

Tularosa Municipal Schools
Board Policy Manual
Section IV

STUDENT PERSONNEL

4.1. ADMISSION AND ENROLLMENT

A. ENROLLMENT

1. Enrollment districts for students are established as follows:

East -- An irregular line running north and south and coinciding with the recognized boundaries of the Mescalero Apache Reservation.

West -- Otero County line

North -- Otero County line

South -- School District #47 line

2. Transportation shall be provided in the above enrollment districts by bus routes established with the approval of the school transportation division of the State Department of Education, such bus routes being subject to regulations as established by this division.
3. Students living in one enrollment area may be permitted to attend school in another enrollment area so long as parents provide any transportation made necessary by such enrollment.

B. ADMISSION REQUIREMENTS

1. Proof of Age

For a student entering a school program in which the laws of New Mexico specify an eligibility age, the student's parents or legal guardians must furnish an acceptable proof of age. The birth certificate shall be presented to the enrolling authorities for examination upon initial enrollment in school.

2. Early Childhood

According to the Code of Federal Regulation, 619, a student who turns three years of age before or during the year of enrollment and is developmentally disabled is eligible to be enrolled.

3. Kindergarten

To be eligible the student must have attained the fifth birthday prior to 12:01 a.m. September 1 of the year of enrollment.

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4. First Grade

The student must have attained the sixth birthday prior to 12:01 a.m., September 1, of the year of enrollment to be admitted to the first grade.

Exceptions are:

- a. If the child is five years old and has completed a full year of kindergarten in an accredited program in another state and has been promoted to first grade; or
- b. If the child is five years old and comes to the district from another state having attended first grade in an accredited school.

5. Special Education

The school district provides “special education” services additional to, supplementary with, or different from those provided in the regular school program by a systematic modification and adoption of instructional techniques, materials, and equipment to meet the needs of exceptional children. No student shall be enrolled in Special Education who has attained the age of 21 prior to the beginning of that school year or after completion of a planned program.

6. Transfer and new students will be required to complete a questionnaire regarding their disciplinary history at their prior school(s) before enrolling at Tularosa. The district may deny enrollment or re-enrollment to a student who has been expelled from any school district or private school in this state or any other state during the preceding twelve months; or for a student’s behavior in another school district or private school in this state or any other state during the preceding twelve months that is detrimental to the welfare or safety of other students or school personnel. In the event that enrollment in required core classes reaches State limitations, out-of-district students will be placed on a waiting list. (Reference Open Enrollment Policy and NMSA 22-1-4)

7. All new enrollees must have a birth certificate (or copy), proof of residency within the Tularosa School District (utility bill with name and address, lease agreement, etc.) or transfer permission (both district's permission when attending school in one district and residing in another), proof of current immunizations required by the State of New Mexico, withdrawal papers from the previous school attended, an unofficial transcript, parent conference with administrator if enrolling any time other than fall registration, and Social Security number. Transfer student must have proof of legal guardianship when residing with someone other than parents.

C. OPEN ENROLLMENT

The Board of Education adopts this policy pursuant to the terms of SB 64 of the 1998 NM Legislature, also known as the Open Enrollment Act, amending N.M.Stat. Ann. 22-1-4:

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1. Students shall be enrolled or re-enrolled in each district school according to the following priorities:
 - a. First, persons residing within the attendance area of the school;
 - b. Second, persons who previously attended the school; and
 - c. Third, all other applicants for enrollment at the school.
2. Transportation shall be provided by the district for transportation-eligible students residing within the attendance area of the school they attend. Transportation of students residing outside the attendance area of the school they attend shall be the responsibility of the parent/guardian or student.
3. The Superintendent shall determine maximum allowable class size in the district by administrative regulation.
 - a. So long as the maximum allowable class size established by the Superintendent or as permitted by law is not exceeded by the enrollment of first-priority students (those residing in the attendance area) the school shall continue to enroll students on the basis of the priorities established in this policy.
 - b. If the maximum allowable class size would be exceeded by enrollment of an applicant in the second or third priority category, the school shall deny such student enrollment.
 - c. Each school shall establish a waiting list of second and third party students who are seeking enrollment in the school and enter the names of such students on the list in the order in which each student sought enrollment.
 - d. As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

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This section is intended to provide compliance with New Mexico State Laws and New Mexico Administrative Code and the McKinney-Vento Homeless Education Assistance Improvements Act of 2001.

A. Definitions

1. For the purpose of this policy, the term “homeless student” means individuals who lack a fixed, regular, and adequate nighttime residence and includes:
 - a. 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 accommodation, are living in emergency or transitional shelters; are abandoned in hospital, or are awaiting foster care placement;
 - b. 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;
 - c. students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - d. migratory students who qualify as homeless because the children are living in circumstances described above.

2. School of Origin The school of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled.

3. Unaccompanied Youth An unaccompanied youth includes a youth not in the physical custody of a parent or guardian.

B. Liaison for Homeless Students

The Director of Special Programs shall serve as liaison for homeless students. The liaison will 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 or origin for the duration of homelessness in the following situation:

1. In any case in which a family becomes homeless between academic years or during an academic year; or
2. for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
3. assist in enrolling 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.

C. Enrollment of Homeless Students

The following guidelines shall be used when enrolling homeless students:

1. The district in which the student is currently domiciled shall admit the 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.

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- 2☐ The school shall immediately contact the school last attended by the student to obtain relevant academic and other records.
- 3☐ If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent/guardian or unaccompanied student to the liaison who shall assist in obtaining necessary immunizations or immunization or medical records.

D. Disputes with Enrollment

When enrolling a homeless student, the parents/guardians 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. Should a dispute arise over the enrollment, the dispute may be mediated in the following manner:

- 1. Provide the parent/guardian or unaccompanied student with written explanation of the school's decision regarding the enrollment and inform the parent/guardian or unaccompanied student of the right to appeal the decision if so desired.
- 2. The Principal of the school in which the student enrolled shall forward the Admission of Homeless Students Complaint Form to the District Liaison. The liaison shall determine if the decision not to enroll or if disenrollment of the student is appropriate.
- 3.☐ If the decision is contrary to the homeless parent or child and the party involved wishes to appeal, the information regarding the decision shall be provided to the Public Education

Department State Coordinator for Education of Homeless Children and Youths and shall include the following information:

- 1. School name, address, phone, and fax number;
- 2. Student's name, ID number, grade, and address;
- 3. Parent/guardian or complaining party's name, relationship to student, address, and phone number;
- 4. Whether the student lives in a shelter;
- 5. Whether school enrolled in is the school of origin;
- 6. Reason for complaint;
- 7. Signature of parent/guardian or complaining party; and
- 8. The Principal's actions on the complaint.

The party appealing the decision will be provided with the contact information for the PED Coordinator for Education of Homeless Children and Youths:

McKinney-Vento Homeless Education Program Coordinator
New Mexico Public Education Department School and Family Support Bureau Workforce Training Center
5600 Eagle Rock Ave, N.E., Rm. 201
Albuquerque, NM 87113

Telephone: (505) 222-4743

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4.2. ATTENDANCE & DISMISSAL

Compulsory attendance of students as prescribed by New Mexico law shall be strictly observed in the Tularosa Municipal Schools. Regular attendance is of the utmost importance in providing our students with the best education opportunities possible and for the teaching of the skills of responsibility and reliability, which are so necessary for success in all areas of today's world.

A. ATTENDANCE POLICY

1. All students shall be expected to attend school as many days as school is in session in accordance with the Compulsory Attendance Laws as found in the New Mexico Statutes Annotated 22-12-2, 22-12-7 NMSA 1978, and 6.10.8 NMAC, and in accordance with Tribal Law.
2. All qualified students in the school district, except those exempt by law, regulations or rules, must enroll in school and are required to attend school full-time, in accordance with New Mexico Statute Annotated 22-12-2, 22-12-7 NMSA 1978, and 6.10.8 NMAC, and Tribal Law. A qualified student is a public school student who:
 - a. meets the minimum age of attendance as established by laws, regulations, or rules by the State of New Mexico;
 - b. has not graduated from high school; and
 - c. Is regularly enrolled in a program approved under State Standards.

B. DEFINITIONS (6.10.8 NMAC)

1. "Attendance" mean students who are in class or in a school-approved activity. If a student is in attendance up to one half the total instructional times during a school day, the student will be counted as having attended one-half of a school day. If the student attends school for more than one-half of the total instructional time, the student will be counted as having attended for the full day.
2. "Early identification" means the process by which school districts promptly determine and identify students who have excessive absences and tardiness from classes or school. Early identification includes the school district's defined system for recording, reporting, and summarizing daily attendance of its students and then providing that data to the district's central administration.
3. "Habitual truant" means a student who has accumulated the equivalent of ten or more unexcused absences within a school year.

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4. “Intervention” means the partnering that schools engage in with other state agencies to implement administrative remedies, provide services and
5. Provide support programs that aggressively reduce if not eliminate truancy in a school district.
6. “Prevention” means school-based innovative or proven successful programs; including alternative programs whether school-based or non-school based that encourage regular and on-time attendance for students.
7. “Tribe” means an Indian nation, tribe or pueblo located within New Mexico.
8. “Truancy” means the unexcused absence of a student from school or class that results in the student being deemed truant.
9. “A student in need of early intervention” means a student who has accumulated five unexcused absences within any twenty-day period.
10. “Unexcused absence” means an absence from school or a class for which the student does not have an allowable excuse pursuant to the compulsory school attendance law or rules of the local school board.

C. REQUIREMENTS (6.10.8 NMAC)

1. The Tularosa Municipal School Board Policy:
 - a. requires class attendance to be taken and maintained by class period for every instructional day for each student in each school or school program in the school district;
 - b. prohibits out-of-school suspension and expulsion as a punishment for truancy;
 - c. provides for early identification of students with unexcused absences, truants and habitual truants; provides for intervention that focuses on keeping truants in an educational setting; and further provides that:
 1. if a student is has an unexcused absence, the school shall contact the student’s parent(s)/guardian(s) to inform them that the student has an unexcused absence and to discuss possible interventions;
 2. a representative of the school shall meet with the student and his or her parent (s)/guardian(s) to identify the causes for the student’s unexcused absences, identify what actions can be taken that might prevent the student’s unexcused absences,

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identify possible school district and community resources to address the causes for the student's truancy, and

establish a corrective action plan to address the student's truancy;

3. the notification to the student's parent(s)/guardian(s) and the meeting with the parent(s)/guardian(s) must be respectful and in a language and in manner that is understandable to the student and the parent(s)/guardian(s);
 4. the corrective action plan must contain follow-up procedures to ensure that the causes for the student's truancy are being addressed;
 5. if the student is determined to be a habitual truant, the local school board, or their authorized representatives shall, in addition, give written notice of the habitual truancy by mail to or by personal service on the student's parent(s)/guardian(s); The notice shall include a date, time, and place to meet with the school district to develop intervention strategies that focus on keeping the student in an educational setting;
 6. if there is another unexcused absence after delivery of a written notice of habitual truancy, the student shall within seven (7) days of this unexcused absence be reported to the probation services office of the judicial district where the student resides.
2. If the student who is identified as a habitual truant is not referred to the children's court by the juvenile probation office for appropriate disposition, including consideration of initial or renewed suspension of his or her driving privileges, the school district may contact the children's court attorney directly to determine what action will be taken.
 3. If a determination and finding has been made by the juvenile probation office that the habitual truancy by a student may have been caused by the parent or guardian of the student, and no charges have been filed against the parent or guardian, the school district may contact the district attorney's office to determine what action will be taken.
 4. A copy of the local school board's attendance policy shall be provided to the Public Education Department's truancy officer within ten (10) days of its adoption by the local school board.

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5. The Public Education Department's truancy officer shall be permitted access to any records and information related to students in need of early intervention or habitual truancy in any school district.

D. PROCEDURE

1. All absences, excluding absences for school-sponsored activities, must be documented by a written note from parent/guardian upon a student's return to school. The note must include student's name, the date and periods of absence, the reason for the absence, the parent/guardian signature and daytime telephone number. The note **MUST** be signed by the parent/guardian. The student must bring the note to the office for a notified absence. Make-up work will **ONLY** be provided for notified absences.
2. After the fifth (5) absence during the current semester, parents/guardians will be notified by telephone and/or mail stating the dates of absences.
3. Upon acquiring ten (10) absences in any one class a semester, a High School student will be placed on "no credit" status in the class affected; Elementary and Middle School students are in jeopardy of being retained. Parents/Guardians will be notified by telephone. The student who will have the burden of proof will be required to schedule a hearing to determine if the absences were due to unusual and unavoidable circumstances. The hearing shall be requested by the parent/student within two weeks of the date of the certified letter. If the student is placed on "no credit" status, a copy of the decision will be sent to the Children's Court and/or the Tribal Education Office. Failure to send children to school falls under the Educational Neglect and/or Tribal Law. The decision may only be appealed to the Superintendent, whose decision will be final.

E. EARLY DISMISSAL

1. School shall remain in session for the full school day except those days when early dismissal is approved by the Superintendent and announced to students and parents at least one day in advance. This policy shall be followed except in those cases where an unforeseen emergency arises which calls for other action

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4.3 **PHYSICAL RESTRAINT, SECLUSION AND TIME-OUT**

PURPOSE

The purpose of this policy is to protect the health and safety of the student and others, and as part of that effort provide for the appropriate use of restraints, seclusion and time-out. It is the policy of this school district to treat all students with dignity and respect. No technique may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

DEFINITIONS

1. "Mechanical restraint" means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove but does not include mechanical supports or protective devices.
2. "Mechanical support" means a device used to achieve proper body position, designed by a physical therapist and approved by a physician or designed by an occupational therapist, such as braces, standers or gait belts, but not including protective devices.
3. "Physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body.
4. "Seclusion" means the confinement of a student alone in a room from which the student is physically prevented from leaving.
5. "Time-out" means a behavioral intervention used in the educational setting in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (1) that is not locked; and
 - (2) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

POLICY

- A. Physical restraint and seclusion shall not be used unless an emergency situation arises in which it is necessary to protect a student or another from imminent, serious physical harm or unless another less intrusive, nonphysical intervention has failed or been determined ineffective.
- B. Physical restraint and seclusion as provided for in this policy are not considered behavior management techniques, discipline management techniques, or other forms of educational intervention. Instead, physical restraint and seclusion are emergency interventions to be used only until the emergency ceases.

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In applying physical restraint, school personnel shall use only reasonable force as is necessary to protect the student or other person from imminent and serious physical harm.

At a minimum, school personnel shall reassess a student in physical restraint or seclusion every thirty minutes.

At a minimum, a room used for seclusion shall:

- (1) be free of objects and fixtures with which a student could self-inflict
- (2) provide school personnel an adequate and continuous view of the student from an adjacent area; and
- (3) provide adequate lighting and ventilation.

During the seclusion of a student, school personnel shall:

- (4) view the student placed in seclusion at all times; and
- (5) provide the student placed in seclusion with:
 - (a) an explanation of the behavior that resulted in the seclusion; and
 - (b) instructions on the behavior required to return to the regular school environment.

Nothing in this policy shall be construed to prohibit the use of holding a student for a very short period of time without undue force to calm or comfort the student or holding a student's hand to escort the student safely from one area to another.

A. MECHANICAL RESTRAINTS, MECHANICAL SUPPORTS AND PROTECTIVE DEVICES

The use of a mechanical restraint is prohibited in the school setting.

This policy does not prohibit school personnel from using a mechanical support or protective device:

- (1) as prescribed by a health professional; or
- (2) for a student with a disability, in accordance with a Section 504 accommodation plan, IEP or behavior intervention plan.

B. TRAINING

Physical restraint and seclusion shall be applied only by school personnel trained in the appropriate use of physical restraint. School personnel who administer physical restraint or seclusion shall receive training in current professionally accepted practices and standards regarding:

- (1) positive behavior intervention strategies and supports;
- (2) functional behavior assessment and behavior intervention planning;
- (3) prevention of self-injurious behaviors;
- (4) methods for identifying and defusing potentially dangerous behavior;
- (5) use of time-out; and
- (6) restraint and seclusion, to the extent that each may be used in the educational setting.

At a minimum, a core team on each campus must be trained in the use of physical restraint and seclusion, and the team must include a campus administrator or

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designee and any general or special education personnel likely to use physical restraint or seclusion.

In the event that a school employee who has not received prior training is called upon to assist in the use of physical restraint or seclusion in an emergency, the school employee must receive training within 30 school days following the incident of physical restraint or seclusion.

C. REQUIRED DOCUMENTATION

When a student is in a physical restraint or in seclusion, school personnel shall document:

- (1) any less intrusive interventions that were attempted or determined to be inappropriate prior to the incident;
- (2) the precipitating event immediately preceding the behavior that prompted the use of physical restraint or seclusion;
- (3) the behavior that prompted the use of physical restraint or seclusion;
- (4) the names of school personnel who observed the behavior that prompted the use of physical restraint or seclusion;
- (5) the names of school personnel implementing and monitoring the use of physical restraint or seclusion; and
- (6) a description of the physical restraint or seclusion incident, including the type and length of the use of physical restraint or seclusion, the student's behavior during and reaction to the physical restraint or seclusion and the name of the supervisor informed of the use of physical restraint or seclusion.

The documentation shall be maintained in the student's education records and available for inspection by the student's parents. If the student is a student with a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504), the documentation shall be maintained in the student's special education or Section 504 folder.

D. REQUIRED NOTIFICATION

The student's parent shall be notified immediately after each time physical restraint or seclusion is used. If the parent is not reasonably available, school personnel shall document all attempts to notify the parent and shall send written notification within one school day.

Additionally, following an incident of physical restraint or seclusion, school personnel shall provide the student's parent with a copy of the school district's policies and procedures governing the use of physical restraint and seclusion.

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E. DEBRIEFING AND FOLLOW-UP

After an incident of physical restraint or seclusion, school personnel involved in the incident shall conduct a debriefing with the student in which the precipitating event, unsafe behavior and preventive measures are reviewed with the intent of reducing or eliminating the need for future physical restraint or seclusion. The debriefing shall be documented in the student's education record. As promptly as possible, but under no circumstances later than ten school days after a student has been subjected to physical restraint or seclusion, the Student Assistance Team (SAT), IEP team, or Section 504 committee shall meet to review the incident and the debriefing, and revise the SAT intervention plan, IEP or Section 504 accommodation plan, as appropriate. The team shall identify any known triggers to the behavior that necessitated the use of physical restraint or seclusion and recommend preventive measures that may be used to calm the student and eliminate the need for physical restraint or seclusion. In a subsequent review of the SAT intervention plan, IEP or Section 504 accommodation plan, the team shall review the success or failure of preventive measures and revise the plan, if necessary, based on such review.

F. TIME-OUT

Time-out as defined in this policy is not considered a form of physical restraint or seclusion. Instead, it is a recognized behavioral intervention utilized in the educational setting.

Physical force or threat of physical force shall not be used to place a student in time-out.

Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques. For a student with a disability under the IDEA or Section 504, time-out must be included in the student's IEP, BIP or Section 504 accommodation plan if it is utilized on a recurrent basis to increase or decrease a targeted behavior. In a subsequent review of an IEP, BIP or Section 504 accommodation plan that includes time-out, the team shall use any collected data to judge the effectiveness of time-out as a behavioral intervention and provide a basis for making determinations regarding its continued use.

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4.4 STUDENT HEALTH

POLICY GOVERNING EDUCATION OF STUDENTS WHO HAVE OR ARE CARRIERS OF COMMUNICABLE DISEASES

- A. The local Board recognizes that the health and safety of the students of this District are primary concerns and that it is necessary, in order to protect student health and safety, to adopt a policy governing the manner in which the local Board and its administration will protect the health and safety of all students when any current or potential student is infected with a communicable disease. This policy is adopted in order to protect the legitimate interests and rights of students with communicable diseases or who are carriers of communicable diseases, while also protecting the health and safety of the remaining students in the District.
- B. No student, otherwise qualified to attend the schools of this District, shall be denied admission, suspended, expelled, segregated, restricted from curricular or extra-curricular activities, have his or her educational program changed nor otherwise be denied the benefits of the educational program as a result of the student being a carrier of or having any communicable disease, unless the procedures specified herein have been followed.
- C. The District will not require mandatory testing or screening of students for communicable disease as a condition precedent to registration or admission to school, either initially or annually. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease, such student may be required to submit an appropriate medical examination.

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D. For the purposes of this policy, "communicable diseases" are defined as diseases which can be transmitted from person to person and include, but are not limited to, the following:

1. Acute Communicable Diseases (those which have a definable onset and end of the infectious period):

School:

- a. Vaccine-Preventable Diseases:

Child May Not Return to

- | | |
|-------------------------------|--|
| 1) Measles (Rubeola) | (until 4 days after rash begins) |
| 2) German Measles | (Rubella)(until 7 days after rash begins) |
| 3) Whooping Cough (Pertussis) | (until patient has been on antibiotics for at least 5 days.) |
| 4) Mumps
after glands | (until 9 days
swell) |
| 5) Diphtheria | (until therapy is complete and student has had two negative cultures for diphtheria) |
| 6) Haemophilus Influenza | (until on antibiotics for 24 hours) |
| 7) Seasonal Influenza | (24 hours after fever is gone without the use of fever-reducing medicine) |
| 8) Polio | (until cleared by Department of Health) |

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2. Other Communicable Diseases:

- | | |
|---|--|
| a. Chickenpox (Varicella) | (until lesions are crusted; at least 5 days) |
| b. Diarrhea due to Shigella or Campylobacter
absent) | (until diarrhea and fever are absent) |
| c. Diarrhea due to Salmonella | (until 3 consecutive negative typhi (Typhoid Fever) cultures; cultures must be done at least 1 month after the onset of illness) |
| d. Acute Hepatitis A
begins) | (until 7 days after jaundice begins) |
| e. Fifth Disease(Erythema Infectiosum) | (until 7 days after rash begins) |

2. Chronic Communicable Diseases

- | | |
|---|---|
| a. Tuberculosis (Active)

cultures) | (until on effective therapy for 21 days and have negative |
| b. Human immunodeficiency virus (HIV) infection
(including AIDS) | (no exclusion) |
| c. Hepatitis B carrier (only carriers are of concern) | (no exclusion) |

E. Parents or guardians of students attending or enrolling in the schools of the District have an obligation to disclose, to the appropriate administrator, the fact that the child is a carrier of or is infected with either a chronic or an acute communicable disease, as soon as the parent or guardian becomes aware of the condition.

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1. For acute communicable diseases, parents or guardians shall keep their children from school during the contagious period. Parents or guardians may voluntarily choose to absent their children from school, without compliance with the procedures of paragraphs 8 through 13 hereof, for any period during which the student's condition is infectious, provided that such absence is supported by a statement to that effect prepared by a medical doctor or other competent medical professional. In the event that the parents or guardians refuse to voluntarily absent the infectious student from school, the principal shall suspend the student for up to 10 school days, following procedures governing short-term suspensions of students. A determination as to whether alternative instruction will be provided during such absences will be made on a case-by-case basis, based upon other policies of the local Board, the length of the absence, the severity of the condition and other factors considered relevant by school authorities.
2. Any decision affecting the educational program or attendance of a student who is a carrier of or who has a chronic communicable disease will be based upon competent medical advice and will balance the rights of the infected student against the legitimate interest of the District in protecting the health and safety of the remaining students.
3. Decisions concerning the educational program and placement setting for those students who have or are carriers of chronic communicable diseases will be made by a committee (hereinafter "the Committee") composed of the following: (1) the child's physician; (2) the child's parents or legal guardians; (3) the superintendent or his or her designee; (4) the School Nurse, and (5) any other person, to be appointed by the Committee.
4. In determining the educational program and placement setting for any student who has or is a carrier of a chronic communicable disease, the following factors will be evaluated: (1) the nature of the disease; (2) the age of the student; (3) the behavior of the student; (4) the neurological development of the student; (5) the physical condition of the student; (6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms; (8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom he or she will interact; and (10) any other pertinent factor reasonably related to the decision.
5. An unrestricted educational program and placement setting will be the primary goal for any student who has or is a carrier of a chronic communicable disease. Restrictions upon a student's educational program and/or placement will be imposed only when the Committee determines that the risk of a restricted program and placement outweigh the benefits, which the student may receive from an unrestricted program.

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6. The educational program and/or placement setting established by the Committee for any student who has or is a carrier of a chronic communicable disease will be reevaluated, and modified if necessary, as often as the circumstances require, but in no event will the educational program and/or the placement setting continue without reevaluation at least once per school year. Any reevaluation will be done by the Committee taking into account those factors listed in paragraph 4.
7. The number of personnel who are aware of the student's condition shall be kept to the absolute minimum needed to assure proper care of the child and to deal with situations where the potential for transmission may increase (e.g., where there is a bleeding injury). All school personnel and all members of the Committee appointed according to the provisions of this policy shall maintain the student's right of confidentiality with respect to the fact that the student has or is a carrier of a chronic communicable disease, and with respect to any records, documents, statements, letters or memoranda developed or prepared by the Committee; provided, however, that nothing herein shall prohibit or prevent the disclosure of information that may be permitted or required by state or federal law or regulations promulgated there under.
8. The parents or guardians of a student who has or is a carrier of a chronic communicable disease aggrieved by a program or placement decision made pursuant to this policy may appeal that decision to the local Board of Education by requesting a hearing, in writing, within 10 calendar days of the program or placement decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. The decision of the local Board shall be final. Nothing herein shall be construed as limiting the rights of parents of special education students under federal or state regulations and to the extent that such regulations are inconsistent with this policy, the federal or state regulation shall prevail.

F. HEAD LICE POLICY

1. At the beginning of each school year, all parents will receive educational information concerning pediculosis (head lice) in each school's Student Family Handbook.
2. When a student is thought to have an infestation of head lice, a referral will be made to the school nurse.
3. If the school nurse determines that the student has an active case of head lice, as evidenced by live lice or eggs/nits within 1/4 inch from the scalp, contact with parents or emergency contacts will be made. If unable to contact by phone, a letter will be sent home with the student informing the parents that the child has an infestation of head lice and treatment is necessary to return to school.

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8. Upon return to school, the student **MUST** be accompanied by parent/guardian with the completed bottom portion of the parent letter proof of treatment. The school nurse or other designated employee will evaluate the child for successful treatment. Upon adequate management of the condition, a readmittance pass will be issued to the student to return to class. If it is determined that adequate management of the condition has not been performed (i.e. no live lice or eggs/nits within 1/4 inch of the scalp), the student will be sent home for continued treatment. When returning to school, the same criteria will apply.
9. The school nurse will follow up with the student who was infested two times approximately seven days apart and at least quarterly.
10. The student's classmates, contacts and school-age siblings will be evaluated for infestation, and if they are not found to have an infestation, a note will be sent home apprising the family of the situation.
11. For chronic cases of infestation or inadequately managed cases, it may be necessary to exclude students from school and/or involve outside social agencies.

G. DISPENSATION OF MEDICATIONS

1. Non-prescription Medications

a. If in the school nurse's professional opinion, an over-the-counter (OTC) commercially packaged medication is indicated in the treatment of a child at school and the medication meets **ALL** the following:

- Is approved for use by FDA for indicated age group,
- Is approved and preferably provided for the student's use by the parent/guardian,
- Is familiar to the nurse and allowed under School District Policy,
- Is available in an original package specifying dosage and contraindications,
- Is safe and indicated for the specific student condition,
- Is likely to alleviate the student's discomfort and allow him/her to return to school participation promptly

THEN the school nurse may administer a single dose of appropriate nonprescription medication such as:

- Antipyretics- generic or brand name acetaminophen, excluding aspirin,
- Non-steroidal anti-inflammatory drug-generic or brand name ibuprofen,
- Antacids- Rolaids, tums, etc.,
- Cough/cold medications-cough syrup, lozenges, etc.,
- Topical first aid cream/spray or anti-bacterial ointment.

BEFORE administering an OTC medication, assessment should include temperature, pulse and respiration as well as determination of likely cause of discomfort. Potentially serious or contagious conditions should be reported to

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parents with referral for medical evaluation, if appropriate.

The nurse should first provide indicated non-medical treatments. For example, headache assessment may indicate hunger, dehydration, lack of sleep or stress for which appropriate non-medical intervention would be snacks, water, resting time, reassurance and preventive health information prior to offering medication.

IF school policy allows, the school nurse may obtain parental/guardian phone permission to administer an OTC medication.

AFTER assessment and non-medical intervention, the nurse may administer indicated OTC medication, then document intervention and notify parent/guardian according to School District policy.

A student requiring OTC medication more than 3 times a month or more than 3 days in a row should be referred for medical evaluation and/or a conference with parent/guardian and appropriate staff.

2. Prescription Medications

When it is necessary for a student to take medication during school hours, the following conditions apply:

a. A parent may visit the school to dispense the medication. Otherwise, all medication must be deposited with the school nurse or principal for safekeeping.

An adult must bring and pick up any medication that needs to go home. Certain steps must be taken to assure that medication given at school is administered properly:

1) A medication consent form shall have been completed by the parent and the prescriber, signed and returned to school.

2) Written permission from the parent must include the name of the child, name of the medication, dosage and time to be administered.

3) Signature on medication consent form authorizes other school personnel to supervise the students' self-administration of medication when the school nurse is not available.

4) A written order from the health care provider who is licensed in the state of New Mexico (or other states) to prescribe the medication is required. The order must include the name of the child, name of medication, dosage, route of administration, and time of administration. The health care provider's order will be valid only for the current school year.

5) Prescription medication (including samples from the physician) shall be labeled by the physician or by the pharmacist to include the child's name, name of prescribing physician, and name of medication, dosage, and time of administration.

6) Any changes in time or dosage must be accompanied by written documentation from the health care provider.

7) The parent and /or student will be informed that:

a) It will be the student's responsibility to report for his/her medication at the time that it is to be administered.

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- b) Unused medication will be destroyed at the end of the school year unless picked up by the parent.
- c) Medication will not be sent home with student.
- 8) It is important that medication be kept in an area inaccessible to students.
- 9) A medication chart will be posted at the location in which the medication is secured. The name of the student, name of the medication, prescription number, time of administration and dosage of medication. These medication charts will be filed as permanent records after they are completed.
- 10) When a student comes to take his/her medication, the following procedure should be followed:
 - a) Confirm the child's name.
 - b) Check the medication chart to be sure that the medication has not already been given.
 - c) Prior to administration, check the container to ascertain that the correct medication and correct dosage is being given to the correct student.
 - d) Record the time that medication was given on the medication chart and initial time.

3. STUDENTS RIGHTS REGARDING ASTHMA, ANAPHYLAXIS AND DIABETS MEDICATIONS.

New Mexico law requires all school, whether public or private, to grant to any student in grades K-12 authorization to carry and self-administer health care practitioner prescribed asthma treatment medication, anaphylaxis emergency treatment medication and diabetes treatment medication under specific conditions.

Those specific conditions include:

- a) Appropriate instruction has been given by the provider of the student in the correct and responsible use of the medication.
- b) The student has demonstrated adequate skill level to the school nurse to carry and self-administer identified medication.
- c) There is a written treatment plan on file with the school nurse.
- d) A waiver of liability statement has been signed by the parent.
- e) The extent and duration of the authorization has been discussed with the parent/guardian.

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4.5 RELEASE DURING SCHOOL HOURS

The releasing of students from classes during school hours is discouraged except in cases of known emergencies. Students shall not be allowed to leave the school during school hours in the company of any person other than the parent having legal custody, or someone authorized by such parent to take the student from school. In any case, such release shall be affected only through the Principal/Designee of the school.

The releasing of students to a parent during school hours is a common courtesy extended to all parents who normally reside within the home where the student lives. However, when legal custody is granted to one parent because of divorce or legal separation, the school district will not release a student to the parent who has not been granted custodial rights without the written permission to the school from the parent who has legal authority to make that decision.

A. PROCEDURES FOR STUDENT ACCESS ON SCHOOL GROUNDS UNDER "LEGAL" CIRCUMSTANCES"

1. Law enforcement agents may not remove a minor student from school premises for questioning or question a minor student on school premises while the child is properly in attendance without permission of a parent or guardian of the student. When a law enforcement agent presents to the principal a warrant or citation for the student's arrest or an order issued by a District Judge requiring removal of the student, release of the student to said agent is mandatory. The principal must make an effort to notify the parent or guardian.
2. The school principal must require that identification, such as an identification document with a photograph, be shown which identifies the person as a law enforcement officer and further identifies the officer's employing entity. Written documentation of the specific authorization must be presented as appropriate. Copies of all documentation should be made and retained by the principal.
3. The principal must contact the law enforcement agency to verify the identification of the officer if not known, and the purpose of the official visit.
4. Any person seeking access to a student must first report to the school office for this verification of identification and purpose. **ONLY THE SCHOOL PRINCIPAL/DESIGNEE CAN RELEASE STUDENTS.**

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B. IF THE LAW ENFORCEMENT AGENTS REQUEST THE RIGHT TO QUESTION A MINOR STUDENT ON SCHOOL PREMISES, THE REQUEST SHALL BE HONORED ONLY IF:

- 1.) A parent or legal guardian of the student has been contacted and has approved; and
- 2.) A parent or legal guardian has been given an opportunity to be present.

The questioning of a minor student shall be done in the presence of a school administrator or designee when the parent or legal guardian is not present and shall be conducted in private.

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COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND THE SCHOOL

The following policy shall be observed in connection with all contacts by law enforcement with students. A copy of this policy shall be provided to all licensed school personnel, who shall be responsible for observing it. A copy of this policy also shall be provided to all local law enforcement and social services agencies so that mutual cooperation may be promoted.

The following provisions govern school personnel's cooperation with law enforcement and social services agencies in regard to criminal law enforcement and child abuse investigations, and are not in derogation of the customary authority of school administrators to conduct interviews and investigations, or otherwise to take action as part of the enforcement of school discipline and order.

I. OFFICIAL CONTACT WITH STUDENTS IN SCHOOLS

- A. **Administrative Authorization Required:** Law enforcement officers, including investigators employed by public agencies authorized to investigate child abuse, may not be permitted contact with any student except by the building principal or his or her designee, or by the Superintendent, and pursuant to the procedures and requirements set forth in this policy.

- B. **Verification, Documentation, and Parental Notification Procedures:** Prior to any student being produced by a school principal for any contact with officers, the principal or his or her designee shall:
 - 1. Write down the name, badge number, and agency of the officer(s), together with the date and time of appearance,

 - 2. Confirm by telephone with the agency that employs the officer(s) their identity and authorization in seeking contact with the student, and record the name and position of the person confirming such information and the time of such confirmation; and
 - a. in instances in which the officer(s) have appeared at the school to interview or make an arrest of a student for suspected criminal activity, the principal shall also determine and write down the agency's justification for conducting an interview or arrest of a student at school

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when such criminal activity has not been:

- (i) committed at the school,
 - (ii) committed during school-sponsored activities,
 - (iii) committed on school grounds, or
 - (iv) when such criminal activity involves crimes committed at the school for which assistance has not been requested by the principal; and
- b. in instances in which the officer(s) is acting pursuant to an arrest warrant, a search warrant, or other court document, the principal shall obtain a copy of such document.
3. Contact the student's parent(s) or guardian, notify them of the contact, and record the time of notification and the name of the person notified;
- a. If upon the initial request for contact by the officer(s) or agency, the principal is directed by either not to attempt to notify the student's parent(s) or guardian or to obtain the attendance of the student's parent(s) or guardian,
 - (i) that direction should be added to the information recorded by the principal pursuant to this section, and
 - (ii) the officer should be asked to sign the statement; and
 - (iii) if the officer refuses to sign the statement, the principal should note on the statement that the officer refused to sign.

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C. Administrative Monitoring of Contact with Students

1. After completion of the Verification, Documentation, and Parental Notification Procedures, and upon Administrative Authorization, as described in this policy, a law enforcement officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in the principal's office or other administrative office.
2. The Superintendent should consider whether the principal or his or her designee should be present during the interview on the basis of the age and special needs of the child, and in light of the provision of the Children's Code that such interviews shall be conducted "in a manner and place that protects the child . . . from trauma and embarrassment." N.M.Stat.Ann. § 32A-4-5 (D).
3. Reasonable attempts shall be made to keep the identity of those interviewed confidential.
4. Neither the principal nor his or her designee shall disclose any written statements made or the content of statements given during the interview, except he or she may disclose statements made or the content of statements given during the interview to
 - a. the student interviewed and to his or her attorney or parents,
 - b. to the district attorney, or other law enforcement agencies; and
 - c. if the principal deems it appropriate to legitimate disciplinary goals, to other school officials.
5. If the investigation focuses on a particular student as a suspect of a crime, the school principal and the police officer shall follow the general guidelines set forth in this policy with respect to interrogation, search, and arrest. In addition, the principal shall follow the advice of rights provisions of Section II.B, below.

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6. The school principal shall keep a record of the procedural steps followed by the police in conducting interrogations, and any instance in which the principal acts to preclude or terminate an interrogation.
7. All writings and records created pursuant to these procedures shall be retained as part of the school's records.

II. POLICE CONTACTS

A. Investigation and Assistance

1. **Police Investigations at the Request of School Authorities:** A school principal may exercise his or her discretion in determining whether to request assistance of police in investigating any crime contrary to the laws of the State of New Mexico or of the United States, or any allegation of such crimes, including crimes committed at school or on school grounds during school hours, or during school-sponsored activities.
2. **Police Investigation Without Request of School Authorities:** It should not ordinarily be necessary for police officers to interview students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the principal.
 - a. If the police have determined that exigent circumstances exist to interview students at school regarding such crimes, the law enforcement agency shall first contact the school principal regarding the planned visit and shall give the principal the reason for conducting the investigation during school hours, school-sponsored activities, or on school property and shall obtain his or her approval;
 - b. The principal shall approve and cooperate with the police during the investigation unless the principal determines that the investigation is being conducted for the purpose of harassment or for reasons not related to a criminal investigation. In the event that the principal declines to approve the interview he shall immediately report his opposition to the Superintendent of Schools, who shall notify

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and discuss the opposition with the appropriate police supervisor. Approval shall not be unreasonably withheld.

- c. A principal shall not, in any event, prevent the appropriate law enforcement agency from serving or executing court process (i.e. summonses, warrants, subpoenas) or court orders upon school grounds during school time, provided that the procedures set forth in section I are first observed.
- d. A principal may also designate a reasonable time and place for law enforcement contact with students, including for service of process upon students under his control, in order to ensure that the educational process is not disrupted.

3. Requests for Police Assistance

- a. Building principals are authorized, upon consultation with the Superintendent or his or her designee, to summon and seek assistance from law enforcement authorities in any case in which the activities of students or others is creating a threat to the health or safety of students or of others, or is disrupting or threatening to disrupt the educational program, normal operation, or lawful functions of the school.
- b. Such requests shall be directed to the law enforcement agency (State Police, Sheriff's Department or local police) having jurisdiction over the geographical area in which the school is located.

B. INTERROGATION OF STUDENT SUSPECTS IN SCHOOL

- 1. **By or for Police:** If law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities, and if criminal prosecution is anticipated by the law enforcement officers or the school principal, no interrogation shall commence unless
 - a. A parent or guardian is present to counsel the student; or
 - d. The student suspect has been advised of his basic rights and, understanding those rights, has knowingly and voluntarily waived those rights as follo

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- (i) Before interrogation, the police officer shall
 - advise the student of the nature of the crime for which he or she is a suspect,
 - advise the student that he or she has the right to remain silent, that anything he or she says may be used against him or her in criminal or juvenile court and that he or she has the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and the student or parent may stop the interrogation at any time, in order to obtain an attorney and have him or her present at further interrogations.
- c. The school principal or designee cannot waive these rights on behalf of the student, nor may he or she compel the student to submit to an interview or interrogation.
- d. The school principal shall use his or her discretion and his or her knowledge of a student's age and mental or physical condition and shall not permit interrogation in an instance in which a parent is not present and the principal does not believe that the student can knowingly, intelligently, and voluntarily waive his or her rights.
- e. It is not the responsibility of the school principal to advise the student suspect of his basic rights as set forth in the Children's Code, NMSA 1978, §§ 32A-1-16 and 32A-2-14.
- f. The school principal shall not permit a student suspect age thirteen or under to be photographed or fingerprinted at school unless the law enforcement officer presents a court order authorizing it. *See* NMSA, § 32A-2-14(I).

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2. **By School Personnel at Request of Police:** If a student is being interviewed by a school administrator at the request or instigation of the police for law enforcement purposes, the interrogation may be conducted only if
 - a. The student is advised of his constitutional rights;
 - b. The student knowingly, intelligently, and voluntarily waives his or her constitutional rights; and
 - c. A reasonable attempt to notify his parents is made before the interrogation takes place.

C. ARRESTS OF STUDENTS IN SCHOOLS

1. **General Policy:** It should not ordinarily be necessary for police officers to arrest students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the principal.
2. **Arrests with Advance Notice:** In cases where a law enforcement agency deems it necessary to arrest a student during school hours or activities at school, the agency should notify the principal of the intended arrest prior to dispatching officers to the school, and the principal should request that a non-uniformed officer make the arrest if possible or that the services of school security officers be used if available.
3. **Arrests in Emergency Circumstances:** In emergency situations, where the immediate arrest of a student is deemed necessary by the police, including instances where the commission of a felony or serious breach of the peace has been witnessed by a police officer or if the police officer is in "hot pursuit" of the student for such crime, the police shall be entitled to take action to arrest the student on school property without a warrant.
 - a. In cases in which an arrest of a student has been made in an emergency situation in which the police have taken custody of a student without providing school authorities the opportunity to conduct the Verification, Documentation, and Parental Notification Procedures outlined in section I.B., school authorities shall make every reasonable effort to have

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the arresting officer(s) comply with the Verification, Documentation, and Parental Notification Procedures before removing the student from school grounds.

- b. If the student has been removed from school grounds by law enforcement officers prior to compliance with the Verification, Documentation, and Parental Notification Procedures, school authorities shall contact the arresting agency and complete the Verification, Documentation, and Parental Notification Procedures as soon as possible after learning of the removal.

D. SEARCH AND SEIZURE BY POLICE

1. On Request of School Authorities

- a. **Emergency Circumstances:** Upon request of a school principal, police officers may make a general search of students' lockers and desks, or students' automobiles on school property, for drugs, weapons, or items of an illegal or prohibited nature if, in the principal's judgment, public health or safety is threatened.
- b. **Non-emergency Circumstances:** If a principal has received reliable information, which he believes to be true, that evidence of a non-school-related crime or stolen goods is located in a certain student's locker, desk, or in a student's or a non-student's automobile parked on school property, and there is no immediate threat to the health or safety of student or employees, he shall request police assistance for a search by the police pursuant to a search warrant.

2. Without Request of School Authorities

- a. Police officers may not search a student's locker, desk, or automobile unless they have a search warrant, or a knowing, intelligent, and voluntary consent is given by the student.
- b. A student's person may not be searched in school unless:
 - (i) police have a search warrant, or
 - (ii) the student is under arrest, or

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- (iii) the police are acting upon probable cause to believe that the student is concealing contraband, or
 - (iv) a knowing, intelligent, and voluntary consent is given by the student.
- c. Notwithstanding the foregoing, a search of a student's person, locker, automobile on school grounds, or desk, may be conducted by any police officer on school grounds during school hours if emergency circumstances exist and the police are acting upon probable cause to believe that the health and safety of the student or of others requires a search.
- d. A school official may not consent to a warrantless search of a student's locker, desk, or automobile, by police unless police are acting at the direction and under the supervision of the school administration.
- e. The student, if then available, shall be present during any search of his locker, desk, or automobile.
- f. In all searches authorized by this section, the principal or his or her designee shall accompany the officer(s) in conducting such searches.

III. **CHILD PROTECTIVE AGENCY CONTACTS**

- A. **Duty to Report Suspected Child Abuse and Neglect:** Pursuant to NMSA 1978, § 32A-4-3, it is the duty of any school nurse and school teacher or administrator who knows or suspects that a child is or has been abused or neglected upon penalty of fine to report this information immediately to either (1) a law enforcement agency or, (2) the county office of the Children Youth & Families Department. School employees and officials shall cooperate with investigators of the above-named agencies investigating suspected instances of child abuse and neglect, subject to the safeguards and procedures provided by this policy.

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B. Investigations of Child Abuse and Neglect

1. Verification, Documentation, and Parental Notification

Requirements: Investigators employed by public agencies authorized to investigate child abuse, including those seeking to remove students from school for purposes of maintaining protective custody as part of a child-abuse investigation, are subject to the Verification, Documentation, and Parental Notification Procedures set forth in Section I, except:

- a. In observing the Verification, Documentation, and Parental Notification Procedures, the school principal or designee shall determine from the investigator whether it is appropriate to notify the parent or guardian of the requested interview or the removal of the student from the school;
- b. In the event the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the principal shall record such direction as part of the Verification, Documentation, and Parental Notification Procedures.
- c. Law enforcement officers or investigators from the Children Youth & Families Department shall have access to any records pertaining to a complaint of child abuse or neglect, in accordance with NMSA 1978, § 32A-4-3F.

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4.6 TEXTBOOKS AND SUPPLIES

A. GENERAL POLICY

1. The school district shall furnish textbooks, and certain other instructional materials and supplies within the limitations of funds allowed by State law. These shall be furnished in the manner and amounts considered to best implement the established curriculum in grades K-12.
2. It is the intent of the Board of Education to provide teachers and students with adequate materials for carrying forward a superior educational program. There rests upon the teacher and the student, therefore, a responsibility for the proper care and prudent use of these materials.

B. DESTRUCTION OR LOSS

1. When destruction or loss of books, instructional materials, or equipment is the result of carelessness or neglect on the part of teacher or student, the person responsible shall be expected to pay the cost of replacing such property.

C. RECORDS

1. Each Principal/school shall keep a system of records, which provide a full accounting plan for textbooks and other instructional materials. These records must involve each teacher and student handling such property and provide for a system of check out and return from Central Office to Principal, from Principal to teacher and from teacher to student.

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4.7 HONORS, AWARDS, AND SCHOLARSHIPS

The Principals shall use their discretion concerning the presentation of honors, awards and scholarships.

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4.8 DISTRICT STANDARDIZATION OF GRADING PLAN AND STUDENT REPORTING

A. The Principals in the Tularosa Municipal School District shall use the appropriate sections of the following grading system:

1. Elementary/Intermediate Schools (K-6)

a.	Grading shall be as follows:	
b.	<u>Letter Grade</u>	<u>Rating Grade</u>
	A - 90-100	S - Satisfactory
	B - 80-89	
	C - 70-79	N - Needs Improvement
	D - 60-69	
	F - Below 60	U - Unsatisfactory

2. Kindergarten - No letter grades; utilize "S," or "N," or "U" rating.
3. 1st Grade - No letter grades; utilize "S," or "N," or "U" rating.
4. 2nd Grade - Reading, Language Arts, and Math should have letter grades (A-F). Social Studies, Science, Health, PE, Art, Music should have the "S," or "N," or "U" rating.
5. 3rd Grade through 5th Grade - All core curriculum areas should have letter grades (A-F). P.E., Art, and Music remain with "S," "N," or "U" rating.

2. Secondary Schools (7-12)

a. Grades 7 through 12 shall use the following percentile approach:

<u>%ile (Numerical) Score</u>	<u>Letter Grade</u>	<u>4 Point Scale</u>
90 to 100	A	4
80 to 89	B	3
70 to 79	C	2
60 to 69	D	1
59 and below	F	0

3. Modified Coursework

Students receiving modified coursework will have grades recorded as “S” or “U”.

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4.9 STUDENT GOVERNMENT

It shall be the policy of the Board of Education to encourage the organization and operation of student self-government, especially at the secondary school level. Such student government shall be organized and operated under adequate faculty supervision and sponsorship, and shall adhere to basic principles as set forth by district, state, and national student council organizations.

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4.10 ACTIVITIES FOR RAISING MONEY

- A. Fund raising drives by clubs and organizations within each school shall be subject to the approval of the Principal and Superintendent.
 - 1. Fund Raiser Approval forms must be submitted to the Building Principal.
 - 2. Activities to raise funds may not be conducted during times when faculty sponsors are not available for adequate supervision and control.
 - 3. All money collected must be channeled through the proper activity fund, and expenditures made only in compliance with policy on activity fund disbursements.
 - 4. Fund raising shall not involve loss of classroom instruction time.

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4.11 MATERIALS FOR DISTRIBUTION TO HOMES

- A. Any group desiring to distribute informational material, which complies with the following regulations, must submit it to school officials for distribution to children. Information material, whether it be acceptable or not, may not be distributed on school grounds to school students by anyone other than school employees.
1. The school shall not serve as a medium for the distribution of advertising materials, which are non-educational, commercial, or propaganda instrument of vested or special interest groups.
 2. Distribution of items providing information on school or other educational matters are not only allowed but also encouraged.
 3. Distribution of information from civic groups, when the information is for the purpose of promoting the general welfare of the public, is permitted.
 4. Announcements of dates and times of meetings, which are educational in nature and are open to the public, are permitted.

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4.12 WORK PERMITS

The Tularosa Board of Education, in its statement of basic philosophy has set forth its belief in a curriculum which "will provide for each individual pupil the skills, knowledge, habits, and attitudes he/she is capable of acquiring, limited only by his/her individual ability, his/her willingness to put forth necessary effort, and the physical and financial capacity of the school district."

In accepting such a philosophy, the Board, indirectly at least, takes a position which discourages the issuance of work permits. A person's education is too important to his/her total future for it to be interrupted by dropping out to work.

However, the Board recognizes that there may be exceptional cases in which the granting of a work permit by the school is not only proper but desirable. Therefore, the issuance of work permits is permitted when such issuance is effected through observance of state regulations.

Prior to the issuance of a work permit by the Superintendent during the school year a conference involving the Principal, the Counselor, the student and the parents of the student shall be held.

Work permits for students who wish to work and are under the age of 16 may be obtained through the Superintendent's office. A work permit may not be issued which would provide for employment in violation of State or Federal child labor laws.

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4.13 PLAYGROUND AND BUILDING SUPERVISION

Playgrounds and buildings shall have adequate adult supervision at all times during the school day. The areas to be supervised shall depend on need and shall be determined by each Principal for the buildings and grounds under his/her direct supervision. Faculty sponsors and other faculty members assigned for this purpose shall properly supervise students' activities. All practice and rehearsal sessions shall have at least one faculty sponsor present.

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4.14 CONFIDENTIALITY OF STUDENT RECORDS

The Tularosa Municipal Schools shall make every effort to comply with the Family Educational Rights and Privacy Act and make every effort to keep student records confidential.

A. CLASSIFICATION AND MAINTENANCE OF RECORDS

1. The Tularosa Municipal Schools shall maintain a cumulative folder for each student attending its schools. The cumulative record folder shall contain all the written records directly related to a student that are kept by the school unit except
 - a. Records kept by teachers, counselors, or supervisory or administrative personnel that are in the sole possession of the maker and are not revealed to any other person except a substitute
 - b. Employment records of student employees if those records relate exclusively to the student in the capacity as an employee are not made available for any other use; and
 - c. Records kept by a law enforcement unit of the school if they are maintained solely for law enforcement purposes, and are not disclosed to anyone other than law enforcement officials of the same jurisdiction, and if the law enforcement officers do not have access to the student's cumulative folder.
2. The following types of records are kept in cumulative record folders:
 - a. Identification information, including name, sex, race, birthplace, and birthdate;
 - b. Family data,
 - c. Medical health records and emergency medical information;
 - d. Attendance records;
 - e. Scholastic records;
 - f. Standardized test scores;
 - g. Records of interest, activities, and honors;
 - h. Records of educational or vocational plans;
 - i. Teacher evaluations if shared with anyone else;
 - j. Counselor evaluations if shared with anyone else;
 - k. Information pertaining to special services provided for students;
 - l. Records of incidents of unsatisfactory behavior;
 - m. Other education records kept by individual school units.
3. Cumulative record folders shall be kept in a secure location of the school that the student attends. The principal of each school is responsible for maintaining the cumulative record folders of students attending or who have attended that school.
4. The fee for copies of records to parents or students is fifteen cents (\$.15) per page. The parents or students to whom records are mailed shall be charged for mailing costs.

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B. HEARING TO CORRECT INACCURACIES

1. Parents of a student who has not yet reached the age of 18 and an eligible student have the right to challenge the content of records in the student's cumulative record folder. A parent or student who believes that information contained in the student's cumulative record folder is inaccurate or misleading or otherwise violates the student's rights may request, in writing, that the records be amended by the principal of the school where the records are kept. Not later than five school days after receipt of a request to amend, the principal shall decide whether to amend the records in accordance with the request. If the principal finds that the challenge is not justified, the principal shall inform the person who made the request of the finding and shall also inform that person of the right to request, in writing, a hearing before the superintendent of schools or a designee. If a parent or eligible student requests a hearing, the hearing officer shall set a date for the hearing as soon as possible but not more than ten (10) school days after the request for the hearing was made and shall give the parent or the student at least two school days advance written notice of where and when the hearing will be held. At the expense of the parent or student, an attorney or anyone else of their choice may assist at the hearing.
2. The hearing officer shall render a written decision as soon as possible and must make it within five school days after the hearing. The decision shall be based only on evidence presented at the hearing and shall include a summary of this evidence and the reasons for the decisions.
3. If the hearing officer decides that the information is not inaccurate or misleading or does not otherwise violate the student's rights, the parent or student shall be notified of that decision. At the same time, the parent or student shall be informed of the right to submit to the principal of the school where the records are kept a statement of objection of reasonable length to the information contained in the records. Any explanation submitted by the parent or student shall be placed in the student's cumulative record folder, shall be disclosed by the school whenever the contested portion of the cumulative record is disclosed, and shall not be destroyed unless the contested portion of the cumulative record is destroyed.
4. A parent or student who is dissatisfied with the decision of the hearing officer may appeal to the Board of Education within fifteen (15) days. The review shall be on the record and not a de novo hearing.
5. Unnecessary and outdated material may be deleted from the student's record at any time except when a request for a review by a parent or student is pending. At a minimum, the student's records shall be reviewed for unnecessary and outdated information when the student completes elementary school, junior high school, and high school.

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C. RIGHTS OF PARENTS TO REVIEW AND INSPECT RECORDS

1. Those who have the right to inspect and review the cumulative record folder kept about the student include:
 - a. Parents of students who are under 18 years of age,
 - b. Parents who claim students who are at least 18 as dependents under Section 152 of the Internal Revenue Code, and
 - c. Students who are at least 18.
2. The Tularosa Municipal Schools presume that parents of students who have not yet reached the age of 21 who are currently attending a school within the Tularosa Municipal School District claim the student as a dependent for tax purposes. Any student (between the ages of 18 and 21) (at least 18 years of age attending a school within the unit) who does not want the parents to have access to the cumulative folder must so inform the principal of the school where the records are kept and prove that the student is not a tax dependent of the parents. If a parent of a student (who is at least 21)(who is at least 18 and no longer attending a school within the district) wishes to inspect and review the child's cumulative record file, the parent must prove to the principal that the student is claimed as a dependent for federal income tax purposes.
3. Parents or eligible students who wish to inspect and review the cumulative record folder shall submit a request in writing to the principal of the student's school. When the principal receives a written request for review of the records from a parent or student who has a right to inspect the records, the principal shall schedule the review. The appointment date should be as early as possible but never later than fifteen days after the request was made. The inspection and review shall be made in the office of the principal or at another designated place.
4. A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.

D. DISCLOSURE TO PERSON(S) OTHER THAN PARENTS OR STUDENTS

1. Persons Authorized to Have Access
 - a. Schools within the system may, without the consent of either the student or the parent, disclose information kept in the student's cumulative record folder to the following persons:

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1. School officials who have a legitimate educational interest in examining the information. The term school official includes any teacher, administrator, assigned student teacher, intern, teacher aide, or other professional employee of the Tularosa Municipal Schools and members of the school board. The principal of the school where the records are kept determines whether a school is seeking the information to carry out official duty and whether the specific information sought will help in carrying out that duty.
2. Authorized representatives of the Comptroller General of the United States; the Secretary of the U.S. Department of Health, Education, and Welfare; the Commissioner of Education; or officials of the New Mexico State Department of Education if they seek the information in connection with either the audit and evaluation of state or federally funded programs or the enforcement of state or federal legal requirements that relate to these programs.
3. Accrediting organizations that seek the information to carry out their accrediting functions.
4. Persons or organizations conducting studies for or on behalf of the school administrative unit or another educational agency to develop or validate predictive tests, administer student aid programs, or improve instruction. Any report released on the basis of data collected under this paragraph may not include information that personally identifies students or their parents.
5. Persons who seek the information in connection with a student's application for, or receipt of, financial aid.
6. Officials of another school in which the student seeks or intends to enroll. After the principal receives a request from another school in which the student seeks or intends to enroll, the principal of the school where the records are kept shall forward the cumulative record folder without notifying the parents or student of the transfer or seeking their consent. If the parents or the

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eligible student so request, the principal shall furnish them an unofficial copy of the records to be transferred and give them an opportunity to correct any inaccuracies in accordance with the procedure set out in Rights of Parents to Inspect Records.

7. Persons who seek information in connection with a health or safety emergency that threatens the health or safety of the student or other persons.

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2. Directory Information

- a. The Tularosa Municipal Schools may disclose directory information about a student without the consent of either the student or the parent unless the parent or student has properly objected to the release. Directory information includes the student's name, grade in school, name of school, participation in officially recognized activities and sports, weight and height of members of athletic teams, and degrees and awards received.
- b. School officials may release this information to any person without the consent of the parents or the student. Any parent or eligible student who objects to the release of any or all of this information without consent must notify, in writing, the principal of the school where the records are kept within fifteen days following the date of the publication of the declaration. The objection must state what information the parent or student does not want to be classified as directory information until the beginning of the next school year.

3. Parental or Student Consent

- a. No one else may have access to personally identifiable information from the cumulative record folder, other than directory information, except under one of the following circumstances:
 1. When proper written consent to the release of such records has been obtained. If the student is not yet 18, one of his parents must consent to the release. If the student is 18 or older the student must consent to the release. The consent must be signed and dated and must specify the records to be disclosed, the purpose for disclosure, and the persons or class of persons to whom the disclosure may be made. Upon request, the school shall supply a copy of records released to the parent or the student who gave the consent. If the parent gives consent for a student, the parent may request that a copy of the records released be given to the student even though the student is not yet 18.

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4. To comply with a court order or lawfully issued subpoena
 - a. Upon receipt of a court order or subpoena, the principal of the school where the records are kept shall provide the appropriate records to the requesting agency.
 - b. When a school official discloses information from the student's cumulative record folder, other than directory information, to anyone other than the parents of the student, the student himself, or other school officials, the office shall inform the person who received the information that it may not be transferred to any other party without the consent of the parents or the eligible student.

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5. Inspection Log:

- a. The principal shall maintain in each cumulative record folder for which the principal is responsible a cumulative record inspection log. The inspection log shall include the name and reason for inspection of each person who requests access to the cumulative record folder, but shall not include disclosures of directory information. The student's parents or the eligible student may inspect the inspection log.

E. WAIVER OF RIGHTS

Parents of a student or an eligible student may waive any of their rights under this policy. A waiver of rights must be in writing, must be by the parents or the student, and must specify the rights to be waived. A waiver is effective until revoked in writing. If a parent executes a waiver, the student may revoke it when reaching the age of eighteen years.

F. NOTICE TO PARENTS OR STUDENTS

1. Annual notice of this declaration of compliance with the Family Educational Rights and Privacy Act (FERPA) shall be made by the Board of Education of the Tularosa Municipal Schools and said declaration shall be published in a newspaper of daily circulation.

- a. The notice shall read as follows:

TO ALL PARENTS OF STUDENTS CURRENTLY ATTENDING THE
TULAROSA
MUNICIPAL SCHOOLS AND ALL STUDENTS CURRENTLY ATTENDING
THE
TULAROSA MUNICIPAL SCHOOLS WHO HAVE REACHED THE AGE OF
18.

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The Family Educational Rights and Privacy Act (FERPA) is a federal law that governs the maintenance of student records.

Under that law, parents of students or students if they are at least 18 have both the right to inspect records kept by the school about the student and the right to correct inaccuracies in the record. Access to the records by persons other than the parents or the student is limited and generally requires prior consent by the parent or the student. The Tularosa Municipal Schools has adopted a written policy governing all the rights of parents and students under FERPA. Copies of this policy may be found in the superintendent's office and in the principal's office of each school within the system.

Complaints about failure of the Tularosa Municipal Schools to comply with the Family Educational Rights and Privacy Act may be made in writing to FERPA Office, Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C 20201.

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Section 4.15

Student Rights and Responsibilities

NOTE: It is the responsibility of students and parents to inform themselves of current Board policies and of administrative and school rules regarding conduct that is subject to disciplinary action.

- A. A primary responsibility of the Tularosa Municipal Schools (the District) and its professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual, and the legal processes whereby necessary changes are brought about.

The school district is a community, and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each right carries with it a corresponding obligation.

The right to attend public school is not absolute. It is conditional on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through established processes.

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

The District has both the authority and responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established.

B. OBJECTIVE:

To provide a comprehensive framework within which the District can carry out their educational mission and exercise their authority and responsibility to provide a safe environment for student learning, and further to provide students and parents with an understanding of the basic rights and requirements necessary to effectively function in the educational community.

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C. DEFINITIONS:

- 1 “Administrative authority” means the local school district superintendent, a principal, or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order. The term may include school security officers, but only to the extent of their authority as established under written local school board policies.
- 2 “Criminal acts” are acts defined as criminal under federal and state law, and any applicable municipal or county criminal ordinances.
- 3 “Delinquent acts” are acts so defined in Section 32A-2-3A, NMSA 1978 of the Delinquency Act.
- 4 “Detention” means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.
- 5 “Disciplinarian” means a person or group authorized to impose punishment after the facts have been determined. Under these rules, the Hearing Authority shall also be the Disciplinarian unless otherwise provided for good cause by the Superintendent.
- 6 “Disruptive conduct” means willful conduct which:
 - a. Materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or
 - b. Leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.
7. “Expulsion” means the removal of a student from attendance at all schools of the District, either permanently or for an indefinite time exceeding 10 school days.
8. “Gang related activity” means conduct prohibited by the District’s policy on Gang Related Activity, No. 4.22.
9. “Hearing Authority” means the person who presides at the formal hearing, hears the evidence, decides culpability, and determines punishment. The Superintendent, Associate Superintendent for Instruction, and Personnel Director shall served as Hearing Authority on a rotating or alternating basis in all formal hearings, except in instances in which the administrator who would otherwise serve as Hearing Authority was directly involved in, or witnessed, the incident(s) in question, has prejudged disputed facts, or is actually biased for or against any person who will actively participate in the hearing. In such cases, one of the other administrators eligible to serve as Hearing Authority shall do so.
10. “Immediate removal” means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing.
11. “In-school suspension” means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.

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12. “Legal limits” include the requirements of the federal and state constitutions and governing statutes, standards, and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools’ authority in pursuance of legitimate educational and related functions. There are special limitations arising from constitutional guarantees of protected free speech and expression which must be balanced against the school’s need to foster an educational atmosphere free from undue disruptions to appropriate discipline.
13. "Long-term suspension" means the removal of a student from attendance at all schools of the district for a specified or indefinite period of time exceeding 10 school days.
14. “Parent” means the natural parent, a guardian, or other person or entity having custody and control of a student who is subject to the Compulsory School Attendance Law, Section 22-12-1, et seq., NMSA 1978, or the student if he/she is not subject to compulsory attendance.
15. “Public school” means the campus of and any building, facility, vehicle, or other item of property owned, operated, controlled by, or in the possession of a local school district. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.
16. “Refusal to cooperate with school personnel” means a student’s willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.
17. “Refusal to identify self” means a person’s willful refusal, upon request from school personnel known or identified as such to the person, to identify him/herself accurately.
18. “Review authority” is a person or group authorized by the Board to review a disciplinarian’s final decision to impose a long-term suspension or expulsion. Under these rules, the Board of Education shall be the Review Authority unless the Board determines otherwise in specific cases/
19. “Sexual harassment,” regarding students, means conduct prohibited by the District’s Student Sexual Harassment Policy, No. 4.23.
20. “School personnel” means all members of the staff, faculty, and administration employed by the local school board. The term includes school security officers, school bus drivers and their aides, and also authorized agents of the schools, such as volunteers or chaperons whose responsibilities include supervision of students.
21. “Student” means a person who is enrolled in one or more classes at a public school or a person who was a student during the previous school year and is participating in a school-sponsored activity connected with his or her prior status as a student.
22. “Temporary suspension” means the removal of a student from school for a specified period of 10 school days or less after a rudimentary hearing.

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D. GENERAL PROVISIONS:

1. *Jurisdiction Over Students.* All officials, employees, and authorized agents of the District whose responsibilities include supervision of students shall have comprehensive authority within the limits of the law to maintain order and discipline in school. In exercising this authority, such officials, employees, and authorized agents of the public schools may exercise such powers of control, supervision, and correction over students as may be reasonably necessary to enable them to properly perform their duties and accomplish the purposes of education. This authority applies whenever students are lawfully subject to the school's control, regardless of place. During such periods, public school authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the school's authority.

The foregoing is intended to reflect the common law regarding the rights, duties, and liabilities of public school authorities in supervising, controlling, and disciplining students. Nothing herein shall be construed as enlarging the liability of public school authorities beyond that imposed by statute, common law, or State Board of Education regulation.

2. *School Authority Over Non-Students.* In furtherance of the District's compelling interest in the orderly operation of the public schools and school activities, school officials have the following forms of authority over non-students whose actions adversely affect school operations or activities.
 - a. *On School Property.* School officials may prohibit entry to and provide for the removal from any public school building or grounds any person who refuses to identify him/herself and state a lawful purpose for entering. Any person who refuses may be removed by school authorities, who may use reasonable physical force to accomplish the removal. Alternately, a person who refuses a lawful request to leave school premises may be subject to arrest by law officers for criminal offenses including but not limited to criminal trespass, interference with the educational process, or disorderly conduct. A person who does identify him/herself and states a lawful purpose may nevertheless be subject to removal by school officials for engaging in activities prohibited by this regulation. The person may also be subject to arrest by law officers if he/she is committing any crime.
 - b. *Off School Property.* Public school authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students' conduct at or near schools or school-sponsored activities may constitute a criminal offense, including the crimes of interference with the educational process, disorderly conduct, or criminal trespass (after refusing a lawful request to leave), school authorities may request law enforcement agencies to arrest the offenders.
3. *Statement of Policy.* A primary responsibility of the Board and its professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual or group, and the legal processes whereby necessary changes are affected.

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The school is a community and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each carries with it a corresponding obligation.

The right to attend public school is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through lawful processes.

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

Nothing in this regulation shall be held to affect the due process rights of school employees or their use of any local school district grievance procedure. This regulation does not address employment disputes.

- 4 *Severability.* Any part of this regulation found by adjudication before a competent tribunal to be contrary to law shall be stricken without effect to the remainder.

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E. RULES OF CONDUCT:

The acts specified in Paragraph 1 below are prohibited in all schools of the District.

1. *Prohibited Activities.* The commission of, or participation in, the activities designated below is prohibited at school and whenever students are subject to school control.

a. Prohibited Conduct:

1. Criminal or delinquent acts;
2. Gang related activity as described in the District's Policy on Gang Related Activity;
3. Sexual harassment;
4. Disruptive conduct;
5. Refusal to identify self; and
6. Refusal to cooperate with school personnel.

2. *Regulated Activities.* Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non-students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in E.1 above.

3. Students are also subject to Board policies and administrative rules, including, but not limited to those pertaining to:

- a. School attendance;
- b. Use of and access to the public premises, including:
 - c. Restrictions or conditions upon the bringing of vehicles onto school property;
 - d. Prohibition of or conditions on the presence of non-school persons on school premises while school is in session; and
 - e. Reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;
 - f. Students' dress and personal appearance.
 - g. Use of controlled substance, alcohol, or tobacco on school premises or during school sponsored activities;
 - h. Speech and assembly within the public schools;
 - i. Publications distributed in the public schools;

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- j. The existence, scope, and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
- k. Possession or custody of a weapon on school premises or at a school sponsored activity, in violation of the District's Weapons Policy or N.M.Stat.Ann. § 22-5-4.7. The Special Rule provisions of Paragraph 11.4 apply to students with disabilities;
- l. The discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.

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F. ENFORCING RULES OF CONDUCT:

1. *Enforcing Attendance Requirements.* Formal enforcement action under the District's Attendance Policy, No. 4.2, the Compulsory Attendance Law, or the Family in Need of Services Act, shall be initiated whenever a student's absences indicate that law or policy is being violated. An administrative authority who has reason to believe a student is violating the Board's Attendance Policy may take whatever further action is deemed appropriate under such policy.
2. *Search and Seizure.* The Board of Education, in recognition of the necessity of conducting searches and seizures of employees and students from time to time in order to enforce school policies and discipline, adopts the following policy regarding searches and seizures. 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.
 - a. *Definition:* As used in this policy "contraband" means any substance, material or object prohibited from school pursuant to school policy or state or federal law, including drugs, alcohol, fireworks, or weapons.
 - b. *Notice of Search Policy.* Students shall be provided a copy of the policy at the beginning of each school year or upon admission for students entering during the school year.
 - c. *Rules Regarding Searches and Seizures:* With respect to both employees and students, the District reserve the right to search persons, personal effects, and vehicles as follows:
 - d. A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in the presence of a witness of the same sex. Strip searches are not permitted.
 - e. Lockers, desks, and similar storage facilities are school property and remain at all times under the control of the school; however, persons using such facilities are expected to assume full responsibility for the security of their lockers and desks and similar facilities. Periodic general inspections of lockers, desks and similar facilities may be conducted by school officials for any reason, at any time, without notice and without consent.
 - f. Persons are permitted to park on school premises as a matter of privilege, not of right. Every student who wishes to drive or park vehicles on school premises shall obtain a parking permit from the District, and shall display such permits on the vehicle. Application for a parking permit shall constitute express permission by the student and parent that the vehicle may be searched by, or at the direction of, authorized school officials at any time it is on school premises, and a waiver of any and all claims arising from any such searches. The District also retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent.]
 - g. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established. The dogs will be accompanied by a qualified and authorized dog trainer-handler who will be responsible

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for the dog's actions. Any 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.

- h. Implementation of searches and seizures shall be governed by administrative guidelines promulgated by the Superintendent.
 - i. *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.
 - j. *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.
3. *Bases for Disciplinary Action.* A student may appropriately be disciplined by administrative authorities in the following circumstances:
- a. For committing any act which endangers the health or safety of students, school personnel, or others for whose safety the public school is responsible, or for conduct which reasonably appears to threaten such dangers if not restrained, regardless of whether an established rule of conduct has been violated;
 - b. For violating valid rules of student conduct established by the Board or by an administrative authority, when the student knew or should have known of the rule in question or that the conduct was prohibited; or
 - c. For committing acts prohibited by this policy, when the student knew or should have known that the conduct was prohibited.
 - d. *Selection of Disciplinary Sanctions.* Administrative authorities shall impose appropriate sanctions for student misconduct.
 - e. *School Discipline and Criminal Charges.* Appropriate disciplinary actions may be taken against students regardless of whether criminal charges are also filed in connection with an incident.
 - f. *Nondiscriminatory Enforcement.* School rules shall be imposed and enforced on without regard to the race, religion, color, national origin, ancestry, sex, or disability of any student, *provided however*, that different disciplinary actions may be imposed upon different students for violations of the same rule or for the same type of misconduct on the basis of differences in the manner, severity, duration, or impact of the violation or misconduct, or upon any similarly pertinent factors or considerations.
 - g. *Individual Culpability:* Students may not be punished as a group for the acts of individuals, even when the individuals guilty of misconduct within the group cannot otherwise be identified.

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- h. Corporal punishment prohibited: Physical mistreatment by any employee of any student, including the administration of corporal punishment by any employee upon any student, is prohibited. Employees are prohibited from physically mistreating students themselves and from directing or suggesting physical mistreatment of a student by another student. *See Policy No. 3.40 on Physical Mistreatment of Students.]*
 - i. *Detention, Suspension, and Expulsion*. Where detention, suspension, and/or expulsion is determined to be the appropriate penalty, it may be imposed only in accordance with procedures that provide at least the minimum safeguards prescribed in Paragraph 7 below. Suspensions or expulsions of students with disabilities shall be subject to the further requirements of Paragraph 4 and Paragraph 6 below.
4. *Discipline of Students with Disabilities*: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program.
- a. Long-Term Suspensions or Expulsions of students with disabilities shall be governed by the procedures set forth in Paragraph 6 below.
 - b. Temporary Suspensions of students with disabilities may be imposed in accordance with the normal procedures prescribed in Paragraph 6.4 below, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of Paragraph 5.7.3 below.
 - c. Program Prescriptions: A student with a disability's individualized education program (IEP) need not affirmatively authorize disciplinary actions which are not otherwise in conflict with the regulation. However, the IEP Committee may prescribe or prohibit specified disciplinary measures for an individual student with a disability by including appropriate provisions in the student's IEP. Administrative authorities shall adhere to any such provisions contained in a student with a disability's IEP, except that an IEP Committee may not prohibit the initiation of proceedings for long-term suspension or expulsion which are conducted in accordance with this regulation.
 - d. Immediate Removal nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program.

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G. PROCEDURES FOR LONG-TERM SUSPENSION OR EXPULSION OF STUDENTS WITH DISABILITIES:

1. Initial Determination(s).
 - a. When a student with a disability or a student whom the administrative authority has reason to suspect may have a disability violates a rule of conduct as set forth in this regulation, which may result in long-term suspension or expulsion, the following procedures shall apply:
 - b. The administrative authority shall conduct an informal administrative conference to determine if disciplinary action is warranted. The purpose of the conference shall be to:
 1. Conduct interviews;
 2. Afford the student an opportunity to explain the alleged misconduct;
 3. Determine whether the student has an IEP or a plan in accordance with §504 of the Rehabilitation Act of 1973 (hereinafter “§504”) in effect and whether the IEP or §504 plan contains alternative disciplinary strategies; and
 4. Determine whether a referral for formal evaluation should be made if an IEP or §504 plan is not in effect and a disability is suspected.
2. The administrative authority shall make a determination as to whether the conduct warrants long-term suspension or expulsion.
3. Nothing herein shall preclude the administrative authority from imposing a short-term suspension and/or seeking an injunction from a court of competent jurisdiction.
4. Parent Notification.
 - a. Upon a determination by the administrative authority that long-term suspension or expulsion will not be pursued, the administrative authority shall notify the student’s parent(s) of the incident.
 - b. Upon a determination by the administrative authority that the student’s IEP or §504 plan sets forth alternative discipline strategies for the behavior, the administrative authority shall implement the alternative strategies and notify the parent(s) accordingly.
 - c. Upon a determination by the administrative authority that an IEP or §504 plan is not in effect for the students and that a referral for formal evaluation should be made, the administrative authority shall refer the student for formal evaluation and shall notify the parent(s) in accordance with applicable requirements.
5. Upon a determination by the administrative authority that long-term suspension or expulsion will be pursued and that an IEP or §504 plan is in effect for the student, the administrative authority shall notify the parent(s) as follows:
 - a. Scheduling of the IEP meeting in accordance with the requirements of the IDEA-Part B and 34CFR Part 300, or §504, and 34 CFR Part 104, as applicable; and contemplated disciplinary action.

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6. **Manifestation Inquiry:** The administrative authority shall convene the IEP or §504 meeting to determine if the student's behavior is a manifestation of the disability and whether the student's IEP or §504 plan is appropriate.
 - a. If the determination is made that the behavior is a manifestation of the disability, the IEP/§504 Committee shall revise the IEP or §504 plan as needed to address the needs of the student. The student may not be suspended or expelled from school for more than 10 school days unless the school district obtains an order from a court of competent jurisdiction to remove the student from school or to change the student's placement.
 - b. If the determination is made that the behavior is not a manifestation of the disability but that the student's program is inappropriate, the IEP/§504 Committee shall revise the IEP/§504 plan. The student may not be suspended or expelled from school for more than 10 school days unless the school district obtains an order from a court of competent jurisdiction to remove the student from school or to change the student's placement.
 - c. If the determination is made that the misbehavior is not a manifestation of the disability and the student's program is appropriate, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings in accordance with Paragraph 7.7 below.

7. **Special Rule Regarding Weapons.**
 - a. This rule shall apply when a student with a disability is determined to have brought a weapon to school.
 - b. A student who has a disability in accordance with Part B of the IDEA and who is determined to have brought a weapon to school may be immediately placed in an interim alternative educational setting for not more than 45 calendar days during the manifestation inquiry. The interim alternative educational setting shall be determined by the IEP Committee, which includes the student's parent(s). Parental consent to the alternative placement is not required.
 - c. If the parent(s) of student placed in an alternative educational setting pursuant to this Special Rule request(s) a due process hearing pursuant to Part B of the IDEA, the student shall remain in the alternative educational setting during the pendency of any proceedings, unless the parent(s) and administrative authority agree otherwise.
 - d. If, upon final determination, it is decided that bringing the weapon to school is unrelated to the student's disability, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings.
 - e. **Alternative Educational Services During the Period of Long-Term Suspension or Expulsion.**
 - f. Alternative educational services for a student with a disability upon whom a long-term suspension or expulsion has been imposed for behavior not related to the disability shall be provided as follows:
 1. During the period of disciplinary exclusion from school, each student who is disabled pursuant to the IDEA must continue to be offered a program of appropriate educational services that is individually designed to meet his/her unique learning needs. Such services may be provided in the home, in an alternative school, or in another setting.
 2. School districts may cease educational services to students who are disabled pursuant to §504 during periods of disciplinary exclusion from school that exceed 10 school days if students who are not disabled do not continue to receive educational services in similar circumstances.

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- g. Provision of Alternative Educational Services.
 - 1. The parent(s) shall be notified of the IEP/§504 meeting.
 - 2. An IEP is developed to reflect the alternative educational services, and placement to be provided to the student during the period of the long-term suspension or expulsion.
 - 3. If the parent(s) request a due process hearing, the student shall remain in the alternative educational setting.
- h. Local school boards shall adopt policies stating whether a student will receive grades and/or credit during the period of long-term suspension or expulsion.

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H. PROCEDURE FOR DETENTIONS, SUSPENSIONS, AND EXPULSIONS:

The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violations of school rules when school authorities have adhered to the minimum procedural safeguards required to afford the student due process of law.

This Paragraph prescribes minimum requirements for detention, in-school suspension and temporary, long-term or permanent removal of students from the public schools.

The procedures in this Paragraph apply only to disciplinary detentions, suspensions, and expulsions. They do not apply to disenrollment of students who fail to meet immunization, age, residence, or other requirements for valid enrollment, nor to the removal from school membership reports of students who have been absent from school for 10 consecutive school days in accordance with Section 22-8-2B, NMSA 1978.

Nothing in the Paragraph should be construed as prohibiting the Board or administrative authorities from involving other school staff, students, and members of the community in the enforcement of rules of student conduct to the extent they believe is appropriate.

1 Initiation of Proceedings

- a. Procedures and Notice for Short-term Suspension: Prior to imposing a short-term suspension, the school administrative authority (principal, assistant principal) shall conduct an informal hearing through informal discussion with the student.
- b. The informal hearing may be conducted in the school administrative authority's office, or in any other place that is private and free of distractions.
- c. The administrative authority shall inform the student of the charge against him or her;
- d. If the student admits the charge, the administrative authority may impose a short-term suspension;
- e. If the student denies the charge, the administrative authority shall:
 1. Inform the student of the factual basis for the charge by stating the acts he or she is accused of committing and the reasons for believing he or she committed such acts;
 2. Provide the student with the opportunity to state his or her version of the facts; and
 3. Determine whether the imposition of short-term suspension is warranted on the basis of the evidence.
- f. In conducting the informal hearing, the administrative authority:
 1. Is not required to provide for advance notice to the student's parents or guardian,
 2. Is not required to allow the student to be represented by any third party, or to confront or cross-examine witnesses, and

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3. Is not required to divulge the identity of informants provided there is good cause to withhold such information, such as a reasonable likelihood of harm to the informant.
 - g. Notice of Short-Term Suspension: If the administrative authority determines that the student shall be subject to short-term suspension only, the administrative authority shall complete a Notice of Short-Term Suspension, in a form substantially equivalent to that adopted and attached hereto as Exhibit 1, and serve it upon the student through his or her parent or guardian, personally or by mail.
 - h. A student may not be suspended from school for more than 10 school days on the basis of an informal hearing alone.
 1. Suspensions beyond 10 school days are long-term suspensions, and require that the student be afforded a formal hearing, as provided in subsection b, below, unless such formal hearing is waived.
 2. If the formal hearing for long-term suspension or expulsion provided for in subsection b, below, is not waived and is not held within the 10-day period of the short-term suspension, the student must be returned to school after 10 school days until the hearing is held, but may be placed in in-school suspension during that time.
 - i. Combined Short-Term Suspension and Long-Term Suspension or Expulsion: In all instances in which, in addition to short-term suspension, a long-term suspension or expulsion of the student is recommended by the administrative authority, the administrative authority shall,
 1. Complete the informal proceedings described in subparagraph a, above, and
 2. Complete a Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion, in a form substantially equivalent to that adopted and attached as Exhibit 2 to these rules, and serve it upon the student through his or her parent or guardian, personally or by mail.
2. Procedures for Long-Term Suspension or Expulsion Hearing
- a. Contents of Notice: The notice of the formal hearing regarding the recommended long-term suspension or expulsion, shall be in a form substantially equivalent to that adopted and attached herein as Exhibit 2, Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion, and shall include all the contents thereof.
 - b. Timing of the Formal Hearing:
 1. The formal hearing for which notice is provided in the Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion shall be held no sooner than five school days nor later than 10 school days from the date of receipt of the notice by the parent or guardian.

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2. The formal hearing may be postponed by the Hearing Authority upon a request for good cause by the parent or guardian, but, if the postponement would be to a date beyond the expiration of the period of the student's short-term suspension, the Hearing Authority, may condition such postponement upon the agreement of the parent or guardian to voluntarily keep the student home beyond the period of the 10 day short-term suspension until the postponed hearing date, or upon such other conditions as the Hearing Authority determines to be appropriate.
3. Waiver of Hearing: If, prior to the formal hearing on long-term suspension or expulsion, the parent or guardian executes and submits to the administrative authority or the Hearing Authority, the Waiver of Right to Hearing included in the Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion, Exhibit 2, or otherwise waives such right in a signed writing submitted to the administrative authority or the Hearing Authority, then the proposed long-term suspension or expulsion may be imposed immediately and without further proceedings.
4. Standards for the Formal Hearing: If the formal hearing is not waived, it shall be conducted as follows:
 - a. The student shall appear at the hearing with a parent or guardian unless the student has reached the age of majority or can provide satisfactory evidence of legal emancipation.
 - b. Failure of the student and parent/guardian to appear shall not delay the hearing and, the Hearing Authority may impose the proposed penalty by default if:
 1. the student and a parent or guardian have not appeared for the hearing within 20 minutes after the time stated in the Notice for the hearing to begin, and the parent or guardian has not personally communicated to the Hearing Authority what the Hearing Authority determines to be good cause for the failure of the student and parent/guardian to appear; and
 2. reviewing the school administrative authority's evidence, the Hearing Authority determines that it is sufficient to support the charges of misconduct by the student.
 3. In the event the student's parent or guardian communicates what the Hearing Authority determines to be good cause for the failure to appear, the Hearing Authority may delay or postpone the hearing, with or without conditions to be met by the student and parent/guardian.
 - c. The Principal or other administrative authority who signed the Notice will have the obligation of proving by a preponderance (majority) of the evidence that the student committed the charged misconduct. The administrative authority may be represented by counsel or another representative.
 - d. The student has the right to be represented at the hearing by legal counsel or some other representative, provided such representative is designated in a written notice delivered to the Hearing Authority three school days before the date of the hearing.
 - e. The student or his or her representative shall have the right to cross-examine the witnesses against the student, subject to reasonable limitations by the Hearing Authority.

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- f. The student or his or her representative shall have the right to call his or her own witnesses and present evidence, subject to reasonable requirements of substantiation and relevancy as determined by the Hearing Authority.
 - g. The student shall have the right to have a decision by the Hearing Authority based solely on the evidence presented at the hearing and the applicable rules governing student conduct.
3. Procedures for the Formal Hearing and Decision
- a. Technical rules of evidence and procedure will not be applied.
 - 1. Each party's right to call, examine, and cross-examine witnesses and to introduce documentary evidence, will be subject to reasonable standards of relevancy and substantiation, as determined by the Hearing Authority.
 - 2. The Hearing Authority may require each side to exchange and to provide to the Hearing Authority in advance of the hearing, a list of witnesses proposed to be called, with a brief summary of the expected testimony of each witness, and a list of exhibits to be offered, and may exclude any witness or exhibit not listed.
 - 3. The Hearing Authority will make arrangements for an official record of the hearing to be kept either by tape recording or by minutes kept by the Hearing Authority or his or her designee. Other than notes taken by the parties, no other record of the hearing shall be permitted.
 - 4. The Hearing Authority will open the hearing with a statement indicating the purpose of the hearing, the charges, and a description of the procedure for conducting the hearing.
 - b. The student and parent or guardian shall have the right to determine whether the hearing is held in public session or closed session.
 - c. Each party will have an opportunity to make an opening statement.
 - d. The school administrative authority will then present its case.
 - e. At the close of the administrative authority's case, the student, parent/guardian, and/or counsel will then present the student's case.
 - f. Upon the close of the student's case, the school administrative authority may present rebuttal evidence.
 - g. Each witness presented by each side will be subject to direct examination by the party calling the witness, cross-examination by the opposing party or parties, and re-direct examination by the party that called the witness.
 - h. At the close of the evidence (testimony and exhibits) each party shall be afforded an opportunity to make a closing statement.
 - i. The Hearing Authority may announce a decision at the close of the hearing, and shall mail or deliver a written decision to the student's parent or guardian within five school days of the last day of the hearing.

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- j. The Hearing Authority's decision is effective upon its announcement or upon its receipt by the student, whichever is earlier.
- k. Content of the Hearing Authority's Written Decision: The written decision shall include:
 - 1. A concise summary of the evidence and facts upon which the Hearing Authority based its factual determinations;
 - 2. A statement of the penalty, and the reasons the particular penalty was chosen.
- 4. Review of Disciplinary Penalty
 - a. The student/parent/guardian shall have the right to have the penalty imposed by the Hearing Authority reviewed by the Board if the penalty imposed was at least as severe as:
 - 1. expulsion;
 - 2. long-term suspension;
 - 3. in-school suspension exceeding one semester in duration; or
 - 4. denial or restriction of student privileges for one semester or longer.
 - b. Request for Review: The right of review must be exercised by delivering a written request for review to the Superintendent within 10 school days after *the earlier of* the Hearing Authority's announcement of its decision or the student's receipt of the written decision. The request shall state the reasons it is contended that the penalty imposed is inappropriate, and:
 - 1. If the request for review is based in whole or in part, upon a contention that there is newly discovered evidence, the request shall so state, and shall specify why such evidence could not reasonably have been discovered in time for the hearing before the Hearing Authority, and why it is contended that the newly discovered evidence would change the outcome of the prior hearing;
 - 2. If the request for review is based in whole or in part, upon a contention that a factual determination of the Hearing Authority was arbitrary, capricious, or not supported by substantial evidence, the request shall so state, and shall specify the bases for such contention.
 - c. Form of review: The Board shall determine the form of its review, which may include one or more of the following:
 - 1. The Board's review of the record of the hearing and decision;
 - 2. Submission of a written statement to the Board by the student and parent guardian followed after a specified number of days by the submission of a written response to the Board by the Hearing Authority.

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3. Presentation of an oral statement to the Board by the student or the parent or guardian, followed by an oral response to the Board by the Hearing Authority at a meeting of the Board, *provided*, that in the event a hearing in person is granted by the Board, the student and parent or guardian shall have the right to determine whether such hearing is held in public or in executive session.
- d. Scope of review: The scope of review shall be limited to a determination of whether the penalty imposed by the Hearing Authority was appropriate.
 1. On the basis of its review of the penalty imposed by the Hearing Authority, the Board may, in its discretion, affirm or modify the penalty, and the Board's modification may include either reducing or increasing the penalty.
 2. The Board shall be bound by, and shall not reconsider, the factual determinations upon which the Hearing Authority based its decision, unless:
 - a. The student and parent/guardian includes notice in the request for review and proves to the Board's satisfaction:
 - b. that new evidence has come to light since the hearing before the Hearing Authority, and
 - c. that such evidence could not reasonably have been discovered by the student and parent or guardian in time for the hearing, and
 - d. that the newly discovered evidence would clearly change a factual determination material to the outcome; *or* the student and parent or guardian includes in the request for review, and proves to the Board's satisfaction, that a finding of fact by the Hearing Authority was arbitrary, capricious, and unsupported by substantial evidence, meaning that there is no credible evidence in the record that, if believed by the Hearing Authority, would support the determination, regardless of whether there was contrary evidence as well.
 3. If, on one of the foregoing grounds, the Board determines that it should review one or more of the Hearing Authority's factual findings, it may do so by:
 - a. receiving new evidence itself from both the student and parent/guardian and the administrative authority, limited to the specific factual finding(s) questioned; or by
 - b. conducting a *de novo* hearing itself on the issue of the student's culpability; or by
 - c. referring the issue or issues back to the Hearing Authority for further proceedings and findings.

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5. Decision
 - a. The Board shall reach a decision regarding the review by majority vote, subject to any requirements for keeping the student's identity confidential.
 - b. The Board may announce its decision at the conclusion of any hearing held on the review, and, in any event, shall issue a written decision within 10 school days of its decision.
 - c. The Board's decision shall constitute final administrative action.
6. Students with Disabilities: This paragraph (Paragraph 7) does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504, except as provided for in Paragraph 6.3.2 above. The procedures for long-term suspension or expulsion of disabled students are set forth in Paragraph 6 above.
 - a. Immediate Removal.
 1. Students whose presence poses an imminent danger to persons or property or an ongoing threat of interference with the educational processes of the school may be immediately removed from school on the following conditions:
 - a. The student shall be provided with a rudimentary hearing, as required for temporary suspensions, as soon as practicable.
 - b. The student shall be reinstated after no more than one school day unless a temporary suspension is imposed after the required rudimentary hearing. In such circumstances, a single hearing will support both the immediate removal and a temporary suspension imposed in connection with the same incident(s).
 2. Reasonable efforts shall be made to inform the student's parent of the charges against the student and the action taken as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the school day following the immediate removal, the school shall on that day mail a written notice with the required information to the parent's address of record.

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4.16 SEARCH & SEIZURE

The Board of Education, in recognition of the necessity of conducting searches and seizures of employees and students from time to time in order to enforce school policies and discipline, adopts the following policy regarding searches and seizures.

- I. **Definition:** As used in this policy "contraband" means any substance, material or object prohibited from school pursuant to school policy or state or federal law, including drugs, alcohol, fireworks, or weapons.
- II. **Rules Regarding Searches and Seizures:** With respect to both employees and students, the District reserve the right to search persons, personal effects, and vehicles as follows:
 - A. A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in the presence of a witness of the same sex. Strip searches are not permitted.
 - B. Lockers, desks, and similar storage facilities are school property and remain at all times under the control of the school; however, persons using such facilities are expected to assume full responsibility for the security of their lockers and desks and similar facilities. Periodic general inspections of lockers, desks and similar facilities may be conducted by school officials for any reason, at any time, without notice and without consent.
 - C. Persons are permitted to park on school premises as a matter of privilege, not of right. Every student who wishes to drive or park vehicles on an school premises shall obtain a parking permit from the District, and shall display such permits on the vehicle. Application for a parking permit shall constitute express permission by the student and parent that the vehicle may be searched by, or at the direction of, authorized school officials at any time it is on school premises, and a waiver of any and all claims arising from any such searches. The District also retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent.

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- D. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established. The dogs will be accompanied by a qualified and authorized dog trainer-handler who will be responsible for the dog's actions. Any 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.

Reasonable notice of this policy shall be provided each school year.

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4.17 DISCIPLINE

- A. As a school we are concerned with the development of attitudes, habits and behavior. We seek to provide a proper climate for learning, and strive to work in cooperation with parents in the student's development of self-discipline, responsibility and respect for other people. We want all students to learn, but disruptive students can thwart our efforts. To insure an atmosphere that is conducive to learning, it is necessary to balance carefully a student's individual rights with his or her responsibilities for good citizenship. When students do not follow the rules of proper conduct, the school has a responsibility to take action in the interest of those students and the other students in the school.
- B. Prohibited by State Regulation: State Board Regulation SBE 81-3 sets forth certain prohibited acts in all New Mexico Public Schools and for students whenever they are subject to school control. Regulation SBE 81-3 is made a part of this policy by reference as is set forth in full. (Copies of this regulation are on file in the Administrative Office.)
1. The prohibited acts are:
 - a. Disruptive conduct
 - b. Criminal conduct
- C. The following categories give a description of the types of behavior for which a student may receive a conduct referral. These situations may be subject to police referral or criminal prosecution. The consequences for these infractions are addressed in each school's handbook.

1. DISRUPTIVE CONDUCT

Disruptive acts will be subject to regular discipline. (Policy, page 17) At all times due process under SBE Regulation 81-3 will prevail.

- a. Flagrant Misbehavior
- b. Tobacco
- c. Cheating
- d. Insubordination
- e. Hazing/Initiation
- f. Public Display of Affection
- g. Cell Phones or beepers are not to be used in the classrooms

2. CRIMINAL CONDUCT

- a. Physical Attack or Threat With a Weapon
- b. Disruptive and Dangerous Behavior
- c. Explosive Devices
- d. Bomb Threats/Fire Alarm
- e. Possession or Use of Drugs or Alcoholic Substances
- f. Distribution of Illegal Substance
- g. Extortion

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- h. Larceny and Illegal Entry
 - i. Criminal Damage
 - j. Arson.
 - k. Forgery
 - l. Sexual Harassment
- D. When the Individual Educational Plan Committee determines a student to be eligible for special education services, the Committee shall also note on the Individual Educational Plan report whether or not the student will be disciplined in the same manner as students who are not in special education.

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4.18 SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES

A. The Special Education Department will operate in compliance with all laws and regulations regarding exceptional students. The District will provide a free and appropriate public education, establish and provide full educational opportunity for all students ages three through twenty-one having special needs as defined by New Mexico and federal laws and regulations pertaining to special education. Services will be provided in the least restrictive environment. The District does not exclude any student from program participation based on handicap, race, color, national origin or sex.

B. Applicable laws included but are not limited to:

The Civil Rights Act of 1964, Section 504 of the Vocational Rehabilitation Act of 1973, Educational Amendments of 1972, Individuals with Disabilities Education Act of 1975, Educational Rights and Privacy Act of 1994, Audit Act NMSA 1978, Procurement Code NMSA 1978, the Single Audit Act of 1984, Education Department General Administration Regulations (EDGAR), Public School Finance Act of 1978, Public School Codes.

C. Responsibilities

1. The expeditious identification and evaluation of all students within the District, in or out of school, who may qualify for special education services in accordance with Educational Standards for New Mexico Schools and federal law.
2. The development and implementation of an Individual Educational Plan (IEP) for every student identified and placed in a special education program.
3. The development and supervision of state and federally funded programs and services to meet students' IEPs.
4. The development of procedures to assure procedural safeguards is afforded to parents of exceptional students.
5. The development of procedures to ensure compliance with the Family Educational Rights and Privacy Act of 1974.

D. All programs provided to all special education students under the responsibility of Tularosa Municipal Schools will be provided by appropriately licensed or certified professionals. All program models will be under the general direction of a certified professional.

E. The Special Education Department acknowledges the role of the building principal in the development, implementation and evaluation of all special education programs as it pertains to:

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1. Staff evaluation
 2. Staff development
 3. Day-to-day supervision
 4. Student discipline
 5. Confidentiality of student records
 6. Parent involvement
 7. Federal special education inventory
 8. Average daily membership report
 9. Adherence to federal and state regulations
- H. In cases where there is doubt as to the appropriateness of the regular curriculum in meeting the needs of a particular student, referral shall be made by the school, parent or legal guardian, or other individual familiar with the student, for a psycho-educational evaluation to determine the student's specific needs. Such referral shall be in conformance with New Mexico State Department of Education regulations governing identification and placement of special education students and established district referral procedures.
- G. If a student is transferring into the district and the parent or legal guardian attests that the student had been receiving special education services at a previous school, the student may be continued in like special education program in the District for a period not to exceed 45 days, pending receipt of confidential records from the previous school or reevaluation. Continued placement of transferring special education students will be in conformance with established District procedures.

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4.19 SECTION 504 AND TITLE IX

A. SECTION 504 OF THE REHABILITATION ACT OF 1973

1. It is the responsibility of the Tularosa Municipal School District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.
2. For this policy, a student who may need special services or programs within the intent of Section 504 is one who:
 - a. Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - b. Has a record of such impairment; or
 - c. Is regarded as having such impairment.
3. Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act, P.L. 94-142, (formerly entitled Education of the Handicapped Act). Students who are identified as individuals with exceptional needs, according to IDEA/EHA criteria, are not addressed under this policy. The needs of such students are provided for under Policy 4.18 and its regulations and under state and federal laws and regulations. IDEA/EHA students identified are provided services in accordance with local, state and federal laws and regulations in addition to Section 504.
4. It is the policy of the Tularosa Municipal School District to provide a free and appropriate public education to all students with disabilities/handicaps within its jurisdiction, regardless of the type of disability/handicap or its severity.
5. Students who are disabled/handicapped consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated and provided with appropriate instruction and educational services. Persons who are thought to be handicapped shall have the following rights in accordance with Section 504:
 - a. Right to file a grievance with the district concerning allegations of violations of Section 504 Regulations;
 - b. Right to an evaluation drawing upon different sources;
 - b. Right to be informed of any actions pertaining to eligibility and any proposed service plans;

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- d. Right to review any personal information in an understandable mode;
 - e. Right to periodic evaluations;
 - f. Right to evaluation prior to any significant change in services;
 - g. Right to contest the district's proposed actions through an impartial hearing;
 - h. Right to be represented by counsel in the impartial hearing; and
 - i. Right to appeal the decision from any hearing.
6. The Section 504 Coordinator for the district is the High School Principal. This person may be contacted at 504 First Street, Tularosa, NM 88352, 505 585-8866.

B. TITLE IX POLICY

The Board of Education for the Tularosa Municipal Schools finds that the Tularosa Municipal Schools must provide equivalence of benefits in all its boys' and girls' athletics, academics, and training program as required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of gender by educational institutions that receive federal funds directly or indirectly. The Board further acknowledges that the school district must undertake a continuous evaluation of its compliance with Title IX, and that the school district must therefore take care to maintain a balance in the benefits provided by the boys' and girls' programs.

To promote compliance with Title IX, it is the Board's purpose through this policy to help maintain the overall equivalence of opportunity for male and female students and employees to participate in athletic programs, academic programs, and training within the school district.

1. Nondiscrimination Policy under Title IX

The Tularosa Municipal Schools is committed to the philosophy of equal opportunity/equal access in all its employments, educational programs, activities and services. All students shall have the opportunity to participate in and receive benefits from all programs or activities including, but not limited to, course offerings, graduation requirements, athletics, counseling, employment assistance, extra-curricular and other school-related activities. Discrimination in education or employment because of race, color, national origin, ancestry, religion, creed, sex, age, physical or mental handicap, marital or parental status, pregnancy, sexual orientation, or veteran status is prohibited.

2. Sexual Harassment Policy under Title IX

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The Tularosa Municipal Schools is committed to a positive and productive working and learning environment free of discrimination. Discrimination adversely affects morale and interferes with employee and student ability to work and learn. The Tularosa Municipal Schools prohibits sexual harassment of its employees or students, whether committed by a co-worker, supervisor, subordinate, contractor, volunteer or student. Such behavior may constitute a basis for disciplinary action up to and including discharge or expulsion. Whereas sexual harassment substantially compromises the attainment of educational excellence, the Tularosa Municipal Schools will not tolerate such behavior between members of the same or opposite sex.

The Tularosa Municipal Schools also prohibits retaliation against

- a. any employee or student for having made a report of alleged sexual harassment, and
- b. against any employee or student who has testified, assisted or participated in the investigation of a report.

Retaliation is itself a violation of State and Federal regulations prohibiting discrimination and may constitute a basis for disciplinary action up to and including discharge or expulsion

This policy applies to individuals attending any events on the property of the Tularosa Municipal Schools, whether or not school-sponsored and to any school-sponsored events regardless of location. Any complaints of sexual harassment in violation of this policy should be reported within 180 calendar days of occurrence.

A copy of the Tularosa Municipal Schools' Sexual Harassment Policy may be obtained at the school-based principal's office. Nothing in this policy applying to Title IX and Section 504 is intended to alter the Tularosa Municipal Schools' Sexual Harassment policies as set forth in Board Policy 3.34 and 4.23.

3. Creation of Title IX Coordinator and Grievance Procedures for the Tularosa Municipal Schools
 - a. The Superintendent shall:
 - 1) designate a principal or associate superintendent within the school district to act as the school district's Title IX Coordinator for a period of not less than two years or until the end of the designee's employment which ever is shorter;
 - 2) ensure that the Title IX Coordinator has sufficient authority to continuously evaluate the school district's compliance with Title IX, conduct necessary investigations and issue reports to the Superintendent regarding the school district's compliance with Title IX, and ensure that he or she has sufficient authority and the necessary procedures to investigate and report on all written complaints of alleged violations of Title IX or the school district's policies regarding Title IX;

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- 3) promulgate grievance procedures that allow any student or employee of the Tularosa Municipal Schools who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the bases of sex in violation of this policy or Title IX, to file a written complaint with the Title IX Coordinator;
- 4) ensure that the grievance procedures provide for investigation and review of all written complaints by the Title IX Coordinator and that the procedures also provide for notice and an opportunity for hearing on all written complaints by the creation of a hearing committee to hear matters unresolved by the title IX Coordinator.
- 5) Ensure that the grievance procedures provide for a final appeal on all unresolved matters to the Board of Education.

4. Title IX Grievance Procedures

As provided under these procedures, all inquires or complaints regarding discrimination in violation of Board of Education Policy 4.19 A & B should be directed to:

Title IX/Section 504 Coordinator/High School Principal
Tularosa Municipal Schools
504 First Street
Tularosa, NM 88352

The employment procedures of the Tularosa Municipal Schools will be in compliance with all appropriate State and Federal laws. All inquires or complaints regarding discrimination other than those in violation of Board of Education Policy 4.19 A & B with regards to employment with the Tularosa Municipal Schools should be directed to:

Superintendent
Tularosa Municipal Schools
504 First Street
Tularosa, NM 88352

As provided in these procedures, all inquires and complaints regarding sexual harassment in violation of Board Policy 4.19 A & B should be directed to:

FOR STUDENTS Title IX Coordinator/High School Principal
Tularosa Municipal Schools
504 First Street
Tularosa, NM 88352

FOR EMPLOYEES Superintendent
Tularosa Municipal Schools
504 First Street
Tularosa, NM 88352

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5. Creation of Grievance Hearing Committee:

As part of these procedures, there shall be the creation of a Grievance Hearing Committee to hear, when appropriate, all matters under these procedures.

Title IX/Section 504 Grievance Hearing Committee shall consist as follows:

Superintendent, Chair

Counselor, Member

Student member

Parent Liaison, Member

Varsity Head Coach

Middle School Head Coach

Principal, Member (affected school)

Principal, Member (from another school)

Instructor, Member (affected school)

Instructor, Member (from another school)

Student Advocate, Ad Hoc Member

The Superintendent shall have the discretion to expand or limit the composition of the grievance hearing committee in order to address the particular circumstances presented by the grievance.

6. Standards of Conduct

Every student and employee of the Tularosa Municipal Schools may rightfully expect that the faculty, staff, athletic coaches and administration will maintain an environment in which there is freedom to learn and equity in access to any educational program or activity. As members of the Tularosa Municipal Schools community, employees and students will be encouraged to develop the capacity for: accepting constructive criticism; an openness to critical judgments; engagement in sustained and independent search for the truth; and the ability to exercise their rights to free speech in a responsible, non-violent manner.

Every employee and student shall respect and obey civil and criminal law, and shall be subject to legal penalties for violation of City, County, State and Federal law. Employee and student conduct at the Tularosa Municipal Schools must conform to district and school-based rules and regulations.

7. Equity and Participation

The Tularosa Municipal Schools is committed to nondiscrimination and to provide an equal opportunity for admission, access and participation in its education programs and activities. Each academic course, education program or activity which is reported for state aid is open fully to enrollment and participation by any person who has been admitted to any school within the Tularosa Municipal Schools and who meets the prerequisites of the course, educational program or activity.

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8. Title IX/Section 504 Coordinator

In order to ensure equity and nondiscrimination under Title IX and Section 504, the Tularosa Municipal Schools authorizes the Title IX/Section 504 Coordinator to coordinate the School District's compliance with the requirements of title IX and Section 504. The Title IX/Section 504 Coordinator will be responsible to ensure that this policy is adhered to and that the school district notifies all students, parents and employees that (1) it does not discriminate in its programs and activities; and (2) inquiries concerning the nondiscrimination policies may be referred to the designated employee(s). The Title IX/Section 504 Coordinator will direct the Superintendent's responsibility to provide continuing training to administrators, instructors, coaches and employees regarding the appropriate implementation of its Title IX and Section 504 policies and procedures, including associated grievance procedures.

9. Director of Athletics

In order to ensure equity and nondiscrimination under Title IX and Section 504 in athletics, the Tularosa Municipal Schools authorizes the Title IX/Section 504 coordinator to work with the Director of Athletics to ensure compliance with Title IX and Section 504. The Director of Athletics is a student advocate and available to assist all students.

10. Grievance Procedures

The purpose of the Grievance Procedures is to provide a prompt and equitable means for resolving employee and student issues arising on the basis of Title IX and Section 504 and shall be the exclusive procedures utilized in addressing such issues within the Tularosa Municipal Schools. The procedures enumerated in Board of Education Policy 4.19A & B shall be available to any student who believes a school, instructor, coach or employee decision or action has adversely affected his or her status, rights, and/or privileges as a student outside those granted under Title IX of the Higher Education Amendments of 1972 (and applicable regulations) and Section 504 of the Rehabilitation Act of 1973.

Any student or employee of the Tularosa Municipal Schools who believes he or she has been discriminated against, denied a benefit, or exclude from participation in any district education program or activity on the bases of his or her gender or on the bases of his or her disability in violation of Board of Education Policy 4.19 A & B, may file a written complaint with the Title IX/Section 504 Coordinator.

The Title IX/Section 504 Coordinator shall initially review the written complaint to determine if the matter affects the school district's overall compliance under Title IX or Section 504 or violation of Board of Education Policy No. 4.19 A & B or if the matter involves the administration of internal procedures and rules.

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Should the written complaint involve internal procedures or rules, the Title IX/Section 504 Coordinator shall forward the matter to the appropriate school principal for resolution under the school district's informal grievance procedures.

Should the written complaint involve the school district's overall compliance under Title IX or Section 504 or violation of Board of Education Policy No. 4.19 A & B, the Title IX/Section 504 Coordinator will cause a review of the written complaint to be conducted and a written response mailed to complainant within 30 calendar days of receipt of the complaint.

A copy of the written complaint and the response shall be provided by the Title IX/Section 504 coordinator to the Superintendent of the Tularosa Municipal Schools and to each member of the Board of Education for the Tularosa Municipal Schools.

If the complainant is not satisfied with the response of the Title IX/Section 504 Coordinator, he or she may submit a written appeal within 15 calendar days of receipt of the response to the Title IX Section Grievance Hearing Committee indicating with particularity the nature of disagreement with the response from the title IX/Section 504 Coordinator and his or her reasons underlying such disagreement.

The Title IX/Section 504 Grievance Hearing Committee shall schedule a hearing within 30 calendar days of receipt of the written appeal to review the facts underlying the disagreement and to allow the complainant to present evidence and witnesses regarding his or her disagreement with the response of the Title IX/Section 504 Coordinator.

The Title IX/Section 504 Grievance Hearing Committee shall provide the complainant with a minimum of 10 calendar days notice of the hearing date. The Title IX/Section 504 Grievance Hearing Committee shall issue a written decision and mail it to the complainant within 15 calendar days of the completion of the hearing. A copy of the written decision shall be provided by the Title IX/Section 504 Coordinator to each member of the Board of Education for the Tularosa Municipal Schools.

If the complainant is not satisfied with the decision of the title IX/Section 504 Grievance Hearing Committee, he or she may submit a written appeal to the Board of Education for the Tularosa Municipal Schools within 5 calendar days of receipt of the committee's decision indicating with particularity the nature of disagreement with the decision of the Title IX/Section 504 Grievance Hearing Committee and his or her reasons underlying such disagreement.

The Board of Education for the Tularosa Municipal Schools shall consider the appeal at its next regularly scheduled meeting following receipt of the complainant's appeal. At the Board of Education's sole discretion, it may hear additional evidence regarding the facts underlying the disagreement and may open or close the meeting to the general public as permitted by the New Mexico Open Meetings Act. The Board of Education shall issue its decision and mail it to complainant within 15 calendar days of its meeting.

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11. Steps for Filing a Title IX/Section 504 Grievance

- a. Pick up a Grievance Form from the Title IX/Section 504 Coordinator, Director of Athletics, or School-based Principal or prepare a written complaint/grievance.
- b. Return or mail the completed form or the written grievance with documentation attached to:

Title IX/Section 504 Coordinator for Tularosa Municipal Schools
504 First Street
Tularosa, NM 88352

- c. The complaint process will then follow the specific steps and time lines set forth in the “Grievance Procedures” section of this policy.

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4.20 SUBSTANCE ABUSE POLICY AND PROCEDURES

A. STATEMENT OF PHILOSOPHY

1. The Tularosa Municipal Schools recognize that alcohol and drug abuse are treatable health problems. Health problems of youth are primarily the responsibility of the family and community; but the schools share that responsibility because misuses, abuse and dependency problems often interfere with school behavior, student learning, and the maximum possible development of each student.
2. The schools have a responsibility to help students avoid the problems of alcohol and drug abuse by protecting and preparing children with education and the opportunity to achieve and develop self-esteem. The schools shall endeavor to educate and counsel students and staff concerning abuse of alcohol, illegal drugs, and/or controlled substances. The schools shall intervene with persons manifesting a sign of misuse or abuse and make an effort to educate and aid them. While assisting in prevention and rehabilitation efforts, the schools must also attempt to eradicate the drug and alcohol abuse problems that already exist among students. Every reasonable effort shall be made to provide for students and staff an environment that is free of alcohol, illegal drugs, and/or controlled substances, while giving consideration to the health, safety, educational, and due process rights of all students. The Tularosa Municipal Schools, therefore, adopts the following policy and procedures:

B. POLICY

1. In accordance with State Board of Education Regulation 81-3, "Rights and Responsibilities of the Public Schools and Public School Students", and Section 22-5-4.3, NMSA 1978, the Tularosa Municipal Schools prohibits students from using, misusing, abusing, possessing, selling, dealing, and/or giving away alcohol, controlled substances, solvents/inhalants used for intoxication, and/or drug paraphernalia while at school, on school property, in school vehicles, or at a school-sponsored activity.
2. School property assigned to students and students' person, or property while under the authority of the Tularosa Municipal Schools are subject to search, and items found are subject to seizure, when such a search is conducted in accordance with applicable legal procedure. Drug sniffing dogs may be used as a basis for conducting a search.
3. The Superintendent or his/her designee has the authority to suspend and recommend expulsion of students who, after a notice and a hearing, have been found to be in violation of school rules and/or state laws on alcohol and/or drugs. An option, prior to expulsion, is that the student may seek help from a substance abuse counselor and follow the recommendations made.

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C. PROCEDURES

1. Each student shall receive a Student Handbook at the beginning of each school year, or upon admission for students entering during the school year.
2. This policy and these procedures shall not be enforced in a manner that discriminates against any student on the basis of race, religion, color, national origin, ancestry, sex, or handicap. This statement shall not be construed as requiring identical treatment of students for violation of the same rule: it shall be read as prohibiting differential treatment which is based on race, religion, color, national origin, ancestry, sex or handicap rather than on other differences in individual cases or students.
3. In accordance with the requirements of Section 22-5-4.3, NMSA 1978, a school employee who witnesses or suspects a student of using, misusing, abusing, possessing, selling, dealing, or giving away alcohol, controlled substances, solvents/inhalants used for intoxication, and/or drug paraphernalia must inform the principal/superintendent or his/her designee immediately.
4. The Principal/Superintendent or Designee Will:
 - a. Notify the parent/guardian if further action is to be taken.
 - b. Meet with the student to discuss the situation and hear the student's explanation.
 - c. Determine the appropriateness of a search of student and/or school property.
 - d. Make a determination, regarding the use, misuse, abuse, possession, sale, dealing, or giving away of alcohol, controlled substances, solvents/inhalants used for intoxication, and/or drug paraphernalia.
 - e. Determine intervention needs and disciplinary consequences based on school policy.
 - f. Determine the appropriateness of notifying law enforcement and/or Juvenile Probation Office.
5. As stated in Section 22-5-4.4, NMSA 1978, "No school employee who in good faith reports any known or suspected instances of alcohol or drug use or abuse shall be held liable for any civil damages as a result of such report or his efforts to enforce any school policies or regulations regarding drug or alcohol use or abuse."
6. **PROCEDURE FOR REPORTING OF KNOWN OR SUSPECTED USE OR ABUSE OF ALCOHOL OR DRUGS BY STUDENTS**

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- a. Statutory Basis: Section 22-5-4.4, NMSA 1978, requires that school employees who know or in good faith suspect any student of using or abusing alcohol or drugs shall report such use or abuse pursuant to procedures established by their local school boards. So long as such report is made in good faith, the reporting school employee shall be immune from any civil damages for his/her action. This policy is enacted to provide a procedure to be followed by all school district employees in reporting known or suspected use or abuse of alcohol or drugs by students.

7. Reporting and Investigating

- a. All school employees have a mandatory non-discretionary duty to report known or suspected alcohol or drug use or abuse by any student of the district.
- b. All reports made hereunder shall be on a uniform reporting form, available from the office of the Principal or Superintendent, and be made to the Principal or Superintendent.
- c. Reports required hereunder shall be made within a reasonable time after the employee first learns or suspects the use or abuse of drugs or alcohol by a student.
- d. It is not the duty of the school employee making the required report to conduct an investigation to determine whether or not the student identified has in fact used or abused drugs or alcohol. The duty to investigate shall be upon the responsible school official to whom the report is made; provided, however, that the reporting employee shall cooperate with the responsible school official during the course of any investigation.
- e. The failure of any school employee to report knowledge or suspicion of student alcohol or drug use or abuse in a timely manner may be cause for discipline of the employee.

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4.21 POLICY REGARDING WEAPONS IN SCHOOL

The Tularosa Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to forbid the possession, custody, and use of weapons by staff, students or other persons on school property, or during school – sponsored activities.

This policy is enacted to implement the requirements of the federal Gun Free Schools Act of 1994, 20 U.S.C., ‘8921 and N.M.S.A 1978, “22-5-4.7 and 30-7-2-1, and it is the intention of the Board that it be interpreted broadly to conform to these provisions of law.

A. DEFINITIONS:

1. For the purposes of this policy, a weapon shall mean any weapon, device, instrument, material, or substance, animated or inanimate, that is used for , or is readily capable of, causing death or serious bodily injury. The term weapon shall also include, but is not limited to, the following:
 - a. Any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion, compressed gas, or by other means or propellant. A firearm is further defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, compressed gas, or by other means or propellant; the frame or receiver of any such weapon; any firearm muffler or firearm silencer or any destructive device.
 - b. Any destructive device that is an explosive or incendiary device, bomb grenade, rocket having a propellant charge of more than four ounces, missile having any explosive or incendiary charge of more than one – quarter – ounce, mine or similar device.
 - c. Any other item or device which may be used as a weapon, including all pocket knives or other knives regardless of length of blade, or other objects, even if manufactured for a nonviolent purpose, that have a potentially violent use, including, but not limited to, an air gun or paint gun, or any look-a-like objects that resemble objects that have a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object(s) is for use, or threat of use, as a weapon.

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B. Special Rule as to Students with Disabilities

For purposes of this special rule as applied to students with disabilities who may be placed in an interim alternative educational setting for bringing a weapon to school or a school function, the definitions of a weapon set forth above shall not include a pocket knife with a blade of less than 2 inches in length. The procedures of Section F below shall apply to students with disabilities.

C. Prohibitions:

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

D. Enforcement:

1. This policy shall be enforced according to the Board's Student Search and Seizure Policy. Disciplinary actions pursuant to this policy shall follow the procedures prescribed by the State Board of Education Regulations on Student Rights and Responsibilities, and the policies of the District.

E. Penalties for Violations:

1. Any student found to be in violation of this policy shall be subject to discipline, including immediate short term suspension and either long-term suspension and expulsion.
2. In compliance with the federal Gun Free Schools Act, any student found to be in violation of this policy due to possession of a weapon, as defined in Section A.1.a,b, or c of this policy, shall, at a minimum, be expelled from school for a period of not less than one year, *provided*, that the Superintendent or the Board of Education may modify such penalty in appropriate cases in their discretion.

F. Procedures Applicable to Students with Disabilities

1. As it applies to students with disabilities, this policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. '1401 Et seq. as amended.
 - a. In accordance with the provisions of 20 U.S.C. '1415(k) of the IDEA, a student with a disability who is determined to have brought a weapon (as limited by the special rule above) to school or a school function under the jurisdiction of the School Board may be placed in an appropriate interim alternative educational setting, as specified by the IEP team or a hearing officer, for a period of not more than 45 calendar days.
 - b. The procedural requirements of 20 U.S.C. '1415 (k) and State Educational Standards shall be met when imposing disciplinary penalties upon a student with a disability.

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4.22 POLICY ON GANG ACTIVITY

The Tularosa Board of Education recognized that the harm done by the presence and activities of gangs in the public schools exceeds the immediate consequences of such activities such as violence and destruction of property. Gang activities also create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive of the process of education and school activities.

It is, therefore, the policy of the Tularosa Board of Education that gangs and gang activities are prohibited in the Tularosa Municipal Schools, according to the following:

A. DEFINITION

For purposes of this policy a “gang” is any group of three or more persons whose purpose includes the commission of illegal acts or acts in violation of disciplinary rules of the Tularosa Municipal Schools.

B. PROHIBITION

1. No student on or about school property or at any school activity shall:
 - a. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in, or affiliation with any gang;
 - b. Engage in any act, either verbal or non-verbal, including gestures or handshakes, showing membership or affiliation in any gang;
 - c. Engage in any act in furtherance of the interests of any gang or gang activity, including, but not limited to:
 1. soliciting membership in, or affiliation with, any gang;
 2. soliciting any person to pay for “protection”, or threatening any person, explicitly or implicitly, with any violence or with any other illegal or prohibited act;
 3. painting, writing or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property;
 4. engaging in violence, extortion, or any other illegal act or other violation of school policy;
 5. soliciting any person to engage in physical violence against any other person.

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C. APPLICATION AND ENFORCEMENT

1. In determining, as part of the application and enforcement of this policy, whether acts, conduct, or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.
2. The removal of gang-related graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be removed or covered within 24 hours of its first appearance to school officials, or as soon thereafter as possible, unless additional time is needed to obtain replacements for damaged items.
3. School officials should also encourage private property owners to promptly remove or cover gang-related graffiti on private property in school neighborhoods.
4. School officials are strongly encouraged to work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement can provide school officials with information regarding gang activities in the area, including names and characteristics of local gangs.
5. The Superintendent, in consultation with the appropriate building principals, should report instances of gang-related criminal acts or acts of serious disruption to local law-enforcement authorities for further action.

D. VIOLATIONS OF POLICY:

1. Students who violate this policy shall be subject to the full range of school disciplinary measures, in addition to applicable criminal and civil penalties.
 - a. Students will be sent to the Principal and/or designee when a staff member or contract person has reasonable, individualized suspicion that a student is in violation of this policy. Should the staff member or contract person have a concern for that student but no suspicion of policy violation, that student should be referred to the Student Assistance Team Facilitator at their individual school site.
 - b. Upon determined policy violation, the Principal/designee will notify the student's parent/guardian as soon thereafter as possible. Discipline procedures will be activated in accordance with the due process procedures approved at each school site by the Board of Education.

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4.23 SEXUAL HARASSMENT OF STUDENTS

A. INTRODUCTORY STATEMENT OF POLICY

The effective education of our students requires a school environment in which students feel safe and secure. Sexual harassment of students, whether by employees or by other students, impairs the proper atmosphere for education, and often creates an inequitable climate for learning.

Nationwide survey information indicates that the problem is widespread. A majority of students--both boys and girls--reported that they have 'experienced some form of sexual harassment in school. Those students reported that their experiences had a variety of negative effects on themselves and their education. Some of the results reported were that students did not want to go to school or did not want to participate in class as much, found it harder to pay attention in class or to study, thought about changing schools, or wondered if they could graduate.

In addition to its negative effect upon education, sexual harassment negatively affects the characters of young people, both the harassers and the victims of harassment. That is particularly so in view of the special vulnerability of students at different stages of their personal development. It is clear that sexual harassment, whether verbal or by other conduct, can create stress and distraction, and upsetting feelings of fear, inferiority, or anger, which are detrimental to the education of young people. Toleration of sexual harassment also sends the wrong message regarding appropriate social conduct. Sexual harassment is inappropriate behavior in school because it is inappropriate behavior in society.

It is also illegal. Title IX of the federal Education Amendments of 1972 provides that schools must provide an educational program that offers equal educational benefits for boys and girls. Decisions of the United States Supreme Court and the United States Department of Education make clear that sexual harassment of student by employees or by other students may violate the law.

The Board of Education therefore forbids harassment of any student on the basis of sex. The Board will not tolerate sexual harassment of students by employees or by other students.

The intent of this policy regarding conduct between employees and students is clear and straightforward: No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the students age, ability to consent, or actual consent.

The intent of this policy regarding conduct among students requires some further discussion. Much of the conduct described in the detailed specification of this policy including sexually-oriented name-calling, graffiti, teasing, etc.--clearly has no place in school, and would not be welcomed by anyone. Requests for dates or other age appropriate expressions of interest or affection, however, are not characteristically inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome. When a student has made reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual

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harassment for the other student to continue to make such requests or give such attention. In other words, you do have to take "No" for an answer.

B. DEFINITIONS AND STANDARDS OF CONDUCT

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

- a. Conduct of a Sexual Nature

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

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

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

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

- 1) Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the allegedly harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.
- 2) A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

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C. REPORTING, INVESTIGATION AND SANCTIONS

1. Reporting

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

a. Reporting of Sexual Harassment by a School Employee

- 1) Any student who believes a school employee has subjected him or her to any conduct of a sexual nature may tell a counselor or principal.
- 2) If a student who believes he or she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.
- 3) If a student believes he or she has been sexually harassed by a counselor or a principal, or by any other administrator the student should seek the assistance of his or her parent(s) in reporting such harassment to the superintendent or to a member of the Board.

b. Reporting of Sexual Harassment by a Student or Students

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

c. Reporting by Employees Mandatory

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

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2. Investigation

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

3. Sanctions

- a. Employees: Any employee found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.
- b. Students: Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

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**4.24 POLICY ON ACCEPTABLE USE PROCEDURES FOR THE COMPUTER SYSTEM
AND THE INTERNET**

A. PURPOSE

1. The purpose of this policy is to provide the procedures, rules, guidelines and code of conduct for the use of technology and the information network in the Tularosa Municipal School District. Use of such technology is a necessary element of the School District educational mission, but is furnished to staff and students as a privilege, not a right. The School District seeks to protect legitimate users of technology by establishing limits on such use and sanctions for those who abuse the privilege. Eliminating computer abuse provides more computing resources for users with legitimate needs.

B. DEFINITIONS

1. The definition of information networks is any configuration of hardware and software that connects users. The network includes all of the computer hardware, operating system software, application software, stored text and data files. This includes electronic mail, local databases, externally accessed databases, CD-ROM, recorded magnetic or optical media, clip art, digital images, digitized information, communication technologies and new technologies as they become available. Stand alone work stations are also governed by this policy on acceptable use of the School District computer system. As used herein, the user shall mean the system operations, staff members, account holders, and authorized students afforded access and use of the School District computer system as part of the School District curriculum under the supervision and as monitored by an authorized user.

C. INTRODUCTION

1. School District provides resources for teaching and learning, communication services, and business data services by the acquisition of computer equipment and maintaining access to local, regional, national, and international sources of information. The School District permits use of its computer system and information resources by students and staff who must maintain respect for the public trust through which they have been provided, in accordance with policy and procedures established by the School District. These procedures do not attempt to articulate all required or prescribed behavior by its users. Successful operation of the computer system and network requires that all users conduct themselves in a responsible, decent, ethical and polite manner while using the network. The user is ultimately responsible for his/her actions in accessing network services.

D. GUIDELINES

1. Access to the computer system, information networks and to the information technology environment within the School District's system is a privilege and must be treated as such by all users of the network and its associated systems.

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2. The School District's system will be used solely for the purpose of research, education, and school-related business and operations.
3. Any system, which requires password access or for which the School District requires an account such as Internet, shall only be used by the authorized user. Account owners are ultimately responsible for all activity under their account and shall abide by this policy and the School District's computer and Internet Code of Conduct.
4. The School District's technological resources are limited. All users must exercise prudence in the shared use of this resource. The School District reserves the right to limit use of such resources if there are insufficient funds, accounts, storage, memory, or for other reasons deemed necessary by the system operators, or if an individual user is determined to be acting in an irresponsible or unlawful manner.
5. All communications and information accessible and accessed via the School District's system is and shall remain the property of the School District.
6. Student use shall be supervised and monitored by system operators and authorized staff and shall be related to the School District curriculum.
7. Any defects or suspected abuse in system accounting, security, hardware or software, shall be reported to the system operators.

E. UNACCEPTABLE USE

1. The Tularosa Municipal School District has the right to take disciplinary action, remove computer and networking privileges, or take legal action or report to proper authorities, any activity characterized as unethical, unacceptable or unlawful.
2. Unacceptable use activities constitute, but are not limited to, any activity through which any user:
 - a. Violates such matters as institutional or third party copyright, license agreements or other contracts. The unauthorized use of and/or copying of software is illegal.
 - b. Interferes with or disrupts other network users, services or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer viruses or worms, distributing quantities of information that overwhelm the system (chain letters, network games, etc.) and/or using the network to make unauthorized entry into any other resource accessible via the network.

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- c. Seeks to gain or gains unauthorized access to information resources, obtains copies of, or modifies files or other data, or gains and communicates passwords belonging to other users.
- d. Uses or knowingly allows another to use any computer, computer network, computer system, program, or software to devise or execute a scheme to defraud or to obtain money, property, services, or other things of value by false pretenses, promises, or representations.
- e. Destroys, alters, dismantles, disfigures, prevents rightful access to, or otherwise interferes with the integrity of computer-based information resources, whether on stand alone or networked computers.
- f. Invades the privacy of individuals or entities.
- g. Uses the network for commercial or political activity or personal or private gain.
- h. Installs unauthorized software for use on district computers.
- i. Uses the network to access inappropriate materials.
- j. Uses the School District system to compromise its integrity (hacking software) or accesses, modifies, obtains copies of or alters restricted or confidential records or files.
- k. Submits, publishes or displays any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages either public or private.
- l. Uses the School District system for illegal, harassing, vandalizing, inappropriate, or obscene purposes, or in support of such activities is prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Harassment is defined as slurs, comments, jokes, innuendos, unwelcome compliments, cartoons, pranks, and/or other verbal conduct relating to an individual which: (a) has the purpose or effect of creating an intimidating, hostile or offensive environment; (b) has the purpose or effect of unreasonably interfering with an individual's work or school performance; or (c) interferes with school operations. Vandalism is defined as any attempt to harm or destroy the operating system, application software or data. Inappropriate use shall be defined as a violation of the purpose and goal of the network. Obscene activities shall be defined as a violation of generally accepted social standards in the community for use of a publicly owned and operated communication device.
- m. Violates the School District Computer and Internet Code of Conduct.

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F. SCHOOL DISTRICT'S RIGHTS AND RESPONSIBILITIES:

- E. Monitor all activity on the School District's system.
- F. Determine whether specific uses of the network are consistent with this acceptable use policy or the Computer and Internet Code of Conduct. Remove a user's access to the network at any time it is determined that the user is engaged in unauthorized activity or violating this acceptable use policy or the Computer and Internet Code of Conduct.
- G. Respect the privacy of individual user electronic data. The district will secure the consent of users before accessing their data, unless required to do so by law or policies of the Tularosa Municipal School District.
- H. Take prudent steps to develop, implement and maintain security procedures to ensure the integrity of individual and district files. However, information on any computer system cannot be guaranteed to be inaccessible by other users.
- I. Attempt to provide error free and dependable access to technology resources associated with the School District system. However, the district cannot be held liable for any information that may be lost, damaged, or unavailable due to technical or other difficulties.
- J. Ensure that all student users complete and sign an agreement to abide by the district's acceptable use policy and administrative regulations. All such agreements will be maintained on file in the school office.

G. VIOLATIONS/CONSEQUENCES

2. Students

- a. Students who violate this policy or the Computer and Internet Code of Conduct will be subject to revocation of district system access up to and including permanent loss of privileges, and discipline up to and including expulsion.
- b. Violations of law will be reported to law enforcement officials.
- c. Parents and/or students in accordance with existing district procedures for suspension or revocation of student privileges may appeal disciplinary action.

3. Staff

- a. Staff who violate this policy or the Computer and Internet Code of Conduct will be subject to discipline, up to and including suspension, termination or discharge, in accordance with Board policy, negotiated agreements and applicable law.
- b. Violations of law will be reported to law enforcement officials.

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H. SCHOOL DISTRICT COMPUTER AND INTERNET CODE OF CONDUCT

1. Use of the School District computer system and access to the Internet by students and staff of the Tularosa Municipal School District shall be in support of education and research that is consistent with the mission and curriculum of the district. Internet use is limited to those persons who have been issued district-approved accounts. Use will be in accordance with the district's Acceptable Use Procedures and this Code of Conduct.
 - a. Keep confidential and protect all computer and Internet passwords, access codes or logon information from disclosure to others.
 - b. Respect the privacy of other users. Do not use other users' passwords. Unauthorized use of passwords, access codes or other confidential account information may subject the user(s) to discipline, and to both civil and criminal liability.
 - c. Be ethical and courteous. Do not send hate, harassing or obscene mail, discriminatory remarks, or demonstrate other antisocial behaviors. State law prohibits the use of electronic communication facilities to send fraudulent, harassing, obscene, indecent, profane, intimidating or other unlawful messages. See NMSA 1978 § 30-45-1 et seq.
 - d. Maintain the integrity of files and data. Do not modify or copy files/data of other users without their consent.
 - e. Treat information created by others as the private property of the creator. Respect copyrights. Software protected by copyright shall not be copied except as licensed and stipulated by the copyright owner.
 - f. Use the network in a way that does not disrupt its use by others. Do not use the Internet for commercial purposes. Transmission of commercial or personal advertisements, solicitations, promotions, destructive programs or other unauthorized use unrelated to the mission or curriculum of the School District is prohibited.
 - g. Do not destroy, modify, or abuse the hardware or software in any way. Users shall report any suspected abuse, damage to equipment or tampering with files to the School District system operators.
 - h. Do not develop or pass on programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system, such as viruses, worms, "chain" messages, global mailings, ResEdit, etc. Do not "hack" the system. Attempts to gain unauthorized access to confidential information or private directories maintained by the School District or to circumvent privacy protections on internal files or non-public restricted files, accounts or directories of any external source is a violation of this Code of Conduct, and may subject the user to civil or criminal liability.
 - i. Do not use the Internet to view, access, download or process pornographic, obscene, indecent, profane or otherwise inappropriate material.
 - j. Use of the system to access games and use of computer time for game-playing shall be restricted solely to instances directed and monitored by instructional staff and is limited to games which address educational goals.

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2. In addition to disciplinary sanctions which the School District may impose upon students or staff under applicable policies, codes of conduct or administrative regulations, the District reserves the right to remove a user's account and deny use and access of the computer system if it is determined that the user is engaged in unauthorized activity or is violating this Code of Conduct.

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4.25 SUSPENSION/EXPULSION

A. SUSPENSION

1. There are two forms of suspension:

k. In-School Suspension (ISS)

This is an alternative setting for students that need additional supervision or time out because they are not being successful following the traditional class schedule and/or rules.

l. Out-of-School Suspension (OSS)

OSS constitutes time away from the school due to the results of a disciplinary action. During this time the student will be allowed to make up work, but will receive zero credit. Students also will not be permitted to attend or participate in any school-related activities during the out-of school suspension.

B. EXPULSION

1. Expulsion shall always be recommended only as a last resort and after all other means of correction have been tried and failed. The avowed purpose of all school authorities shall be to keep every student in school as long as he/she is able to benefit from the curriculum being offered. Every means available shall be used to avoid cutting short the educational life of any student.

C. HEARING

1. The School Board may act as the hearing authority, disciplinarian or review authority for any cases involving proposed long-term suspension or expulsions.

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4.26 STUDENT DRESS CODE POLICY

- A. The Board recognizes that, within certain limits, each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the ability 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. District personnel have the responsibility of protecting the health and safety of students and maintaining proper and appropriate conditions conducive to learning. The purpose of the student dress code is to encourage students to come to school properly prepared for participating in the educational process.
- B. The Board authorizes the Superintendent to enforce school regulations prohibiting student dress or grooming practices that:
1. Present a hazard to the health or safety of the student or to others in the school;
 2. Materially interfere with school work, create disorder, or disrupt the educational program;
 3. Cause excessive wear or damage to school property;
 4. Prevent the student from achieving his/her educational objectives.
- C. A safety dress code as prescribed for shop, home economics, physical education and chemistry classes shall be followed. Footwear must be worn at all times.
- D. Obscene language or symbols, tobacco, alcohol and other drug symbols, or satanic symbols on clothing are expressly prohibited.

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4.27 STUDENT ACTIVITIES

Activities involving students shall be scheduled so as to provide as little interruption of classroom instruction as possible.

A. EXTRA-CURRICULAR ACTIVITIES

1. Extra-curricular activities, which include practice, meetings, events, performances, or scholastic competition, are school-sponsored activities, which are not required by law or Educational Standards for New Mexico schools. These activities provide worthwhile contributions to student growth and development. While these activities may have an indirect relation to the school's curriculum, extra-curricular activities do include direct instruction of the state-required student competencies established in Educational Standards for New Mexico schools.
2. Student participation in extracurricular activities can play a significant role in personal and educational development and shall be used as a means of developing wholesome attitudes and good human relations, as well as knowledge and skills. Such participation is a privilege, not a right. Students earn the privilege to participate by adhering to high standards of personal conduct and academic performance. Students participating in extracurricular activities represent the school district, depict its character, and serve as role models to other students. Accordingly, participants may be subject to higher standards of conduct both in and out of the school setting. Continued participation in extracurricular activities may be conditioned upon observing and maintain such standards.
3. Participation in extra curricular activities is contingent upon an acceptable level of academic achievement. All class work counted for eligibility determination must be acceptable as graduation credit.

B. CO-CURRICULAR ACTIVITIES

1. Co-curricular activities are activities that are an extension of classroom instruction which are required by law, Educational Standards for New Mexico Schools, or local board policy which should require no more than 20 hours per month of time for a student outside of the regularly scheduled instructional day for practice, meetings, events or performances. Co-curricular activities are required as part of the course work if a student is to receive credit for the course. Co-curricular activities do not require that students are absent from class other than the sponsoring class for practice, meetings, events, or performances.
2. GPA and attendance requirements of the Public School Code do not apply to CO-curricular activities.

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C. INTERSCHOLASTIC AND EXTRA-CURRICULAR ELIGIBILITY (NMAA) SCHOOL SPONSORED

1. A student shall have passed a minimum of four (4) classes, not failing more than one (1), and had a grade point average of 2.0 or better for the immediate previous grading period, or cumulatively, beginning with, and including the first semester of High School. The cumulative provision may only be applied to the beginning of a semester and only semester grades are to be used. (Specific period grades -- 6 or 9 weeks are not applicable to this provision). During the current semester, the student must pass a minimum of four (4) classes, not fail more than one (1) class, and maintain a grade point average overall of 2.0 or better per grading period during the semester.

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4.28 FIELD TRIPS AND EXCURSIONS

A. The Board of Education not only permits field trips of educational benefit to the student but also encourages them. Prior approval for such trips must be obtained from the Principal and from the Superintendent, or his/her designee. The Board of Education must approve any trips to destinations outside the state of one hundred (100) miles or more. Written permission from parents of the children involved must be secured before field trips.

B. The following regulations shall be observed for student activity/field trips:

1. Overnight trips are prohibited.
2. Student trips sponsored by the school may be made only in school-owned or school-approved vehicles.

C. ACTIVITY TRIPS

1. The following are regulations adopted by the Tularosa Municipal School Board to ensure the safety of students who travel away from home to attend or participate in school-sponsored activities.

a. Drivers

1) Should the nature and duration of an activity trip in a school bus be such that driver fatigue is a factor, a qualified relief driver should be assigned to share the driving task.

K. A driver operating a motor vehicle for the purpose of transporting students to or from a school-sponsored activity must be qualified and licensed as an operator for the particular vehicle being used. Sponsor(s) other than the driver responsible for the activities must be assigned.

b. Vehicles

1) All school bus type vehicles used in such activities must meet the inspection requirements established by the State School Bus Transportation Division as appearing in the School Bus Driver's Handbook. All other vehicles used in such transportation must meet inspection requirements as established by law. An individual should be assigned and held responsible for the servicing, preventive maintenance, care and operation of school-owned buses and vehicles.

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c. Private Vehicles

- a) Any student riding home from activity/athletic trips must have a Non-District Transportation form completed by the parent granting permission for the student to travel with a responsible adult in the private vehicle. The form must be submitted to and approved by the sponsor.

D. VEHICLE INSURANCE

1. It is required that all vehicles carrying students to and from activity trips be adequately covered with insurance.

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4.29 STUDENT INSURANCE

The Tularosa District does not carry insurance on any student. Students participating in athletics must provide their own coverage. Students will be provided with an opportunity to purchase insurance at the beginning of the school year. Accident insurance is available for students through an insurance agency. Application forms are available in the high school Student Assistance Office and Administrative Office. The completed forms should be returned by mail to the insurance provider.

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4.30 ATHLETIC POLICY

DECISION TO VIOLATE RULES IS TOUGHEST DECISION

(Reprinted from Illinois Interscholastic)

"It was one of the toughest decisions I have ever had to make!" Many times we hear that comment from a school official following an incident resulting in disciplinary action against a student. This is especially true when it has been necessary to suspend a student from participation in school activities because the student violated one of the rules of our association or his school.

Now is the time to set the record straight. It is a mistake for a member school representative to assume his/her action to suspend a student for violation of the rules was a tough decision.

The truth is, the student is the person who made the "tough decision". If our schools have done their job of informing the students, a student knows the rule - knows the penalty for violation of the rule - and knows the penalty for the violation cannot be waived. WHEN A STUDENT MAKES A DECISION TO VIOLATE THE RULES THAT STUDENT HAS ALREADY AGREED WITH HIMSELF/HERSELF THAT HE/SHE IS WILLING TO ACCEPT THE PENALTY AS PRESCRIBED. IT IS AT THAT MOMENT THAT THE TOUGH DECISION IS MADE!!

Application of rules and penalties for violations is easy - the decision to violate the rules is the tough decision.

TULAROSA MUNICIPAL SCHOOLS
ATHLETIC POLICY
2017-2018

The information contained herein has been compiled by the Tularosa Athletic Department and approved by the Tularosa Board of Education for the purpose of describing general and specific criteria related to interscholastic athletics.

Each coach, student athlete, parent and/or guardian should become familiar with this policy to better understand the conditions under which athletics function. (Cheerleaders are administered under the athletic program).

In order to maintain a consistent and unified athletic policy within the Tularosa Municipal Schools, the Athletic Department hereby establishes the following guidelines:

I. Participation in athletics is a privilege and NOT a right.

II. Beginning date for each sport:

Each respective sport season will start on the first day of legal practice as designated by the NMAA.

III. Ending date for each sport season:

When all equipment has been turned in or paid for by each student athlete and clearance form is issued. Student athletes will not be allowed to begin participation in another sport until clearance form has been issued from previous sport.

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IV. Athletics is open to both boys and girls. Each must comply with the following criteria:

- A. Eligibility: Students must meet NMAA academic eligibility standards. Eighth grade participation at the high school level is permitted. The “eighth grade participation form must be submitted to the NMAA for approval prior to participation.
- B. Attitude and Conduct: Proper attitude and conduct is at all times becoming to an athlete. Each athlete will keep in mind that he/she is a representative of the school, family, and community. Sportsmanship is vital to the overall importance of athletics and will be stressed as a component in all sports. Failure to maintain proper attitude and conduct at all times will be grounds for disciplinary action by respective coaches.
- C. Morality: Public display of affection will be subject to disciplinary action by respective coaches.
- D. Appearance: When traveling on out-of-town trips, student athletes will be required to wear appropriate clothing which will distinguish them as members of a Tularosa athletic team. On game day, all students involved in the athletic program must meet the appearance standards. The following are minimum standards established by the Athletic Department:

Male:

- No extreme hair color
- Hair no longer than collar length*
- Covering no more than half of the ear on sides
- No tails
- No facial hair
- Sideburns no longer than half of the ear

Female:

- Hair must be braided or secured in such a way to maintain visibility of numerals
- No extreme shaves
- No extreme hair colors

*For cultural reasons only, athletic haircut waiver request forms are available within the Athletic Department.

- E. Respect for teachers, coaches, and other teammates: Athletes will show respect for teachers in the classroom and school environment and to their coaches on or off the athletic field or court, and will maintain mutual respect with fellow teammates. Failure to abide by this rule will be grounds for disciplinary action by respective coaches.
- F. Athletes: Athletes involved in any behavior that could be considered criminal in nature, will be subject to the discipline regulations as stated in the student handbook.

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G. The use of all tobacco products is prohibited.

First Offense: Athlete will be suspended from 10% of the remaining contests. The athlete must attend and participate in all practices for that particular sport.

Second Offense: Athlete will be suspended for 15 days and a minimum of 2 games. The athlete must attend and participate in all practices for that particular sport.

Third Offense: Immediate suspension from the sport involved. He/she will not letter or receive any athletic awards for that sport.

H. Alcoholic beverages of any kind, and the selling, partaking or possession of any controlled substance or marijuana will not be tolerated. Violation will result in disciplinary action by the Athletic Department.

I. Mandatory Drug Testing. All participants must sign a consent form to be randomly tested for drugs and alcohol. Consequences for any positive test would follow the Tularosa Municipal Schools athletic policy.

J. A refusal to provide a sample, or the alteration or falsification of a specimen or test result, will be treated as resignation from all extra-curricular activities programs for the remainder of the current school year and for the next school year. In addition, if the student refuses to provide a sample, the student must have a drug/alcohol test prior to participation in any future program of extra-curricular activities. The student's parent/legal guardian will be notified.

CONSEQUENCES:

Violation: A student found to have been in violation of the drug and alcohol policy shall be subject to the following consequences:

1. **First Offense:**

A. A Parent or Legal Guardian and Superintendent or his/her designee conference will be required when a student commits a first violation.

B. The student will be suspended from participating in any scheduled extra-curricular activities for 15 consecutive school days and a minimum of 2 games beginning from the date and time of verification of a positive test. Students will be required to participate in practices.

C. The student will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

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- D. The student may be subject to a drug use test for each random drug test administered while school is in session for the remainder of the school year.
- E. The student will sign a statement acknowledging the consequences of a second offense.

2. **Second Offense:**

- A. The student will be suspended from participating in all extra-curricular activities programs for 90 consecutive school days. Students will not be allowed to practice during this time.
- B. The student will be recommended to attend a drug education program at the expense of the student or his or her parent or guardian.
- C. The student may be subject to a drug use test for each random drug test administered while school is in session for the remainder of the school year.
- D. The student will sign a statement acknowledging the consequences of a third offense.

3. **Third Offense:**

- A. The student will be suspended from participating in all programs of extracurricular activities for 180 consecutive school days. Students will not be allowed to practice during this time.
- B. The student will be recommended to attend a drug education program at the expense of the student or his or her parent or guardian.
- C. The student may be subject to a drug use test for each random drug test administered while school is in session for the remainder of the school year.

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- V. Social Networking:** Keep personal web pages (face book, twitter, etc.) including pictures, comments, video or sound files clean and within the scope of NMAA, district, school and Athletic Policy. This includes anything depicting drugs/alcohol, and or images that would be considered inappropriate based on policy. Action could be taken if they are not representing THS in an appropriate way. Add W'13
- VI. Insurance Form and Physical Examination:** A signed form acknowledging risk of injury, release of liability, and proof of insurance must be on file with the Athletic Department before a student can participate in athletics. In addition, students must pass a physical examination each year and this form must be on file with the Athletic Department before he/she can participate in athletics.
- VII. Quitting a Sport:** Anyone quitting a sport of his/her own volition, after the first regular scheduled contest, will not be allowed to re-enter that sport that season or any other sport that season.
- VIII. Mutual Participation:** A student participating in a sport must have mutual understandings with his/her coach or sponsor if he/she intends to be involved in any other activity which will conflict with that sport.
- IX. Sport Fitness:** When a student enrolls in Sport Fitness, he/she will remain in that class for a minimum of one semester, participating in either a sport or off-season program. Schedule changes will be made at semester ONLY for students who have decided not to participate in athletics if there is an opportunity to enroll in an alternative class. Students will be expected to participate in all activities involved in the off-season program as part of the written curriculum for Sport Fitness.
- X. School Regulations and Policies:** Athletes are expected to abide by all school regulations and policies. School attendance for students IS important! Student athletes who are absent from school for any of his/her classes on the day of a contest will be cause for disciplinary action by their respective coaches. Student athletes must be in attendance for all classes on the next school day following a contest. Failing to be in attendance will be cause for disciplinary action by respective coaches. Athletes and parents should understand that the students' commitment to athletics does not preclude their obligation to attend classes on a regular basis.
- XI. All Star Deposits:** Student athletes who have been selected to participate in an All Star game will be required to place a deposit of \$100.00 for the equipment to be issued by Tularosa Municipal Schools. The equipment will be issued to the individual one week prior to the All-Star game and the deposit will be held by the respective head coach for one week after the All-Star game. It is the obligation of the athlete involved to return this equipment directly to the head coach within this specified time frame to secure the return of the deposit.

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XII. Discipline: The Athletic Director will be responsible for approving routine discipline procedures for all sports. This specific information for each sport will be addressed by each head coach in a parent meeting prior to the start of their season.

XIII. Inventory: All equipment and uniforms will be returned to respective coaches at the end of the season. Athletes must receive clearance from the previous sport (Clearance form) before participating in another sport. Each Head coach will be responsible for submitting an updated inventory to the Athletic Director at the conclusion of his/her season.

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NOTE: The following sheet must be signed and returned to the Athletic Department to be placed in your athletic file for the current year. Please keep the complete policy in your possession so you can have access to it should you need to refresh your mind on a particular issue.

**TULAROSA ATHLETIC POLICY
2017-2018**

I have read, understand, and agree to comply or have my son/daughter, or dependent comply with the policies related to interscholastic athletics as set forth by the Tularosa Athletic Department and approved by the Tularosa Board of Education.

I also understand that these athletic policies are in effect 24 hours each day the year round. This includes off-season and summer months when school is NOT in session. I understand that by signing my name to this policy, I am officially declaring my commitment to be an athlete and abide by the rules and regulations of the Tularosa Schools.

I also understand that situations not specifically covered in these guidelines will be reviewed by the coaches, principals, and athletic director. After consideration of circumstances relative to the incident, decisions reached by the coaches, principals, and athletic director will be considered as final.

Signature of Athlete

Date

Signature of Parent/Guardian

Date

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4.31 Violence, Intimidation, Hostile or Offensive Conduct, and Anti-Bullying

Tularosa Municipal Schools believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

Definitions

1. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned 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.
2. “Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
3. “Disability Harassment” is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the district.

Harassment and Disability Harassment include but are not limited to:

- a. Verbal acts, teasing, use of sarcasm, jokes;
 - b. Name-calling, belittling;
 - c. Nonverbal behavior such as graphic or written statements;
 - d. Conduct that is physically threatening, harmful, or humiliating; or
 - e. Inappropriate physical restraint by adults.
4. “Racial Harassment” consists of physical or verbal conduct relating to an individual’s race when the conduct:
 - a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
 - b. Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance; or
 - c. Otherwise adversely affects an individual’s academic opportunities.
 5. “Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:
 - a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or

nature.

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1. Sexual harassment may take place under any of the following circumstances:
 - a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
 - b. Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual's education; or
 - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile or offensive educational environment.
2. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:
 - a. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
 - b. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 - e. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.

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Notice of Prohibition Against Bullying and Anti-Bullying Interventions

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

“Bullying behavior by any student in the Tularosa Municipal Schools is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- Placing a student in reasonable fear of physical harm or damage to the student’s property; or
- Physically harming a student or damaging a student’s property; or
- Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.

Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.”

2. Staff will be reminded at the beginning of each school year about the Anti-Bullying Policy, as well as their responsibilities regarding bullying behavior. A copy of the policy will be disseminated annually.
3. The Anti-Bullying Policy will be available on the Tularosa Municipal Schools website at www.tularosa.k12.nm.us, and in all student, staff, and parent handbooks.

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Reporting Intimidation, Harassment, or Bullying Behavior

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.
2. The report may be made to any staff member. The staff member will assist the student in reporting to the principal or other district personnel.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required* to promptly notify designated staff.
4. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form. A copy of this form will be submitted to the Safe Schools coordinator.
5. School principal or designee is *required* to accept and investigate all reports of intimidation, harassment or bullying.
6. School principal or designee is *required* to notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff and consequences that may result from further acts of bullying.
7. Nothing in this policy shall prevent any person from reporting directly to the office of the Superintendent.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) school staff is *required* to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

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Investigating Intimidation, Harassment, or Bullying Behavior

The principal, superintendent, or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated.

1. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing *prior* to the investigation taking place.
2. The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.
3. The district may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
4. The investigation shall be completed as soon as possible. The principal (or investigator) shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the New Mexico Public Education Department, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The safe schools coordinator will maintain a copy of the completed report.

Consequences for Bullying

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

Consequences for Knowingly Making False Reports

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

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Anti-Bullying included in Health Education Curriculum

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

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

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

Threats of Violence

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

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APPENDIX A

**School District Anti-Bullying Policy
Work Sheet**

District: _____

Definition: *(note: Take from rule—additional information if needed)*

Requirements: *(note: Take from rule—additional district level requirement as appropriate)*

Goal: *(note: can use suggested language from Guidance Document)*

Activities: *(note- district or school level anti-bullying strategies)*

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4.32 Student Extracurricular Activities Drug and Alcohol Testing Policy

The Tularosa Schools Board of Education, in order to: help prevent students from using illegal drugs and alcohol, protect the health and safety of its students from the use and abuse of illegal drugs, alcohol, and performance-enhancing drugs, ensure that students involved in extra-curricular activities set an appropriate example for their fellow students, for whom they are often role models, give students additional reasons for declining to use drugs, and provide any student found to be using or abusing drugs or alcohol with assistance in overcoming this use or abuse, hereby adopts this Student Extra-Curricular Activities Drug and Alcohol Testing Policy.

1. Statement of Purpose and Intent

1.1 It is the intent and desire of the Tularosa Schools Board of Education, administration, and staff that every student in the Tularosa School District (the District) refrain from using or possessing illegal drugs/alcohol. Members of the Board of Education, administration, Tularosa High School athletic department, community, parents, and staff joined forces to determine the best possible means of addressing a drug use and abuse problem that had become evident in the preceding months. Evidence of a problem with experimentation and use of drugs/alcohol came by way of concerns from school board members. Both at that time and since, similar problems existed in the larger population of students, including those that participated in non-athletic extra-curricular activities. With a great increase in the number of violent crimes being committed in the nation's school districts, and the direct link between drug use and violent crimes, the evidence of a local problem is alarming. This Policy is intended to supplement and complement all other policies and regulations of the Tularosa Schools and the New Mexico State Board of Education regarding possession or use of illegal drugs/alcohol.

1.2 Participation in school-sponsored extra-curricular activities is a privilege. Students who participate in these activities are looked to as examples and admired by the student body and community and are expected to hold themselves as good examples of conduct. Accordingly, as part of the privilege of participation, students involved in extracurricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible example of conduct, which includes avoiding the use or possession of illegal drugs or alcohol.

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1.3 The purpose of this Policy is to prevent drug/alcohol use, to educate students as to the serious physical, mental, and emotional harm caused by illegal drug/alcohol use, to alert parents and students with possible substance abuse problems to the potential harm of illegal drug/alcohol use, to prevent injury, illness and harm as a result of illegal drug/alcohol use, and to strive for an environment free of illegal drug/alcohol use and abuse. This policy is not intended to be disciplinary or punitive in nature. The sanctions of the Policy relate solely to limiting the opportunity of any student found to be in violation of the Policy to participate in any extra-curricular activity program. There will be no academic sanction for violation of this Policy.

1.4 Illegal drug/alcohol use of any kind is incompatible with participation in any program offered by the District. For the safety and well being of the student involved in any program of extra-curricular activity, the District Board of Education has adopted this Policy for use by all students involved in any such program.

1.5 Based upon the foregoing statement of purpose and intent, consent to this drug/alcohol testing Policy is a mandatory prerequisite for all students to participate in any school extra-curricular program.

2. Definitions

2.1 "Extra-curricular activities" are any school-sponsored non-academic activities in which students generally are invited to participate as a supplement to the curricular aspects of their educations.

2.2 "Drug/alcohol use test" means a scientifically substantiated method to test for the presence of illegal drugs, alcohol, performance-enhancing drugs, or the metabolites thereof, in a person's urine, blood, or saliva.

2.3 "Random selection basis" means a mechanism for selecting students for drug/alcohol testing. The District will use a random selection process to select students for testing.

2.4 "Illegal drugs/alcohol" means

2.4.1 Alcohol: Any liquor, wine, beer, or other beverage containing alcohol,

2.4.2 Drugs: Any drug, including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes, including, but not limited to marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, and propoxyphene

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2.5 "Positive" when referring to a drug/alcohol test administered under this policy means a toxicological test result that demonstrates the presence of illegal drug(s)/alcohol or a performance-enhancing drug or the metabolites thereof, using the standards customarily established by the testing laboratory administering the drug/alcohol use test.

2.6 "Substance Use Violation" refers to a positive urinalysis, blood test, or saliva test. The District will not test for substances or purposes other than drug or alcohol use prohibited by this policy.

3. Procedures

3.1 Each student in grades 7-12 shall be subject to the random testing program during each year in which he or she elects to participate in any competitive school extra-curricular program, including athletics.

3.2 Each student shall be provided with a copy of the "Student Extra-Curricular Activities Drug/Alcohol Testing Policy" and "Student Extra-Curricular Activities Drug/Alcohol Testing Consent" which shall be read, signed, and dated by the student and parent or legal guardian before that students shall be eligible to practice or participate in any extra-curricular program. The consent shall be to provide a urine sample (a) as chosen by the random selection basis; (b) upon reasonable suspicion based on specific observations concerning the appearance, speech, or behavior of the student that indicate the effects of drug/alcohol use; (c) upon personal observation of a substance use violation by a District coach, sponsor, faculty member, or administrator during the school year; (d) when a student voluntarily discloses, or a parent reports, use or abuse by the student. No student shall be allowed to practice or participate in any extra-curricular program unless the student has returned the properly signed "Extra-Curricular Activities Drug/Alcohol Testing Consent" and met all other eligibility requirements as set forth by District.

3.3 Selection for Testing

3.3.1 The testing company will randomly select the date of the unannounced testing for that month. If that day falls on a weekend or a non-school day, an additional number will be drawn until a testing day has been determined.

3.3.2 Five percent of the students in the pool of students who have elected to participate in extra-curricular activities shall be randomly selected to be tested.

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3.3.3 Students will be selected by a random selection process on the testing dates. A random number generator will be used to determine which students are to be tested to ensure that all students in the pool will have an equal chance of being selected on an unannounced basis for the testing. Students who are selected to be tested during one test period will be eligible for future tests and if selected may be tested in successive tests.

3.3.4 A refusal to provide a sample, or the alteration or falsification of a specimen or test result, will be treated as resignation from all extra-curricular activities programs for the remainder of the current school year and for the next school year. In addition, if the student refuses to provide a sample, the student must have a drug/alcohol test prior to participation in any future program of extra-curricular activities. The student's parent/legal guardian will be notified.

3.3.5 The random testing of students will be performed by a certified drug testing company contracted by the District. The company chosen to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically validated testing methods.

3.3.6 The drug testing company will contact the Superintendent or his/her designee with the test results. If a test result is positive the Superintendent or his/her designee will immediately contact the student and his or her parents or legal guardians and schedule a conference at which time the student or parents or legal guardian may offer any explanation of the positive result. Parents or legal guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the drug/ alcohol use test and may request that another test be conducted on the remaining portion of the urine sample.

3.3.7 No student shall receive an academic penalty solely as the result of a positive test result.

3.4 In addition to students chosen at random pursuant to this paragraph, students may be required to undergo testing individually on the basis of reasonable, individualized suspicion of substance abuse violations.

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- 4. Violations:** A student found to have been in violation of this policy by his or her school principal shall be subject to the following consequences:

4.1 FIRST VIOLATION

- 4.1.1 A Parent or Legal Guardian and Superintendent or his/her designee conference will be required when a student commits a first violation.
- 4.1.2 The student will be suspended from participating in any scheduled extra-curricular activities for 15 consecutive school days and a minimum of 2 games beginning from the date and time of verification of a positive test. Students will be required to participate in practices.
- 4.1.3 The student will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.
- 4.1.4 The student may be subject to a drug use test for each random drug test administered while school is in session for the remainder of the school year.
- 4.1.6 The student will sign a statement acknowledging the consequences of a second offense.

4.2 SECOND VIOLATION

- 4.2.1 The student will be suspended from participating in all extra-curricular activities programs for 90 consecutive school days. Students will not be allowed to practice during this time.
- 4.2.2 The student will be recommended to attend a drug education program at the expense of the student or his or her parent or guardian.
- 4.2.3 The student may be subject to a drug use test for each random drug test administered while school is in session for the remainder of the school year.
- 4.2.4 The student will sign a statement acknowledging the consequences of a third offense.

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4.3 THIRD AND SUBSEQUENT VIOLATIONS

4.3.1 The student will be suspended from participating in all programs of extracurricular activities for 180 consecutive school days. Students will not be allowed to practice during this time.

4.3.2 The student will be recommended to attend a drug education program at the expense of the student or his or her parent or guardian.

4.3.3 The student may be subject to a drug use test for each random drug test administered while school is in session for the remainder of the school year.

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5. Appeals process

5.1 A student may appeal a suspension under this policy by providing a written notice of appeal with the Superintendent within five school days of the Principal's and or designee decision. The notice shall state the reasons the suspension should be reversed. The Principal and or designee shall provide the Superintendent the reasons the suspension should be sustained.

5.2 The Superintendent or his/her designee shall review the Principal's suspension decision in light of the provisions of this policy and issue a decision in writing sustaining or reversing the suspension.

5.3 A student may appeal the Superintendent's decision to the Board of Education by providing a notice of appeal to the Superintendent within five school days of the date of the Superintendent's decision. The Superintendent may provide the Board with the reasons the suspension should be sustained. The Board's decision shall be final.

5.4 Students will remain ineligible for extra-curricular activities pending appeals.

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4.33 Bullying, Cyber bullying, Intimidation, and Hostile or Offensive Conduct

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

- A. **Official Policy.** This policy supersedes and rescinds all previous policies, statements, or practices and is the official Cyber bullying, Intimidation, and Hostile or Offensive Conduct (“Policy”) for the District.
- B. **Other District Policies.** This Policy incorporates all other relevant District policies relating to student conduct and acceptable use of the District Electronic Technologies, made available to District students in connection with the student’s academic program or other school-related activities.
- C. **Application.** This Policy will apply to the use of all Electric Technologies, whether owned by the District, the student, or a third party and whether on or off District property.
- D. **Definitions.**
 - 1. “Unlawful harassment” means verbal or physical conduct based on a student’s actual or perceived race, color, national origin, gender, religion, or disability and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students and hazing are addressed by separate Board policies. See Policy Nos. 4.23 and 4.31.
 - 2. “Bullying” or “intimidation” means intimidating or offensive verbal or physical conduct toward a student, which may also involve electronic media, when such conduct is habitual or recurring, including but not limited to verbal or physical confrontation, threats, stalking, and name-calling
 - 3. “Cyber bullying” means electronic communication that:
 - (a) targets a specific student;
 - (b) is published with the intention that the communication be seen by or disclosed to the targeted student;
 - (c) is in fact seen by or disclosed to the targeted student; and
 - (d) creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student’s educational benefits, opportunities, or performance.
 - 4. “Electronic Technologies” means computers, laptops, tablets, smart phones, desktop computers, networks, electronic mail, Internet access, and any other form of electronic resources.

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5. “Name-calling,” means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student’s actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature.
6. “Social Networking Websites” includes Facebook, MySpace, Twitter, YouTube or similar Internet-based websites, whose functions may include sharing personal information and directly communicating with other members or participants or broad electronic distribution of written, graphic, photographic or video materials or images, in a web-based format.

E. Prohibitions

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

F. Use of Social Networking Websites. Students are responsible for their own behavior when communicating on Social Networking Websites and will be held accountable for the content of the communications that they initiate or post on Social Networking Website locations.

1. **Inappropriate Communications.** Students are strongly discouraged from including inappropriate communications on any Social Network Website, including but not limited to:
 - (a) Confidential, personally identifiable, and sensitive District information about other students, employees, and guests;
 - (b) Child pornography or sexual exploitation;
 - (c) Harassment in any form;
 - (d) Bullying or cyber bullying as provided in this Policy;
 - (e) Defamatory or discriminatory statements and images; and
 - (f) Threats of harm, damage, or injury to persons or property.

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2. **Interactions with Staff.** Students are strongly discouraged from inviting District staff members to join a student’s Social Network or from accepting a friend request from a teacher or other staff member. Communications between students and staff in any electronic medium should be limited to that which is school-related and consistent with the student code of conduct and the ethical standards required of education professionals.
3. **Prohibited Use of Social Networking Websites.** A student may be subject sanctions provided herein if:
 - (a) The student’s use of Social Networking Websites materially or substantially disrupts or interferes with the normal operations of the school;
 - (b) The student’s use of Social Networking Websites materially or substantially disrupts or interferes with the rights of other students or teachers; or
 - (c) The District Administration has reasonable cause to believe that the expression would cause a material and substantial disruption of school operations.

F. Training and Reporting

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

D. Investigation

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

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- E. Confidentiality.** The identities of those reporting violations of this Policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.
- F. Sanctions**
1. Any employee who is found to have engaged in conduct prohibited by this Policy, or to have failed to discharge a duty imposed by this Policy, shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.
 2. Any student who is found to have engaged in conduct prohibited by this Policy, shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.
 3. Disciplinary action taken pursuant to this policy must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed cyber bullying and may include counseling, mediation, and appropriate disciplinary action that is consistent with the legal rights of the students involved.
- G. Publication.** This Policy shall be published in the Board’s policies manual and on the District’s website. A summary of this Policy shall be published each year in all student and employee handbooks.
- H. Health Education.** The Superintendent or his/her designee shall ensure that District health education programs address bullying and related issues encompassed by this Policy.
- I. Revisions.** The Board shall make any necessary revisions to its disciplinary policies to ensure compliance with the provisions of this Policy.

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4.34 Tularosa Municipal School Opt-Out Policy

Tularosa Public School Policy for allowing Sexuality Performance Standards Exemption for Health Education.

Parents have the ability to request that their child be exempted from the parts of the require health education curriculum that address the sexuality performance standards. Students should not be exempted from the entire class only the lessons addressing the sexuality performance standards. The following procedure must be followed in order to request and exemption from the parts of the health education curriculum that addresses the sexuality performance standards. This procedure should be looked upon as a partnership between the parents and the school, designed to best meet the needs of each student and family. The following steps must be taken.

- A. The parent must contract the teacher and request a meeting.
- B. The parent and teachers (and administrator if deemed necessary) should review the entire curriculum and come to an agreement to identify specifically what areas to the sexuality performance standards to exempt the student.
- C. The teacher should supply the parents with the state standards that re met by the requested exempt lessons and agree upon an alternative assignment(s) that will meet these standards.
- D. A written agreement should be drawn up that includes the following:
 1. Specific dates the student will be out of class.
 2. Where and to whom the student is to report on these days.
 3. The assignment that has been agreed upon by both teacher and parent(s).
 4. The standards that are being met.
 5. How the student will be evaluated for this assignment.
 6. Principal's approval.

The teacher should make available any resources (lesson plans, books, and videos) that are ordinarily used in the class or are available as alternative materials. However, the parent may use alternative materials that meet the state standards.

Tularosa Municipal Schools
Board Policy Manual
SECTION IV

4.35 Use of pesticides will be governed by the following standards:

A. Definitions as used in this section:

1. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.
2. "Pest" means any living organism injurious to other living organisms, except man, viruses, bacteria or other microorganisms in or on other living organisms other than plants, which is declared to be a pest pursuant to the Pesticide Control Act, Sections 76-4-1 through 76-4-39 NMSA 1978.

B. Districts will develop procedures for the implementation of pest management with consideration for reducing the possible impact of pesticide use on human health and the environment, including people with special sensitivities to pesticides. Procedures will include, but are not limited to the following:

1. No pesticide may be applied to public school property and no pest control device as defined in the New Mexico Pesticide Control Act may be used on public school property except those pesticides and devices currently registered for legal use in the state by the New Mexico department of agriculture.
2. No pesticide may be applied to public school property except by those persons certified in the applicable category and currently licensed by the New Mexico department of agriculture or by employees under their direct supervision.
3. Pesticides will only be applied in or on the outside of school buildings when a pest is present and will not be applied on a regular or "calendar" basis unless it is to treat an infestation and is a part of a pest management system being implemented to address a particular target pest. A pest is considered to be present when it is observed directly or can reasonably be expected to be present based on finding evidence such as droppings, body parts, or damage that is typically done by the pest. This section of the regulation does not apply to pre-construction termite treatments or the use of outdoor herbicides.
4. Pesticides that are applied in a liquid, aerosolized, or gaseous form through spraying, aerosol cans, bombs, fumigation, or injections into the ground, foundation, or plants will not be applied on public school property when students, staff, or visitors are present or may reasonably be expected to be present within 6 hours of the application. In emergency cases where a pest infestation threatens the health and/or safety of the occupants of public school property, and which requires the immediate application of a pesticide to remediate, students, staff, and other school occupants will be removed from the treatment area prior to the application. Small amounts of gel or liquid pesticides applied to cracks and crevices or baits used to treat pest infestation are exempt from this section.
5. At the beginning of each year, and when new students register, schools will develop a list of parents and guardians who wish to be notified prior to pesticide application during the school year. These parents/guardians will be notified in writing prior to pesticide application. General notification of anticipated pesticide applications will occur by posting or dissemination of notices or oral communication or other means of communication. In emergency cases where a pest infestation threatens the health and/or safety of the occupants of public school property, no pre-notification is required. Immediately following the application of a pesticide in emergency cases, signs will be posted indicating an application was made.
6. Written records of pesticide applications will be kept for three (3) years at each school site and be available upon request to parents, guardians, students, teachers, and staff.
7. The PED may coordinate technical assistance for implementation of paragraph (4) of subsection E of 6.30.2.10. NMAC.
8. If any part of paragraph (4) of subsection E of 6.30.2.10. NMAC is found to be in conflict with the provisions of the Pesticide Control Act, the remainder of the regulation will remain in full force and effect.