</b>	<b>Guidance and Counseling</b>	<b>185</b>
<b>J-5550</b>	<b>School Counselors and Psychologists</b>	<b>186</b>
<b>J-5561</b>	<b>School Counselors and Psychologists (Regulation)</b>	<b>187</b>
<b>J-6250</b>	<b>Reporting Child Abuse/Child Protection</b>	<b>188</b>
<b>J-6281</b>	<b>Reporting Child Abuse/Child Protection (EXHIBIT)</b>	<b>190</b>
<b>J-6400</b>	<b>Student Safety</b>	<b>191</b>

<b>J-6450</b>	<b>Supervision of Students</b>	<b>192</b>
<b>J-6500</b>	<b>Student Dismissal Precautions</b>	<b>193</b>
<b>J-6511</b>	<b>Student Dismissal Precautions (Regulation)</b>	<b>194</b>
<b>J-6650</b>	<b>Student Automobile Use and Parking</b>	<b>195</b>
<b>J-6661</b>	<b>Student Automobile Use and Parking (Regulation)</b>	<b>196</b>
<b>J-6681</b>	<b>Student Automobile Use and Parking (EXHIBIT)</b>	<b>197</b>
<b>J-6750</b>	<b>Student Volunteers for School &amp; Community Service</b>	<b>200</b>
<b>J-6900</b>	<b>Student Donations and Gifts</b>	<b>201</b>
<b>J-6950</b>	<b>Student Fees Fines and Charges</b>	<b>202</b>
<b>J-7050</b>	<b>Student Records</b>	<b>203</b>
<b>J-7061</b>	<b>Student Records (Regulation)</b>	<b>206</b>
<b>J-7081</b>	<b>Student Records (EXHIBIT 1)</b>	<b>223</b>
<b>J-7082</b>	<b>Student Records (EXHIBIT 2)</b>	<b>224</b>
<b>J-7083</b>	<b>Student Records (EXHIBIT 3)</b>	<b>226</b>
<b>J-7084</b>	<b>Student Records (EXHIBIT 4)</b>	<b>227</b>
<b>J-7085</b>	<b>Student Records (EXHIBIT 5)</b>	<b>229</b>
<b>J-7086</b>	<b>Student Records (EXHIBIT 6)</b>	<b>230</b>
<b>J-7087</b>	<b>Student Records (EXHIBIT 7)</b>	<b>231</b>
<b>J-7200</b>	<b>Request for Transfer pf Records</b>	<b>233</b>
<b>J-7211</b>	<b>Request for Transfer or Records (Regulation)</b>	<b>234</b>
<b>J-7250</b>	<b>Student Photographs</b>	<b>235</b>

### **STUDENT POLICIES GOALS/ PRIORITY OBJECTIVES**

The Superintendent will establish an environment conducive to the best learning achievement for each student through meeting the following goals:

- To individualize the learning program in order to provide appropriately for each student.
- To protect and observe the legal rights of students.
- To enhance the self-image of individual students through helping them feel respected and worthy, and through a learning environment that provides positive encouragement.
- To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
- To deal with students in matters of discipline in a just and constructive manner.
- To provide in every way feasible, for the safety, health, and welfare of students.
- To promote regular attendance and good work.

Adopted: September 19, 2017

## EQUAL EDUCATIONAL OPPORTUNITIES

The right of a student to participate fully in classroom instruction shall not be abridged or impaired because of race, color, religion, sex, sexual orientation, age, national origin, and disability, or any other reason not related to the student's individual capabilities.

The right of students to participate in extracurricular activities shall be dependent only upon their maintaining the minimum academic and behavioral standards established by the Board, and their individual ability in the extracurricular activity.

LEGAL REF.: 28-1-2 NMSA *et seq.*  
20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act  
20 U.S.C. 1681, Education Amendments of 1972, Title IX  
20 U.S.C. 1703, Equal Educational Opportunities Act  
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)  
42 U.S.C. 2000, Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII  
42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001

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



**REGULATION****REGULATION****EQUAL EDUCATIONAL  
OPPORTUNITIES****Compliance Officer**

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

**Complaint Procedure**

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

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

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension, recommend dismissal, or impose other appropriate discipline.

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

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

## **Timelines**

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

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

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

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

**EXHIBIT****EXHIBIT****EQUAL EMPLOYMENT OPPORTUNITY  
COMPLAINT FORM****COMPLAINT FORM**

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

**Please print:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Secondary Telephone: \_\_\_\_\_

Best time to be reached: \_\_\_\_\_

E-mail address: \_\_\_\_\_ Address: \_\_\_\_\_

**I wish to complain against:**

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

\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of the action against which you are complaining: \_\_\_\_\_

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

Name Address Telephone Number

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**The projected solution**

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

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

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

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

**SCHOOL ATTENDANCE AREAS  
(In District)**

The attendance areas of the District will be established by the Board. Students will attend school in the attendance areas in which their respective residences are located. Exceptions to this policy may be made for open enrollment, special placements based on Individualized Educational Programs, disciplinary actions, available curricula and in the case of homeless students, continued attendance in their school of origin.

*Adopted:* September 19, 2017

LEGAL REF.:       22-1-4 NMSA (1978)  
                      42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of  
2001

## STUDENT ATTENDANCE

Any parent, guardian or person having custody and or person having custody and control of a 'school-age' person is responsible for the school for the school attendance of that person until that person has reached at least eighteen years of age unless the person has graduated from high school, received a school equivalency credential or withdrawn on a hardship waiver. The school age person has the right to attend public school within the school district of residence. The school-age person shall attend school for at least the length of time of the school year that is established in the school district in which the child is a resident or enrolled. A 'school-aged person' means a person is at least (5) years of age prior to 12:00 a.m. on September 1 of the then current school year.

Pregnant and parenting students must have the same educational opportunities as their peers.

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to, illness, injury, bereavement of a family member, other family emergencies, and observance of major religious holidays of the family's faith or religious instruction and tribal obligations. For religious holidays of the family's faith or religious instruction and tribal obligations. For religious instruction and tribal obligations written consent of a parent and approval of the principal are required. A student may be excused for authorized reasons and time shall be provided for the student to make up the work.

An unexcused absence means an absence from a class or school day (half of the students approved program) for which the student does not have an allowable excuse.

Absent means not in attendance for a class or school day for any reason, excused or not except for interscholastic extracurricular activities.

In the event of a necessary absence known in advance, the parent is expected to inform the school. If the absence is caused by emergency, such as illness, or injury the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence.

The district shall provide interventions for students who are missing school, depending on the number of absences.

Intervention is called for if a student misses 5% or more of classes or days of school.

A public school shall provide interventions to students who are absent or chronically absent, which may include:

- Assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
- Making referrals to health care and social service providers;
- Collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
- Recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family;
- Establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;
- Identifying and coordinating age-appropriate resources for students in need of:
  - Counseling, training and placement for employment;
  - Drug and alcohol abuse counseling;
  - Family crisis counseling; and
  - Mental health counseling;
- Promoting family support and parent education programs; and
- Seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.

The attendance team may be convened to establish;

- A specific intervention plan for the student, weekly progress monitoring, and
- Contract for attendance.

If a student misses 20% or more of the classes or days of school. The attendance team shall:

- Notify the parent in writing by mail or personal service,
- Providing the date, time and place for a meeting to be held with the parent, principal of the school and the attendance team for the purpose of;
  - Establishing nonpunitive consequences for the student at the school level,
  - Identifying appropriate specialized supports needed to help the student address the underlying causes of excessive absenteeism, and
  - Apprising the student and the parent of the consequences of further absences.

Student-teacher incompatibility, if alleged, will require consultation with the teacher and a meeting initiated by the principal with the student, parent and teacher.

If a student does not respond to intensive support as implemented above but continues displaying excessive absenteeism, the school board shall consult with the superintendent in

executive session on the issue and shall cause the student to be reported to the probation services office of the appropriate judicial district for the purpose of an investigation as to whether the student should be considered a neglected child or a child in a family in need of family services, subjecting the child to provisions of the Children's code.

The records supporting such action shall be provided to the juvenile probation services office by the superintendent within ten (10) days of the identification of the student excessively absent.

Consequences shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of students in the educational setting.

Only after exhaustion of intervention strategies may the District consider withdrawal of the student from membership in the school. Consulting with the juvenile probation services office or the caseworker for child services should be accomplished before such action.

Upon a written request by a parent for attendance data the school shall provide the following information within five (5) days:

- Absence data,
- Preventive measures,
- Resources to address the causes, and
- A corrective action plan and interventions including follow-up procedures.

*Adopted:* August 20, 2019

LEGAL REF.: 22-12A-1 *et. seq.* NMSA  
6.10.4.9 NMAC  
6.10.8.7 NMAC  
6.10.8.8 NMAC  
6.10.8.9 NMAC  
6.10.8.10 NMAC  
6.11.2.9 NMAC  
42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,  
as amended by the, Every Student Succeeds Act (ESSA) of 2015 New  
Mexico Activities Association Handbook Sec. 6

CROSS REF.: IHBCA – Programs for Pregnant/Parenting Students  
IKEA – Make-Up Opportunities  
JE – Student Attendance  
JEA – Compulsory Attendance Ages  
JFAA – Admission of Resident Students  
JFAB – Tuition/Admission of Nonresident Students  
JFC – Student Withdrawal from School/Dropouts



JH - Student Absences and Excuses  
JHB – Truancy  
JHCB – Released time for Religious Instruction  
JJJ – Extracurricular Activity Eligibility  
LF – relations with State Education Agencies

**REGULATION****REGULATION****STUDENT ATTENDANCE****Attendance Records**

Each time a class meets, the teacher shall check and formally record the attendance of all students assigned to the class or program for that period of instruction. The name of any absent student shall be entered on the prescribed attendance/absence report and be submitted to the office.

A master list of student absences will be prepared daily from attendance reports received in the office.

The school administrator is accountable for assuring that accurate and timely daily records of student membership and attendance are maintained and reported.

**Record Keeping and Reports**

The following records shall be kept for each student with absences exceeding the individual prevention level of 5% or more who have been enrolled for 10 days or more:

- Attempts to notify the parent of student absence on any given day,
- Attempts to improve attendance by a talk with parent,
- Attempts to meet with the parents to discuss intervention strategies, and
- Intervention strategies implemented to support keeping the student in an educational setting.

**REGULATION****REGULATION****STUDENT ATTENDANCE**

An attendance team shall be established at each school in the district comprised of administrators, teachers, staff and parents of students attending a CCSD school, whose responsibilities will include:

- Recommending evidence-based metrics to provide early identification of students at risk of chronic or excessive absenteeism
- Developing and implementing an attendance improvement plan that;
  - Keeps students in an educational setting
  - Assists a student's family to remove barriers to the student's regular school attendance or attendance in another educational setting,
  - Provides additional educational opportunities to student's who are struggling with attendance.
- Establishing intervention efforts to keep students in the educational setting which will permit withdrawal, suspension or expulsion only after exhaustion of these efforts for absence related actions.
- Examining for accuracy class attendance records, absence reports, and documentation required for chronically or excessively absent students and any other absence reports required by the Public Education Department per the attendance for Success Act.
- Assessing community-based organizations that may provide services to students in the way of support and intervention regarding attendance issues and encouraging school sharing of compliant data in accord with the Family Educational Rights and Privacy Act exceptions.

## COMPULSORY ATTENDANCE AGES

A "school-age person" means a person who is at least five (5) years of age prior to 12:01 a.m. on September 1 of the then current school year and who has not received a high school diploma or its equivalent, and who has not reached the person's twenty-second birthday on the first day of the school year and meets other criteria provided in the Public School Finance Act.

Any parent, guardian or person having custody and control of a person subject to the provisions of the Attendance for Success Act is responsible for the school attendance of that person until that person has reached at least eighteen years of age unless the person has graduated from high school, received a school equivalency credential or withdrawn on a hardship waiver.

A person shall be excused from this requirement if, with the written signed permission of the parent, guardian or person having custody and control of the person to be excused, the person is excused from the provisions of this section by the Superintendent of schools for a hardship.

The school-age person shall attend school for at least the length of time of the school year that is established in the school district in which the child is a resident or enrolled and the school district shall not excuse a student from attending school except as provided in the Attendance for Success Act or for parent-authorized medical reasons.

*Adopted:* August 20, 2019

LEGAL REF.: 22-1-2 NMSA  
22-12A-4 NMSA

CROSS REF.: JE - Student Attendance  
JH - Student Absences and Excuses  
JHB - Truancy

## ENTRANCE AGE REQUIREMENTS

### Special Preschool

A child evaluated and recommended for special services for a disability in accord with statute, and who is at least three (3) years of age at any time during the school year, may be admitted to preschool.

### Kindergarten

A child who has reached at least five (5) years of age prior to 12:01 a.m. on September 1 of the then current school year may be admitted to kindergarten.

### High School

A person who has not received a high school diploma or its equivalent and qualifies on the basis of standards and qualifying examinations may enter high school.

*Adopted:* August 20, 2019

LEGAL REF.: 22-1-2 NMSA (1978) *et seq.*  
22-12A-1 *et seq* NMSA

CROSS REF.: JHD - Exclusions and Exemptions from School Attendance  
JLC - Student Health Services and Requirements

## STUDENT ADMISSIONS

The person enrolling a student (except homeless students) in the school for the first time will be asked to produce one (1) of the following proofs:

- Other reliable proof of the student's identity and age, including the student's baptismal certificate, an application for a Social Security number, or original school registration records, *and* an affidavit explaining the inability to provide a copy of the birth certificate.
- A letter from the authorized representative of an agency having custody of the student certifying that the student has been placed in the custody of the agency as prescribed by law.

The parent, guardian, or surrogate will be given thirty (30) days to provide documentation requested as listed above. If documentation is not provided, a letter will be sent to notify the parent, guardian, or surrogate that unless the documentation is provided within ten (10) days, the local law enforcement agency will be notified.

Nothing contained in this policy shall authorize the school to disclose to any person a student's educational record without prior parental consent unless the school makes a determination that disclosure of such records is necessary to protect the health and safety of the student.

*Adopted:* September 19, 2017

LEGAL REF.: 42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001

CROSS REF.:  
IKEB - Acceleration  
JFAA - Admission of Resident Students  
JFAB - Admission of Nonresident Students  
JFABD - Admission of Homeless Students  
JFB - Open Enrollment  
JG - Assignment of Students to Classes and Grade Levels  
JLCB - Immunizations of Students  
JR - Student Records  
JRCA - Request for Transfer of Records

### **ADMISSION OF RESIDENT STUDENTS**

A student who is a resident of the District and who meets the applicable requirements established by state law shall be admitted without payment of tuition to the school in the attendance area in which the student resides and may be admitted as a resident transfer student to another school in the District in accordance with the District's open enrollment policy.

- A student who is in the legal custody of a natural or adoptive parent or other person to whom custody has been granted by a court order and who resides with the parent or other person in the District.
- A student who is an emancipated minor and whose place of residence is in the District. When determining whether a minor is emancipated, the Superintendent will consider such factors as whether the student is married, financially independent, and residing away from the family domicile with parental consent.
- A student who is seventeen (17) years of age or older and whose place of residence is in the District.
- A student who is homeless, and who attended a school in the District at the time of becoming homeless.
- A school age person institutionalized per 43-1-3-NMSA and recommended for placement in public schools.

The residency of a student, natural or adoptive parent, or other person to whom custody of the student has been granted by court order shall be based upon evidence of the individual's physical presence and intent to remain in the District. Such evidence of residency may include, without limitation, landlord-tenant agreements, rent receipts, and receipts for utility payments.

A student found to have an invalid enrollment shall be disenrolled from school in accordance with the procedure set forth in Section 6.10.4.9 NMAC.

*Adopted:* August 20, 2019

LEGAL REF.: 22-12A-3 NMSA  
43-1-3- NMSA (1978)  
6.10.4.9 NMAC  
42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,  
as amended by the Every Student Succeeds Act (ESSA) of 2015

CROSS REF.: IKEB - Acceleration  
JFAB - Admission of Nonresident Students  
JFABD - Admission of Homeless Students  
JFB - Open Enrollment  
JG - Assignment of Students to Classes and Grade Levels  
JLCB - Immunizations of Students  
JR - Student Records  
JRCA - Request for Transfer of Record



**TUITION / ADMISSION OF NONRESIDENT STUDENTS**

The Board may admit as students, school-aged persons who do not live within the school district to the schools when there are sufficient school accommodations to provide for them.

For purposes of open enrollment, a "non-resident pupil" means a student who resides in this state and who is enrolled in or is seeking enrollment in a school district other than the school district in which the student resides. A student who is not a resident of the District but is a resident of New Mexico who meets the age and other requirements for open enrollment established by state law and District policy may be admitted to a school without payment of tuition.

Out-of-state school age persons may be admitted when there are sufficient school accommodations to provide for them and tuition may be charged. The tuition shall not exceed the amount generated by the public school fund for school-age persons similarly situated within the district for the current year. The amount of the tuition payable for the school year may be reduced by the District average ad valorem tax per pupil as determined by the ad valorem tax credit utilized in calculating state equalization guarantee distribution if the parent or guardian for the student pays an ad valorem property tax for school purposes within the District.

*Adopted:* August 20, 2019

LEGAL REF.: 22-12A-7 NMSA  
42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,  
As amended by the Every Student Succeeds Act (ESSA) of 2015

CROSS REF.: IKEB - Acceleration  
JFABD - Admission of Homeless Students  
JFB - Open Enrollment  
JG - Assignment of Students to Classes and Grade Levels  
JLCB - Immunizations of Students  
JR - Student Records  
JRCA - Request for Transfer of Records

## **ADMISSION OF TRANSFER STUDENTS**

(Academic Credit Transfer)

### **Elementary**

Academic credit for placement in the elementary school subjects and grades shall be based upon teacher recommendations and previous grade level assignments subject to the determination that the student can meet the standards adopted by the Secretary of Public Education for the grade level assignment.

### **Credit for Graduation Requirements**

Each student who enrolls and requests the transfer of academic credits to fulfill graduation requirements shall be provided with a list specifying the courses for which credit has been accepted for graduation and those for which credit has been denied by the District.

Credits from schools that are accredited by a Public Education Department in the United States its territories or the Department of Defense shall be transferable with no loss of value.

Transferred credit from correspondence extension study, foreign study, home study courses or non-Public Education Department accredited nonpublic schools that satisfies any of the following criteria will be acceptable for fulfilling District graduation requirements:

- The credit was from a course taught by a teacher licensed by the State of New Mexico.
- Awarding of the credit was based upon instruction and an assessment that meets the standards adopted by the Secretary of Public Education and evidence of the student having achieved the standards is provided.
- The credit was awarded by a school accredited by one (1) of the following accrediting agencies of colleges and schools; North Central Association, Southern Association, Middle States Association, New England Association, Northwestern Association, Western Association and meets standards adopted by the state where the credit was granted.

When transfer credit is denied for a course, the student may request and take an examination on the course subject matter designed and evaluated by a teacher in the receiving school who is licensed to teach the subject matter of the course for which the credit was requested and who is selected by the Superintendent. Upon receiving a satisfactory score as determined by the teacher, course credit will be awarded to fulfill the requirements for graduation. All courses credited for graduation must meet the standards adopted by the Secretary of Public Education where such standards exist. Where standards have not been adopted by the Secretary of Public Education, courses credited for graduation must meet the standards established for the school to which the student has requested a transfer of credit.

*Adopted:* September 19, 2017

LEGAL REF.:6.29.1.9 NMAC

CROSS REF.: JG - Assignment of Students to Classes

## ADMISSION OF HOMELESS STUDENTS

This policy is intended to direct compliance with New Mexico State Laws and New Mexico Administrative Code and the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 and should be read as consistent with those documents.

### Definitions

The term "homeless students" means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- migratory students who qualify as homeless because the children are living in circumstances described above.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

### Liaison for Homeless Students

The Chief Executive Officer will designate an appropriate staff person as liaison for homeless students who will carry out duties as assigned. Among those duties will be the responsibility to coordinate activities and programs in the best interest of homeless students that will include, but not be limited to, establishment of procedures to:

- continue the student's education in the school of origin for the duration of homelessness:
  - in any case in which a family becomes homeless between academic years or during an academic year; or
  - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- Enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.
- Review records for homeless students:
  - Identify patterns in disciplinary actions for the homeless students;
  - Create an awareness among staff of the types of behaviors homeless students may exhibit; and
  - Encourage behavioral alternatives and offer disciplinary methods to all new professional staff so that out of school suspension and expulsion of homeless students will be used only as a last resort.

### **Best Interest of the Homeless Student**

In determining the best interest of the homeless student, the school shall:

- To the extent feasible, keep a homeless student in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian;
- Provide a written explanation, including a statement regarding the right to appeal, to the homeless student's parent or guardian, if the homeless student is sent to a school other than the school of origin or a school requested by the parent or guardian; and
- In the case of an unaccompanied youth, the liaison for homeless students shall assist in placement or enrollment decisions, considering the views of such unaccompanied youth, and providing notice to such student of the right to appeal.

*Adopted:* August 20, 2019

LEGAL REF.: 6.10.3.1 NMAC

6.11.2.10 NMAC

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,  
as amended by the Every Student Succeeds Act (ESSA) of 2015

CROSS REF.: EEAA - Walkers and Riders  
IKEB - Acceleration  
JF - Student Admissions  
JFAA - Admission of Resident Students  
JFAB - Admission of Nonresident Students  
JFB - Open Enrollment  
JG - Assignment of Students to Classes and Grade Levels  
JLCB - Immunizations of Students  
JR - Student Records  
JRCA - Request for Transfer of Records

**REGULATION****REGULATION****ADMISSION OF HOMELESS STUDENTS****(Notice)**

In accordance with the McKinney-Vento Homeless Assistance Act of 2001, 722 (e)(3)(C) and the New Mexico Administrative Code Section 6.10.3.1 *et seq.*, the parent or guardian (student if unaccompanied) is to receive and acknowledge notice of the rights set forth below. This notice should be provided in a language the student, parent or guardian can understand.

**Admission**

The school selected by the homeless student shall immediately admit the homeless student, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the student to the liaison for homeless students, who shall assist in obtaining necessary immunizations, or immunization or medical records.

**Admission Disputes**

If a dispute arises over school selection or enrollment in a school:

- the student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
- the parent or guardian of the student shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or student to appeal the decision;
- the student, parent, or guardian shall be referred to the liaison for homeless students, who shall carry out the dispute resolution process as

expeditiously as possible after receiving notice of the dispute in accord with the procedure found in the New Mexico Administrative Code; and

- in the case of an unaccompanied youth, the liaison for homeless students shall ensure that the student is immediately enrolled in school pending resolution of the dispute.

## **Enrollment Decision**

The decision regarding enrollment shall be made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

## **Parent Rights (Student if Unaccompanied)**

The parent or guardian of a homeless student (student if unaccompanied) has the right to:

- Continue the student's education in the school of origin for the duration of homelessness:
  - in any case in which a family becomes homeless between academic years or during an academic year; or
  - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- Enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.
- Appeal if the homeless student is sent to a school other than the school of origin or a school requested by the parent or guardian. Upon appeal the district has ten (10) days to reconsider the initial determination and make a final decision as to the position taken.
  - An appeal shall be made on the forms provided by the school.
  - If not satisfied by the result of the appeal further appeal may be made to the state level through the State Coordinator of Education for Homeless whose contact information is given below.
- Enroll in, and have full and equal opportunity to succeed in school without being segregated from the non-homeless student population.



- Receive educational services for which such families and students are eligible, including:
  - Transportation services and meals programs;
  - Head Start and Even Start programs and preschool programs administered by the School; and
  - Referrals to health care and immunization services, dental services, mental health services, and other appropriate services.
- Identification or service without being stigmatized as homeless by school personnel.
  - Obtain assistance of advocates or attorneys.
  - Provide written or oral documentation to support their position.

A parent or guardian (student if unaccompanied) may contact the District Liaison for Homeless Children and Youths at;

Central Consolidated School District No. 22  
Attn: Federal Programs Specialist  
PO Box 1199  
Shiprock, NM 87420  
Telephone: (505) 368-4984

The District Liaison for Homeless shall ensure that the parent or guardian of a homeless student, and any unaccompanied youth is:

- assisted in accessing transportation to the selected school;
- provided assistance in exercise of the right to attend the school of choice and other necessary services;
- and is provided the notice information in a manner and form understandable to the recipient and if necessary and to the extent feasible, in the native language of the recipient.

A parent or guardian (student if unaccompanied) may contact the State Coordinator for Education of Homeless Children and Youths to appeal if not satisfied with the resolution of a dispute at the local level. The contact information is listed below;

McKinney-Vento Homeless Education State Coordinator New Mexico  
Public Education Department  
Coordinated School Health and Wellness Bureau  
120S. Federal Place, Room 206  
Santa Fe, NM 87501 Telephone: (505) 827-1464

The State Coordinator is the appeal authority having jurisdiction over the local school

district.

The signature below indicates that the signatory has received and understands this information on rights.

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Signature of Parent, Legal Guardian  
(or unaccompanied student)

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Date

*One (1) copy to signatory and one (1) to the liaison officer file.*

**EXHIBIT****EXHIBIT****ADMISSION OF HOMELESS STUDENTS**

(Liaison Position)

The District shall designate a liaison for homeless students and, in conjunction with the state coordinator, shall inform school personnel, service providers, and advocates working with homeless families of the duties of the ~~School~~ liaison.

The District Liaison for homeless students shall ensure that:

- homeless students are identified by school personnel and through coordination activities with other entities and agencies;
- homeless students enroll in, and have full and equal opportunity to succeed in, the District's schools;
- homeless families and students receive educational services for which such families and students are eligible, including:
  - Head Start and Even Start programs and preschool programs administered by the School; and
  - referrals to health care and immunization services, dental services, mental health services, and other appropriate services;
- the parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- public notice of the educational rights of homeless students is disseminated where such students receive services under the Homeless Assistance Act, such as:
  - schools;
  - family shelters; and
  - soup kitchens;

- disputes over school selection or enrollment in a school are mediated in a manner that:
  - immediately admits the student to the school in which enrollment is sought, pending resolution of the dispute;
  - provides the parent or guardian of the student with a written explanation of the school's decision regarding the school selection or enrollment, and informs the parent, guardian, or student of the rights to appeal the decision;
  - expeditiously carries out the dispute resolution process after receiving notice of the dispute; and
  - in the case of an unaccompanied youth, ensures that the student is immediately enrolled in school pending resolution of the dispute;
- fully informs the parent or guardian of a homeless student, and any unaccompanied youth, of all transportation services, including arrangements for transportation to the school of origin;
- assists the parent or guardian of a homeless student, and any unaccompanied youth, in accessing transportation to the selected school.
- staff are informed and aware of the types of behaviors exhibited by homeless students that might subject them to disciplinary action; and
  - Provide strategies and supports through the student assessment team process for matters of homeless student discipline;
  - Encourage alternatives to out of school suspension or expulsion of homeless students through alternative discipline in all cases possible; and
  - Connect the homeless student and parent with mental health services as needed for school disciplinary issues.

As a part of the duties, the District liaison for homeless students will coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students.

The District liaison for homeless students will forward the dispute resolution process form of the Public Education Department along with the written explanation of the school's decision to the Department's homeless liaison within five (5) calendar days of the school's final decision regarding a dispute on placement of the homeless student if the decision is contrary to the homeless parent or child. The following information shall

be included:

- School name, address, phone and fax number;
- Student's name, identification number, grade, and address;
- Parent, guardian or complaining party's name, relationship to student, address, and phone number;
- Whether student lives in a shelter;
- Name of school child or youth chooses to be enrolled in pending resolution of dispute;
- Whether school enrolled in is school of origin;
- Reason for complaint;
- Signature of parent guardian or complaining party; and
- The principal's actions on the complaint.

**EXHIBIT****EXHIBIT****ADMISSION OF HOMELESS STUDENTS****(Complaint Form)**

Person(s) filing complaint: \_\_\_\_\_

Complainant can be contacted as follows: \_\_\_\_\_

Date complaint is filed: \_\_\_\_\_

Student name and grade: \_\_\_\_\_

Has problem been discussed with the administration?

☐ Yes ☐ No

Date: \_\_\_\_\_

Information the complainant wishes to have considered:

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Other persons with information about concern:

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### The projected solution

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

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Signature of complainant

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Date

*The administration shall give one (1) copy to the complainant and shall retain one (1) copy for the file.*

## **OPEN ENROLLMENT**

The District has an open-enrollment program as set forth in 22-1-4 NMSA 1978.

### **Enrollment Options**

District resident pupils may enroll in another school district or in another school within this District. Pupils may enroll in schools within this District, subject to the procedures that follow.

### **Information and Application**

The Superintendent shall prepare and distribute the District's application process, standards for acceptance or rejection, and policies, regulations, and procedures for open enrollment. The packet will be made available to everyone who requests it.

For non-Title I schools, notice provided to parents must incorporate the open enrollment provision that students from schools identified for improvement are considered to have higher priority when considering transfer requests. If funding from non-federal (state or local sources) is not available, parents should also be notified that funding of transportation is not possible.

Any eligible New Mexico resident may seek open enrollment by completing and submitting an enrollment application form. Applicants may be selected or receive early placement on the waiting list for enrollment if their applications are received between March 1 and April 30 prior to the beginning of each year. Those applications received after this period will be added to a waiting list in the order that they are received and may be considered following the placement of students already on waiting lists by grade and enrollment preference categories. All nonresident transfer pupils enrolled and pupils seeking enrollment must reapply yearly.

Transfers shall be made at the beginning of a semester. If an emergency arises or reasonable justification can be provided, the school principal will review a request for variance. In the event the principal negates the request, the matter may be presented to the Superintendent and ultimately to the Board for a decision. Transfer students will be expected to remain in the school of their choice until the close of the semester in which they are enrolled. Nothing in this open enrollment policy shall prevent the District from placing a pupil at any time in a school based upon the best interest of the student and school provided capacity is available.



## **First Priority Placement and Excess Capacity**

The Superintendent shall annually estimate how much excess capacity may exist to accept transfer pupils. The estimate of excess capacity shall be made for each school and grade level and shall take into consideration:

- District resident pupils in assigned school attendance areas.
- Pupils who were enrolled in the school the previous year and relocated because their parents were deployed as active duty members of the United States armed forces or national guard.
- Homeless pupils who were enrolled in the school as a school of origin. (A school of origin means the school that the school attended when permanently housed or the school in which the student was last enrolled.)
- The enrollment of eligible children of certificated employees. (In order to encourage qualified certificated employees to join the staff, children of certificated employees will be enrolled if space is available per 22-12-5 NMSA)

The estimate of excess capacity shall be made for each school and grade level and shall be based upon 22-10A-20 NMSA 1978 regarding teacher/student ratios with consideration for school growth factors.

The determination of excess capacity shall be made following class size estimates of expected enrollment of those residents within each school attendance area, previous semester and those listed bullets found above.

## **Enrollment Priorities**

If the Superintendent has determined that there is excess capacity to enroll additional pupils, such pupils shall be selected on the basis of designated priority categories by grade from the pool of pupils:

- Who have properly completed and submitted applications; and
- Who meet admission standards.

Enrollment priorities and procedures for selection shall be in the order and in accordance with the following:

- Second (2<sup>nd</sup>) enrollment priority shall be given to pupils who request a transfer from a school ranked as a school that needs improvement or one subject to corrective action. If capacity is not sufficient to enroll all of these pupils, they

shall be selected through a random selection process adopted by regulation of the Superintendent and placed in classes or on a waiting list in order of selection.

- Third (3<sup>rd</sup>) enrollment priority shall be given to those who previously attended the public school. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent and placed in classes or on a waiting list.
- Fourth (4<sup>th</sup>) enrollment priority shall be given to all other applicants. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent and placed in classes or on a waiting list in order of selection.
- A student who falls in enrollment priorities of previously attended the public school or any other applicant as found above may be given additional enrollment preference within that enrollment priority by the Superintendent upon request by the applicant and in consideration of each of the following circumstances subject to capacity available:
  - After-school child care for students;
  - Child care for siblings attending the public school;
  - Children of non-certificated employees employed at the public school;
  - Extreme hardship;
  - Location of a student's previous school;
  - Siblings of students already attending the public school; and
  - Student safety.
- Enrollment shall be given to out of state residents after all others and tuition shall be charged only if indicated by application of NMSA 22-12-5.

### **Admission Standards**

A student who has been expelled during the last twelve (12) months by any school district or private school in the United States or who has exhibited behavior detrimental to the welfare or safety of other students or school employees imposed by any other school or school district in the United States within the last twelve (12) months shall not be admitted. Acceptance for enrollment may be revoked reenrollment denied upon finding the existence of any of these conditions.

### **Notification**

Notification shall be given prior to the beginning of the semester if possible for those selected on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

The District shall notify the emancipated pupil, parent, or legal guardian in writing whether the applicant has been accepted, placed on a waiting list pending the availability of capacity, or denied enrollment. If the applicant is placed on a waiting list, the notification shall inform the emancipated pupil, parent, or legal guardian of the time when it will be determined whether there is capacity for additional enrollment in a school. If the pupil's application is rejected, the reason for the rejection may be stated in the notification.

### **Exception**

Should there be excess capacity by grade level remaining for which no applications were submitted by the dates established for initial applications, the Superintendent, shall authorize additional enrollment of pupils:

- Up to the determined capacity.
- On the basis of the order of the completed applications submitted after the notification date established in this policy.
- Without regard to enrollment preference.
- As long as admission standards are met.

### **Hearing and Appeal Procedure for Denial of Enrollment**

A student may appeal the denial of enrollment or reenrollment for attendance by requesting a hearing with the Superintendent of Schools within ten (10) days of receiving notification. Such hearing shall be on an informal basis, providing the student the opportunity to present factual information that would contradict the information leading to the denial. An electronic record shall be made of the hearing. Upon completion of the hearing the Superintendent shall render a decision in writing. The student may request that the decision of the Superintendent be reviewed by the Board within five (5) days of receipt of the Superintendent's decision. The Board shall receive the request and review the record to determine if the Superintendent's decision to deny enrollment was based upon reasonable information of expulsion or detrimental behavior as provided for in 22-1-4 NMSA 1978. A determination by the Board that the reasons were within statutory guidelines would affirm the Superintendent's decision, a determination to the contrary would allow the enrollment or reenrollment if the student based upon the priorities of this policy.

*Adopted:* September 19, 2017

LEGAL REF.: 22-1-4 NMSA (1978)  
22-10A-20 NMSA (1978)  
22-12-5 NMSA (1978)  
42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of  
2001  
6.10.3.1 et. seq. NMAC  
6.42.2.8 NMAC.

CROSS REF.: EEAA - Walkers and Riders  
JF - Student Admissions  
JFAA - Admission of Resident Students  
JFAB - Admission of Nonresident Students  
JFABD - Admission of Homeless Students  
JG - Assignment of Students to Classes and Grade Levels

**REGULATION****REGULATION****OPEN ENROLLMENT****Selection Process**

All applicants will be accepted if there is sufficient capacity. If there is insufficient capacity, applicants will be selected from the submitted applications for enrollment in a school in accordance with a random selection process by enrollment priority and grade level except where policy may indicate otherwise. After June 1, pupils shall be selected for enrollment from the waiting list by enrollment priority in the order in which the pupils were placed on the waiting list through the random selection process, or as otherwise provided by policy.

**Procedure**

The procedure for selection shall be as follows:

- The applicants will be divided by priority categories and grade level, have their names placed on separate pieces of paper and the papers placed in a container. Names will be drawn by priority categories and numbered in the order in which they are drawn. All applications properly submitted will be drawn and numbered for enrollment consideration. The applicants whose names are selected in order, up to the capacity limitations established, shall be permitted to enroll in the school and grade level. All others drawn will be placed on a waiting list with priority in accord with the lowest number.

**EXHIBIT****EXHIBIT****OPEN ENROLLMENT****ATTENDANCE APPLICATION****File this application at the School District office**Student's name: \_\_\_\_\_  
Last First M.I.

Current grade: \_\_\_\_\_ Birth date: \_\_\_\_\_ Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_ Message phone: \_\_\_\_\_

Parent's name: \_\_\_\_\_  
Last First M.I.Home address: \_\_\_\_\_  
Street City Zip*(P.O. Box is not acceptable as an address)*

E-mail address: \_\_\_\_\_

The above-named student:

☐ resides outside the School District but within NM; or☐ resides within the School District**Present school of attendance**

School: \_\_\_\_\_ District: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_

**Request assignment to:** \_\_\_\_\_ School

Is the above-named student:

Expelled or long-term suspended from any school or school district within the last twelve (12) months?

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

☐ Yes ☐ No

Subject to expulsion or long-term suspension from a school or school district within the last twelve (12) months?

☐ Yes ☐ No

In compliance with a condition of disciplinary action in any school or school district within the last twelve (12) months?

☐ Yes ☐ No ☐ N/A

*Note:* The following conditions apply to the open-enrollment program:

1. An attendance application must be completed and submitted.
2. Enrollment is subject to the capacity limit established for the school and/or its grade levels.
3. The parent or legal guardian will be notified in writing whether the application has been accepted, rejected, or placed on a waiting list.
4. **Transportation** for the student shall be the responsibility of the parent or legal guardian.
5. Providing false information on this form may result in the application being denied or admission being revoked.

The signatory affirms that the student will abide by the rules, standards, and policies of the school and the District if enrolled.

\_\_\_\_\_  
Signature of Parent or Legal Guardian

\_\_\_\_\_  
Date

**FOR DISTRICT USE ONLY**

**DO NOT WRITE BELOW THIS LINE**

**Student number:** \_\_\_\_\_ **Date stamp:** \_\_\_\_\_  
Filing Date

☐ Accepted ☐ Placed on waiting list Principal \_\_\_\_\_

\_\_\_\_\_  
Date

☐ Rejected - Reason for rejection \_\_\_\_\_

Copies sent by school to applicant and Superintendent's

office. Date sent: \_\_\_\_\_

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

### STUDENT WITHDRAWAL FROM SCHOOL/DROPOUTS

A withdrawal form shall be presented to the parent or legal guardian of a student who may or must withdraw from school. The withdrawal form shall include space for the reason for withdrawal and the signature of an official of the school from which the student has withdrawn.

Reasons for withdrawal may include:

- Parents or legal guardians moving from the District or to an area served by another school.
- A request from a student who has reached eighteen (18) years of age.
- An approved hardship waiver for a student who is between sixteen and eighteen (18) years of age.
- Absence of more than ten (10) consecutive days; provided that withdrawals do not include children that the school district is required to intervene with and keep in an educational setting as provided in the Attendance for Success Act.
- Attendance in a private school or home school.
- Expulsion or long-term suspension.

Upon withdrawal, the student shall check in all books and other District property through the office of the school that was attended.

*Adopted:* August 20, 2019

LEGAL REF.: 22-12-1 NMSA *et seq.* (1978)  
22-12A-1 *et seq.* NMSA

CROSS REF.: JF-Student Admissions



### **ASSIGNMENT OF STUDENTS TO CLASSES AND GRADE LEVELS**

Students who apply for admission to grades one (1) through twelve (12) on the basis of prior schooling outside the District will be placed initially at the grade levels they have reached elsewhere subject to determination of accomplishment of standards required for that placement.

Assignment of a student to classes (classroom or subjects) shall be made based upon the student's grade-level assignment, completion of any prerequisites, achievement of any required standard, and any classroom limitations or class-size guidelines, in that order. Per 6.19.9 NMAC, a K-3 student whose parents have requested acceleration, will be given consideration for grade level and class based on guidelines in the accompanying regulation.

The Superintendent shall establish procedures for guiding the review and assignment of students to classes and grade levels.

*Adopted: August 20, 2019*

LEGAL REF.: 22-2C-6 NMSA (1978)  
6.19.9 NMAC

CROSS REF.: IKE - Promotion, Retention and Acceleration of Students  
IKEB - Acceleration  
IKF - Graduation Requirements  
JFABC - Admission of Transfer Students  
JFB - Open Enrollment

**REGULATION****REGULATION****ASSIGNMENT OF STUDENTS TO  
CLASSES AND GRADE LEVELS****Elementary School**

The principal will determine whether there should be any change in the grade-level placement of the student. In making such determination, the principal will be guided by teacher recommendations and consultation with the parent(s).

Assignment of a student to classes shall be the responsibility of the principal after consideration of the student's grade-level assignment, completion of any prerequisites, the student's achievement, and any classroom limitations or class-size guidelines. Upon a parent or guardian's request for acceleration of a K-3 student, the following should be considered.

- The student's performance on a locally determined assessment;
- The student's performance as indicated on his or her individual student report;
- The student's grade point average;
- The student's attendance record;
- Recommendations from one (1) or more of the student's teachers in core-curricula courses;
- Recommendations from a certified school counselor or social worker, if one is assigned to the school in which the student is enrolled; and
- Recommendations from the student's parent or legal guardian

**High School**

The principal shall establish the number of credits needed for a student to be placed at a particular grade level. The determination of grade level will be made based upon progress toward graduation requirements normally expected of a student to graduate in

a four (4)-year period. Students will be assigned to grade levels based upon the credits earned and accepted by the District.

The principal of the high school will prepare a list of prerequisites for classes offered in the high school, specifically stating grade level and credit or achievement required before a pupil can take a specific class or subject. Also included shall be a statement of priority for assignment to a class or subject - with classroom limits based upon number of sections offered or scheduled - and/or the class-size guidelines. The list developed will be submitted to the Superintendent for approval. All subjects offered in the high school will be included in the list.

The principal of the high school may delegate responsibility for determining the grade level and specific classes or subject assignment of a student. The assignments shall be made consistent with policy, regulations, and approved school guidelines.

## STUDENT ABSENCES AND EXCUSES PROCEDURE

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to illness, injury, bereavement of a family member, other family emergencies, and observance of major religious holidays of the family's faith or religious instruction and tribal obligations. For religious instruction and tribal obligations, written consent of a parent and approval of the principal are required. A student may be excused for parent or doctor authorized medical reasons. Time shall be provided for the student to make up the work.

An unexcused absence means an absence from a class or school day (half of the students approved program) for which the student does not have an allowable excuse.

Absent means not in attendance for a class or school day for any reason, excused or not excused except for interscholastic extracurricular activities.

In the event of a necessary absence known in advance, the parent/legal guardian is expected to inform the school; if the absence is caused by emergency, such as an illness, or injury the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence.

*Adopted:* August 20, 2019

LEGAL REF.: 22-12A-6 NMSA  
22-12A-9 NMSA

CROSS REF.: JE –Student Attendance  
JHB - Truancy

## **STUDENT ABSENCES AND EXCUSES**

### **When Absent from School**

If the parent(s)/guardian(s) have a telephone and provide the contact number to the school, the school may make a reasonable effort to give notification of absence within three (3) hours of the beginning of the school day if the school has not received confirmation of the student's absence. No right of being informed is established by this direction to staff.

State law mandates that parents are responsible for children to be in attendance during the period when school is in session. Therefore, when a student is absent, the parent shall call the school on or before the day of the absence in order to advise the school as to the reason for the absence if a telephone is available. When it is impossible to call on the day of the absence, the school should be notified on the morning the student returns by signed parental note, in time for the student to obtain an admission approval prior to class time. All absences not verified by parental or administrative authorization will be considered unexcused.

If a parent does not have access to a phone, either at home or at work, a note will be accepted for verification purposes.

For absences greater than one (1) day in length, the school should be notified each day of the absence.

If a student is absent for three (3) or more successive school days, the school shall contact the student's parents, legal guardian or custodian by telephone, if possible, no later than the close of school on the school day next succeeding the three-day period. A written notice shall be dispatched if telephone contact has not been made. The provisions of this section do not apply to any absence if the parent, legal guardian or custodian, prior to the end of the three-day period, has contacted the school to explain the absence.

All personnel will solicit cooperation from parents in the matter of school attendance and punctuality, particularly in regard to the following:

- The scheduling of medical and dental appointments after school hours except in cases of emergency.
- The scheduling of family vacations during school vacation and recess periods.

The school may require an appointment card or a letter from a hospital or clinic when the parent has not notified the school of an appointment of a medical or dental nature.

**TRUANCY / CHRONIC ABSENCE****Interventions for Student Absences**

Chronic absence differs from truancy in that it tracks both excused and unexcused absences.

The district shall provide interventions for students who are missing school, depending on the number of absences.

Individual prevention is called for if a student misses 5% or more but less than 10% of classes or days of school. For elementary school absences the parent is to be contacted by the attendance team for discussion, middle school and high school absence discussions by the attendance team are to be with the parent and student. The discussions shall inform them of;

- The student's attendance history,
- Interventions or services available to the student or family, and
- Consequences of further absences which may include referral to the children, youth and families department for excessive absenteeism,

Early intervention is called for if a student misses 10% or more but less than 20% of classes or days of school. The attendance team shall;

- Notify the parent in writing by mail or personal service,
- Providing the date, time and place for a meeting to be held for the purpose of developing intervention strategies to keep the student in an educational setting.

The attendance team shall be convened to establish;

- A specific intervention plan for the student,
- Weekly progress monitoring, and
- A contract for attendance.

Intensive Support is called for if a student misses 20% or more of the classes or days of school. The attendance team shall;

- Notify the parent in writing by mail or personal service,
- Providing the date, time and place for a meeting to be held with the parent, principal of the school and the attendance team for the purpose of;
  - Establishing non-punitive consequences for the student at the school level,
  - Identifying appropriate specialized supports needed to help the student address the underlying causes of excessive absenteeism, and
  - Apprise the student and the parent of the consequences of further absences.

Student-teacher incompatibility, if alleged, will require consultation with the teacher and a meeting initiated by the principal with the student, parent and teacher.

If a student does not respond to intensive support as implemented above by continued absence (excessive absenteeism), the school board shall consult with the superintendent in executive session on the issue and shall cause the student to be reported to the probation services office of the appropriate judicial district for the purpose of an investigation as to whether the student should be considered a neglected child or a child in a family in need of family services, subjecting the child to provisions of the Children's code.

The records supporting such action shall be provided to the juvenile probation services office by the superintendent within ten (10) days of the identification of the student excessively absent.

Consequences shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of students in the educational setting.

Only after exhaustion of intervention strategies may the District consider withdrawal of the student from membership in the school. Consulting with the juvenile probation services office or the caseworker for child services should be accomplished before such action.

An excused absence shall be as determined in Policy JH.

*Adopted:* August 20, 2019

LEGAL REF.: 22-8-2 NMSA (1978)  
22-12A-9 NMSA  
22-12A-11 NMSA  
22-12A-12 NMSA  
6.10.8.7 NMSA  
6.10.8.8 NMSA  
6.10.8.9 NMSA  
6.10.8.10 NMSA

CROSS REF." JE – Student Attendance  
JEA – Compulsory Attendance Ages  
JH – Student Absences and Excuses

**TRUANCY**

A student with five (5) unexcused absences within a school year is a student in need of early intervention and one with ten (10) or more unexcused absences within a school year is "habitually truant". The Superintendent will establish procedures to identify and intervene with students in need of early intervention, beginning with contacting parents and requesting an opportunity to discuss interventions. Discipline shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of students in the educational setting.

Parents of "habitually truant" students are to receive notice of such which shall include a specific date, time and place for the "habitually truant" student's parent to meet with school personnel to develop intervention strategies for keeping the student in an educational setting. Only after exhaustion of intervention strategies may the district consider withdrawal of the student from membership in the school.

An excused absence shall be as determined in Policy JH but statutes and regulations relative to notice and intervention do not apply to any absence if the parent has contacted the school to explain the absence.

*Adopted:* September 19, 2017

LEGAL REF.        22-8-2 NMSA (1978)  
                         22-12-7 NMSA (1978)  
                         22-12-8 NMSA (1978)  
                         22-12-9 NMSA (1978)  
                         6.10.8.7 NMAC  
                         6.10.8.8 NMAC  
                         6.10.8.9 NMAC  
                         6.10.8.10 NMAC

CROSS REF.:        JE - Student Attendance  
                         JEA - Compulsory Attendance Ages  
                         JH - Student Absences and Excuses



**REGULATION****REGULATION****TRUANCY / CHRONIC ABSENCE**

## Interventions for Student Absences

Upon a written request by a parent for attendance data the school shall provide the following information within five (5) days:

- the absence data,
- preventive measures,
- resources to address the causes, and
- a corrective action plan and interventions including follow-up procedures.

## **Record Keeping**

The following records shall be kept for each student with absences exceeding the individual prevention level of 5% or more but less than 10 % of classes or days of school

- Attempts to notify the parent of student absences on any given day,
- Attempts to improve attendance by a talk with parent,
- Attempts to meet with the parents to discuss intervention strategies, and
- Intervention strategies implemented to support keeping the student in school.

## **Reporting**

The following shall be reported as required by PED

- The total number of days each student
  - Has missed for excused and unexcused absences, and
  - Was enrolled by school.
- Within which tier of the Attendance For Success Act did each absent student fall, and
  - What were the student's demographics.
- The number of students, by schools, referred to children, youth and families department for
  - Excessive absences, and by
  - Aggregated and disaggregated subgroups.

**EXHIBIT****EXHIBIT****TRUANCY / CHRONIC ABSENCE**  
**Interventions for Student Absences**

A public school shall provide interventions to students who are absent or chronically absent, which may include:

- assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
- making referrals to health care and social service providers;
- collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
- recruiting service providers and business, community and civic organizations to provide needed services and good that are not otherwise available to a student or the student's family;
- establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;
- identifying and coordinating age-appropriate resources for students in need of:
  - counseling, training and placement for employment;
  - drug and alcohol abuse counseling;
  - family crisis counseling; and
  - mental health counseling.
- promoting family support and parent education programs; and
- seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.

**EXHIBIT****EXHIBIT****TRUANCY / CHRONIC ABSENCE**

## Interventions for Student Absences

The following letter may be used for the students in need of intervention:

Dear \_\_\_\_\_;

This letter is to inform you that the School District has noted absences on the part for school attendance.

Your child has missed a minimum of 10% of the classes or days of school and is in need of establishing conditions under which missing school can be remedied.

A representative of the school will meet with you to discuss methods of preventing future absences and to identify interventions that may ensure that your child will continue to receive an appropriate public education. Please make the time to attend the meeting. The following date and time has been established for the meeting. Please contact us by telephone or return mail to confirm your attendance at the purposed time and location noted.

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

If you have any questions, please contact me at \_\_\_\_\_

Sincerely,

**EXHIBIT****EXHIBIT****TRUANCY / CHRONIC ABSENCE**

## Developing a School Improvement and Attendance Improvement Plan

**School Improvement Plan**

School districts shall differentiate public schools based on their chronic absence rates into no fewer than four categories.

School districts shall differentiate student subpopulations based on their chronic absence rates into no fewer than four categories.

Using the differentiation scheme pursuant to Attendance for Success Act, a school district shall develop attendance improvement plans that include the following elements;

- Specific school district supports and resources available to public schools at each level to further the implementation of their attendance improvement plans;
- Attendance improvement targets for public schools or subpopulations with chronic absence rates of ten percent or greater, developed in collaboration with each public school; and
- An attendance improvement target for the school district with chronic absence rates of ten percent or greater

Each school district shall report its attendance improvement plan to the department no later than forty-five days after the beginning of the school year. The department may allow a school district to report its attendance improvement plan as part of the educational plans for student success.

At the end of each school year, each school district shall report to the local school board and to the public on the school district's website, the progress made on its attendance improvement plan, to include:

- A description of the supports and resources provided to public schools at each tier of absence of the attendance improvement plan;
- The extent to which public schools with chronic absence rates greater than ten percent achieved their attendance improvement targets;
- The extent to which the school district achieved its attendance improvement targets;
- Barriers and challenges to reducing chronic absence rates, as reported by the public school and school district personnel;
- Effective school-based practices, as evidenced by decreased chronic absence rates; and
- Recommendations for improvement during the next school year at both the public school and school district level.

### **Attendance Improvement Plan**

A public school shall initiate the enforcement of the provisions of the Attendance for Success Act for its enrolled students. The enforcement policies of a public school shall focus on prevention and intervention.

Beginning in the 2020-2021 school year, a public school with five percent or greater of students with a chronic absence rate during the prior school year, or with five percent or greater of one or more subpopulations of students with a chronic absence rate during the prior school year, shall develop an attendance improvement plan no later than thirty days after the beginning of each new school year, and again no later than thirty days after the beginning of the spring semester, to be submitted to the department and may be part of the public school's educational plan for student success.

A public school, regardless of its chronic absence rate, shall develop and implement a whole-school absence prevention strategy to be reported to the department as part of the public school's educational plan for student success.

An attendance improvement plan shall include:

- Attendance data for each of the preceding two school years and the current school year, including;
  - The public school's overall absence rate;
  - Chronic absence rates disaggregated by student subpopulation;
  - Chronic absence rates disaggregated by grade level; and
  - Student attendance for every day of the school year;
- School-wide identification of potential root causes of chronic and excessive absenteeism through one or more of the following;
  - National or local research;
  - Analysis of supportive factors and barriers;
  - Student surveys or focus groups;
  - Youth participatory research; or
  - Other appropriate school-based research methods;
- Identification of strategies for each tier of the attendance improvement plan;
- Identification of performance measures for each strategy; and
- A data-collection plan for performance measures.

**EXHIBIT****EXHIBIT****TRUANCY / CHRONIC ABSENCE****ACTION PLAN FOR A STUDENTS WITH  
ATTENDANCE PROBLEMS**

School year: \_\_\_\_\_

\_\_\_\_\_  
Student's name\_\_\_\_\_  
Grade Level\_\_\_\_\_  
Date Parent's name\_\_\_\_\_  
Address\_\_\_\_\_  
City\_\_\_\_\_  
State\_\_\_\_\_  
Zip\_\_\_\_\_  
Phone\_\_\_\_\_  
Cell Phone\_\_\_\_\_  
Email address\_\_\_\_\_  
Person Responsible for\_\_\_\_\_  
Position

School Home-school coordination

Action list:

Comments

\_\_\_\_\_  
1.\_\_\_\_\_  
2.\_\_\_\_\_  
3.\_\_\_\_\_  
4.\_\_\_\_\_  
5.\_\_\_\_\_  
6.\_\_\_\_\_  
7.\_\_\_\_\_  
8. Student agrees to attend classes and commits to cooperating with the  
planned interventions.

Student's Signature \_\_\_\_\_

Date \_\_\_\_\_

Parent/guardian agrees to contact the school for absences during the school year and to cooperate with the planned interventions.

Parent's Signature \_\_\_\_\_

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Principal's signature

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Annual review of Action Plan:

\_\_\_\_\_ Number of excused  
absences

\_\_\_\_\_ Number of unexcused  
absences

Transcripts and  
attendance records

For the \_\_\_\_\_ school year ☐

☐ should not be continued on an action  
plan.

\_\_\_\_\_  
Superintendent's signature

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date



### RELEASED TIME FOR RELIGIOUS INSTRUCTIONS

Students at the school may be granted released time to attend religious classes near the school campus under the following conditions and guidelines:

- The person who has custody of the student has given written consent.
- Any religious instruction or exercise takes place at a suitable place away from school property designated by a church or religious denomination or group.
- Released time should not interfere with the student's normal schedule.
- Time shall be provided for the student to make up the school work if missed during the absence.
- School credit will not be given for religious classes, nor will the course title be placed on the permanent record of the student.
- Discipline problems, reported to parents, and attendance and other procedures necessary to religion class operation shall be the responsibility of the religion class instructors or supervisors.

*Adopted:* date of manual adoption

LEGAL REF.: 22-12A-9 NMSA

**EXCLUSIONS AND EXEMPTIONS  
FROM SCHOOL ATTENDANCE**

**(Chronic Health Conditions)**

The Superintendent shall develop regulations for meeting the requirements of this policy.

*Adopted:* September 19, 2017

CROSS REF.: IHBF – Homebound Instruction

**REGULATION****REGULATION****EXCLUSIONS AND EXEMPTIONS  
FROM SCHOOL ATTENDANCE****(Chronic Health Conditions)****Identification/Referral Process*****Eligibility***

Students may be referred and/or assigned to homebound/hospital instruction under the following conditions:

- A licensed physician's report or recommendation, resulting from a severe illness or injury.
- Determined that the student will be absent from school for an extended period of time (more than ten [10] consecutive days).
- Assigned by an Individualized Educational Program (IEP) Committee for special education students.
- Determined that nonmedical cases will be made on a case-by-case basis.

***ADM Reporting***

Students in homebound/hospital instruction will be counted in the ADM report at their assigned building.

***Coordination of Services***

The school administrator of the building in which the student attends will coordinate the services within that building to include the following;

- Selection of instruction.
- Monitoring of instruction.
- Casual employee and mileage
- Approval for homebound/hospital instruction granted by the Superintendent or the Superintendent's designee.

***Length of Services***

Students on homebound/hospital instruction will receive weekly instruction as agreed upon by the building administrator, the student's classroom teacher(s) for meeting the individual student's needs, and in accordance with a student's IEP if applicable.

**EXHIBIT****EXHIBIT**

**EXCLUSIONS AND EXEMPTIONS  
FROM SCHOOL ATTENDANCE**

Dear \_\_\_\_\_:

This letter is to inform you that the School District makes special arrangements for homework assignments for certain students who have "chronic (recurring) health conditions." As a result of frequent absences from school because of an illness or an accident, \_\_\_\_\_ may be eligible to receive modified instructional services provided for "students with chronic health conditions."

A form is enclosed asking your family physician to state how this health condition is affecting school attendance. If your physician believes the condition to be "chronic" and anticipates frequent absences for the school year (but fewer than sixty [60] school days, as for homebound services), please ask the physician to fill out the medical certification form and return it to the school.

If \_\_\_\_\_ is eligible as a "student with a chronic health condition," the school will make sure that you receive homework and contact with a teacher *during* necessary absences. The teacher will work out an agreement for homework assignments with you to assure receipt of credit for completed homework.

If you have any questions, please contact me at \_\_\_\_\_.

Sincerely,

**EXHIBIT****EXHIBIT****EXCLUSION AND EXEMPTIONS  
FROM SCHOOL ATTENDANCE****MEDICAL CERTIFICATION OF STUDENTS WITH CHRONIC HEALTH CONDITIONS**  
(Obtained from a licensed physician or podiatrist)

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Student's name	Parent's name	Address
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District	School	Grade level
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Date of birth	Phone number	Date of initial consultation
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Medical diagnosis:

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Medical prognosis:

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Physical limitations affecting physical education activities:

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**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

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Anticipated absences due solely to illness, disease, pregnancy complications, an accident or severe health problems of an infant child of a student (include anticipated surgeries, treatments, or hospitalizations that may interfere with school attendance during the\_\_\_\_\_year):

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Example 1:\_\_\_'s physical condition may result in frequent absences in the \_\_\_\_\_ school year that may exceed ten (10) consecutive school days per semester, but I do not anticipate that \_\_\_\_\_will be absent enough days to require homebound services.

Example 2:\_\_\_'s will require three (3) hospitalizations of approximately four (4) days' duration each and three to five (3-5) treatments of one (1) day each during the school year.

Other relevant information:

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Type or print physician's name and licensed title

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Date

---

Physician's signature and title

**EXHIBIT****EXHIBIT**

## EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

### INSTRUCTIONAL AGREEMENT FOR STUDENTS WITH CHRONIC HEALTH CONDITIONS

School year \_\_\_\_\_

Student's name	Grade level	Date
Parent's name	Address	
Person responsible for homework coordination	Position	School

Eligibility checklist:

- \_\_\_\_\_ 1. Medical certification of chronic health condition (diagnosis prognosis, and inability to attend school regularly).
- \_\_\_\_\_ 2. Medical certification of physical limitations for physical education.
- \_\_\_\_\_ 3. District office has noted chronic condition on attendance register.
- \_\_\_\_\_ 4. If applicable, the school office informed of student's chronic health condition.
- \_\_\_\_\_ 5. Student's teacher(s) informed of student's chronic health condition.
- \_\_\_\_\_ 6. If applicable, school counselor informed of student's chronic health condition.
- \_\_\_\_\_ 7. Physical education activities/requirements adapted according to  
Signature medical certification.



\_\_\_\_\_ 8. Certificated teacher to provide homework and contact with \_\_\_\_\_  
during absences for the school year as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 9. Parent/guardian agrees to return completed home- work to the school  
for  
Signature absences during the school as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved:

\_\_\_\_\_  
Superintendent's signature

Annual review of instructional agreement:

_____ Number of	<input type="checkbox"/>	Promotion requirements	<input type="checkbox"/>	Transcripts &
absences due to		met via completed home-		attendance rec-
chronic condition		work for excused absences		ord attached

For the \_\_\_\_\_ school year, ☐ should / ☐ should not be registered as having a chronic health condition.

\_\_\_\_\_  
Superintendent's signature

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

**STUDENT DUE PROCESS RIGHTS**

Refer to Policy JKD.

## STUDENT GOVERNMENT

The organization of student councils in all schools is encouraged.

Student government is expected to be “of the students, by the students, for the students,” representing the students in the school in communications with the administration and in the organization of student activities.

Members of student councils are to be elected democratically. The rights and responsibilities of the council should be clearly set forth by each school. Each student council must have a faculty advisor.

*Adopted:* September 19, 2017

## **Student Conduct**

The Superintendent will establish regulations governing the conduct of students in schools, traveling to and from school, at school functions, or affecting the school order. In establishing these regulations, the Superintendent may consult with parents, students, and staff committees. In addition to compliance with regulations established by the Superintendent, students are expected to obey all rules and regulations adopted by the Board, and to obey any order given by a member of the faculty or staff relating to school activities.

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

Students shall not engage in improper behavior, including but not limited to the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
- Physical abuse of or threat of harm to any person on District owned or controlled property or at District sponsored or supervised functions.
- Damage or threat of damage to property of the District, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on District controlled premises.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.
- Unlawful use, possession, distribution, or sale of tobacco, alcohol, or drugs or other illegal contraband on District property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of the District and that, under the circumstances, has no redeeming social value.
- Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

- Violation of District rules and regulations.
- Engaging in any conduct constituting a breach of any federal, state, or city law or duly adopted policy of the Board.
- Carrying or possessing a weapon on school grounds.

In addition to the general rules set forth above, students shall be expected to obey all policies and regulations focusing on student conduct adopted by the Board. Students shall not engage in any activities prohibited herein, nor shall they refuse to obey any order given by a member of the faculty or staff who is attempting to maintain public order.

Any student who violates these policies and regulations may be subject to discipline up to expulsion, in addition to other civil and criminal prosecution. These punishments may be in addition to any customary discipline that the District presently dispenses.

Local law enforcement shall be notified by the Superintendent regarding any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property.

The authority of the Superintendent to establish regulations covering students may be delegated to principals for individual schools.

*Adopted:*      date of manual adoption

LEGAL REF.:22-5-4.3 NMSA (1978)  
                   30-20-13 NMSA (1978)  
                   30-20-16 NMSA (1978)  
                   30-20-18 NMSA (1978)  
                   6.11.2.9 NMAC

CROSS REF.:      GBEB – Staff Conduct  
                           JK – Student Discipline  
                           JKD – Student Suspension/Expulsion  
                           KFA – Public Conduct on School Property

## STUDENT DRESS

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance except when their choices affect the educational program of the schools or the health and safety of others.

The Board authorizes the Superintendent to develop and enforce school regulations prohibiting student dress or grooming practices that:

- Present a hazard to the health or safety of the student or to others in the school.
- Materially interfere with school work, create disorder, or disrupt the educational program.
- Cause excessive wear or damage to school property.
- Prevent students from achieving their educational objectives.
- Represent membership in a gang.

LEGAL REF.: 6.11.2.9 NMAC

CROSS REF.: JICF – Secret Societies/Gang Activity

**REGULATION****REGULATION****STUDENT DRESS**

Obscene language or symbols, or symbols of sex, drugs, or alcohol on clothing are expressly prohibited.

Student who volunteer for extracurricular activities, such as athletics, band, chorus, etc., are subject to the standards of dress as defined by the sponsors of such activities.

### **CARE OF SCHOOL PROPERTY BY STUDENTS**

Each student is expected to take pride in the physical appearance of the school. Teachers and students should be observant at all times to prevent damage or destruction of school property. Any marking or marring of school property should be reported to the office at once.

No student shall damage or deface any property belonging to the District. The type of discipline that may be imposed for damage to school property by students depends upon the circumstances. A school may withhold grades, diploma and transcripts of a student responsible for damage or loss of school library or instructional material until the parent, guardian or student has paid for the damage or loss. Students may be subject to discipline for willful damage or destruction of school property.

If any minors engage in conduct that results in damage to District property, the District may institute formal charges for the purpose of having the court order the minors, or their parents, to make full or partial restitution to the District in accordance with law.

*Adopted:*      date of manual adoption

LEGAL REF.:22-15-10 NMSA (1978)  
                  22-15C-7 NMSA (1978)

CROSS REF.:      JKD – Student Suspension/Expulsion



**STUDENT CONDUCT ON  
SCHOOL BUSES**

Refer to Policy EEAEC.

## **STUDENT HARASSMENT / BULLYING / CYBERBULLYING PREVENTION**

Harassment, bullying and cyberbullying are prohibited on school property:

- Including electronic communication on or with the use of its property;
- At sponsored functions; and
- On its to-and-from-school transportation or transportation by the District to or from any school-sponsored event.

Electronic communication is prohibited if it is:

- Directed at a student,
- Published with the intent that it be seen by or disclosed to that student and others, and
- Substantially interferes with the student's ability to participate in or benefit from the services, activities or privileges provided by the public school.

Anti-bullying and prevention shall be included as a part of the health education curriculum as set forth in the New Mexico Administrative Code and incorporated annually in the instruction for all students.

**Definitions** for purposes of this policy:

- "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- "Bullying" means any severe, pervasive or persistent act or conduct that targets a student whether physically, electronically or verbally, and that:
  - may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or cognitive disability or any other distinguishing characteristic; or on an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and
  - can be reasonably predicted to:
    - place a student in reasonable fear of physical harm to the student's person or property;
    - cause a substantial detrimental effect on a student's physical or mental health;
    - substantially interfere with a student's ability to participate in or benefit from the services, activities or privileges provided by an agency, educational institution or grantee.
- "Cyberbullying" means any bullying that takes place through electronic communication.
- "Electronic communication" means a communication transmitted by means of an electronic

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

device, including a telephone, cellular phone, computer, electronic tablet, pager or video or audio recording.

- “Gender identity” means a student’s self-perception, or perception of that student by another, of the student’s identity as a male or female based upon the student’s appearance, behavior or physical characteristics that are in accord with or opposed to the student’s physical anatomy, chromosomal sex or sex at birth.
- “Local school board” includes the governing body of a charter school.
- “Physical or cognitive disability” means a physical or cognitive impairment that substantially limits one or more of a student’s major life activities.
- “Progressive discipline” means disciplinary action, other than suspension or expulsion from school, that is designed to correct and address the basic causes of a student’s specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student’s misbehavior, and may include:
  - Meeting with the student and the student’s parents;
  - Reflective activities, such as requiring the student to write an essay about the student’s misbehavior;
  - Counseling;
  - Anger management;
  - Health counseling or intervention;
  - Mental health counseling;
  - Participation in skill-building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
  - Community service; and
  - In-school detention or suspension, which may take place during lunchtime, after school or during weekends.
- “Sexual orientation” means heterosexuality, homosexuality or bisexuality, whether actual or perceived.

## **Reporting and Investigation**

School employees and volunteers having significant contact with students shall complete training on how to recognize signs that a person is being harassed, bullied or cyberbullied and shall be responsible for reading and understanding this policy.

Any student, parent or person may report an allegation of bullying by contacting a school employee with information that will allow the administration to contact those who may be involved. A school employee who has information about or a reasonable suspicion that a person is being harassed, bullied or cyberbullied shall report immediately to the school principal, an administrator, the superintendent or any of these school officers. Retaliation for witnessing or reporting bullying is prohibited and the person initiating such retaliation is subject to disciplinary action. Reports of retaliation shall be made in the same manner as those for bullying.

The employee shall elicit from a student, parent or person the particulars determined by the Superintendent to be necessary for the allegation to be investigated. When the allegation is submitted in a manner other than on a prescribed form, the particulars of the allegation must be written on the form as immediately as possible after receipt by the employee. The employee may assist the student, parent or person in completing the information form or may enter the information needed from any provided verbal or other sources. A student, parent or person making an allegation should sign and date the information provided, however, unsigned forms are to be processed in the same manner as signed forms. No formal disciplinary measures may be taken based solely upon an anonymously submitted complaint. A school staff member, support staff member or volunteer shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

When the school staff member receiving the information or observing the act is other than a school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than two-(2) days after the staff member receives or observes the allegation of bullying. If a school administrator is included in the allegation, the information shall be transmitted to the next higher administrative supervisor. A failure by the school staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

The Superintendent shall designate a school administrator at each campus to investigate all reports of bullying and shall supervise the investigation of all reports of bullying. Any school administrator who receives a report of harassment, bullying, or cyberbullying shall take immediate steps to ensure a prompt investigation of the report and shall take prompt action in response to these acts upon confirmation of the occurrence through such investigation. Such action may include the least restrictive means necessary to address a hostile environment resulting from harassment, bullying or cyberbullying that may include:

- Counseling;
- Mediation;
- Development of a student safety support plan for protection of the targeted student;
- Discipline up to but not including expulsion (see “progressive discipline” in **Definitions** above).

Where disciplinary action is necessary, District policies and regulations pertaining to permissible penalties and procedures shall be followed as in policy. Reference policy JK for implementation of permissible penalties within the context of progressive discipline referent to all of the surrounding circumstances including:

- The nature of the incident;
- The developmental age of the student who is bullying as well as the student who has been

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

- bullied; and
- Any history of problem behavior from the student who is bullying.

The district shall document reports and investigations of bullying by school and shall maintain those records for no less than four years making such reports as shall be necessary to both state and federal authorities.

- To assure that students and staff are aware of its content and intent, a notice of this policy and procedures shall be;
- The nature of the incident;
- The developmental age of the student who is bullying as well as the student who has been bullied; and
- Any history of problem behavior from the student who is bullying.

The district shall document reports and investigations of bullying by school and shall maintain those records for no less than four years making such reports as shall be necessary to both state and federal authorities.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedures shall be:

- Posted conspicuously in each school building;
- Made a part of the student handbook in such form and such language as may provide the best understanding for the student and parent population; and
- Posted on the district web site.

Forms for submitting complaints are to be available to student, parents, other persons, and staff in the school offices.

Reports or investigative information relative to harassment, bullying and cyberbullying shall be maintained by staff and the District and shared only in accord with the Family Education Rights and Privacy Act and conforming District discipline and conduct policies. Records of investigation and reported information sufficient to meet both state and federal reporting requirements on these topics shall be maintained.

*Adopted:* December 17, 2019

#### LEGAL REF:

22-35-1 *et seq.* NMSA  
 28-1-2 *et seq.* NMSA  
 6.12.7.8 NMAC  
 6.29.68 NMAC

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

**CROSS REF:**

AC – Nondiscrimination / Equal Opportunity  
ACA – Sexual Harassment  
IJNDB – Use of Technology Resources in Instruction  
JB – Equal Educational Opportunities  
JIC – Student Conduct  
JII – Student Concerns, Complaints, and Grievances  
JK – Student Discipline  
JKD – Student Suspension / Expulsion  
JR – Student Records  
KE – Public Concerns and Complaints

**REGULATION****REGULATION****STUDENT HARASSMENT / BULLYING  
CYBERBULLYING PREVENTION**

*Procedures* - When a professional staff member receives the information regarding a suspected bullying offense, the staff member will transmit it to the school administrator not later than two (2) following the day the staff member receives the information or observes the incident. If the incident involves the school administrator, the professional staff member shall forward the information to the next administrative level.

At a minimum the licensed employee shall provide the identifying information on the suspected bullying offense in writing and with such specificity of names, places and times as to permit an investigation to be carried out by the administration. The written suspected bullying offense report should be signed by the person providing the information and the school employee. However, an anonymous report will be processed in the same manner as a signed form but no formal disciplinary measures may be taken based solely on the anonymous submission.

The staff member reporting the suspected offense shall preserve the confidentiality of the subjects, disclosing names only to the appropriate school administrator or next higher administrative supervisor, or as otherwise required. A failure by the staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary action.

*Investigation* - The incident will be investigated by the designated school administrator. The procedures to be followed are:

- An investigation of the reported suspected offense or activity shall be made within five (5) school days of the date of the report when school is in session or within fifteen (15) days during which the school offices are open for business when school is not in session. Extension of the time line may only be by necessity as determined by the Superintendent.
- The investigator shall prepare a written report of the findings and a copy of the report shall be provided to the Superintendent.
- The investigator shall initiate appropriate action pursuant to the investigation to safeguard the welfare of the targeted student and circumscribe any further actions by the perpetrator through proper disciplinary or informal means.

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**

- The investigator shall meet with the student and parent of the student who is the target of the suspected offense at or before the end of the time period and shall discuss the conclusions and actions to be taken as a result of the investigation. Confidentiality of records and student information shall be observed in the discussion. If the investigating administrator believes from information gathered in his professional capacity that notifying the parents would endanger the health or well-being of the student, parent and administrator;
- Identifying appropriate specialized supports needed to help the student; and
- Enlisting the parents' support in preventing further bullying,

The investigator shall contact the parents of the student alleged to have committed the act as soon as possible to seek cooperation in alleviating the suspected bullying. Confidentiality of records and student information shall be observed in the process of making such contact. Such action shall include:

- Notify the parent telephonically, by email, or in writing by mail or personal service;
- Providing the date, time and place for a meeting to be held with the parent and administrator;
- Identifying appropriate specialized supports needed to help the student address the underlying causes of the actions with the parents;
- Establishing nonpunitive consequences for the student at the school level, if possible, considering the circumstances; and
- Apprising the student and the parent of the consequences of violations of student rules of conduct.

*Appeal* – Upon conclusion of the investigation should either the student accused of bullying or the target of the bullying take exception to the outcome of the investigation, an appeal may be made to the Superintendent of schools in writing. The Superintendent will review the actions taken based upon the application of appropriate school policy and procedure. The Superintendent will review the report and procedures and may refer the actions for further consideration, affirm the action or make such changes as may be in accord with current policy and procedure. The determination of the Superintendent is final.

Where disciplinary action is necessary, District policies and regulations pertaining to permissible penalties and procedures shall be followed as in policy **JIC, JK and JKD**.

The District shall document reports and investigations of bullying by each school and shall

**CENTRAL CONSOLIDATED SCHOOL DISTRICT OCTOBER 12, 2017**



maintain those records for no less than four years making such reports as may be required to the state and federal authorities.

*Adopted date:* December 17, 2019

**EXHIBIT****EXHIBIT****STUDENT HARASSMENT / BULLYING  
CYBERBULLYING PREVENTION**

(To be filed with the school administrator, the administrator's supervisor,  
or with the Superintendent)

*Additional pages may be attached if more space is needed.*

Targeted Student

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Grade: \_\_\_\_\_

Person or Persons alleged to be ~~suspected of~~ harassing, bullying, or cyberbullying:

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

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Date of the incident or offense(s): \_\_\_\_\_

Provide what you would expect as an outcome to the incident reported.

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

Name	Address	Telephone Number
------	---------	------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

\_\_\_\_\_  
Signature of Student/Parent/Other Person

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Staff Member Receiving Complaint

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Signature of Investigating Administrator

\_\_\_\_\_  
Date Signed

*The investigating administrator shall give one (1) copy to the Superintendent and retain one (1) copy for the file.*

*Adopted date:* December 17, 2019

## STUDENT PUBLICATIONS

### Official School Publications

The District recognizes the value of and encourages official school publications in teaching journalism, English, writing, and other skills. An official school publication is that made up of materials produced by students in regularly scheduled class and intended for distribution to the student body.

Students shall be required to submit official school publications to the building administrator for approval prior to distribution.

### Non-curricular Publications

Students may be allowed, under appropriate circumstances, to distribute non-curricular materials in the school setting, while recognizing the responsibility and authority of school officials to manage and control such distribution to ensure that the educational mission of the schools is not disrupted. Students shall be required to submit non-curricular publications to the building administrator's office.

*Adopted:* September 19, 2017

LEGAL REF.: 6.11.2.9 NMAC

**REGULATION****REGULATION****STUDENT PUBLICATIONS****Official School Publications**

Distribution of official publications shall be in accord with the directions of the building administrator through the sponsor of the publication if one is available.

**Non-curricular Publications**

Fliers, booklets, or other written materials distributed by students, not directly related to school-sponsored activities, may be distributed on school property, except in the locations and during the times set forth below. Such written materials shall be clearly marked with the name of the sponsoring person or organization. All distribution must be made in conformity with District Guidelines. School property includes all real property and personal property of the District including the property being used for any school sponsored activity.

***Prohibited times and places within the High School.*** Distribution of materials is prohibited in any classroom, gym, study area, school administration office (including the nurse's office and faculty lounge areas), bathroom, hallway, library, auditorium, or the interior entry area at the main building entrances within the school building when school and classrooms are in session, or in the cafeteria during lunch hours except as provided below.

***Permitted times and places.*** Students may use the following inside area for distribution of materials:

- The cafeteria in an area designated by administration during lunch hours.

This area is available every day without regard to weather. A description and a map of this area will be posted at the administrative office of each school, published in the high school student handbook, and made available at the District administrative offices.

**Elementary and Middle School Campuses**

The elementary and middle schools (prekindergarten through eighth grade) are maintained as closed forums. The Board recognizes that elementary and middle school students are impressionable. Opinions expressed in non-school-related materials not primarily prepared by students may nevertheless be perceived as being sponsored or endorsed by the District merely because the materials are distributed at these

schools. Only materials that are primarily prepared by students or that concern school-sponsored organizations or activities are considered sufficiently related to the educational goals of the school to be distributed by students upon school grounds.

Therefore, students may not distribute materials that are primarily prepared by nonstudents or that concern the activities or meetings of non-school-related organizations.

***Prohibited conduct.*** The Board adopts the following to regulate conduct concerning solicitation and distribution so that the rights of other students are not interfered with and the order and discipline of the school is not substantially disrupted:

- The following conduct concerning student solicitation is prohibited at any time when students are present on school grounds during the school day or during school-sponsored activities:
  - Conduct that substantially interferes with ingress or egress of pedestrian or vehicle traffic in buildings, parking lots, or work or activity areas, including, without limitation, blocking any hallways in the school building, classrooms, or other pedestrian areas.
  - Conduct that materially disrupts any school class or school activity.
  - Conduct that substantially interferes with the students' right to be left alone, after a clear expression by such student(s) of a lack of interest in an offer of written materials or other speech. This shall not prevent an initial offer - only continuing offers in the face of a clear indication of a lack of interest or a refusal to allow a student to leave one's presence on any one occasion.
  - Conduct that violates this policy is subject to disciplinary action.

**SECRET SOCIETIES/GANG ACTIVITY**

For the purpose of District policy, a gang is a group of three (3) or more people who:

- Interact together to the exclusion of others;
- Claim a territory or area;
- Have a name;
- Have rivals/enemies; and
- Exhibit antisocial behavior - often associated with crime or a threat to the community.

The type of dress, apparel, activities, acts, behavior or manner, or grooming displayed, reflected, or participated in by the student shall not:

- Lead school officials to believe that such behavior, apparel, activities, acts, or other attributes are gang related or would disrupt or interfere with the school environment or activity and/or educational objectives;
- Present a physical safety hazard to self, students, staff members, or other employees;
- Create an atmosphere in which the well-being of a student, staff member, or other person is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or
- Imply gang membership or affiliation by written communication, marks, drawing, painting, design, or emblem upon any school or personal property or on one's person.

Any student wearing, carrying, or displaying gang paraphernalia and/or exhibiting behavior or gestures that symbolize gang membership, or causing and/or participating in activities that intimidate or adversely affect the educational activities of another student, or the orderly operation of the schools, shall be subject to disciplinary action.

*Adopted:* September 19, 2017

LEGAL REF.: 6.11.2.9 NMAC

**REGULATION****REGULATION****SECRET SOCIETIES/GANG ACTIVITY**

Gangs that initiate, advocate, or promote activities that threaten the safety or well-being of persons or property on school grounds or disrupt the school environment are harmful to the educational process. The use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of dress or grooming that, by virtue of its color, arrangement, trademark, symbol, or any other attribute indicates or implies membership or affiliation with such a group is prohibited because of the disruption to educational activities that results from such activities or dress. It is the District's position that such activities and dress also present a clear and present danger to other District students and to District staff members.

Any activity involving an initiation, hazing, intimidation, assault, or other activity related to group affiliation that is likely to cause or does cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students or others is prohibited.

If the student's dress is in violation of this regulation or a District policy, the principal will ask the student to make the appropriate correction. If the student refuses, the parent/guardian may be notified and asked to make the necessary correction.

The principal will coordinate with law enforcement regarding the latest gang signs, symbols and actions to maintain consideration for constitutionally permitted activities and speech.



## TOBACCO USE BY STUDENTS

The Board recognizes that the use of tobacco products, is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings, on school property or at school-sponsored events is detrimental to the health and safety of students, staff and visitors.

The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use, for students, employees, and visitors on the school campus.

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs is prohibited in all district property and premises owned, leased or contracted by the district including:

- School grounds, including athletic fields and other outdoor property
- School buildings
- School parking lots
- School buses and other district vehicles
- Off-campus school-sponsored events
- Administrative offices and other district owned, non-school sites.

These activities are prohibited at any time, including non-school hours (24/7).

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through 6.12.4.9. In addition, products designed or manufactured to imitate the products included in the definitions are prohibited, regardless of whether they contain tobacco or nicotine.

## COMMUNICATION

The administration will develop a communication plan about the policy and enforcement procedures including information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage that contains a listing of prohibited tobacco products posted in buildings and on school property in a manner and location that adequately notify students, staff and visitors including at the entrance to school buildings and athletic events.

## REPORTING AND ENFORCEMENT

The Superintendent may establish procedures necessary to implement this policy. Progressive disciplinary action will be used, beginning with supportive options to promote positive student community service. Referrals to resources to help students overcome tobacco addictions shall be provided when developmentally appropriate. Disciplinary penalties may ultimately include suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy. Parents/Guardians will be notified of all violations and actions taken by the school.

All District employees are expected to cooperate in the enforcement of this policy. Student violations shall be reported to administrative personnel.

No school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce this policy.

## PREVENTION EDUCATION

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

## TRACKING AND EVALUATION

The district will monitor enforcement of the policy and the impact on student tobacco use by reviewing results of the biannual New Mexico Youth Risk and Resiliency Survey, tracking student violations and utilizing data to plan appropriate prevention and enforcement efforts. A review of the policy and related procedures will be conducted annually.

**EXCEPTION:** Lawful possession or use by a minor of a tobacco-cessation product approved by the United States food and drug administration shall be permitted by students following district policies for student self-administration of medications.

*Adopted:* September 19, 2017

LEGAL REF.: 24-16-3 et seq. NMSA Dee Johnson Clean Air Act  
6.12.4.8 NMAC  
1994 Op. Att'y Gen. No. 94-03, 1994 N.M. AG LEXIS 4.

20 U.S.C. 6083 Pro-Children Act of 1994 (Environmental Tobacco Smoke).  
34 C.F.R. Part 85 Drug Free Workplace Act

CROSS REF.: GBED - Tobacco Use by Staff Members  
JK - Student Discipline  
JKD - Student Suspension/Expulsion  
JLCD - Administering Medications to Students  
KF - Community Use of School Facilities  
KFAA - Tobacco Use on School Premises at Public Functions

## **DRUG AND ALCOHOL USE BY STUDENTS**

The nonmedical use, possession, distribution, delivery or sale of drugs or counterfeit substances on school property or at school events is prohibited. *Nonmedical* is defined as "a purpose other than the prevention, treatment, or cure of an illness or disabling condition" consistent with accepted practices of the medical profession.

Students in violation of the provisions of the above paragraph shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law.

Students attending school in the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school rules and/or regulations.

For purposes of this policy, "drugs" shall include, but not be limited to:

- All dangerous controlled substances prohibited by law.
- All alcoholic beverages.
- Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to Board policy.
- Hallucinogenic substances.
- Inhalants.

Any student who violates the above may be subject to warning, reprimand, probation, suspension, or expulsion, in addition to other civil and criminal prosecution.

*Adopted:* September 19, 2017

LEGAL REF.: 30-31-22 NMAC (1978)

CROSS REF.: JLC-Student Health Services and Requirements  
JLCD-Administering Medicines to Students

## WEAPONS IN SCHOOL: POLICY

No student shall carry or possess a weapon or simulated weapon on school premises without authorization by a school administrator. No student shall use or threaten to use a weapon or simulated weapon to disrupt any activity of the District.

Any employee who observes any person in possession of a weapon or simulated weapon on school premises shall immediately report the matter to the school administrator. A school administrator who observes or receives a report of a student possessing a weapon on school premises shall immediately take appropriate safety and disciplinary actions in accordance with District policies and shall immediately report a violation of this policy to a peace officer.

A student who violates this policy by carrying or possessing a firearm shall be placed in an alternative education program for a period of not less than one calendar (1) year, suspended for a period of not less than one (1) year, or expelled and not be readmitted within a one-year period, if ever. The Superintendent may modify the one-year duration of such disciplinary action on a case-by-case basis.

A student who violates this policy by any means other than carrying or possessing a firearm shall be subject to disciplinary action, including but not limited to expulsion. Disciplinary action against a student with one (1) or more disabilities shall be applied on a case-by-case basis in accordance with District policies and state and federal special education laws.

For the purposes of this policy:

- *Weapon* means any of the following:
  - A firearm.
  - A knife.
  - A destructive device.
  - A dangerous instrument.
- *Simulated weapon* means an instrument displayed or represented as a weapon.
- *Firearm* means any of the following:
  - Any loaded or unloaded gun that will, that is designed to, or that may readily be converted to expel a projectile by the action of an explosive.
  - The frame or receiver of any such firearm.
  - Any firearm muffler or silencer.

- Any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive charge of more than one-fourth (1/4) ounce, mine, or similar device.
- Any combination of parts that could be readily assembled to form a firearm.
- *Destructive device* means:
  - Any device other than a firearm that will, or is designed to, or may be readily converted to expel a projectile by any means of propulsion, such as a BB/pellet gun, slingshot, bow, or crossbow.
  - Any collection of parts that could be readily assembled to form a destructive device.
- *Dangerous instrument* means anything other than a firearm, knife, or destructive device that is carried or possessed by a student for the purpose of being used or being available for use to cause death or inflict serious physical injury.
- *School premises* means the school, school grounds, school busses, or any premises, grounds, or vehicles used for school purposes and includes premises where school-sponsored events (for example, athletic games and competitions, music competitions, etc.) are held away from the District property.
- *Deadly weapon* means any weapon designed for lethal use, including a firearm.

*Adopted:* September 19, 2017

LEGAL REF.: 22-5-4.7 NMSA (1978)  
 30-7-2.1 NMSA (1978)  
 20 U.S.C. 7151

CROSS REF.: JIC - Student Conduct  
 JIH - Interrogations, Searches, and Arrests  
 JK - Student Discipline  
 JKD - Student Suspension/Expulsion

## **PREGNANT/PARENTING STUDENT**

A pregnant or parenting student (parenting a child under thirteen years of age) may be permitted excused absences for the pregnancy and for limited parenting purposes along with the opportunity to make-up work missed during the absence, provided the student communicates the pregnancy and parenting status to the appropriate school personnel.

- Ten days of excused absences will be permitted for a student who provides documentation of the birth of the student's child and additional days of excused absence shall be permitted if deemed medically necessary by the student's physician for the pregnancy or care of the birthed child and reported to the school attendance office.
- Four days per semester of excused absences, in addition to the number of allowed absences for all students (see cross referenced policies below) shall be permitted for students who provide appropriate documentation of pregnancy or that the student is the parent of a child under the age of thirteen needing care.
- Additionally, the pregnant or parenting student shall be allowed at least a time period to make up the work the student missed that equals the number of days the student was absent.

The school district shall provide a copy of this policy to all students in middle, junior high and high schools in the system.

*Adopted:* September 19, 2017

LEGAL REF.: 22-12-2 NMSA (1978)  
22-12-8 NMSA (1978)  
22-12-3.1 NMSA (1978)

CROSS REF.: IHBF - Homebound Instruction  
IKEA - Make Up Opportunities  
JE - Student Attendance  
JHB - Truancy

**MARRIED STUDENTS**

Married students must report any name changes to their guidance counselors or the principal if the school records are to reflect the married name on school transcripts. A student's marital status does not reduce the requirements or opportunities of the educational system in the District.

*Adopted:* September 19, 2017



## **STUDENT INTERROGATIONS, SEARCHS, AND ARRESTS**

Any request by law enforcement agencies and/or other government agencies (i.e., Children, Youth & Families Department) to see a student, interview a student or make an arrest at school, must be verified by the principal and/or his designee, to be assured that such request is authorized by that individual's agency by telephone. The principal must notify the Office of the Superintendent each time the police are on campus.

### **Interviews/Interrogations**

A parent may be present during an interview except when interviews are conducted pursuant to a report of child abuse and the interview is by a Children, Youth, and Family Department worker, or a peace officer.

Except in child abuse and abandonment situations, should a peace officer appear on campus requesting to interview a student attending the school, the school administrator shall be notified and the school office shall contact the student's parent(s). The parent(s) will be asked if they wish the student to be interviewed and, if so, will be requested to be present or to authorize the interview in their absence.

If the parent(s) cannot be reached, the peace officer should be requested to contact the parent(s) and make arrangements to question the student at another time and place.

If a student is taken into custody (arrested), the arresting officer shall be requested to notify the student's parents or guardian. The arresting officer will be asked to complete and sign a "Form for Signature of Arresting Officer." School personnel shall make every reasonable effort to make sure parents have been notified that a student has been taken into custody. The personnel of the District shall cooperate fully with the police.

### **Searches**

School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

**Notice of search policy.** Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

**Who may search.** Certified school personnel, school security personnel, and school bus drivers are the “authorized persons” to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person, who upon consent becomes an authorized person for the purpose of that search only.

**When search permissible.** Unless Local School Board policy provides otherwise, an authorized person may conduct a search when he or she has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when he or she has reasonable cause to believe that a search is necessary to help maintain school discipline.

**Conduct of searches; witnesses.** The following requirements govern the conduct of permissible searches by authorized persons:

- School property, including lockers and school buses, may be searched with or without students present unless a local school board or administrative authority provides otherwise. When students are not present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open the lock or circumstances otherwise render such action necessary in the judgment of the administrative authority.
- Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches.
- Physical searches of a student's person may be conducted only by an authorized person who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex and the nature of the infraction. Strip searches are inappropriate without approval of school district counsel.

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

**Notification of law enforcement authorities.** Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local

children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

The administration has the right to search and seize property, including school property temporarily assigned to students, when there is reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred.

Items provided by the District for storage (e.g., lockers, desks) of personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. (Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, et cetera, may be inspected at any time with or without reason, or with or without notice, by school personnel.)

### **Arrest**

When a peace officer enters a campus and indicates an intent to take a student into custody or arrest a student the office staff shall request the peace officer to establish proper identification, complete, and sign a "Form for Signature of Arresting Officer." The school staff shall cooperate with the officer in locating the child within the school. School officials may respond to parental inquiries about the arrest or may contact the parents, if necessary, to explain the relinquishment of custody by the school and the location of the student, if known.

*Adopted:* September 19, 2017

LEGAL REF.:       32A-4-3 NMSA (1978)  
                      6.11.2.10 NMAC

**REGULATION****REGULATION****STUDENT INTERROGATIONS,  
SEARCHES, AND ARRESTS****USE OF DOGS IN DRUG SEARCHES**

In any actions undertaken pursuant to the schools' search and seizure policy, the School District is authorized to use dogs whose reliability and accuracy for sniffing and detecting any illegal or unauthorized substances and objects has been established. The dog will be accompanied by a qualified and authorized dog trainer handler who will be responsible for the dog's actions. An indication by the dog that an illegal or unauthorized substance or object is present on school property or in a vehicle on school property shall be reasonable cause for a search by school officials.

The Superintendent or his/her designee shall request the use of drug dogs when the Superintendent or his/her designee believe this type of action is necessary for the safety of the students of the School District. The Superintendent shall appoint administrators of each campus to be in charge of canine searches. Procedures established by the Superintendent and this policy must be followed. The procedures will include but are not limited to the following:

- Selection of search team members;
- Areas to be searched;
- Who will observe the search;
- Action taken if illegal substances are found; and
- Who will notify the authorities.

**EXHIBIT****EXHIBIT****STUDENT INTERROGATIONS,  
SEARCHES, AND ARRESTS****ACKNOWLEDGMENT CONCERNING USE OF STUDENT LOCKERS**

I acknowledge and understand that:

- Student lockers are the property of the District.
- Student lockers remain at all times under the control of the District.
- I am expected to assume full responsibility for my school locker.
- The District retains the right to inspect student lockers for any reason at any time without notice, without student consent, and without a search warrant.

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Student

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Date

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Locker Number

**EXHIBIT****EXHIBIT**

**STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS**  
**FORM FOR SIGNATURE OF ARRESTING OFFICER**

I, \_\_\_\_\_, a duly sworn peace officer and member  
of the \_\_\_\_\_ Department,  
\_\_\_\_\_ division, have asked that \_\_\_\_\_,  
a student in the \_\_\_\_\_ School,  
be surrendered to me, and pursuant thereto have taken said student into my custody  
and am assuming full responsibility for the student's arrest.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Time: \_\_\_\_\_ Badge Number: \_\_\_\_\_

**School Action**

Date and time parents notified (if more than one [1] attempt is made, include such  
information here): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

1 copy for School Records  
1 copy for Parent Mailing  
1 copy for Police Officer  
1 copy for Witnessing Administrator

**EXHIBIT****EXHIBIT**

**STUDENT INTERROGATIONS,  
SEARCHES, AND ARRESTS**  
FORM FOR SIGNATURE OF INTERVIEWING OFFICER

I, \_\_\_\_\_, a duly sworn peace officer and member  
of the \_\_\_\_\_ Department,  
\_\_\_\_\_ division, have asked that \_\_\_\_\_, a  
student in the \_\_\_\_\_ School,  
be made available for interview.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Time: \_\_\_\_\_ Badge Number: \_\_\_\_\_

**School Action**

Date and time parents notified (if more than one [1] attempt is made, include such  
information here) \_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

1 copy for School Records  
1 copy for Parent Mailing  
1 copy for Police Officer  
1 copy for Witnessing Administrator

### **STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES**

The Superintendent is directed to establish procedures whereby students may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, harassment, intimidation, bullying or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Board of Education is without authority to act.

Bullying as defined below is prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in 6.29.6.8 NMAC.

A complaint/grievance may be raised regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- Harassment of the student which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Bullying by another student which means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one (1) or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.



- Concern for the student's personal safety.

The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance. The complaint/grievance shall be made only to an administrator or other professional staff member. That person shall elicit from the student the particulars determined by the Superintendent to be necessary for the complaint/grievance to be investigated. When the initial allegation is submitted in a manner other than on the prescribed form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the student in completing the complaint/grievance form. The student should sign and date the form; however, unsigned forms are to be processed in the same manner as a signed form. A professional staff member or support staff member shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

When the professional staff member is other than the school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than the next school day following the day that the staff member receives the complaint/grievance. If the school administrator is included in the allegation, the complaint/grievance shall be transmitted to the next higher administrative supervisor. A failure by the professional staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

Students should file complaints on their own behalf. A parent or guardian may initiate the complaint process on behalf of an elementary school student. A parent or guardian (other than an elementary student's parent) who wishes to complain, should do so by completing the forms following policy KE on Public Concerns and Complaints.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation about harassment, intimidation, or bullying shall not be maintained.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made a part of the rights and responsibilities section of the student handbook. Forms for submitting complaints are to be available to students and staff in the school offices.

Disposition of all complaints/grievances shall be reported to the Superintendent as the compliance officer for discrimination. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

Knowingly submitting a false report or making false accusations under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies and regulations shall be followed.

*Adopted:* September 19, 2017

LEGAL REF.:28-1-2 NMSA *et seq.*  
6.12.7.8 NMAC

CROSS REF.: AC – Nondiscrimination/Equal Opportunity  
ACA – Sexual Harassment  
JB – Equal Educational Opportunities  
JIC – Student Conduct  
JK – Student Discipline  
JKD – Student Suspension/Expulsion  
KE – Public Concerns and Complaints

**REGULATION****REGULATION****STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES**

A student who complains or grieves regarding constitutional rights, equal access to programs, discrimination, harassment, bullying, intimidation or personal safety issues may complain directly to the school administrator or to a professional staff member. The individual receiving the student complaint must retrieve sufficient detail from the student to complete the form designated for such purpose. When a professional staff member receives the information, the staff member will transmit it to the school administrator not later than the next school day following the day the staff member receives the complaint/grievance. If the complaint/grievance involves the school administrator the professional staff member shall forward the complaint/grievance to the next administrative level.

At a minimum the complaint/grievance shall contain the identifying information on the complainant and such specificity of names, places and times as to permit an investigation to be carried out. The written complaint/grievance should contain a requested solution and the submission should be signed and attested to by the complainant. However, an unsigned form will be processed in the same manner as a signed form.

The complaint/grievance will be investigated by the school administrator or a supervising administrator. The student shall be contacted not later than the school day following the date the school administrator's or the administrator's supervisor receives the information. The procedures to be followed are:

- An investigation of the reported incident or activity shall be made within ten (10) school days when school is in session or within fifteen (15) days during which the school offices are open for business when school is not in session. Extension of the time line may only be by necessity as determined by the Superintendent.
- The investigator shall meet with the student who submitted the complaint/grievance at or before the end of the time period and shall discuss the conclusions and actions to be taken as a result of the investigation. Confidentiality of records and student information shall be observed in the process of making such a report.

The investigator shall prepare a written report of the findings and a copy of the report shall be provided to the Superintendent.

Where disciplinary action is necessary, District policies and regulations pertaining to permissible penalties and procedures shall be followed as in policy.

**EXHIBIT****EXHIBIT**

**STUDENT CONCERNS, COMPLAINTS,  
AND GRIEVANCES  
COMPLAINT FORM**

(To be filed with the school administrator or the administrator's supervisor, or with a  
professional staff member who will forward it to the  
school administrator or the administrator's supervisor)  
*Additional pages may be attached if more space is needed.*

**Please print:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Secondary Phone: \_\_\_\_\_

Best time to be reached: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**I wish to complain against:**

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

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

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

\_\_\_\_\_

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Date of the action against which you are complaining: \_\_\_\_\_

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

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**The projected solution**

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

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

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Signature of Complainant

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Date Signed

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Administrator/Professional Staff Member  
receiving complaint

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Date received

*The investigating administrator shall give one (1) copy to the complainant and retain one (1) copy for the file.*

**EXHIBIT****EXHIBIT**

**STUDENT CONCERNS, COMPLAINTS,  
AND GRIEVANCES**  
(To be displayed in school buildings and in student handbooks)

Students may present a complaint or grievance regarding one (1) or more of the following:

- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- Harassment of the student which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Bullying by another student which means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
- Concern for the student's personal safety.

Provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District; and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Board is without authority to act.

The guidelines to be followed are:

- The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance.
- The complaint/grievance shall be made only to a school administrator or professional staff member.
- The person receiving the complaint will gather information for the complaint form.
- All allegations shall be reported on forms with the necessary particulars as determined by the Superintendent. *Forms are available in the school office.*
- The person receiving the complaint shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

Students should file complaints on their own behalf. A parent or guardian may initiate the complaint process on behalf of an elementary school student. A parent or guardian who wishes to complain (other than an elementary student's parent) should do so by completing the forms following policy KE on Public Concerns and Complaints.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation shall not be maintained.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

Knowingly submitting a false report under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies shall be followed.



**STUDENT ORGANIZATIONS**

Having vibrant functioning student organizations can benefit the educational environment of the District. In order to insure that student organization are established and function properly the superintendent shall develop procedures to implement this policy.

*Adopted:* September 19, 2017

**REGULATION****REGULATION****STUDENT ORGANIZATIONS**

The Superintendent may approve the establishment of student organizations appropriate to grade levels within the District.

Three (3) types of clubs or groups are permitted at the District's high schools:

- School-Sponsored Clubs: Student clubs or groups that are sponsored by the school because their purposes and goals are related to the school's curriculum, such as Spanish Club;
- Student-Initiated Clubs: Student clubs or groups initiated by students that are recognized, but not sponsored by, the school because their purposes and goals are not related to the curriculum, but which are permitted to meet at school during non-instructional time; and
- Outside Clubs or Groups: Youth clubs or groups, such as Boy Scouts and Girl Scouts, which include students as members, but which are neither "sponsored" nor "recognized" by the school, and which are merely permitted the use of school facilities after school hours are on an equal footing with other community groups.

Student clubs shall be formed as follows:

- Students who wish to form a school-sponsored club shall make a request to the principal for approval and sponsorship.
- Students who wish to form a student-initiated club shall make a request to the principal for approval and recognition.
- Both types of clubs must be open to all students on all equal basis, must be voluntary, and must operate on the basis of the procedural guidelines established by the student council acting in concert with the principal.
- School-sponsored clubs shall be assigned a faculty sponsor, and if no faculty member is willing to accept such appointment, the formation of the club may be delayed or denied.
- Student-initiated clubs shall have assigned to them a faculty supervisor, and if the club is religiously oriented, the faculty member shall be limited to non-

participatory and custodial responsibilities; if no faculty member is willing to accept such appointment, the formation of the club may be delayed or denied.

- Approval of the formation of any club will not be denied on the basis of the speech or viewpoint of the club or its members, except that such approval may be denied if the proposed clubs meetings would materially and substantially interfere with the orderly conduct of educational activity within the school, or would impede the ability of the administration to maintain order and discipline on school premises, to protect the well-being of students and faculty, to assure that attendance at religious meetings is voluntary, and to make such regulations as required by considerations of space, safety, and the common good.
- Lists of school-sponsored clubs sponsored by the school, and of student-initiated clubs recognized by the school, will be maintained by the school.

In addition to other limitations and restrictions governing students and student organizations, all non-curricular, student-initiated clubs are subject to the following limitations:

- Meetings or activities at school of religiously oriented student-initiated clubs may include no employees or agents of the school except upon assignment by the administration in a non-participatory, custodial capacity; and
- Non-school persons may not direct, conduct, or regularly attend meetings or activities of such clubs at school.

Advertising in the school by student-initiated clubs and by outside clubs or groups shall be limited to announcements of the times and places of such clubs' meetings as part of the daily announcements over the school intercom.

**LIMITED OPEN/CLOSED FORUM**

Student meetings may be held in the school(s) of the District that offer instruction in grades seven (7) and eight (8) or above under a "limited open forum." Furthermore, insofar as the District has a procedure defined as a "limited open forum" under the provisions of Title VIII, the Equal Access Act, Section 801 et seq., the District school(s) shall offer to students a fair opportunity to conduct meetings using school facilities whereupon:

- Such meetings are voluntary and student initiated.
- There is no sponsorship of such meetings by the District, District employees or governmental entities, or employees of governmental entities.
- District employees present at religious meetings will be present only in a non-participatory capacity.
- Such meetings shall not materially and substantially interfere with the orderly conduct of the educational activities of the District.
- Non-school persons shall not be permitted to direct, conduct, control, or regularly attend such student group meetings.

Neither the District, any employee or agent of the District, nor of any State or federal governmental entity shall be permitted to:

- Influence the form or content of any prayer or other religious activity connected with student meetings.
- Require any person to participate in prayer or other religious activity.
- Expend public funds beyond the incidental cost of providing the space for such student-initiated meetings.
- Compel any employee of the District to attend a school meeting that is contrary to the beliefs of the employee.
- Sanction meetings that are otherwise unlawful.
- Limit the rights of groups of students to avail themselves under the provisions of this policy to a specified numerical size.

- Abridge either New Mexico or U.S. constitutional rights of any employee, official, or student of the District.

Nothing in this policy shall be construed to limit the authority of the school or its agents or employees to maintain order and discipline on school premises, to protect the well-being of students and employees, and to assure that attendance of students at such meetings is voluntary.

*Adopted:* September 19, 2017

LEGAL REF.: 20 U.S.C. 4071 *et seq.* Equal Access Act, (Section 801)

CROSS REF.: KF – Community Use of School Facilities

**STUDENT SOCIAL EVENTS**

An integral part of the education process is the learning derived from participation in school-sponsored social activities. Such activities shall have licensed school personnel as sponsors at all events. The Superintendent may require each school to develop rules and regulations concerning such activities.

*Adopted:* September 19, 2017

**STUDENT FUND-RAISING ACTIVITIES**

Fund-raising activities by students on school premises or elsewhere as representatives of the school will be permitted only when connected with specific school activities approved by the Superintendent.

Participation in contests or fund-raising activities shall be governed by the following criteria:

The aim of the activity shall benefit youth in educational, civic, social, and ethical development.

The activity shall not be detrimental to the regularly planned instruction.

The proceeds of all fund-raising activities shall be deposited in the Student Activity Fund, and funds from such activities shall be used only as specified in the Manual of Procedures from Public School Accounting and Budgeting.

*Adopted:* September 19, 2017

## STUDENT FUND-RAISING ACTIVITIES

In-school fundraising projects will be scheduled and controlled by individual building administrators with assistant superintendent approval. Events such as car washes and bake sales where specific individuals and/or businesses are not targeted will be considered in-school fundraising.

Each sponsor shall submit, in writing, the purpose of the fundraiser with information pertaining to the method and time frame of the activity.

Moneys will be handled according to state and fundraising guidelines as outlined in the accounting handbook.

Moneys raised by student groups shall be spent to benefit those students. If money is not spent by the group that raised it, the money will remain in the account where deposited and will be used for future student groups.

Out-of-school fundraisers are classified as those activities which involve students selling products from door-to-door or outside of the school environment.

All activity of this nature shall be cleared in writing through the assistant superintendent, and Board approval shall be required prior to the beginning of the fundraising activity. The assistant superintendent will coordinate requests to minimize the number of fundraisers going on in a community at one (1) time.

- To assure that the number of fundraising activities going on in the community at any one time is appropriate -individual groups within middle schools and elementary schools shall have prior approval from the superintendent designee.
- To assure that the number of fundraising activities going on in the community at any one time is appropriate individual groups within high schools shall have prior approval from the assistant superintendent.

Objectives for the fundraising activity will be submitted in writing to the building administrator outlining reasons for the activity, method and time frame.

Collection and spending of monies shall follow District and State accounting procedures as outlined in the District accounting handbook.

Parents and students will be informed of the purposes of fundraisers as well as any requirements for participation or consequences arising from nonparticipation.



Fundraisers in-school and out-of-school will be governed by the following guidelines:

- Sponsors are responsible for becoming knowledgeable of District accounting procedures and policies in conducting student activities.
- Neither student grades, transcripts nor diplomas will be affected as a result of participation or non participation in fundraisers.
- Each school's administration will attempt to meet financial requirements of activities by means of in school fundraisers whenever possible.

**STUDENT ACTIVITIES FUNDS**

Upon recommendation by the Superintendent, the Board will designate a student activities treasurer. The Superintendent shall assure the establishment and maintenance of a "Student Activity Fund".

The Superintendent may designate an assistant activities treasurer for each school.

The Superintendent shall require the establishment of appropriate procedures whereby all persons having any duties relating to such funds are advised of the requirements and responsibilities therefore. All such persons shall be held strictly accountable for the manner in which these guidelines are followed.

The Superintendent shall ensure that an accurate, detailed record of all revenues and expenditures of the student activities fund is kept. The record shall be made in such form as the Board prescribes.

*Adopted:* September 19, 2017

LEGAL REF.: 6.20.2.23 NMAC

**CONTESTS FOR STUDENTS**

Student participation in contests shall be limited to activities and events that relate to the educational needs and interests of students and do not promote private or commercial interests. The Superintendent shall establish procedures governing participation in such contests.

*Adopted:* September 19, 2017

**REGULATION****REGULATION****CONTESTS FOR STUDENTS**

Participation in contests shall be optional and shall be kept within reasonable bounds. The following statements shall be a guide for determining participation in contests:

- The primary educational aims and the needs and interests of the students must be a consideration at all times.
- The school and its students shall not be used to promote private or commercial interests.
- All materials or activities initiated by private sources shall be judged on grounds of their:
  - Direct contribution to educational values.
  - Factual accuracy.
  - Good taste.
- Consideration shall be given in all cases to protect students and teachers against unreasonable added work and responsibilities.
- Funding for travel and expenses must be determined as available before final approval.

**ACCEPTABLE STUDENT USE OF  
PERSONAL ELECTRONIC DEVICES**

Student use of electronic devices is a relatively recent phenomenon. Use of electronic equipment should be monitored to assure proper use and to avoid interference with the educational process. The superintendent shall develop procedures to implement this policy.

*Adopted:* September 19, 2017

**REGULATION****REGULATION****ACCEPTABLE STUDENT USE OF  
PERSONAL ELECTRONIC DEVICES**

The District shall permit student possession of personal electronic devices on all district property and at all district sponsored activities while the student is under the supervision of district staff. These devices shall be kept out of sight and silenced or powered off during the instructional day unless otherwise permitted by district or school procedures. Use of personal electronic devices that disrupt the instructional day or include unauthorized use shall be prohibited.

The District shall not be responsible for restricting, monitoring or controlling the electronic communications of students; however, it reserves the right to do so.

## **INTERSCHOLASTIC SPORTS (School Athletic Activities)**

### **General**

School athletic activity means a sanctioned middle school, junior or senior high school function that the New Mexico activities association regulates.

The purpose of school athletic activities is both educational and recreational. The school sports program should encourage participation by as many students as possible and should always be conducted with the best interests of the participants as the first consideration. Districts shall provide comparable athletic opportunity in school athletic activities for both sexes. The district has the option of prohibiting participation by both sexes on the same team, where comparable or separate athletic opportunity exists for both sexes.

District participation in school athletic activities shall be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, and of any new agreements with other schools for a series of games or events.

The following rules shall be observed for participation by individual students:

- For each type of sport in which the student engages, the parents or guardian must give written consent.
- The student must be determined by a physician to be physically fit for the sport.
- Before participation in school athletic activities, a brain injury information form shall be provided to a student athlete and the student athlete's parent or guardian. The school district shall receive signatures on the brain injury information form from the student athlete and the student athlete's parent or guardian before allowing participation in school athletics.
- The student must obtain catastrophic health and accident insurance through the school.

The Superintendent shall set up other rules for participation, such as those governing academic standing, in accordance with policies of the District and pertinent regulations and recommendations of the state interscholastic athletic association.

## **Charter School Student Participation**

Charter school students in grades seven (7) through twelve (12) may participate in School District extracurricular activities sanctioned by the New Mexico Activities Association in the School District attendance zone in which the student lives (participating in only one [1] public school program) if they meet eligibility requirements other than enrollment and if the charter school does not offer such activities sanctioned by the New Mexico Activities Association.

## **Home School Student Participation**

Home school students may participate in three (3) School District athletic activity sanctioned by the New Mexico Activities Association in the School District attendance zone in which the student lives if they meet the eligibility requirements other than enrollment in the school.

## **Health and Safety of Participants**

The health and safety of participants in interscholastic athletic activities must receive careful consideration. Participants must be provided access to water at all times during practice sessions, games, or other interscholastic athletic activities.

A coach shall not allow a student athlete to participate in a school athletic activity on the same day a coach, a school official or a student athlete reports, observes or suspects that a student athlete exhibits signs, symptoms or behaviors consistent with a brain injury or has been diagnosed with a brain injury.

A coach may allow a student athlete who has been prohibited from participating in a school athletic activity to participate in a school athletic activity no sooner than one (1) week after the student athlete has received a brain injury and only after the student athlete:

- No longer exhibits any sign, symptom or behavior consistent with a brain injury; and
- Receives a medical release from a licensed health care professional.

Each school athletic activities coach is required to have training on brain injury recognition and follow-up provided by the New Mexico activities association.

The Superintendent shall require that regulations for health and safety of participants in school athletic activities be developed, implemented, and enforced. Such regulations may, at the discretion of the Superintendent, be incorporated into this policy as an administrative regulation.



*Adopted:* September 19, 2017

LEGAL REF:       22-2-2 NMSA (1978)  
                      22-8-18 NMSA (1978)  
                      22-8C-8 NMSA (1978)  
                      22-8-23.8 NMSA (1978)  
                      22-13-31 NMSA (1978)  
                      22-31-1 NMSA et seq. (1978)  
                      6.13.4.8 NMAC

CROSS REF.:       JJJ-Extracurricular Activity Eligibility  
                      JLCA-Physical Examination of Students

**EXHIBIT****EXHIBIT****INTERSCHOLASTIC SPORTS**

(Title IX)

The following is required by 6.13.4.8 of the New Mexico Administrative Code:

- The school district shall designate a Title IX coordinator by name, title, school address and telephone number on the district web site in handbooks and in publications.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

- Annually, the school district shall inform students of the right to review data gathered under the School Athletic Equity Act NMSA 22-31-1 through 6.
- Annually, the school administration shall submit an assurance of compliance with Title IX to the Board not later than August 31.

## **EXTRACURRICULAR ACTIVITY ELIGIBILITY**

All interscholastic extracurricular activities in grades nine (9) through twelve (12) that are of a competitive nature and involve more than one (1) school where a championship, winner, or rating is determined shall be conducted under the provisions of this policy. Such activities will be established and designed to offer students worthwhile athletic and leisure-time interests, wholesome recreational and social activity, and an opportunity to develop skills in democratic and cooperative management for these activities.

All such activities conducted under the auspices of the District shall be under the direct supervision of the licensed individual responsible for the activity.

It is necessary to have the interscholastic extracurricular activities function within a realistic framework of control. In order that overenthusiastic students do not place a social or athletic function on a higher plane than the academic program, the following policy will be adhered to:

- All classwork counted for eligibility must be acceptable for graduation.
- The student must be enrolled in more than half of the school's regular class schedule.
- Regular attendance must be maintained and no more than fifteen (15) days or the same class more than fifteen (15) times may be missed each semester due to interscholastic extracurricular activities.
- The eligibility criterion for interscholastic participation shall be in accord with the following:
  - A public school student shall have at least a grade average of 2.0 on a 4.0 scale adjusted for honors points with no F's or failures either cumulatively or for the grading period immediately preceding participation to be able to participate in any interscholastic extracurricular activity. A grading period shall be not less than six (6) weeks; Eligibility may be reestablished following each grading period; and
  - The cumulative period eligibility for participation shall be applied beginning with the student's academic record in the ninth (9<sup>th</sup>) grade year.
- If the student does not meet the eligibility requirements the penalty will be removal from participation in any athletic team or extracurricular performances or travel. A student that demonstrates academic progress toward eligibility may practice with

the team or group.

- The responsibility for notification of students and parents of these requirements and for enforcement of the above rule rests with the Superintendent.
- The student and the parents or guardian shall be notified of ineligibility in a manner such that confidentiality is maintained when:
  - Ineligibility is pending, and
  - Ineligibility is determined to be necessary.
- Support services may be made available to students who become ineligible for extracurricular programs as well as to students notified of pending ineligibility depending upon resources available.
- Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.

The same general standards shall apply for special education students except that such eligibility shall be determined on a case-by-case basis in relationship to the respective students' individual education programs for those receiving C and D level services.

The Superintendent shall establish regulations to ensure that:

- Necessary documents in support of this policy are maintained.
- Necessary data related to ineligible students are collected and reported as required.
- The cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities.
- The requirements of this policy are met.

The Superintendent may develop additional rules or procedures for the proper conduct of extracurricular programs and the implementation of the provisions of this policy.

*Adopted:* August 20, 2019

LEGAL REF.: 22-12A-10 NMSA  
6.11.2.9 NMAC  
New Mexico Activities Association Handbook Sec.6

CROSS REF.: JJIB – Interscholastic Sports

**STUDENT DISCIPLINE**

Parents, school personnel and students shall be involved in the development of policies, and public hearings before the Board shall be held during the formulation of these policies in the high school attendance areas within each district or on a district-wide basis for those districts that have no high school. The Superintendent shall prepare and recommend the final format of discipline policies and develop procedures for the discipline of students that comply with state laws and regulations. These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity and may be imposed if the student's behavior affects the school order. When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

Information concerning a student's disciplinary record will be held in the strictest confidence.

Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

*Adopted:* December 17, 2019

LEGAL REF.: 22-35-3 NMSA (1978)  
22-5-4.3 NMSA (1978)  
6.11.2.7 NMAC  
6.11.2.8 NMAC  
6.11.2.9 NMAC  
6.11.2.10 NMAC  
6.11.2.11 NMAC  
6.11.2.12 NMAC

CROSS REF.: JIC - Student Conduct  
JKA - Corporal Punishment  
JKD - Student Suspension/Expulsion  
JR – Student Records

**REGULATION****REGULATION****STUDENT DISCIPLINE**

The following are prohibited activities:

- Criminal or delinquent acts;
- Gang related activity;
- Sexual harassment;
- Disruptive conduct;
- Refusal to identify self; and
- Refusal to cooperate with school personnel.
- Harassment, bullying or cyberbullying.

A student may be subject to disciplinary action when the student engages in the above or those below:

- Engages in conduct that is disorderly, i.e., intentionally causing public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, by:
  - Fighting or engaging in violent behavior.
  - Making unreasonable noise.
  - Using abusive or obscene language or gestures.
  - Obstructing vehicular or pedestrian traffic.
  - Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- Engages in conduct that is insubordinate, i.e., failing to comply with the lawful directions of a teacher, school administrator, or other school employee in charge of the student.
- Endangers the safety, morals, health, or welfare of others by any act,

including but not limited to:

- Selling, distributing, using, or possessing alcohol, drugs, or other controlled substances or drug paraphernalia.
- Selling, distributing, using, or possessing weapons, fireworks, or other dangerous instruments or contraband.
- Selling, using, or possessing obscene materials.
- Using profane, vulgar, or abusive language (including ethnic slurs).
- Gambling.
- Hazing.
- Engaging in lewd behavior
- Engaging in harassing, cyberbullying or bullying of another student.
- Engages in any of the following forms of academic misconduct:
  - Lateness for, missing, or leaving school or class without permission or excuse.
  - Cheating (including but not limited to copying, using unauthorized assistance in any form illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion).
  - Plagiarism.
- Engages in conduct violative of the Board's rules and regulations for the maintenance of public order on school property.
- Uses electronic communication directed at a student, that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities or privileges provided by the public school.
- Has a record of excessive absenteeism.
- Is believed to have or actually has committed a crime.

Reasonableness of use of physical force in self-defense, defense of others, and defense of property will be considered as a mitigating factor in determining penalties for

misconduct. The threat or use of physical force by a student is not reasonable (i) when made in response to verbal provocation alone, (ii) when assistance from a school staff member is a reasonable alternative, or (iii) when the degree of physical force used is disproportionate to the circumstances or exceeds that necessary to avoid injury to oneself or to others or to preserve property at risk.

### **Permissible Penalties**

The range of penalties that may be imposed for violations of student discipline rules include, but are not limited to, the following:

- Parent – student disciplinary conference.
- Directed reflective activities.
- Anger management training referral.
- Verbal warning.
- Written warning.
- Written notification to parents.
- Probation.
- Detention.
- Suspension from transportation.
- Suspension from athletic participation.
- Suspension from social or extracurricular activities.
- Suspension of other privileges.
- Exclusion from a particular class.
- In-school suspension.
- Involuntary transfer.
- Community service.
- Suspension.



- Expulsion.

Depending upon the nature of the violation, and the surrounding circumstances, student discipline may be progressive, i.e., generally, a student's first violation should merit a lighter penalty than subsequent violations. A District employee or agent should take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

### **Student Disciplinary Proceeding**

Any teacher, administrator, Board member, parent, student or other person may report a violation of student disciplinary rules school staff member or administrator. The employee will then make an investigation of the charges as deemed appropriate and will institute appropriate proceedings.

This information for the maintenance of public order on school property will be publicized on the District web site, in student handbooks and explained to all students and provided in writing to parents as requested. In order to promote effectiveness of student discipline, the assistance of parents in enforcing rules for student discipline shall be invited and encouraged.

### **Involving Staff Members**

The principal is responsible for involving staff members of the school in the development of a positive plan for student discipline. All staff members are responsible for implementing the plan of student discipline for the school.

**REGULATION****REGULATION****STUDENT DISCIPLINE**

Each principal shall establish and retain complete records of student disciplinary actions and procedures. Records regarding student disciplinary actions shall be retained for at least two (2) years after last attendance date.

The accounting for students subject to disciplinary action on discipline record card shall contain an entry of:

- The full name of the student.
- The racial/ethnic and sex designations of the student.
- The time, place, and date of the offense or offenses, or observed behavior.
- Descriptions and dates of other offenses or observed behaviors if not previously reported.
- The names of witnesses or others involved.
- Specific measures taken by person or persons reporting the offense or offenses to effect an adjustment, including the specialized help secured before referral, such as conferences with parents, conferences with the principal, and conferences with other school personnel.
- The name and title of the person or persons reporting the offense or offenses.
- The alternatives, if any, that were considered prior to the imposition of the disciplinary action taken by the principal.
- The final disposition of the case.
- The name and title of the person or persons imposing the action or actions.

The kinds of disciplinary actions for which an accounting should be kept shall include, but not be limited to:

- Suspensions and/or expulsion.

- Placement in detention (for disciplinary reasons).
- Transfer to another class (for disciplinary reasons).
- Transfer to another school (for disciplinary reasons).
- Referrals of cases to police and juvenile authorities.
- Others as required.

The school principal shall have the responsibility of maintaining the necessary discipline records to include:

- Discipline record card (each reported incident). Student discipline list (cumulative).
- Log of suspensions (cumulative).
- Summary of suspensions: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of expulsions and referrals to courts (cumulative).
- Log of Board expulsions (each incident).
- Summary of expulsions: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of student withdrawals (cumulative).
- Summary of withdrawals: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of dropouts (cumulative).

All monthly summary forms shall be completed at the close of each attendance month.

## **CORPORAL PUNISHMENT**

The Central Consolidated School District prohibits corporal punishment.

*Adopted:* July 21, 2020

LEGAL REF.: 22-5-4.3 NMSA (1978)

CROSS REF.: JK - Student Discipline  
JKD - Student Suspension/Expulsion

**DETENTION OF STUDENTS**

Reasonable detention during break-time, noon, or at the close of the school day is permitted following appropriate minimal due process. Detention outside of school time may be invoked with appropriate consideration given to student transportation, weather, and other extenuating circumstances. However, a student shall not be denied the privilege of eating or use of the rest room during detention periods.

*Adopted:* July 21, 2020

LEGAL REF.: 22-5-4.3 NMSA (1978)  
6.11.2.12 NMAC

**REGULATION****REGULATION****DETENTION OF STUDENTS**

Teachers may keep students after school hours for disciplinary reasons. The names of students to be kept after school hours will be reported to the school office prior to the time of detention.

Students may be kept after school hours only if prior notice has been given to their parents.

## STUDENT SUSPENSION / EXPULSION

The authority to suspend a student for up to ten (10) school days, after an informal hearing is held, rests with the school administrator or principal. If a danger to students or staff members is present, the principal may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable. A student may be removed from contact with other students as a temporary measure but shall be reinstated by the next school day unless short-term suspension is imposed.

In all cases, except summary suspension where a danger to students or staff is evident, the student shall remain in school until applicable due process procedures are instituted. In *no* instance shall students be released early from school unless parents have been notified.

The Superintendent may designate a hearing officer for suspension/expulsion hearings.

### Regular Education Students

#### ***Suspension for ten days or less:***

- *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
  - After having received notice, the student will be asked for an explanation of the situation.
  - The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.
- *Step 2:* Following Step 1:
  - Provided that a written record of the action taken is kept on file, authorized District personnel may:
    - Suspend the student for up to ten (10) school days.
    - Choose other disciplinary alternatives.
    - Exonerate the student.

## **Students on an IEP or Section 504 plan**

Students on an IEP or Section 504 plan may be disciplined in the same manner as their typically developing peers so long as the removal does not exceed 10 cumulative school days in a school year.

If the removal will exceed 10 school cumulative school days in a year then the procedural requirements under IDEA and/or Section 504 must be applied.

Those requirements include:

- a. A Manifestation Determination before the imposition of the discipline which exceeds the 10 cumulative school days in the year.
- b. The Provision of a copy of the procedural safeguards to the parent(s)/guardian(s).
- c. Consideration of whether this falls under the definitions of possession of a weapon, controlled substances, illegal drugs, or is a case of serious bodily injury.
- d. Consult with special education or 504 staff and administrators to ensure procedural requirements are met.

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- Suspend the student for ten (10) school days pending a recommendation that the student be given a long-term suspension or expulsion or both.
- When suspension is involved:
  - A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
  - A letter/form to the parents will be written and mailed/sent with student by the day after the short-term suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
- No appeal is available from a short-term suspension.

***Suspension for over ten days or expulsion:***

- *Step 3:* If the offense is one that could result in a suspension of over ten (10) school days or expulsion, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer appointed by the Superintendent. The appointed person (hearing authority) shall have no direct connection to the act or acts, person alleged to have perpetrated the acts, nor be an administrator of the school in which the acts took place.
- *Step 4:* A formal letter addressed to the student through the responsible parent or guardian will be delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing or mailed at least eight (8) days prior to the formal hearing date (mailed documents are assumed received in three [3] days). The hearing shall be scheduled no sooner than five (5) nor later than ten school days from the date of receipt of the notice by the parents. A copy of this letter will remain on file, and the letter should contain the following information:
  - The charges and the rule or regulation violated.
  - The extent of the punishment to be considered.
  - The date, time, and place of the formal hearing.
  - A request for the parents and student to attend.

- The hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty.
  - Failure of the student or parent to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default.
  - A designation of the District's witnesses.
  - That the student may present witnesses.
  - That the student may be represented by counsel or a representative designated in a written notice filed at least seventy-two (72) hours prior to the hearing date with the hearing officer or administrator.
  - The name, business address and telephone of the hearing authority or contact person through whom the student, parent or designated representative may request a delay or seek further information, including access to any documentary evidence or exhibits which the school proposes to introduce at the hearing.
  - That the conduct of the hearing will be informal, not adhering to the rules of evidence.
- *Step 5:* A formal hearing will be held, during which the student will be informed of the following:
    - Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.
    - The student is entitled to a statement of the charges and the rule(s) or regulation(s) violated.
    - The student may be represented by counsel, without prejudice.
    - The student may present witnesses.
    - The student or counsel may cross-examine witnesses presented by the District.

- The District has the right to cross-examine witnesses, and may be represented by an attorney.
  - The burden of proof of the offense lies with the District by a preponderance of the evidence.
  - Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
- *Step 6:* The following will be the result of the hearing:
    - Upon the conclusion of a hearing by a hearing authority, the decision by the hearing officer may be given but shall be provided, in writing, within five (5) days to the student and parents. If initial notification is by mail, the parent shall be presumed to have received the notice on the fifth calendar day after the date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.
    - Upon the conclusion of a hearing and notice that an act or acts of misconduct have been proved, the discipline proposed or a lesser form of discipline as determined by the recommending administrator shall be imposed by the disciplinarian. The action may take place immediately upon the hearing officer's determination and informing of the student and parents. If the disciplinary action imposes any sanction it shall go into effect immediately and continue during any subsequent review.
  - *Step 7:* Administrative review may be conducted as follows:
    - Upon the conclusion of a hearing where determination that an act or acts of misconduct were proven, notice to the student and parents was given and discipline imposed, a review may be requested if the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school suspension exceeding one school semester or a denial or restriction of student privileges for one semester or longer. To arrange such an appeal, the parent(s) of the student or the student must deliver to the Superintendent a letter directed to the review hearing authority within ten (10) days after receiving written notice of the determination. The letter must describe in detail any objections to the hearing or the decision rendered. Failure to meet the dates or provide the written requirement will result in rejection of the request.

- The appeal to the review hearing authority will be on the record of the hearing held by the hearing officer and no later than fifteen (15) days following the request being received. If the review hearing authority determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the review hearing authority determines that the punishment was not reasonable, they may modify the punishment. The review hearing authority may uphold the hearing officer if no substantive errors in procedure are noted.
- All deliberations and decisions shall be held in closed session to avoid discussion of personally identifiable information in public.
- The review hearing authority shall prepare a written decision, including concise reasons in response to legitimate objections of the student or parent, and mail or deliver it to the administrator, the hearing officer and the student, through the parent, within ten (10) working days after the review is concluded. The decision of the review hearing authority is the final administrative review.

### **Membership of Review Hearing Authority**

The Review Hearing Authority shall consist of three (3) persons, appointed by the Board at a meeting held in accordance with the Open Meeting Act, 10-15-1 NMSA *et seq.* (1978).

Each appointee shall:

- Have experience as a supervisor in a business or governmental agency.
- Be familiar with the application of policy and procedures in the discipline procedure.
- Be a resident of the District, and not a parent of a student in the School District.

### **Special Education Students**

#### ***Suspension for Ten Days or Less***

Short-term suspension (ten [10] days or less) may be used for special education students for disciplinary reasons on the same basis as for a regular education student. (It is not considered a change of placement.)

- *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
  - After having received notice, the student will be asked for an explanation of the situation.
  - The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.
- *Step 2:* Following Step 1:
  - Provided that a written record of the action taken is kept on file, authorized District personnel may:
    - Suspend the student for up to ten (10) days.
    - Choose other disciplinary alternatives.
    - Exonerate the student.
    - Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
  - When suspension is involved:
    - A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
    - A letter to the parents will be written to the student in care of the parents by the day following the suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
  - No appeal is available from a short-term suspension.

### ***Suspension for Over Ten Days***

If a special education student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference must be held.

- *Step 3:* A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.
- *Step 4:* If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.
- *Step 5:* If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days.

An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if current placement is maintained.

Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current individualized educational program (IEP); and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring. (Caution: refer to IDEA statutes and regulations before implementing the exception.)

## **Expulsion**

A student qualified under the Individuals with Disabilities Education Act (IDEA) as revised in 1997 may not be expelled from school but in compliance with federal law and regulation may be given a change in placement. The Individualized Education Program Team generally determines a change in placement of an IDEA qualified student. During any change in placement, the School District must provide payment for

services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's Individualized Education Programs.

A student with a disability qualified under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 and not qualified under the Individuals with Disabilities Education Act as revised in 1997, may be suspended or expelled from school and education services may be ceased, if nondisabled students in similar circumstances do not continue to receive education services.

*Adopted:* September 19, 2017

LEGAL REF.:       22-5-4.3 NMSA (1978)  
                      6.11.2.7 NMAC  
                      6.11.2.8 NMAC  
                      6.11.2.9 NMAC  
                      6.11.2.10 NMAC  
                      6.11.2.11 NMAC  
                      6.11.2.12 NMAC  
                      20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act  
                      20 U.S.C. 7151 *et seq.*, The Gun-Free School Act of 1990  
                      29 U.S.C. 794 Rehabilitation Act of 1973, (Section 504)

CROSS REF.:       IHB - Special Instructional Programs  
                      JR - Student Records

## **REMOVAL OF STUDENTS FROM SCHOOL-SPONSORED ACTIVITIES**

The principal of a school may remove a student from a school-sponsored activity if the principal determines that the student has violated a provision of the student discipline policies, rules, and/or regulations or if the principal determines that such removal is in the best interest of the activity or in the best interest of the school as a whole.

The principal also may remove a student from a specific position, such as officer, editor, or captain of an activity, without removing the student from the entire activity.

The principal may remove a student pursuant to the preceding two (2) paragraphs, whether or not the student has been elected, appointed, or assigned to, or has volunteered for, the activity.

Before removing a student from an activity or position as a result of the student's violation of the student discipline policies, rules, and/or regulations, the principal must comply with the notice-and-hearing provisions of those policies, rules, and/or regulations.

Before removing a student from an activity or position for reasons other than a student's violation of the student discipline policies and/or regulations, the principal shall give written notice to the student. The notice shall include the reason or reasons for the removal and the date that the removal is to become effective. If the student disagrees with the principal's determination, the student may, within five (5) school days, request in writing a conference with the principal. The conference shall be held as soon as practicable after the principal receives the written request. At the conference, the student shall be given a full explanation of the reason or reasons for the action taken. The student shall be given an opportunity to present an explanation of the events relating to the action.

If, after the conference, the principal determines that the decision to remove the student from the activity or position is correct, the removal shall become effective on the date indicated in the principal's notice. If, after the conference, the principal determines that action of a less severe nature than removal is warranted, the principal may impose the less severe action. If, after the conference, the principal determines that neither removal nor less severe action is warranted, the prior decision to remove the student shall be rescinded.

For purposes of this policy, *activity* is defined as:



- Any school-sponsored athletic activity; or
- Any school-sponsored club; or
- Any school-sponsored organization such as yearbook, newspaper, student government, drama, music, honor society, or any other organization or class of a similar nature.

An *activity* includes activities as defined above, whether or not a student is receiving or may receive academic credit for the activity.

The principal's determination shall be the final administrative action to which a student is entitled.

*Adopted:* September 19, 2017

LEGAL REF.:22-5-4.3 NMSA (1978)

6.11.2.7 NMAC  
 6.11.2.8 NMAC  
 6.11.2.9 NMAC  
 6.11.2.10 NMAC  
 6.11.2.11 NMAC  
 6.11.2.12 NMAC

CROSS REF.: IHB - Special Instructional Programs  
 JR - Student Records

## STUDENT WELLNESS

The School District strives to make a significant contribution to the general well being, mental and physical capacity and learning ability of each student while affording them the opportunity to fully participate in the educational process.

The District is committed to providing school environments that promote and protect children's health, safety, well-being, and ability to learn by supporting healthy eating and physical activity in a safe environment. Healthy eating is demonstrably linked to reduced risk for mortality and development of many chronic diseases as adults.

To ensure the health and well-being of all students, the Board shall promote and monitor student wellness in a manner that the Board determines is appropriate in the following areas:

- *Nutrition Guidelines:* All foods available in each school during the day will have as a primary goal the promotion of student health and the reduction of childhood obesity. All guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture, as those regulations and guidance apply to schools.
- *Nutrition Education:* The goal is to influence students' eating behaviors by providing nutrition education that is appropriate for students' ages; reflects students' cultures; is integrated into health education or core curricula; and provides opportunities for students to practice skills and have fun.
- *Physical Activity:* The goals for physical activity are to provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain students' physical fitness, to ensure students' regular participation in physical activity, and to teach students the short- and long- term benefits of a physically active and healthful lifestyle.
- *Other School-Based Activities:* The goal is to create a total school environment that is conducive to healthy eating and physical activity.
- *Evaluation:* A primary goal will be to regularly evaluate the effectiveness of this policy in promoting healthy eating and changing the program as appropriate to increase its effectiveness.
- *Parent, Community and Staff Involvement:* A primary goal will be to engage family members, students, and representatives of the school food authority,

the Governing Board, school administrators, and the public in development and regular review of this school policy.

A health advisory council consisting of parent(s), school food authority personnel, School Board member(s), school administrator(s), school staff, student(s) and community member(s) shall be established by the Superintendent with the advice and consent of the Board. This council shall meet a minimum of twice a year for the purpose of making recommendations to the local board on the implementation, revision and evaluation of the wellness program. The Superintendent shall be the presiding officer of the health advisory council and shall provide:

- A written, specific statement of the purpose of the council.
- The dates on which reports of the council are to be rendered.
- Recommendations on replacements required upon a council members unavailability or resignation.
- The extent to which facilities, supplies, equipment, and clerical support will be provided to the council.
- A briefing on the requirements of the New Mexico Open Meeting Law (10-15-1 NMSA 1978) as it applies to committees of the Board.
- Posting of all notices and agendas of meetings of the council.

The Superintendent is directed to seek the input of the council in the development of recommendations and administrative regulations to implement this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school (i.e., competitive foods, snacks and beverages sold from vending machines, school stores, and funding-raising activities and refreshments that are made available at school parties, celebrations and meetings), including provisions for staff development, family and community involvement and program evaluation. Regulations and exhibits created for the purpose of implementing this policy shall be considered, in effect, to be an extension of this policy.

*Adopted:* September 19, 2017

LEGAL REF.: 42 U. S. C. 1751 *et seq.*, The National School Lunch Act  
42 U.S.C. 1771 *et seq.*, The Child Nutrition Act as amended.  
6.12.5.8 NMAC, New Mexico Requirements for Competitive Foods Sold to Students  
6.12.6.8 NMAC, Wellness Requirements

6.29.6.8 NMAC, Health Education  
6.29.9.8 NMAC, Physical Education

CROSS REF.:     ABA - Community Involvement in Education  
                      ABAA - Parental Involvement  
                      BBA - Board Powers and Responsibilities  
                      EF - Food Services  
                      EFE - Competitive Food Sales/Vending Machines  
                      IHA - Basic Instructional Program

**REGULATION****REGULATION****STUDENT WELLNESS**

An annual report shall be made to the Board on the District's compliance with student wellness practices. The report may include but not be limited to:

- Evaluation of the food services program.
- Recommendations for policy and/or program revisions.
- Review of all foods and beverages sold in schools for compliance with established nutrition guidelines.
- Assessment of school environment regarding student wellness issues.
- Listing activities and programs conducted to promote nutrition and physical activity.
- Providing feedback received from District staff, students, parents/ guardians, and community members.

In accordance with the National School Lunch Act (42 U. S. C. 1751 *et seq.*) and the Child Nutrition Act (42 U.S.C. 1771 *et seq.*), as amended, an assurance that District guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law shall be provided annually. The Superintendent shall receive assurances from the health advisory council and all appropriate administrators and supervisors prior to making the annual Board report.

**Nutrition Education**

Nutrition education shall focus on students' eating behaviors, be based on theories and methods proven effective by research and be consistent with state and local District health education standards. Nutrition education at all levels of the curriculum shall include, but not be limited to, the following essential components designed to help students learn:

- Age-appropriate nutritional knowledge, including the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;

- Age-appropriate nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
- How to assess one's personal eating habits, set goals for improvement and achieve those goals.

In order to reinforce and support nutrition education efforts, the guidelines will ensure that:

- Nutrition instruction provides sequential, comprehensive health education in accordance with the New Mexico Public Education Department curriculum regulations and academic standards;
- Cooperation with agencies and community organizations is encouraged to provide opportunities for appropriate student projects related to nutrition;
- Consistent nutrition messages are disseminated from the District throughout the schools, communities, homes and media; and
- Nutrition education is extended beyond the school environment by engaging and involving families and community.

### **Nutrition Guidelines and Food Services Operations**

The District will create procedures that address all foods (including Competitive Food Sales) available to students throughout the school day in the following areas:

- National School Lunch Program and Child Nutrition Act.
- À la carte offerings in the food service program.
- Vending machines and school stores.
- Classroom parties, celebrations, fund-raisers, rewards and school events.
- Snacks served in after-school programs.

In keeping with the District's nutrition program goals, only food prepared or obtained or approved by the District's food services program should be served in classroom reward or incentive programs involving food items as well as foods and beverages offered or sold at school-sponsored events outside the school day. Approval is required to ensure that the foods served meet the requirements of the District's nutrition policy and

regulation (i.e., all foods served fit in a healthy diet and contribute to the development of lifelong healthy eating habits for the District's students).

### **Physical Activity**

District schools shall strive to provide opportunities for developmentally appropriate physical activity during the school day for all students.

### **Other School-Based Activities**

The goal for other school-based activities is to ensure whole-school integration with the wellness program. The District will achieve the goal by addressing elements that include, but are not limited to, school meal times, dining environment, food as an incentive, marketing and advertising, staff wellness, and staff development and training.

### **Program Evaluation**

In each school, the principal will ensure compliance with established district-wide student wellness goals and will report on the school's compliance to the Superintendent.

The individual schools within the District, will, as necessary, develop and revise action plans to facilitate implementation of the approved programs.

**REGULATION****REGULATION****STUDENT WELLNESS****Physical Activity Goals**

The primary goal for the District's physical activity component is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short- and long-term benefits of a physically active and healthy lifestyle.

A comprehensive physical activity program encompasses a variety of opportunities for students to be physically active, including physical education, recess, walk-to-school programs, after-school physical activity programs, health education that includes physical activity as a main component, and physical activity breaks within regular classrooms.

***Physical education (high school graduation requirements):*** Students must, at the least, satisfy the state and District's physical education credit requirement.

***Physical activity (time, frequency, and/or intensity):*** Schools will ensure that students are moderately to vigorously active at least fifty percent (50%) of the time while participating in physical education classes.

***Physical activity outside of physical education:*** Schools may offer after-school intramural programs and/or physical activity clubs that meet the needs and interests of all students, including those who are not athletically involved or those with special health care needs.

***Recess to promote physical activity:*** Grades kindergarten (K) through six (6) will have recess or physical education classes daily.

***Walking or biking to school to promote physical activity:*** The District shall annually review safe routes for students who walk or bike to school.

***Prohibition of use of punishment:*** The District will discourage the use of physical activity as punishment, the withholding of participation in physical education class as punishment, or the use of physical education class time to complete assignments from other classes.

***After-school programs:*** The District shall encourage after-school programs to provide



developmentally appropriate physical activity for participating children and reduce or eliminate the time spent in sedentary activities such as watching television or videos.

***Community use:*** The District shall encourage community access to, and student and community use of, the school's physical activity facilities outside the normal school day.

**STUDENT INSURANCE PROGRAMS**

The Board may provide or make available a student health benefits insurance program for the District. The program will be conducted at no expense to the District. Students involved in sports shall obtain such catastrophic health and accident insurance coverage.

The Superintendent will provide to parents or guardians information on student health benefits insurance if such insurance is available.

*Adopted:* September 19, 2017

LEGAL REF.:22-2-2 NMSA (1978)

## **STUDENT HEALTH SERVICES AND REQUIREMENTS**

The Superintendent shall establish procedures for the student health services program in the District. Such procedures will provide for:

- Administration of patent or proprietary medications (over-the-counter [OTC] medications) in compliance with New Mexico Statutes Annotated, New Mexico Administrative Code and District policies.
- Administration of prescription medications in compliance with New Mexico Administrative Code and District policies.
- Administration of immunizations in conjunction with the Health Department and in compliance with New Mexico Administrative Code.
- Providing preventive health information.
- The treatment of school-related injuries/illnesses, and recommendation for follow-up care.
- Screening clinics for selected physical impairments.

*Adopted:* September 19, 2017

**PHYSICAL EXAMINATIONS OF STUDENTS**

Each student participating in high school and junior high school interscholastic athletics is required to submit to a physical examination when required by the New Mexico Activities Association or to submit evidence of being physically fit, as verified by competent medical personnel.

*Adopted:* September 19, 2017

### **VISION SCREENING OF STUDENTS**

A person trained to administer vision screening in accordance with the standards of the department of health shall administer a vision screening test to students in pre-kindergarten (Pre-K), kindergarten (K), first (1st) grade, third (3rd) grade and all new or transfer students in those grades unless a parent affirmatively prohibits the screening. Such affirmation shall be accepted in writing and kept as a part of the student's health record. If the parent affirmatively prohibits the vision screen verbally, the action shall be put in writing, witnessed and placed in the student's health record.

Should the vision screening of a student indicate the need for further evaluation, the parent of the student shall be notified of that need and be provided with information on the availability of funds from the Save Our Children's Sight Fund.

*Adopted:* September 19, 2017

LEGAL REF.:22-13-30 NMSA  
24-1-31 NMSA

**EXHIBIT****EXHIBIT**

**VISION SCREENING  
OF STUDENTS  
(Follow-up Notice to Parents)**

Dear Parent:

In a routine vision screening, using the standards established by the Department of Health, it was determined that \_\_\_\_\_ is in need of a comprehensive vision screening. If your child is not already covered by health insurance for a comprehensive eye examination, you may be eligible to apply to the Children's Sight Fund for the following expenses as a result of the screening:

- a comprehensive eye examination by an optometrist or ophthalmologist whose services are used to follow up the school vision screening;
- the cost of contact lenses or polycarbonate lenses and frames for eyeglasses; and
- replacement insurance for lost or broken lenses.

The School District will assist you in applying for these funds through the Department of Health.

Salutation,

Signature

**SCHOOL-BASED HEALTH CLINIC**

The School District may provide health services to students and staff through a contracted provider in concert with the New Mexico Department of Health.

This school-based health clinic may provide medical and mental health services. Services may not include reproductive services.

Administration of medication is limited to Class “C” Pharmacy License. [16.19.10.11A (1)(c) Class “C” clinic drug permit for clinics where dangerous drugs are administered to patients of the clinic.]

Health clinic services may be provided as long as funding is available.

*Adopted:* September 19, 2017

## IMMUNIZATION OF STUDENTS

Subject to the exemptions as provided by law, no student shall be enrolled unless the student can present satisfactory evidence of commencement and completion of immunization in accordance with the immunization schedule and rules and regulations of the Public Health Division, except that a homeless student shall not be prevented from attendance until the fifth (5th) calendar day after enrollment.

“Satisfactory evidence of commencement and completion of immunization” means satisfactory evidence of a person having begun the process of immunizations in a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized public or private health facility stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule. Persons enrolling in schools who have begun the process of immunization shall have one month following the date of enrollment to complete the required immunizations and submit satisfactory evidence of completing the required immunizations or having continued the process of the required series.

Any minor child, through his parent or guardian, may file a request for exemption from required immunization with the director of the public health division. The original request for approval of any exemptions from immunization must be mailed to the Department of Health, Public Health Division, immunization program. The address is PO Box 26110, Suite S-1250, Santa Fe, NM, 87502. Request forms can be found at the immunization program offices 1190 St. Francis Drive, Suite South 1250 or on the program's website.

The student is exempt from immunization pursuant to Section 6.12.2.8 NMAC upon filing with the governing authority:

- a statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical condition of the person seeking enrollment is such that immunization would seriously endanger the life or health of the person;
- an exemption granted by the Public Health Division on the basis of:
  - notarized affidavits or written affirmation from an officer of a recognized religious denomination that such student's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or



- notarized affidavits or written affirmation from the student's parent or legal guardian that the student's religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

Exemption from obtaining the required immunizations, when approved, is valid for a period not to exceed nine (9) months and will not extend beyond the end of the school year in which the student is currently enrolled.

Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

The District will cooperate with Public Health Division in programs of immunization. Parents' permission must be secured before a student may participate in such immunization projects.

*Adopted:* September 19, 2017

LEGAL REF.:6.12.2.8 NMAC

6.12.2.9 NMAC

6.12.2.10 NMAC

7.4.3.8 NMAC

7.4.3.13 NMAC

**REGULATION****REGULATION****IMMUNIZATIONS OF STUDENTS**

Immunizations required as indicated below shall be administered in accordance with guidelines established by the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services (ACIP) and the American Academy of Pediatrics.

- Diphtheria.
- Pertussis.
- Tetanus.
- Poliomyelitis.
- Rubella (measles).
- Mumps.
- Rubella (German measles).
- Hemophilic influenza b (Hib) (for facilities regulated by CYFD as described in 8.16.2 NMAC or other pre-school or school-age populations as determined by the secretary of the department of health).
- Hepatitis B
- Varicella
- Hepatitis A (for facilities regulated by CYFD as described in NMAC 8.16.2 or other pre-school populations as determined by the secretary of the department of health).
- Pneumococcal Disease.
- Other vaccines for preventable diseases as determined by the secretary of the department of health and within those recommended by the ACIP.

A child shall be non-compliant with these regulations if the child is eligible to receive and has not received any of the remaining required immunization doses within the recommended intervals between doses published by the ACIP.

No child shall be enrolled in a school in New Mexico unless satisfactory evidence of immunization requirements has been provided.

The admitting official shall deem the student to be in compliance with the requirements of this regulation if:

- A statement, certificate or record signed by a duly licensed physician or other recognized licensed health facility stating that the required immunizations have been given to the person is provided; or
- An exemption from immunization is submitted in accordance with the procedures set forth in 6.12.2.9 NMAC.

Immunization records shall be kept current and available to the Public Health Division. All schools and facilities under these regulations shall be required to participate in an annual immunization records audit at the request of the department.

All schools required to comply with these regulations shall notify the local Public Health Division District Health Officer if a child about to be enrolled or while enrolled has been held out of school for more than five (5) consecutive school days for noncompliance with these regulations.

**COMMUNICABLE / INFECTIOUS DISEASES**

Any student with, or recovering from, a communicable disease will not be permitted in school until the period of contagion is passed or until a physician recommends a return.

Parents will be requested to provide a history of the communicable diseases for each student, and such records will be kept and maintained by the District.

A student suffering from a communicable disease shall be excluded from school to protect the student's own welfare and also to protect other students from illness. Early recognition of a communicable disease is of prime importance.

A principal or person in charge of a public school having knowledge of any person having or suspected of having a notifiable condition, shall immediately report the instance to the office of public health in accordance with New Mexico Administrative Code 7.4.3.8.

**Pediculosis (Lice Infestation)**

- At the end of the school day students who have lice will be sent home. They may return to school after the first treatment is completed.
- Provide educational material including treatment recommendation to parents and recommend treatment options and regimes to follow for each method of treatment.
- Maintain confidentiality of affected student and his/her family.
- Mass screening of children for head lice has been shown to be ineffective.

*Adopted:* September 19, 2017

LEGAL REF.: NM School Health Manual

**ACQUIRED IMMUNE DEFICIENCY SYNDROME  
AND HUMAN IMMUNODEFICIENCY  
VIRUS INFECTIONS**

Students ill with HIV virus or acquired immune deficiency syndrome (AIDS) have a right to receive a public education. The Board has a responsibility to assure that the school provides a safe environment for all of its students and employees.

The Board directs that:

- infected students receive a public education.
- information be provided for parents, faculty and staff members, and other concerned persons concerning the actual and potential dangers of transmission of the disease.
- decisions concerning the educational placement of infected students be determined upon the best medical knowledge available and on a case-by- case basis.
- restrictions be placed upon a student as required by state laws and regulations, and advice of a physician selected by the District.
- protection for the rights of privacy of each infected student be a primary consideration.

Decision(s) regarding the type of educational setting for the student who is infected with HIV virus shall be based upon the behavior, neurologic development, and physical and mental condition of the student. Recommendations will be made upon consultation with public health personnel, school officials, the student's physician and parents, and, at the discretion of the District, a physician selected by the District.

*Adopted:*      September 19, 2017

## ADMINISTERING MEDICINES TO STUDENTS

Under certain circumstances, when it is necessary for a student to take medicine during school hours, the District will cooperate with the family physician and the parents if the following requirements are met:

- There must be a written order from the physician stating the name of the medicine, the dosage, and the time it is to be given.
- There must be written permission from the parent to allow the school or the student to administer the medicine. Appropriate forms are available from the school office.
- The medicine must come to the school office in the prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.
- A student should not carry medication to and from school unless authorized to self-administer.

A responsible adult should bring medications to the school office if necessary. If medications are necessary for emergency use during transportation a written health management plan shall be prepared in consultation with the parents and school authorities indicating where the medication will be located during transportation and who will administer the medication.

The District reserves the right, in accordance with procedures established by the Superintendent, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population.

This policy and any related policies or amendments to such policies shall be forwarded to the District liability insurance carrier for review.

*Adopted:* June 19, 2018

LEGAL REF.: 22-5-4.3 NMSA  
6.41.4.9 NMAC

CROSS REF.: EBC-RC - Emergencies (First Aid)  
EEAB – Special Education Student Transportation  
(Students with Special Transportation Needs)

**REGULATION****REGULATION****ADMINISTERING MEDICINES TO STUDENTS****(Medication Procedures)****Prescription Drugs**

For occasions when it is necessary for a student to receive a prescription drug during the school day, the following procedure has been established to ensure the protection of the school and the student and to assure compliance with existing rules and regulations:

***Administration by school personnel:***

- The medication must be prescribed by a physician
- The parent or guardian must provide written permission to administer the medicine to the student. Appropriate forms are available from the school office.
- The medication must come to the school office in the prescription container as put up by the pharmacist. Written directions from the physician or pharmacist must state the name of the patient, the name of the medicine, the dosage, the time it is to be given, and in the case of asthma or anaphylaxis episodes, a written treatment plan for managing asthma or anaphylaxis episodes of the student to or from school or school-sponsored activities
- An administrator may designate school employee to administer the medication.
- Each administration of prescription drugs must be documented, making a record of the student having received the medication.
- Drugs must be kept in their original containers in a locked medicine cabinet.

***Self-administration:***

- When the physician feels it is necessary for the student to carry and self-administer the medication, the physician shall provide written recommendations, to be attached to the signed parent permission form.
- The parent or guardian must provide written permission for the student to self-



administer and carry the medication. Appropriate forms are available from the school office.

- The child must demonstrate the ability to self-administer to the medication provider and school nurse or other school personnel.
- The medication must come in the prescription container as put up by the pharmacist.

***Asthma medication and emergency anaphylaxis self-administration:***

- When the physician feels it is necessary for the student to carry and self-administer either of these medications, the physician shall provide written recommendations, to be attached to the signed parent permission form, including a written treatment plan for managing asthma or anaphylaxis episodes; and
- Backup medication may be provided by the parent. Such medication must come in the prescription container as prepared by the pharmacist with a written permission to administer on an emergency basis from a parent and shall be kept in a locked area in the office.

**Over-the-Counter Medication**

When it is necessary for a student to receive a medicine that does not require a prescription order but is sold, offered, promoted, and advertised to the general public, the following procedure has been established to ensure the protection of the school and the student:

***Administration by school personnel:***

- Written permission must be provided by the parent or guardian for the administration of specific over-the-counter drugs.
- Any over-the-counter drug or medicine sent by the parent to be administered to a student must come to the school office in the original manufacturer's packaging with all directions, dosages, compound contents, and proportions clearly marked.
- An administrator may designate a school employee to administer a specific over-the-counter drug.
- Each instance of administration of an over-the-counter drug must be documented in the daily log.

- Over-the-counter drug must be kept in their original containers in a locked medicine cabinet.

***Self-administration:***

- Written permission must be provided by the parent or guardian for the administration of specific over-the-counter drug by the student.
- Over-the-counter drugs or medicine sent by the parent to be administered by the student must be kept by the student in the original manufacturer's packaging, with all directions, dosages, compound contents, and proportions clearly marked.
- *Necessity* for self-administration of an over-the-counter drug or medicine shall be determined by the student's physician and must be verified by a signed physician's statement attached to the parent or guardian permission form, indicating the specific drug or medicine.

**Protection of Students**

Use or administration of medication on school premises may be disallowed or strictly limited if it is determined by the Superintendent, in consultation with medical personnel, that a threat of abuse or misuse of the medicine may pose a risk of harm to a member of the student population.

The student shall take extraordinary precautions to keep secure any medication or drug, and under no circumstances shall make available, provide, or give the item to another person. The student shall immediately report the loss or theft of any medication brought onto school campus. Violation of this regulation may subject the student to disciplinary action.

Adopted: September 19, 2017

**EXHIBIT****EXHIBIT****ADMINISTERING MEDICINE  
TO STUDENTS****(Request for Giving Medicine at School)**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Teacher: \_\_\_\_\_ School: \_\_\_\_\_

Medication: \_\_\_\_\_

Diagnosis/reason for giving: \_\_\_\_\_

Time to be given \_\_\_\_\_ a.m. Time to be given \_\_\_\_\_ p.m.

Dates from: \_\_\_\_\_ to \_\_\_\_\_

Prescription medication must be in the original container as prepared by a pharmacist and labeled, including the patient name, name of medication, dosage, and time to be given. An over-the-counter medication must be in the original packaging, with all directions, dosages, compound contents, and proportions clearly marked. Student misuse of medication being self-administered may result in seizure and disciplinary action.

\_\_\_\_\_  
Parent's or Guardian's Signature\_\_\_\_\_  
Date

A signed physician statement indicating the necessity must accompany any request for self-administration of medicine, whether it is prescription or over-the-counter medicine.

### **MEDICAL CARE MANAGEMENT (Diabetes Management)**

The parent or guardian or each student with diabetes, who seeks diabetes care for that student while at school, shall submit a diabetes medical management plan approved by their personal health care provider to the school. Each school that receives a diabetes medical management plan shall review and implement the diabetes medical management plan. Parents shall also complete forms as required by the school for administering medications.

“Diabetes” means type one or type two diabetes mellitus, complications related to diabetes mellitus, or prediabetes as diagnosed by competent medical personnel.

Training as established pursuant to the 6.12.11.1 et seq. NMAC shall be provided to all school nurses and diabetes care personnel (a minimum of two school employees at each school attended by a student with diabetes). At a minimum, the training guidelines shall address:

- Recognition and treatment of hypoglycemia and hyperglycemia;
- Understanding the appropriate actions to take when blood glucose levels are outside of the target ranges indicated by a student’s diabetes medical management plan;
- Understanding health care practitioner instructions regarding diabetes medication drug dosage, frequency and manner of administration;
- The administration of glucagon and insulin and the recording of results;
- Understanding of glucagon and insulin and recording of results;
- Recognizing diabetes – related complications that require emergency assistance; and
- As relates to students with diabetes, understanding recommended schedules and food intake for meals and snacks, the effect of physical activity upon blood glucose levels and actions to be implemented in the case of schedule disruption.

If at any time fewer than two school employees are available to be trained at a school, the principal or other school administrator shall distribute to all staff a written notice stating that the school is seeking volunteers to serve as diabetes care personnel. The notice shall inform staff of the following:

- That the school is required to provide diabetes care to one or more students with diabetes and is seeking personnel willing to be trained to provide that care;
- The tasks to be performed by diabetes care personnel;
- That participation is voluntary and no school, school district or governing body will take action against any staff member who does not volunteer to be designated;

- That training will be provided to employees who volunteer to provide care; and
- The identity of the person whom staff should contact in order to volunteer to be diabetes care personnel.

The training required pursuant to 6.12.11.10 NMAC shall be provided by:

- A school nurse if the school has a school nurse; or
- A health care practitioner with expertise in diabetes.

The following training is to be provided on an annual basis to all school personnel who have primary responsibility for supervising a student with diabetes during some portion of the school day and to bus drivers responsible for the transportation of a student with diabetes:

- Recognition of hypoglycemia;
- Recognition of hyperglycemia; and
- Actions to take in response to diabetes related emergency situations.

All students with diabetes shall receive appropriate and needed diabetes care as specified in students' diabetes medical management plans. In accordance with the request of a parent or guardian of a student with diabetes and the student's diabetes medical management plan, a school nurse or, in the absence of a school nurse, diabetes care personnel shall perform diabetes care functions that shall include, at a minimum those indicated in 22-34-5 NMSA and 6.12.11.10 NMSA:

- Checking and recording the student's blood glucose levels and ketone levels or assisting the student with checking and recording these levels;
- Responding to blood glucose levels that are outside of the student's target range;
- Administering glucagon and other emergency treatments as prescribed;
- Administering insulin or assisting a student in administering insulin through the insulin delivery system that the student uses;
- Providing oral diabetes medications; and
- Following instructions regarding meals, snacks and physical activity.

Medication administered by any school personnel, shall be in compliance with JLCD and JLCD-R. Insulin will be kept in accord with policy JLCD in an original container in a locked medicine cabinet at a temperature between 36 and 86 degrees Fahrenheit for daily use unless other arrangements are approved by the administration.

A school nurse or at least one diabetes care person shall be at each school where a student

with diabetes is attending and shall be available to provide care to each student with diabetes as provided pursuant to 22-34-5 NMSA during regular school hours and during all school-sponsored activities, trips, extended off-site excursions and extracurricular activities in which a student with diabetes is a participant and on buses where the bus driver has not been trained in diabetes care and a student with diabetes is a passenger.

Students with diabetes shall attend the school they would otherwise attend if they did not have diabetes, and the diabetes care specified in 22-34-5 NMSA of the Student Diabetes Management Act, shall be provided at the student's school. A student who has diabetes shall not be restricted from attending any school on the basis that the student has diabetes, that the school does not have a full-time school nurse or that the school does not have trained diabetes care personnel.

A school shall not require or pressure parents or guardians to provide diabetes care for a student with diabetes at school or school-related activities nor require that diabetes care personnel be health care practitioners.

### **Diabetes Self-Management**

Upon the written request of a parent or guardian of a student with diabetes and authorization by the student's diabetes medical management plan, a student with diabetes shall be permitted to:

- Perform self-management blood glucose monitoring to check blood glucose and ketones;
- Administer prescribed medication for the treatment of diabetes including the self-administration of insulin through the insulin delivery system that the student uses as determined in the student's diabetes medical management plan;
- Treat hyperglycemia as determined in the student's medical management plan;
- Treat hypoglycemia as determined in the student's medical management plan;
- Self-manage in any area of the school or school grounds so long as it does not disrupt the education environment of other students; and
- Possess on the student's person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

If a student's parent or guardian or the student requests, the student shall have access to a private area for performing diabetes care tasks.

### **Enforcement and Reporting**

Effectuated parties may submit complaints in writing via email or via mail, to the secretary of

public education. Reports as required by the public education department shall be provided by the district on October 15 each year pursuant to 6.12.11.13 NMAC.

Adopted: December 17, 2019

LEGAL REF:

22-10A-3 NMSA  
22-34-1 NMSA et seq.  
6.12.11.1 NMSA et seq.  
6.41.4.9 NMAC

CROSS REF:

AC – Nondiscrimination / Equal Opportunity  
EBC-RC Emergencies (First Aid)  
EEAB – Special Education Student Transportation  
(Students with Special Transportation Needs)  
JLCD – Administering Medicines to Students  
KE – Public Concerns and Complaints

**DO NOT RESUSCITATE ORDERS**

*Definition:* "Do Not Resuscitate" (DNR) order means a parent's or physician's written request to withhold life saving techniques or resuscitative measures in the event of a respiratory or cardiac arrest suffered by a severely impaired or terminally ill student.

The School District believes that a decision not to resuscitate a student or initiate life-saving measures is a medical judgment best made by a physician in the context of a clinic, hospital, or other medical facility, based upon the particular circumstances presented by the student. The School District's ability and responsibility to make such judgments is substantially limited. The Board of Education takes the position that its paramount responsibility is to protect the health and well-being of all students and school personnel. Great emotional trauma could result to students and school personnel if school personnel are required to stand by, unable to render aid to a student in distress. Accordingly, it is the policy of the Board that School District officials and employees shall not accept nor retain DNR orders presented by parents or physicians.

*Adopted:* September 19, 2017



**REGULATION****REGULATION****DO NOT RESUSCITATE ORDERS**

Board of Education policy will be fully explained to parents who present Do Not Resuscitate (DNR) orders. The school nurse shall meet with parent and physician to determine the child's medical diagnosis, current condition, prognosis and anticipated medical needs. School personnel shall then convene a multidisciplinary team meeting to develop a health management plan for the student, which may include a medical resuscitation plan, and individually appropriate life-sustaining interventions to be followed in a medical emergency. If parent declines to meet or to agree to a health management plan, this shall be noted in the student's file.

School health personnel and other school personnel who have been trained in emergency rescue procedures (Cardiopulmonary resuscitation [CPR]) are expected to administer first aid, including life-saving or resuscitation procedures, to a student in the event of an accident, choking, respiratory and/or cardiac arrest, or other life-threatening emergency.

Community emergency response personnel (911) will be called immediately and school personnel will continue resuscitation procedures until they are relieved by emergency response personnel.

Once transport of the student from the school to an emergency room or medical facility begins, "Do Not Resuscitate" orders shall become the responsibility of parents and physicians.

## GUIDANCE AND COUNSELING

The focus of the counseling and guidance program in the District is on the developmental needs of students.

Personnel involved in counseling will demonstrate respect for the dignity and worth of each individual, and encourage each student to develop individual responsibility and decision-making skills. Personnel involved in counseling coordinate the school guidance program and involve all staff members in designing and implementing plans to meet three (3) major goals:

*Educational development.* Students may participate in planning their education.

*Personal/social development.* Students will develop appropriate behaviors for a variety of social settings. Students will develop awareness of self and confidence in their own abilities in order to enhance their career options and development.

*Career development.* Students will develop career options consistent with their interests, abilities, and values.

*Adopted:* September 19, 2017

**SCHOOL COUNSELORS  
AND PSYCHOLOGISTS**

Psychological services, including testing, are available to students through the public schools. Initial referrals for psychological evaluations may come from licensed staff members or parents, or from the student. Parental or eligible student authorization must be obtained.

A school psychologist shall administer preliminary tests to determine the need for psychological evaluations.

Referrals to outside agencies shall be made only with parental or eligible student authorization.

*Adopted:* September 19, 2017

**REGULATION****REGULATION****SCHOOL COUNSELORS AND  
PSYCHOLOGISTS****(Psychological Reports)**

Psychological reports or case study evaluations are confidential. Such information will be kept locked in the appropriate records location when not in use by authorized personnel.

Teachers may review a student's file under the cognizance of an administrator. Psychological reports shall not be taken from the office of the department responsible for the preservation of records.

## REPORTING CHILD ABUSE / CHILD PROTECTION

All licensed school employees shall be required to complete training in the detection and reporting of child abuse and neglect, including sexual abuse and assault, and substance abuse. This requirement shall be completed by all licensed school employees during the school year and all licensed employees hired thereafter during the first year of employment by a school district.

Every person, including a schoolteacher or a school official who has information that is not privileged as a matter of law, who *knows or has a reasonable suspicion* that a child is an abused or a neglected child shall report the matter immediately to:

- New Mexico Child Abuse Hotline (1-855-333-SAFE or #SAFE from a cell phone [#SAFE = #7233]);
- a local law enforcement agency;
- the department office in the county where the child resides; or
- a tribal law enforcement or social services agency for any Indian child residing in Indian country.

The report shall contain the following information:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
- The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.
- Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

The school administrator should be informed, and the "Agency Referral Form and Procedure" should be used in order to have documentation and follow up.

A school administrator and/or their designee may permit a member of a law enforcement agency or an employee of the Human Services Department to interview the child with respect to a report without the permission of the child's parent, guardian or custodian.

A person who fails to report abuse as provided in 30-6-4 NMSA 1978 is guilty of a misdemeanor.

*Adopted:* September 19, 2017

LEGAL REF.:22-10A-32 NMSA (1978)

22-5-4.2 NMSA (1978)

32A-4-2 NMSA (1978)

32A-4-3 NMSA (1978)

30-6-4 NMSA (1978)

CROSS REF.:

GBEB - Staff Conduct

GBEBB - Staff Conduct With Students

JKA - Corporal Punishment

**EXHIBIT****EXHIBIT**

**REPORTING CHILD ABUSE  
/ CHILD PROTECTION  
(Suspected Abuse/Neglect)**

To: **Law enforcement agency** -New Mexico Child Abuse Hotline (1-800-797-3260)

Student's name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Sex: \_\_\_\_\_

Address \_\_\_\_\_

Names of \_\_\_\_\_ parents/guardians:

\_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Teacher: \_\_\_\_\_

Description of injury (use reverse side of form if necessary)

\_\_\_\_\_

Referral source: Name: \_\_\_\_\_

Address: \_\_\_\_\_ Position: \_\_\_\_\_

*Symbols:*

*Severity:*

A	=	Abrasion		(1)	=	Mild
Bl	=	Blister		(2)	=	Moderate
B	=	Burn		(3)	=	Severe
Br	=	Bruise				
La	=	Laceration				
Le	=	Lesions				
S	=	Scar				
R	=	Rash				
V	=	Vermin				
O	=	Other (describe)				

Signature and Title of Person Making the Report

Date

To whom reported: \_\_\_\_\_ Date of oral report \_\_\_\_\_

**STUDENT SAFETY**

Teachers will be responsible for their classes at all times. At no time are students to be left unsupervised. Students are not to be sent on errands from the school premises.

Teachers have the authority to prohibit the use of and/or to confiscate any article that is a hazard to a student or that may damage school property. In the case of an emergency, the teacher will seek help from the principal.

In addition, school buildings, playgrounds, and equipment will be regularly inspected for health, fire, and safety hazards.

*Adopted:* September 19, 2017



## **SUPERVISION OF STUDENTS**

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school and the school is responsible for them.

Supervision shall include being within the physical presence and, whenever possible, within a line of vision of the students so that school personnel will have a reasonable opportunity to control the behavior of and assist the students if necessary. Teachers shall exercise supervision as appropriate from the commencement of the school day, before classes begin, during class sessions, between classes, and at any other time when performing teaching or related duties on behalf of the school. Teachers shall not be required to perform the following noninstructional duties; noon hall duty, noon ground duty and noon cafeteria duty.

If it should be necessary in an emergency situation for a teacher to leave the physical presence of the students, then the teacher shall make a reasonable effort to obtain a school employee to supervise the students during the teacher's absence. In no case shall the teacher leave students unsupervised if there is a reasonable possibility that harm to students or property will result from the students being left unattended.

School administrators, teachers, and other staff members will ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

*Adopted:* September 19, 2017

LEGAL REF.:22-10A-20 NMSA (1978)

**STUDENT DISMISSAL PRECAUTIONS**

No student will be removed from the school grounds, from any school building, or from any school function during school hours except by a person authorized to do so by the student's parent or by a person who has legal custody of the student, except as provided in law. Before a student is removed, the person seeking to remove the student must present, to the satisfaction of the Superintendent, evidence of proper authority to remove the student. If any police or court official requests the dismissal of a student during school hours, parents should be notified as soon as possible.

*Adopted:* September 19, 2017

CROSS REF.: JIH - Student Interrogations, Searches, and Arrests

**REGULATION****REGULATION****STUDENT DISMISSAL PRECAUTIONS****(Student Release Requirements)**

At the time of school admission, the principal must complete the student's permanent record form, which will identify the student's legal name and the name, address, and telephone number of the student's lawful custodian(s).

Before releasing a student during the school day, the principal shall be responsible for the verification of the identity of any lawful custodian or any representative seeking release of a student.

If a lawful custodian, as indicated on the student's permanent record, is not recognized by sight, the principal shall require satisfactory identification before such release. If there is a doubt, release may not be granted.

In the case of a written or verbal authorization by a lawful custodian of record, the principal shall require satisfactory verification of the message as being from the lawful custodian of record. If there is a doubt, release may not be granted.

If an unauthorized person refuses to honor the decision of the principal, the principal shall call the local law enforcement authority.

If, in the granting of a release of a student, a change in the record of the student's lawful custodian(s) becomes apparent and is verified to the satisfaction of the principal, such change shall immediately be entered on the student's permanent record.

If any police or court official requests the release of a student during school hours, parents should be notified as soon as possible.

## **STUDENT AUTOMOBILE USE AND PARKING**

The Superintendent shall establish procedures for registration, parking, and use of motorized vehicles and for searches for and seizures of illegal material contained therein. In the establishment of such procedures the Superintendent will be guided by the following:

- Students will not bring any motorized vehicles on any campus in the District other than the high school campus.
- All students with provisional licenses or driver's licenses will register their vehicles.
- Registration stickers must be displayed on all student vehicles.

*Adopted:* September 19, 2017

LEGAL REF.:6.11.2.9 NMAC

**REGULATION****REGULATION****STUDENT AUTOMOBILE USE  
AND PARKING****Registration**

Students with provisional licenses or driver's licenses will register their vehicles if they intend to drive to school. The registration will require that the owner of the vehicle sign the forms and acknowledgments. Registration stickers will be affixed to the vehicles in a manner specified by the school administration. Students who fail to register their vehicles or who fail to follow school policy and procedures related to use of vehicles may be subject to discipline.

**Automobile Searches**

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reason to believe that illegal or unauthorized materials may be contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

**Seizure of Illegal Materials**

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

**EXHIBIT****EXHIBIT****STUDENT AUTOMOBILE USE  
AND PARKING****ACKNOWLEDGMENT CONCERNING USE OF  
STUDENT PARKING LOTS**

I acknowledge and understand that:

- Students with provisional licenses or driver's licenses are permitted to park on school premises as a matter of privilege, not of right.
- The District retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property.
- The District may inspect the interiors of student automobiles whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside the automobiles.
- Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.
- A student who fails to provide access to the interior of the car upon request by a school official will be subject to school disciplinary action.

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Signature of the Student

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Date

---

Signature of the Parent/Guardian

---

Date

---

Signature of the Vehicle Owner

---

Date

Vehicle license number: \_\_\_\_\_

Vehicle Insurance Information: \_\_\_\_\_

## New Mexico Provisional License

To be eligible for your New Mexico provisional driver's license, you must:

- Be at least 15 1/2 years old.
- Have completed 50 hours of behind-the-wheel practice, including 10 hours at night.
- Have held your instructional permit for at least 6 months.
- Have not received a conviction for a traffic violation within the last 90 days.

To apply, visit your local NM MVD office and provide:

- Your Driver's Ed certificate of completion (your Driver's Ed course must include the DWI component lasting 3 hours).
- A GDL driving log that shows you have completed the required driving practice.
- Pass the **MVD driving test**.
  - If you passed an MVD-approved driver's education course with a MVD road skills exam/driving test, you can provide a record of completion with passing scores.
- Pay the \$18 provisional license fee.

You must hold your provisional license for at least 12 months before getting your full, unrestricted driver's license.

**NOTE: Your parent or guardian must accompany you to sign the provisional license application.**

**\*DO NOT bring highlighted documents—the MVD will reject them.**

## Provisional License Restrictions

With a provisional driver's license in New Mexico, you must follow these restrictions:

- You may NOT transport more than 1 passenger under 21 years old, unless they are immediate family members.
- You may NOT operate your vehicle between the hours of 12 a.m. and 5 a.m.

These restrictions are waived if a licensed driver who is 21 years old or older accompanies you.

**NOTE:** The NM MVD allows exceptions to this rule in specific circumstances related to school, employment, family, medical needs, or religious functions. However, you are required to carry a letter from your school, employer, parent/guardian, doctor, or religious official.



### **STUDENT VOLUNTEERS FOR SCHOOL AND COMMUNITY SERVICE**

The Board encourages the utilization of student volunteers in the educational program (e.g., student librarians, student office helpers, etc.) and in useful community services. However, student volunteers must be capable of carrying out the additional load without endangering their academic achievement. Therefore, all student volunteers shall be expected to maintain their grades, attend all classes, and recognize that the activity to which they are volunteering their services is secondary to their primary goal of getting an education.

Teachers and members of the community are encouraged to check with a student's teacher and the principal before a student is sought for volunteer help, to make sure that the additional responsibility can be undertaken without endangering the student's academic achievement.

*Adopted:* September 19, 2017

## STUDENT DONATIONS AND GIFTS

Students shall be discouraged from collecting money, setting aside funds, or purchasing gifts for the school or for faculty members.

Gifts from groups of students to other student(s) shall be limited to small expressions of condolence, remembrance, or appreciation. Guidelines for such remembrances shall be established by the Superintendent.

Solicitations by or of students are to be governed by the following policies:

- Students shall not be solicited to purchase books or other merchandise, except for materials approved by the District for use in the classroom.
- Solicitations by students shall be limited to small contributions, i.e., expressions of condolence, remembrance, or appreciation. Guidelines for such solicitations shall be established by the Superintendent.
- No other solicitations shall be made by or of students during school hours or on school premises.

*Adopted:* September 19, 2017

## STUDENT FEES, FINES, AND CHARGES

### Fees

The Board recognizes the need for student fees to fund certain school activities that are not financed by local, state, or federal funds. It also recognizes that some students may not be able to pay these fees. No student will be denied an education as a result of inability to pay these supplementary charges.

The District may set appropriate fees for materials used by students in non-required courses. Such fees must have prior Board of Education approval.

Students will not be required to supply specific types of school supplies or equipment as a prerequisite to successful completion of a required course or project.

Activity fees charged can only be used to directly benefit students. When an activity fee is charged, a separate fee for cost of materials shall not be charged.

Each school site is asked to develop a contingency plan to provide for those students who are unable to pay and/or unable to pay in one full payment.

### Fines

Students will, however, be responsible and accountable for loss of or damage to school property, including textbooks and library books.

The Superintendent will establish procedures through which students may be held responsible and accountable for loss of or damage to school property, including textbooks and library books.

The District may withhold the grades, diploma and transcripts of the student responsible for damage or loss of instructional materials. An alternative program in lieu of payment may be pursued.

All rules and regulations of the State and New Mexico Public Education Department must be followed in receipting and expending monies of the District.

*Adopted:* September 19, 2017

LEGAL REF.:22-15-10B NMAC

CROSS REF.: EDBA - Maintenance and Control of Instructional Materials

## STUDENT RECORDS

Required student records (regular and special education) will be prepared in a manner consistent with the federal and state laws

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), and the No Child Left Behind Act of 2001 (NCLB) in the establishment, maintenance, correction, and disposition of student records.

The Board directs the Superintendent to establish procedures for such compliance, including informing parents, students, and the public of the contents. The Superintendent will implement procedures as required by law and will establish procedures for dealing with violations.

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605  
Telephone number: (202) 260-3887

In adopting this policy it is the intent of the Board that the policy and related procedures be implemented immediately. Copies of the policy and procedures will be available for parent and eligible student review in the office of each school and in the Superintendent's office.

### Confidentiality

The right to inspect and review education records and the release of or access to such records, other information, or instructional materials will be consistent with federal law in the Family Educational Rights and Privacy Act, Title 20, United States Code, sections 1232g and 1232h, the USA PATRIOT ACT, NCLB, and with federal regulations issued pursuant to such act.

### **Annual Notification**

Within the first three (3) weeks of each school year, the District will publish in a District communication a notice to parents and eligible students of their rights under the FERPA and this procedure. This notice will also be provided to each parent of new students enrolling after school begins [34 C.F.R. 99.7]. The District will arrange to provide translation of the notice to non-English-speaking parents in their native language or mode of communication [34 C.F.R. 300.9]. The notice shall inform the parents of:

- The right of the parent or an eligible student to inspect and review the student's education records.
- The intent of the District to limit the disclosure of personally identifiable information contained in a student's education records, including disciplinary records, except by the prior written consent of the parent or eligible student or under certain limited circumstances as permitted by the FERPA, the USA PATRIOT Act or the NCLB Act.
- The right of the parent or eligible student to seek to correct parts of the school education records that the student or the parent believes to be inaccurate, misleading, or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent's or eligible student's request.
- The right of the parent or eligible student to file a complaint with the U.S. Department of Education if they believe the District has violated the FERPA.

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this procedure [34 C.F.R. 99.7 and 300.613]. The notice shall also include:

- The procedure for exercising the right to inspect and review education records.
- The procedure for requesting amendments of education records that the parent or eligible student believe to be inaccurate, misleading or otherwise a violation of the student's privacy rights.
- The conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

*Adopted:* September 19, 2017

LEGAL REF.: 10 U.S.C. 503  
20 U.S.C. 1232  
20 U.S.C. 1400 *et seq.*

CROSS REF.: 20 U.S.C. 7908  
34 C.F.R. 300  
IHB - Special Instructional Programs  
JF - Student Admissions  
JFAB - Admission of Nonresident Students  
JRCA - Request for Transfer of Records

**REGULATION****STUDENT RECORDS**

This procedure is designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities in Education Act (IDEA). All personnel in the District are expected to fulfill the requirements of policy and the following procedures in order to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages [34 C.F.R. 300.612].

The Superintendent has the responsibility for ensuring the confidentiality of any personally identifiable information [34 C.F.R. 300.612].

All rights and protections given parents under the FERPA and this procedure transfer to the student upon reaching age eighteen (18) except where the student continues as a dependent under specified circumstances, or enrolling in a postsecondary school. The student then becomes an "eligible student" [34 C.F.R. 99.5 and 300.625].

**Definitions**

For the purpose of the procedure, the District has used the following definitions of terms:

- *Student* - Any person who attends or has attended a program of instruction sponsored by the District and for whom the District maintains education records.
- *Eligible student* - A student who has reached age eighteen (18) or is attending a postsecondary school.
- *Parent* - Either the natural parent of a student, unless the parent's rights under the FERPA have been removed by a court order, statute, or other legal document, or a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. The District may presume that the parent has the authority to inspect and review education records relating to his or her child unless the District has been advised that the parent does not have authority under applicable law.

- *Education records* - Any information directly related to a student recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm or microfiche, that is maintained by the District, an employee of the District, or any agent of the District except:



- Personal records kept by an employee of the District that meets the following tests:
  - It is used only as a personal memory aid.
  - It is kept in the personal possession of the individual who made it.
  - It is not accessible and has never been revealed to any other person except the employee's temporary substitute.
- Medical treatment records maintained for "eligible students."
- Records collected and maintained by a law enforcement unit of the school.
- Records containing only information about a person after that individual is no longer a student in the District.
- An employment record that is used only in relation to a student's employment by the District. (*Employment* for this purpose does not include activities for which a student receives a grade or credit in a course.)
- Related alumni records after the student no longer attends classes provided by the District, and the records do not relate to the person as a student.
- *Personally identifiable information* - Any data or information that makes the subject of a record known. This includes the student's name, the name(s) of the student's parent(s) or other family member(s), the student's address, the student's Social Security number, a student number, a list of personal characteristics, or other information that would make the student's identity easily traceable.
- *Signed and dated written consent* - May include a record and signature in electronic form that:
  - Identifies and authenticates a particular person as the source of the electronic consent.
  - Indicates such person's approval of the information contained in the electronic consent.

### **Locations of Education Records**

A list of types and locations of education records collected, maintained, or used will be provided to the parents on request [34 C.F.R. 300.616]. See Exhibit JR-EA.

### **Procedure to Inspect Education Records**

Parents of a student, the designated representative of the parents, and an eligible student may inspect and review the student's education records that are collected, maintained, or used by the District [34 C.F.R. 300.501]. In some circumstances it may be mutually more convenient for the record custodian to provide copies of records. Charges for the copies of records will be costs of copying unless the fee would effectively prevent the parent from exercising rights to inspect and review those records [34 C.F.R. 300.613 and 300.617].

Since a student's records may be maintained in several locations, the school principal will offer to collect copies of records or the records themselves from locations other than a student's school so they may be inspected at one (1) site. However, if parents and eligible students wish to inspect records where they are maintained, the school's principal will make every effort to accommodate their wishes.

Parents, the designated representative of the parents, or the eligible student should submit to the student's school principal a signed and dated written request that identifies as precisely as possible the record or records wanted for inspection. The District will respond to any request without unnecessary delay before any meeting regarding any individual education program or hearing relating to the identification, evaluation, placement of a student, or the provision of a free appropriate public education, and in no case more than forty-five (45) days after the request has been made [34 C.F.R. 300.613 and 99.10]. See Exhibit JR-ED.

The principal, or other education records custodian, will contact the parent of the student or the eligible student to discuss how access will be best arranged (e.g., copies, at the exact location, or records brought to a single site).

Parents have the right, upon reasonable request, for explanations and interpretations of the information contained in the records and a right to request copies of the records containing the information, if not in violation of stated policy of FERPA. Parents have the right to have a representative of the parent to inspect and review the records [34 C.F.R. 300.613 and 99.10].

The principal, or other education records custodian, will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in forty-five days or less after receipt of the request for access [34 C.F.R. 300.613].

If for any valid reason, such as working hours, distance between record location sites, or health, the parent or eligible student cannot personally inspect and review a student's education records, the District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records [34 C.F.R. 300.613 and 99.10].

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students [34 C.F.R. 300.615, 99.5 and 99.12].

### **Fees for Copies of Records**

All records subject to disclosure under this procedure shall be available for inspection free of charge. If copies are desired, they shall be furnished by the District to the parent or eligible student on request and free of charge. Additional copies may be sent to other schools or agencies without charge. However, the District reserves the right to charge up to thirty-five cents (35¢) per page for multiple or excessive requests. Copies of available records shall be produced as promptly as possible upon receipt of the request. No fee will be charged for search and retrieval of records [34 C.F.R. 300.617 and 99.11].

The District will provide copies of records:

- When the refusal to provide copies effectively denies access to the records by the parent or eligible student [34 C.F.R. 300.617].
- At the request of the parent or eligible student, when the District has provided the records to third parties by the prior consent of the parent or eligible student.
- At the request of the parent or eligible student when the District has forwarded the records to another school where the student seeks or intends to enroll.

### **Directory Information**

The District designates the following personally identifiable information contained in a student's education records as "directory information" and may disclose that information without prior written consent [1232g(a)(5)(A)]:

- The student's name.
- The student's address.
- The student's telephone listing.
- The student's date and place of birth.
- The student's electronic mail address.
- The student's photograph.

- The student's grade level.
- The student's major field of study.
- The student's dates of attendance.
- The student's enrollment status (e.g., part time or full time).
- The student's participation in officially recognized activities and sports.
- The student's weight and height if a member of an athletic team.
- The student's honors and awards received.
- The student's most recently attended educational agency or institution.

Within the first three (3) weeks of each school year the District will publish in a District communication or send home with each student the above list, or a revised list, of the items of directory information designated as directory information. For a student who enrolls after the notice is published, the list will be given to the parent or eligible student at the time and place of enrollment. See Exhibit JR-EB.

After the parents or eligible student have been notified, they will have two (2) weeks to advise the District in writing (a letter to the Superintendent's office) of any or all of the items they refuse to permit the District to designate as directory information about that student.

According to state and federal law if the Board permits the release of directory information relating to students to persons or organizations who inform students of educational or occupational opportunities, then the Board shall provide access to directory information on the same basis to military official recruiting representatives for the purpose of informing students of educational and occupational opportunities available to them, unless the parent or eligible student requests in writing to the District (a letter to the Superintendent's office within two [2] weeks after notification) not to release directory information to any person or organization without prior signed and dated written consent. If the parent or eligible student refuses to allow the release of directory information without prior signed and dated written consent, then the District will not provide military recruiters, upon request, directory information containing the student's name, addresses and telephone listings.

At the end of the two-week period, if the parent or eligible student has not returned the form indicating refusal to allow the release of directory information, the District will assume it has their permission to release the above-mentioned information. This designation will remain in effect until it is modified by the prior signed and dated written direction of the parent or eligible student. The student's records will be appropriately

marked by the records custodian to ensure compliance with the parents' or eligible student's request.

### **Use of Student Education Records**

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The District will use the following criteria to determine who school officials [34 C.F.R. 99.31] are:

- A person duly elected to the Board (under limited circumstances).
- A person licensed by the state and appointed by the Board to an administrative or supervisory position.
- A person licensed by the state and under contract to the Board as an instructor.
- A person employed by the Board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of such performance as a substitute.
- A person employed by or under contract to the Board to perform a special task, such as a secretary, a clerk, the Board attorney, or auditor, for the period of such performance as an employee or contractor.

School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so [34 C.F.R. 99.32]. A "legitimate educational interest" is the person's need to know in order to:

- Perform an administrative task required in the school employee's position description approved by the Board.
- Perform a supervisory or instructional task directly related to the student's education.
- Perform a service or benefit for the student or the student's family, such as health care, counseling, student job placement, or student financial aid.

Records of students placed in special educational programs will be under the direct supervision of the program administration. All persons collecting or using personally identifiable information in records of students determined to be a student with a disability will receive training or instruction regarding New Mexico's policies and procedures for the protection of these records at the collection, storage, disclosure, and destruction stages in accordance with FERPA and IDEA [34 C.F.R. 300.623].

The District will maintain for public inspection a current listing of the names and positions of employees who have access to personally identifiable information maintained on students placed in special education [34 C.F.R. 300.623]. When the information maintained in these records is no longer needed to provide educational services to the student, the District will notify the parents of their right to have the personally identifiable information destroyed [34 C.F.R. 300.624]. However a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed will be maintained [34 C.F.R. 300.624]. Destruction of records will be accomplished in accordance with the requirements of New Mexico law and regulations of the New Mexico Commission of Public Records. [34 C.F.R. 300.623]

The District will release information from or permit access to a student's education records only with a parent's or eligible student's prior signed and dated written consent, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure [34 C.F.R. 99.30, 99.31, 99.34, and 99.37]:

- When a student seeks or intends to enroll in another school district or a postsecondary school, the District will not further notify parents or eligible students prior to such a transfer of records. Parents and student have a right to obtain copies of records transferred under this provision. See Exhibit JR-EC.
- When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District.
- To parties who provide or may provide financial aid to a student to:
  - Establish the student's eligibility for the aid.
  - Determine the amount of financial aid.
  - Establish the conditions for the receipt of the financial aid.
  - Enforce the agreement between the provider and the receiver of financial aid.
- If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials.
- If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials of the juvenile justice system and the officials certify in writing that the information will not be disclosed to any other party,

except as provided under state law, without prior signed and dated written consent of the parent or the eligible student.

- When the District has entered into a written agreement or contract for an organization to conduct studies on the District's behalf to develop tests, administer student aid, or improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of an eligible student if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954.
- To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction.
- To comply with an *ex parte* order from a court of competent jurisdiction requiring the District to permit the U.S. Attorney General or U.S. Attorney General's designee to collect education records in the possession of the District that are relevant to an authorized investigation or prosecution of an offense listed in 18 U.S.C. 2332b(g)(5)(B) for an act of domestic or international terrorism as defined in 18 U.S.C. 2331. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to the adverse party. A disclosure pursuant to an *ex parte* order will not be recorded as a disclosure of information from a student's education records by the District.
- If the District initiates legal action against a parent or student, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action.
- If a parent or eligible student initiates legal action against the District, the District may, without a court order or subpoena, disclose the student's education records that are relevant for the District to defend itself.
- To comply with the request of authorized law enforcement officials conducting an investigation of acts of terrorism.
- The disclosure is in connection with a health or safety emergency. Time is an important and limiting factor in determining whether the disclosure is in connection with a health or safety emergency. The District will permit any school official to make the needed disclosure from student education records in a health or safety emergency if:



- The official deems the disclosure is warranted by the seriousness of the threat to the health or safety of the student or other persons.
  - The information is necessary and needed to address the emergency.
  - The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.
- The District may release student attendance, disciplinary, and other education records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement between the District, the law enforcement agency, the county attorney, and other state, local, or tribal government agencies to create a local or tribal juvenile justice network for the purpose of:
    - providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.
    - providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
    - Increasing the safety and security of the community and its children by reducing juvenile crime.
  - Education records provided pursuant to an intergovernmental agreement entered into in accord with the above provisions shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

A District school official may release information from a student's education records, other than directory information, to a third party if the parent or the eligible student gives prior signed and dated written consent for the disclosure and the third party agrees that the information will not be disclosed to any other party without the prior consent of the parent or eligible student. The signed and dated written consent must include at least:

- A specification of the records to be released.
- The reasons for the disclosure.
- The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
- The signature of the parent or eligible student.



- The date of the consent and, if appropriate, a date when the consent is to be terminated.

The parent or the eligible student may obtain a copy of any records disclosed under this provision, unless otherwise provided.

### **Records of Requests for Access and Disclosures Made from Education Records**

The District will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records, and of information it discloses and access it permits, with some exceptions as listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs [34 C.F.R. 99.32]. See Exhibit JR-EE

The record will include at least:

- The name of the person, organization or agency that made the request.
- The interest the person, organization or agency had in the information.
- The date the person, organization or agency made the request.
- Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education records. The record will not include requests for access or access granted to:

- the parent or eligible student,
- authorized law enforcement officials conducting an investigation of acts of terrorism,
- school officials who have a legitimate educational interest in the student,
- requests for or disclosures of information contained in the student's education records if the request is accompanied by or authorized by the prior signed and dated written consent of the parent or eligible student, or
- for requests for or disclosures of directory information designated for that student.

## Procedures to Seek to Correct Education Records

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights [34 C.F.R. 300.618 and 99.20]. (Note: Under the FERPA, the District may decline to consider a request to change the grade a teacher assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term *incorrect* will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term *correct* will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term *requester* will be used to describe the parent of a student or the eligible student who is asking the District to correct a record.

To establish an orderly process to review and correct education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure [34 C.F.R. 300.618 and 99.20].

**First-level decision.** A parent of a student or an eligible student who finds an item in the student's education records that appears to be inaccurate, misleading, or in violation of student rights should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:

- Provide the requester a copy of the questioned record at no cost.
- Ask the requester to initiate a written request for the change.
- Follow the procedure for a second-level decision.

**Second-level decision.** The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item thought to be incorrect and state whether the requester believes the item:

- Is inaccurate and why,
- Is misleading and why, or
- Violates student rights and why.

The request will be dated and signed by the requester.

Within two (2) weeks after receiving a written request, the record custodian will study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, a decision is reached that the record should be corrected, the record custodian will affect the change and notify the requester, in writing, of that action. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the record is in order and the correction is satisfactory.

If a decision is reached that the record is correct, the custodian will make a written summary of any discussions with other officials and of the findings in the matter. This summary and a copy of the written request will be transmitted to the Superintendent.

**Third-level decision.** The Superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the Board (in executive session unless otherwise requested by parent[s]). The Superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two (2) weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, the record custodian will be advised to make the changes. The record custodian will advise the requester of the change.

If the Superintendent decides the record is correct, a letter to the requester will be prepared that will include [34 C.F.R. 300.619 and 99.20]:

- The District's decision that the record is correct and the basis for the decision.
- A notice to the requester explaining the requester's right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such hearing.
- Instructions for the requester to contact the Superintendent to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. (The District will not be bound by the requester's positions on these items but will, as far as possible, arrange the hearing as the requester wishes.)

- Advice that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.

***Fourth-level decision.*** After the requester has submitted (orally or in writing) any wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within one (1) week, notify the requester when and where the District will hold the hearing and whom it has designated as the hearing officer [34 C.F.R. 300.621, 99.21, 99.22, and 99.34].

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records is incorrect as shown in the requester's written request for a change in the record (second level).

Within one (1) week after the hearing, the hearing officer will submit to the Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the record should be changed or should remain unchanged.

The Superintendent will prepare the District's decision within two (2) weeks after the hearing. That decision will be based on the summary of the evidence presented at the hearing and on the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if the hearing officer's recommendation is deemed inconsistent with the evidence presented. As a result of the District's decision, the Superintendent will take one (1) of the following actions:

- If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second-level decision [34 C.F.R. 300.620 and 99.21].
- If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include [34 C.F.R. 300.620 and 99.21]:
  - The District's decision that the record is correct and will not be changed.
  - A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision.
  - Advice to the requester that an explanatory statement may be placed in the student's education records stating the reasons for disagreement

with the District's decision and/or the reasons for believing the record to be incorrect.

***Final administrative step in the procedure.*** When the District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed the explanatory statement will also be disclosed [34 C.F.R. 300.620 and 99.21].

### **Annual Notification to Parents Regarding Confidentiality of Student Education Records**

[34 C.F.R. 300.612]

Dear Parent:

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. The Board has established written policies regarding the collection, storage, retrieval, release, use, and transfer of student educational information collected and maintained pertinent to the education of all students to ensure the confidentiality of the information and to guarantee parents' and students' rights to privacy. These policies and procedures are in compliance with:

The Family Education Rights and Privacy Act; Title 20, United States Code, Sections 1232g and 1232h; and the Federal Regulations (34 C.F.R., Part 99) issued pursuant to such act;

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT);

No Child Left Behind Act of 2001 (NCLB); and

The Individuals with Disabilities in Education Act; 20 U.S.C. Chapter 33; and the Federal Regulations (34 C.F.R. Part 300).

Student education records are collected and maintained to help in the instruction, guidance, and educational progress of the student, to provide information to parents and staff members, to provide a basis for the evaluation and improvement of school programs, and for legitimate educational research. The students' records maintained by the District may include - but are not necessarily limited to, identifying data, report cards and transcripts of academic work completed, standardized achievement test scores, attendance data, reports of psychological testing, health data, teacher or counselor observations, and verified reports of serious or recurrent behavior patterns.

These records are maintained in the office of the District under the supervision of the school administrator and are available only to the teachers and staff members working with the student. Upon request, the School discloses education records, including disciplinary records without consent to officials of another school district in which a student seeks or intends to enroll. Otherwise, records are not released to most agencies, persons or organizations without prior signed and dated written consent of the parent [34 C.F.R. 99.7]. The signed and dated written consent may be in electronic form under certain conditions [34 C.F.R.99.30].

You shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be maintained for two (2) years after the date your child was last enrolled in this school district.

You have the right to inspect and review any and all records related to your child within forty-five (45) days of the day of receiving a request for access, including a listing of persons or organizations who have reviewed or have received copies of the information [34 C.F.R. 99.7]. Parents who wish to review their children's records should contact the principal for an appointment or submit to the principal a written request that identifies the record(s) you wish to inspect. School personnel will make arrangements for access and notify you of the time and place where the records may be inspected. School personnel will be available to explain the contents of the records to you. Copies of student education records will be made available to parents when it is not practicable for you to inspect and review the records at the school. Charges for the copies of records will be costs of copying unless the fee prevents the parent from exercising rights to inspect and review those records.

You have the right to request that an amendment be made to the student's education records and to add comments of your own if you believe information in the record file is inaccurate or misleading [34 C.F.R. 99.7(a)(1)]. You should write the principal, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by you, the School will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.

You have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an

attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Copies of the District student education records confidentiality policies and procedures may be reviewed in the assigned office in each school [34 C.F.R. 99.7]. You have the right to file a complaint with the Family Educational Rights and Privacy Act Office in Washington, D.C., concerning alleged failures by the School to comply with the requirements of FERPA [34 C.F.R. 99.7]. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605**

**EXHIBIT****EXHIBIT****STUDENT RECORDS****(Locations of Education Records)**

<b>Types</b>	<b>Location</b>	<b>Custodian</b>
Cumulative school records	School site	Principal
Cumulative school records (former students)	School site	Principal
Health records	School site	Principal
Speech therapy records	Student services office	Special education director
Psychological records	Student services office	Psychologist
Special test records	School site	Principal/counselor/ psychologist
School transportation records	Transportation	Principal/transportation director
Occasional records: education records not identified above, such as those in the Superintendent's office, in the school attorney's office, or in the personal possession of teachers (examples: discipline records, Honor awards)	The principal will collect and make available at the student's school	



**EXHIBIT****EXHIBIT****STUDENT RECORDS****DESIGNATION OF DIRECTORY INFORMATION**

During the school year, District staff members may compile nonconfidential student directory information specified below.

According to state and federal law the below-designated directory information may be publicly released to educational, occupational or military recruiting representatives without your permission. If the Board permits the release of the below-designated directory information to persons or organizations who inform students of educational or occupational opportunities, by law the District is required to provide the same access on the same basis to official military recruiting representatives for the purpose of informing students of educational and occupational opportunities available to them, unless you request in writing that the school not to release the student's information without your prior signed and dated written consent. *If you do not object to the release of any and all of the below-designated information in writing, then the District must provide military recruiters, upon request, directory information containing the student's names, addresses and telephone listings.*

If you *do not* want any or all of the below-designated information about your son/daughter to be released to any person or organization without your prior signed and dated written consent, you must notify the District in writing by checking off any or all of the rejected information, signing the form at the bottom of this page, and returning it to the Principal, within two (2) weeks of receiving this form. If the School District does not receive this notification from you within the prescribed time, *it will be assumed that your permission is given* to release your son's/daughter's designated directory information.

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TO: Principal

I *do not* want **any or all** the information I have checked below concerning (student's name) \_\_\_\_\_ designated as directory information and released to any person or organization without my prior signed and dated written consent:

- |   |  |
|---|--|
| <input type="checkbox"/> Name   | <input type="checkbox"/> Address                 |
| <input type="checkbox"/> Telephone listing  | <input type="checkbox"/> Electronic mail address |
| <input type="checkbox"/> Date and place of birth                                      | <input type="checkbox"/> Photograph              |
| <input type="checkbox"/> Dates of attendance  | <input type="checkbox"/> Grade level             |
| <input type="checkbox"/> Honors and awards received                                   | <input type="checkbox"/> Major field of study    |
| <input type="checkbox"/> Enrollment status (e.g., part time or full time)             |  |
| <input type="checkbox"/> Participation in officially recognized activities and sports |  |
| <input type="checkbox"/> Weight and height of members of athletic teams               |  |
| <input type="checkbox"/> Most recent educational agency or institution attended       |  |

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(Parent/guardian signature)

(Date)

**EXHIBIT****EXHIBIT**

**STUDENT RECORDS**  
**(Notification to New School of Attendance**  
**of Records Available at Previous**  
**School of Attendance)**

Dear Principal,

\_\_\_\_\_ has been attending District school(s) at  
\_\_\_\_\_, New Mexico. Records available at our school contain

information that should be helpful to your staff in developing an educational program. Our student education records policy permits forwarding copies of records to schools in which the student intends to enroll upon a formal request to receive them.

To expedite the transfer of the information, please review the enclosed Request for Student Education Records and check the records for which you are requesting a copy.

Return this form and the enclosed Request for Student Education Records to:

\_\_\_\_\_  
Records Custodian

\_\_\_\_\_  
School District Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

Enclosed: Request for Student Education Records

*Purpose:* ☐ Need assistance in understanding complex behavior and needs  
☐ Need verification that the student has a disability

**EXHIBIT****EXHIBIT****STUDENT RECORDS****(Request for Student Education Records)***Copy to  
student file*\_\_\_\_\_  
Name of Agency\_\_\_\_\_  
Address*Requester*\_\_\_\_\_  
Name of Authorized Person\_\_\_\_\_  
Phone*Requested  
From*\_\_\_\_\_  
Name of Agency\_\_\_\_\_  
Address*Student*\_\_\_\_\_  
Student Name\_\_\_\_\_  
Address\_\_\_\_\_  
Parent Name\_\_\_\_\_  
Address\_\_\_\_\_  
Previous School\_\_\_\_\_  
Address\_\_\_\_\_  
Dates Attended☐ No information available about previous school program☐ Need information to help prepare an educational program for the student*Request* ☐ Need evaluation information for

Other: \_\_\_\_\_

immediate special education  
placement☐



*Type of information requested*

Permanent record data: General cumulative data: ☐ Health data: ☐

Specialized student data: ☐

Special education ☐ placement records:

Suspension and/or ☐ expulsion records:

Basic identifying data, attendance data, and academic data

General administrative data and results of group tests

General medical data and reports

Individualized evaluation records and specialized reports (including reports from outside agencies)

All records of placement if special education

All records of suspension and/or expulsion

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*Assurance Statement and signatures*

In making this request, the undersigned agrees that the information received will be used only by the professional school staff members who are assigned to work with the student in the educational program and will not be released to any other party without the prior written consent of the parent.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Requested

*Parental Consent*

I, \_\_\_\_\_, as the parent of \_\_\_\_\_ Consent to the release of records listed above to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if so I request.

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Date

**EXHIBIT****EXHIBIT****STUDENT RECORDS****RECORD OF ACCESS****(To be Placed Inside the Student's Record File.)**

Requester (Name or Agency)	Date of Request	Date Request Filled	Records Requested	Method of Access (C- copy, E-examine, V-Verbal)	Educational Interest or Purpose	Date Parents Notified

**EXHIBIT****EXHIBIT****STUDENT RECORDS****DESTRUCTION OF INFORMATION**

Date \_\_\_\_\_

Dear \_\_\_\_\_ (parent or guardian) \_\_\_\_\_,

This is to advise you that District schools may destroy special education data and other information on a student who has been in a special education program whenever the student has been withdrawn, transferred, or graduated from the District for at least five (5) years or when the information is no longer needed to provide education services to

\_\_\_\_\_  
(Student's name)

However, information contained in these records may be needed for other purposes, such as documentation for eligibility for Social Security benefits.

Before these records are destroyed, you have the right to review the records and obtain copies of any information. Please indicate your desire below and return this form to the School District before \_\_\_\_\_.

(Date)

Sincerely,

\_\_\_\_\_  
Signature and Title of District OfficialI ☐ **Do** ☐ **Do Not** wish to review the records of \_\_\_\_\_\_\_\_\_\_  
Parent's or Guardian's Signature\_\_\_\_\_  
Date

**If you do not complete and return this form within 90 days, records will be destroyed in accordance with established policy.**

LEGAL REF.: 20 U.S.C. 1232(f)(a)  
34 C.F.R. 80.42

**EXHIBIT****EXHIBIT****STUDENT RECORDS****(Transcript Release)***Request  
for*\_\_\_\_\_  
Student Name\_\_\_\_\_  
Identification Number\_\_\_\_\_  
Class/year**Transcripts may be released to those indicated below***Check  
Those  
That  
Apply*☐ Postsecondary Institutions☐ United States Armed Forces☐ State Militia (National Guard)☐ Other: \_\_\_\_\_*Assurance  
statement  
and  
signatures*

In making this request, the undersigned agrees that a transcript requested by a party meeting the description indicated above may be transmitted upon such party's request without further authorization. *The student and parent must sign this request if the student is under 18 years of age. Only the student needs to sign if over 18 years of age.*

\_\_\_\_\_  
Date Requested*Student*\_\_\_\_\_  
Print Name\_\_\_\_\_  
Authorized Signature and Date

I, \_\_\_\_\_, as the parent of \_\_\_\_\_.  
(Parent Name) (Student's Name)

*Parental  
Consent  
Statement*

consent to the release of transcripts to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if I so request.

*Parent**Authorization*\_\_\_\_\_  
Print Name\_\_\_\_\_  
Authorized Signature and Date



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<i>Purpose for request</i>	<input type="checkbox"/> Need assistance in understanding complex behavior and needs	<input type="checkbox"/> Need verification that the student has a disability
	<input type="checkbox"/> Need evaluation information for immediate special education placement	<input type="checkbox"/> Other: _____

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<i>Type of Information Requested</i>	Permanent record data:	<input type="checkbox"/> Basic identifying data, attendance data, and academic data
	General cumulative data:	<input type="checkbox"/> General administrative data and results of group tests
	Health data:	<input type="checkbox"/> General medical data and reports
	Specialized student data:	<input type="checkbox"/> Individualized evaluation records and specialized reports (including reports from outside agencies)
	Specialized education placement records:	<input type="checkbox"/> All records of placement if special education <input type="checkbox"/> All records of suspension and/or expulsion

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<i>Assurance statement and signatures</i>	In making this request, the undersigned agrees that the information received will be used only by the professional school staff members who are assigned to work with the student in the educational program and will not be released to any other party without the prior written consent of the parent.
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\_\_\_\_\_  
Date Requested

\_\_\_\_\_  
Authorized Signature

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<i>Parental Consent</i>	I, _____ as the parent of _____, consent to the release of records listed above to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if I so request.
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\_\_\_\_\_  
Date Requested

\_\_\_\_\_  
Authorized Signature

**REQUEST FOR TRANSFER OF RECORDS**

The Superintendent shall develop procedures that comply with federal and New Mexico law related to the request for, and the response to such request for, records of students who transfer into or out of the schools of the District from or to another school.

*Adopted:* September 19, 2017

LEGAL REF.:20 U.S.C. 1232

**REGULATION****REGULATION****REQUEST FOR TRANSFER OF RECORDS****Requesting Records of Transfer Students**

Upon enrollment of a transfer student from a private school or from a public school in another district, the principal shall request that the student's parent or guardian (or an emancipated student) authorize consent for the request for the student's education records on form JR-ED.

Within five (5) school days after enrolling a transfer student from a private school or from a public school in another district, the principal shall request, directly from the student's previous school, a certified copy of the student's record.

**Responding to Requests for Student Records**

Upon receiving a request for the records of a student who has withdrawn from school, the principal shall comply and forward the record within five (5) days after receipt of the request, unless the request does not conform to the requirements related to proper release of records by an emancipated student or parent.

**STUDENT PHOTOGRAPHS**

The Superintendent shall establish procedures for selection of school photographers and collection of funds for school pictures.

In any circumstance where an agreement or arrangement for school photography requires prepayment by students prior to the receipt of services and products, the photography company shall provide a copy of a current commercial performance bond in an amount not less than the total projected receipts to be collected from students.

*Adopted:* September 19, 2017