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5110 AGE OF ENTRANCE

The Board of Education is committed to ensuring that all district schools comply with the state laws governing the age of enrollment for students. Initial placement will be determined by the guidelines described below.

1. All kindergarten students who are five (5) years old prior to September 1, 12:01 a.m., may enroll. An official birth certificate issued by the state of origin will be required as proof of age.
2. Students who are not five (5) years old prior to 12:01 a.m., September 1, will not be allowed to enroll in a regular education program under any conditions.
3. Students who are at least three (3) years old at the time of enrollment, who are eligible for special education services pursuant to state regulations, may be enrolled in a pre-kindergarten program.
4. A student is at least four (4) years old as of September 1 in the year in which the child first seeks to be enrolled, who are eligible for special education services pursuant to state regulations, may be enrolled in a pre-kindergarten program. Students who are four (4) years old as of September 1 and are not eligible for special education services are selected for enrollment through a lottery.
5. Students who have completed a state certified kindergarten program during the previous year may request to be enrolled in first grade. Generally, a child must be six (6) years old prior to 12:01 a.m., September 1 of the year he or she first seeks to be enrolled in first grade.
6. Special education students will meet entrance enrollment criteria as outlined in the current New Mexico Standards of Excellence. The District provides individualized programs (“special education”) additional to, supplementary with or different from adoption of instructional techniques, materials and equipment to meet the needs of eligible exceptional students. No student shall be enrolled in special education who is the age of twenty-two (22) prior to the beginning of that school year, or after the completion of a planned program.

5120 Compulsory School Attendance

Regular school attendance by school age persons at all grade levels is an essential component of the learning process, and preparation for post-secondary training, education and employment. It is also a requirement of this New Mexico's Compulsory School Attendance Law, NMSA 22-12-1, *et seq.* (2009). Unless excused by the law, all school age persons subject to the law shall attend school until attaining the age of majority during the established District school year.

A. Definitions

- (1) Age of majority: any person who has reached his eighteenth (18) birthday;
- (2) Parent: parent or legal guardian;
- (3) "Qualified Student" or "Student";
- (4) is regularly enrolled in one-half, i.e. two, or more of the minimum course requirements approved by the Public Education Department for public school students.

B. Exemptions from the Law

A person shall be excused from this requirement if:

- (1) the person is specifically exempted by law from the provisions of this section;
- (2) the person has graduated from a high school;
- (3) with the written consent of the parent/legal guardian or person having custody and control of the Person to be excused, the person is excused from the provisions of this section by the Superintendent of the Schools.

C. A person subject to the provisions of the Compulsory School Attendance Law NMSA 22-12-1, *et seq.* (2009) ("Law") shall attend school for at least the length of time of the school year that is established in the school District in which the person is a resident.

D. Any parent/legal guardian or person having custody and control of a person subject to the provisions of The Compulsory School Attendance Law is responsible for the school attendance of that person.

E. Each local school board and each governing authority of a private school shall enforce the provisions of The Compulsory School Attendance Law for students enrolled in their respective schools.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS

Student discipline in Roswell Independent School District should serve to educate youth regarding citizenship and a system of rules and consequences for their violation. Discipline should serve to teach appropriate behavior.

Rights to due process of students accused of violating the student code of conduct will be assured.

Each year the Board of Education shall approve the administrative procedures concerning student behavior and each school building's rules of conduct (should they be different from the Administrative Procedures).

Alcohol, Drug (Controlled Substance)

The Roswell Independent School District recognizes that alcohol and drug abuse is a treatable health problem. Health problems of youth are primarily the responsibility of the home and community, but the schools share that responsibility because misuse, abuse and dependency problems often interfere with school behavior, student learning, and the maximum possible development of each student. The schools shall intervene with persons manifesting a sign of misuse or abuse and make an effort to educate and aid them.

The schools shall endeavor to educate and counsel students and staff concerning abuse of alcohol, illegal drugs and/or controlled substances. 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.

School authorities shall give consideration to the health, safety, and educational rights of all students when prescribing disciplinary action(s) for students who use, are under the influence of, possess or distribute alcohol, illegal drugs and/or controlled substances on school premises or while engaged in school-sponsored activities.

Intervention Description: If a staff member suspects a student of use of alcohol, other illegal drugs, unauthorized drugs or controlled substances, the student shall be referred to the principal or his/her designee to determine future courses of action.

Consequences: Use or Possession of a Controlled Substance.

Description: A staff member witnesses, or can substantiate a student's use or possession (actual or constructive) of alcohol, other illegal drugs, drug paraphernalia, unauthorized drugs or controlled substances while at school, on school property (at any time) or at a school-sponsored activity. See "Athletic and Activity Drug and Alcohol Policy".

1. First Offense

- a. The staff member will inform the principal or other administrators of the details immediately.
- b. The administrator or designee will make a reasonable effort to notify the parent/legal guardian and law enforcement authority will be notified. If under the influence, the student may be released to parent/legal guardian and/or police. If in possession, the student may be released to the police. (Refer to Policy 5350: Law Enforcement Personnel)
- c. The student will be suspended pending a parent conference and successful completion of a substance abuse assessment.
- d. The parent/legal guardian will be given material and information on available community resources.
- e. The student cannot be reinstated until a meeting is held with the principal, parent/legal guardian, student and others as deemed necessary by the principal. A no-use contract will be signed by the student and witnessed by the parent/legal guardian. As a part of the reinstatement, the parent/legal guardian must agree to the student's participation in a rehabilitation and/or educational program. This may include community service, professional drug use/abuse evaluation, urinalysis, counseling, etc. The parent/legal guardian and student will present a written plan of action that is acceptable to the principal.
- f. The student will not be allowed to participate in any school activities during a suspension nor practice with the team.

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2. Second Offense (Use or Possession of a Controlled Substance)

- a. The staff member will inform the principal or other administrator of the details immediately.
- b. The administrator or designee will notify the law enforcement authority and will attempt to notify the parent/legal guardian. If under the influence, the student will be released to parent/legal guardian and/or police. If in possession, the student may be released to the police.
- c. Following a rudimentary hearing, the student will be suspended while the procedures for long term suspension are activated. If the hearing authority finds the student guilty, the student may be given a long term suspension for the remainder of the school year.

Consequences: Distributing or Selling a Controlled Substance

Description: A staff member witnesses and/or can substantiate that a student is distributing and/or selling alcohol and/or other illegal drugs, unauthorized drugs or controlled substances while at school, on school property, (at any time) or at a school sponsored activity.

1. First Offense (Distributing or Selling a Controlled Substance)

- a. The staff member will inform the principal or administrator of the details immediately.
- b. The administrator or designee will make a reasonable effort to notify the parent/legal guardian and law enforcement authority will be notified. If under the influence, the student may be released to parent/legal guardian and/or police. If in possession, the student may be released to the police.
- c. Following a rudimentary hearing, the student will be suspended while the procedures for long term suspension are activated. If, the Hearing Authority finds the student to have been in possession he/she will be suspended for the remainder of the school year and expulsion may be recommended. (Elementary: Possible school year suspension) Before re-entry into school he/she will be required to have a professional drug abuse evaluation, the results of which will be reported to the coordinator of the school's Student Assistance Team.

2. Second Offense (Distributing or Selling a Controlled Substance)

Expulsion may be recommended to the hearing authority

Athletic and Activities

The sale, distribution, transportation, use of, or possession of alcohol or any type of drug or medication considered illegal or which there is no valid prescription, by any student participating in extra-curricular activities sponsored by the Roswell Independent School District will result in the suspension from said activities. This procedure is in effect during the activities period (as set by the state activities association) and for the academic year for those extra-curricular activities for which there is no activity period designated by the state activities association.

First Offense

- A. A substantiated violation of the drug and alcohol policy by a student at school, on school property, or at a school-sponsored event will result in the suspension of said student from school pending a parent conference and successful completion of a substance abuse assessment.
- B. The student shall lose eligibility for all activities for the next 15 school days. The student will not be allowed to participate, practice, suit out or travel with the team or activity for the first ten (10) days of the athletic/activity suspension. The student may be allowed to practice, but not suit out for competition or travel with any activity group the last five (5) days of their fifteen (15) days.
- C. The student will be referred for a professional drug use/abuse evaluation as soon as possible to be completed prior to re-entry in school.

- D. The student must attend the appropriate Student Assistance Group (counseling) provided by the school to be eligible to return after the 10 days. Cooperation in the rehabilitation as determined by the principal, coach/sponsor, counselor and/or Student Assistance Team may enable the student to regain practice eligibility at the conclusion of the first 10 days of suspension from athletics/activities.
- E. A substantiated in-season violation of the drug and alcohol policy outside the school setting shall result in suspension from all activities for 15 school days. The student may practice but not suit out for competition or travel with the activity group. Item (c), and (d) above will apply as will the carry over component of item (b).

Second and Subsequent Offense

- A. A substantiated second, and subsequent, violation of the drug and alcohol policy will result in loss of eligibility for all activities for 365 days for each offense and may result in long term suspension from school.

Alternative Program

Students recommended for long term suspension may be referred for an alternative program. This may consist of a variation of the homebound program. The school, however, will not supply an instructor. The student will be allowed to work at home on individually selected course work. If work is satisfactorily completed and approved by the instructor and principal, credit may be earned. Students involved in an alternative program are not allowed to participate or attend school related activities.

ATHLETIC AND ACTIVITIES, DRUGS AND ALCOHOL (added 6/16)

The sale, distribution, transportation, use of, or possession of alcohol, drugs or any type of drug paraphernalia or medication considered illegal or which there is no valid prescription, by any student participating in extra-curricular activities sponsored by the Roswell Independent School District will result in the suspension from said activities. A student involved in extracurricular activities may not use or have possession of alcohol, drugs or paraphernalia (actual or constructive) at any time during the school year. The school year is interpreted as the first day of fall practice through the last day of school. The term constructive is defined as being *in the company of* or any person who is in the sale, distribution, transportation, use of, or possession of alcohol or illegal drug(s) or paraphernalia.

First Offense

- A. A substantiated violation of the drug and alcohol policy by a student at school, on school property, or at a school-sponsored event will result in the suspension of said student from school pending a parent conference and successful completion of a substance abuse assessment.
- B. The student shall lose eligibility for all activities for the next 45 (forty-five) school days. The student will not be allowed to participate, practice, suit out or travel with the team or activity for the first 35 (thirty-five) days of the athletic/activity suspension. The student may be allowed to practice, but not suit out for competition or travel with any activity group the last 10 (ten) days of their 45 (forty-five) days.
- C. If the student athlete violation occurred outside of the competitive season, the suspension will begin the first day of official practice.
- D. If the student is an underclassman the suspension will carry over into the next school year if not completed in the current school year.
- E. The student will be referred for a professional drug use/abuse evaluation as soon as possible to be completed prior to re-entry in school.
- F. The student must attend the appropriate Student Assistance Group (counseling) provided by the school to be eligible to return after the 35 (thirty-five) days. Cooperation in the rehabilitation as determined by the principal, coach/sponsor, counselor and/or Student Assistance Team may enable the student to regain practice eligibility at the conclusion of the first 35 (thirty-five) days of suspension from athletics/activities.
- G. The district maintains the authority to require drug testing at the expense and discretion of the district.

Second and Subsequent Offense

- A. A substantiated second, and subsequent, violation of the drug and alcohol policy will result in loss of eligibility for all activities for 365 days for each offense and may result in long term suspension from school. If a student is an underclassman the suspension will carry over into the next school year if not completed within the current school year.

Attendance (Revised 8/12)

New Mexico’s Compulsory School Attendance State Law requires every student in the state who is five (5) years of age and not more than eighteen (18) years of age to attend school. When students exhibit a pattern of nonattendance, the principal and/or designee will refer students to the Student Assistance Team. Students who have been absent from class ten (10) or more times per school year may be subject to loss of grades. SAT will determine whether grades will be awarded.

The Roswell Independent School District shall maintain an attendance policy that:

- A. Provides for early identification of students classified as a student in need of early intervention and habitual truant and provides intervention strategies that focus on keeping students in need of early intervention and habitual truants in an educational setting and prohibit out-of-school suspension and expulsion as the punishment for truancy.
- B. Requires that class attendance be taken for every instructional day in every school or school program in the district.
- C. Reports unexcused absences and habitual truancy rates to the Department in a form and at such times as the department determines. (NMSA 22-12-7 and 22-12-8)
- D. Elementary schools will notify the principal’s designee for attendance after (5) unexcused absences. Upon receipt of the referral, the principal’s designee for attendance will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- E. Middle schools will notify the principal’s designee for attendance after (5) unexcused absences. Upon receipt of the referral, the principal’s designee for attendance will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- F. High schools will notify the principal’s designee for attendance after (5) unexcused absences. Upon receipt of the referral, the principal’s designee for attendance will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- G. As used in this section and Sections 22-12-7 and 22-12-8 NMSA 1978:
 - (1) “habitual truant” means a student who has accumulated the equivalent of ten or more unexcused absences within a school year;
 - (2) “student in need of early intervention” means a student who has accumulated five unexcused absences within a school year;

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- (3) “unexcused absence” means an absence from school or classes for which the student does not have an allowable excuse pursuant to the Compulsory School Attendance Law or rules of the local school board or governing authority of a private school.

A. An unexcused absence of two or more classes up to fifty percent of an instructional day shall be counted as one-half day absence, and the unexcused absence of more than fifty percent of an instructional day shall be counted as one full-day absence.

- H. Any qualified student and any person who because of his/her age is eligible to become a qualified student as defined by the Public Education Department until attaining the age of majority shall attend a public school, a private school, a home school or a state institution. A person shall be excused from this requirement if:
 - (1) the person is specifically exempted by law from the provisions of this section;
 - (2) the person has graduated from a high school;

- (3) the person is at least seventeen years of age and has been excused by the local school board or its authorized representative upon a finding that the person will be employed in a gainful trade or occupation or engaged in an alternative form of education sufficient for the person's educational needs and the parent, guardian or other person having custody and control consents; or
 - (4) with consent of the parent of the person to be excused, the person is excused from the provisions of this section by the superintendent of schools of the school district in which the person is a resident and the person is under eight years of age.
- I. A person subject to the provisions of the Compulsory School Attendance Law shall attend school for at least the length of time of the school year that is established in the school district in which the person is a resident. (NMSA Section 22-12-2B)
 - J. Any parent of a person subject to the provisions of the Compulsory School Attendance Law is responsible for the school attendance of that person. (NMSA Section 22-12-2C)
 - K. Each local school board and each governing authority of a private school shall enforce the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools." (NMSA Section 22-12-7A)

Bullying, Cyberbullying, and Unlawful Harassment (Prohibiting and Preventing)

The Roswell Independent School District believes that providing an educational environment for all students, employees, volunteers, and families, free from unlawful harassment, intimidation, cyberbullying or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, cyberbullying, or bullying are forms of dangerous and disrespectful behavior that will not be tolerated and are prohibited within the District. 6.12.7.8(C)(2) NMAC (2006).

To assist with ensuring compliance with this policy, the Superintendent shall develop administrative regulations for the implementation of this policy, including any necessary reporting forms.

- A. **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.
- B. **Application.** This Policy also will apply to cyberbullying, as that term is defined herein, and to the use of all Electronic Technologies, whether owned by the District, the student, or a third party and whether on or off District property.
- C. **Definitions.**
 - 1. "Harassment" means knowingly pursuing a pattern of conduct which is intended to annoy, alarm or terrorize another person. 6.12.7.7(C) NMAC (2006). Harassment includes, but is 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. Physically threatening harmful or humiliating conduct; or
 - e. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment.
 - 2. "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 people 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 person which may, but need not be based on the person's race, color, sex, ethnicity, national origin, religion, disability, age, sexual orientation or gender.
 - 3. "Cyberbullying" means electronic communication which:
 - a. targets a specific student or group;
 - b. is published with the intention it is be seen by or disclosed to the targeted student or group;

- c. is in fact seen by or disclosed to the target; and
 - d. creates or is likely 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.
 5. "Name-calling," means the chronic, habitual, or recurring use of names or comments to or about a person regarding the person'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, Instagram, 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.

D. Prohibition Against Bullying

1. In accordance with 6.12.7.8(C)(3) NMAC (2006), the prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

“Bullying behavior by any person in the District 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 person ~~student~~ which may, but need not be based on the person's race, color, sex, ethnicity, national origin, religion, disability, age, sexual orientation or gender or, which a reasonable person under the circumstances should know will have the effect of:

- Placing a student in perceived reasonable fear of physical harm or damage to ~~that~~ 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, using the procedure and the relevant forms provided in the administrative regulation that accompanies this policy. 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 the reporting of bullying or cyberbullying behavior. A copy of this Board policy will be disseminated annually through staff and student handbooks.
3. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this Policy.
4. No employee or student may knowingly give false reports or information under this Policy.
5. This Policy shall be published in the Student Handbook, and on the District's website.

- E. Prohibition Against Cyberbullying.** People 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. A student may be subject to sanctions provided herein if:
1. The student uses a Social Networking Website to engage in cyberbullying or other conduct prohibited by this policy; or
 2. The student's use of Social Networking Websites materially or substantially disrupts or interferes with the normal operations of the school; or
 3. The student's use of Social Networking Websites materially or substantially disrupts or interferes with the rights of other students or teachers; or
 4. The District Administration has reasonable cause to believe ~~that~~ the communication would cause a material and substantial disruption of school operations.
- F. Cyberbullying Training.** Pursuant to 6.12.7.8(D) NMAC (2006), all instructional and licensed school personnel shall be provided with annual training on recognition and prevention of cyberbullying.
- G. Reporting of Bullying and Cyberbullying.** In accordance with 6.12.7.8(C)(4) NMAC (2006), the District hereby implements the following procedures for the reporting of bullying, harassment and cyberbullying incidents. These procedures shall be used in conjunction with the administrative regulation on bullying and its relevant forms.
1. All reports of misconduct in violation of this Policy shall be promptly investigated by the school principal, the Superintendent, or his/her designee.
 2. Any student who believes he/she has been the victim of harassment, bullying or cyberbullying by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, bullying or cyberbullying toward a student should immediately report the alleged acts.
 3. The report may be made to any staff member. The staff member will assist the student in reporting to the principal at that site.
 4. Teachers and other school staff who witness acts of harassment, bullying or cyberbullying or receive student reports of such behaviors, are required to promptly notify administration at the school site.
 5. Reports should be done in writing using the Harassment, Bullying and Cyberbullying Form (attached to the administrative regulation).
 6. School principal or designee is required to accept and investigate all reports of harassment, bullying or cyberbullying.
 7. School principal or designee is required to notify the parent or guardian of a student who commits a verified act of harassment, bullying or cyberbullying of the response of the school staff and consequences that may result from further acts of bullying.
 8. Nothing in this Board policy shall prevent any person from reporting directly to the office of the Superintendent.
 9. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, bullying or cyberbullying, or who participates in or cooperates with an investigation is prohibited.
 10. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
 11. If harassment or bullying continues, the confirmed, repeat perpetrator may be immediately suspended and removed from the school, pending a long-term hearing.
 12. 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.

H. Investigation of Bullying and Cyberbullying.

1. Principals or teachers who receive complaints of cyberbullying, bullying or unlawful harassment shall promptly investigate such complaints. Such investigation shall include interviewing the persons involved, separately, and assessing the existence of a violation of this policy.
2. 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.
3. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, bullying or cyberbullying.
4. The District may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
5. The investigation will be completed within twenty (20) school days, and if the investigation requires more time, the administrator (or investigator) will inform the parties involved of the required additional time to complete the investigation. 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 NMPED, 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. A copy of the completed report will be maintained by the school site.

I. Consequences for Bullying and Cyberbullying. In accordance with 6.12.7.8(C)(5) NMAC (2006), the District may implement the following consequences for incidents of harassment, bullying or cyberbullying.

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. Although bullying is usually a repeated form of harassment, a single offense should be investigated and disciplined according to Board Policy, Administrative Regulation and the Rights, Responsibilities and Limitations of Students Policies.
3. Any student who is found to have engaged in conduct prohibited by this Policy, shall be subject to prompt disciplinary action, 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.
4. 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 cyberbullying and may include counseling, mediation, and appropriate disciplinary action that is consistent with the legal rights of the students involved.

J. Consequences for Knowingly Making False Reports. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

K. Health Education. In accordance with 6.12.7.8(C)(9) NMAC (2006), anti-bullying education will be part of Health Education in the District.

1. "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 6.29.6.1 *et seq.* NMAC.

2. Bullying behavior is mentioned specifically in many areas of Health Education performance standards, in all grade levels. All students need to be aware of bullying behavior beginning in Kindergarten and continuing throughout their school years. It is imperative that students are comfortable with understanding, describing, and recognizing bullying behaviors, and then in the later grades being able to analyze those behaviors and role-play refusal skills. District curriculum does recognize the importance of bullying prevention skills in all grade levels.
- L. Sanctions for Employees.** Any employee found to have engaged in misconduct in which a student is a victim of bullying, harassment or cyberbullying shall be subject to sanctions including, but not limited to warning or reprimand, suspension, termination or discharge, subject to any applicable procedural requirements, state or federal law.
- M. Revisions.** To the extent necessary, The Board shall make any necessary revisions to its disciplinary policies to ensure compliance with the provisions of this Policy.

Consecutive Absences

A student absent five or more consecutive days for personal illness must produce medical verification upon returning to school.

Discrimination

It is the policy of the Roswell Independent School District not to discriminate on the basis of race, color, national origin, religion, ancestry, religion, creed, sex, age or physical or mental handicap, marital or parental status, pregnancy, sexual orientation, or veteran status in its educational programs, activities or employment practices as required by Title IX of the 1972 Education Amendments (20 U.S.C. 1681 et seq.) Inquiries or complaints regarding discrimination in violation of this policy should be directed to the District Title IX Coordinator, Director of Activities, Roswell Independent School District, 300 N. Kentucky Avenue, Roswell, NM 88201, 575-627-2514.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

Distribution of School or Non-School Sponsored Literature and Materials

The District reserves the right to review and reject any advertisement or distribution of materials on its property, at District affiliated functions, or in school affiliated organizations' publications. It further reserves the right to reject advertisements or distributions that are incompatible with its educational purpose or that give the appearance of favoritism or entanglement with particular viewpoints.

"Distribution" means the circulation of more than ten (10) printed copies of material from a source other than the District.

Students may distribute and possess in or on school premises, school buses, or at school sponsored activities any form of school or non-school sponsored literature, including but not limited to newspapers, magazines, leaflets, and pamphlets. Students shall be responsible for the content of such materials. However, this right is subject to limitations in accordance with standards of responsible journalism and expression and in consideration of the rights and welfare of the entire student community.

Generally, all advertising and distributed materials shall be respectful of all people with regard to disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familiar status, physical characteristics, or linguistic characteristics. Furthermore, all advertising must be age appropriate. Any advertising or distributed materials that do not meet these standards will be rejected.

No one, including students, shall publish, distribute or sell materials, paper, supplies, or any other matter on school grounds without first obtaining proper consent in accordance with District policies.

In the event the submitted literature is denied the privilege of distribution, the applicant may appeal the decision of the Assistant Superintendent for Instruction in writing within five (5) school days to the Superintendent. The appeal shall include the factual grounds on which the appealing party relies to support the distribution of school or non-school sponsored materials. The Superintendent shall reply in writing within five (5) school days.

If the Assistant Superintendent for Instruction gives his/her approval, he/she may designate a time, location and other means by which the distribution may take place. The distribution shall be orderly and the designated area for distribution shall be kept free of loosely scattered material. Students distributing the school or non-school sponsored literature shall be responsible for cleaning up or removing any excess or loosely scattered materials from District property at the end of the day on which the literature is distributed.

Approval of the distribution of non-school sponsored literature or material may be revoked and any distributed literature may be confiscated if the use or misuse of the literature causes a disruption of the process or material that interferes with the normal operation of the school or school activities. School officials may remove any advertisement for any violation of this policy. The District reserves the right to sever any affiliation with student or staff that violate this policy and to impose discipline against student/staff who violate its terms. Confiscated materials shall be returned to the student/students at the end of the school day. Students may appeal a revocation in accordance with the procedure set out in paragraph 6 above.

Dress and Appearance

A student's appearance, mode of dress, and/or cleanliness shall not disrupt the educational process or constitute a threat to health or safety. Clothing promoting alcohol and other drugs, obscenities, sexual innuendoes, gang identifiers (including "sagging"), and tobacco will not be worn. Students will be allowed to wear clothing only one size too large in order to allow for growth or shrinkage. All shirts or other garments (including dresses) will be worn with sleeves. Garments will not be worn if they are made of sheer or see-through material. Midriiffs must be completely covered at all times. Pants may not drag the ground. Wallet chains are prohibited.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

Facial jewelry is prohibited at all times on all campuses, with the exception of games after school hours. This includes, but is not limited to, nose rings, eyebrow rings, and lip rings. Clear plastic retainers may be worn. Earrings are acceptable except in areas where student safety is compromised, such as in physical education or shop classes. Tongue rings are not subject to the policy as long as they are not used to disrupt the educational process. Shirts that say "in memory of . . ." will not be worn on campus. Any school may choose to have more restrictions than district policy but may not have any fewer restrictions, as approved by the Superintendent. When, in the judgment of the principal, a student's appearance, mode of dress, and/or cleanliness is distracting and disruptive of the educational process, the student will be required to make requested modifications. If requested modifications are not made, students will be removed from class and placed in in-school suspension and parents will be contacted. Students who refuse to dispose of or remove the insignia will be suspended. Students may return to school grounds only if accompanied by parent or guardian and only when the offensive insignia is either disposed of or covered up. Repetition of this offense may result in long-term suspension. See Gangs/Unauthorized Group Activity.

Electronic Devices

The Board is committed to providing a safe, positive and productive learning and working environment. The use of Electronic Devices on school campuses has increased classroom disruptions and resulted in an increase of threatening and inappropriate communications. The term "Electronic Devices" shall mean any and all devices which accomplish their purposes electronically and include, without limitation, cell phones, pagers, electronic emailing devices (e.g., Blackberry), radios, tape players, CD players, DVD players, video cameras, iPods or other MP3 players, laser pointers, portable video game players, laptop computers, personal digital assistants (PDAs), cameras, and any device that provides a wireless, unfiltered connection to the Internet.

Consequently, the use of any and all Electronic Devices by students during the school day on-campus or during a school sponsored event is strictly prohibited. While students are not prohibited from possessing Electronic Devices, unless otherwise

prohibited by law or District policies, rules or procedures, the Electronic Devices must be turned “off” and stored in a student’s backpack or purse, locker, or vehicle. Each school principal shall determine the hours during the school day and school-sponsored events during which use of Electronic Devices is prohibited.

Use of Electronic Devices in violation of this policy shall result in the confiscation of the Electronic Device. After the first offense, the student may recover the Electronic Device from the school’s administration office at the end of the school day. After the second offense, the student’s parent/guardian shall be notified that the student has twice violated this policy and that the parent/guardian must recover the Electronic Device from the school’s administration office. After the third offense, the Electronic Device will be confiscated and sent to the Superintendent’s Office, after which time the student’s parent/guardian must recover the confiscated Electronic Device after a meeting with the Superintendent or his/her designee. A student who violates this policy more than two (2) times during the school year also shall be subject to discipline under District Policy 5130 for engaging in willfully disruptive conduct.

The District shall not be liable or responsible for the loss, damage or misuse of any Electronic Device confiscated from a student at school or during a school-sponsored event.

This policy does not prohibit the use of Electronic Devices on school buses or extracurricular activity buses unless otherwise restricted by District staff responsible for the activity.

The policy does not prohibit the use of Electronic Devices when used as part of any official instructional activity.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT’D)

Excused Absences

Any student not exempted from compulsory school attendance may be excused for temporary absence resulting from personal illness, illness or death of immediate family member, or any other unusual cause acceptable to the principal or superintendent. The reason for an excused absence must be stated in writing and signed by the parent or other person standing in parental relation to the student. The person discharging the duties of principal’s designee for attendance of the school may investigate any case in which an excused absence is requested. Court related absences will be excused only with a statement from a proper legal authority.

If a student has an unexcused absence, he or she will not be eligible to participate in any school activity on the date of the absence.

Extortion, Blackmail, or Coercion

Obtaining money or property by violence or threat of violence or forcing someone to do something against his will by force or threat of force is prohibited and may result in suspension and referral to the local law enforcement authorities. Long term suspension may result.

Freedom to Publish, School or Non-School Sponsored Literature & Materials

Student publications must not contain libel, obscenity or attacks of a personal nature. Solicitations contained in school or non-school sponsored publication shall be governed by district policy 5130 (Distribution of School and Non-School Literature &

Materials). School sponsored student newspapers published by students of the school district shall be distributed at times and in places as designated by the school authorities.

Freedom of Speech and Assembly

The use of obscenities or personal attacks is prohibited. All student meetings in school buildings or on school grounds shall function only as part of the formal educational process or as authorized by the principal. There is an appropriate time and place for the expression of opinions and beliefs. Conducting demonstrations which interfere with the operation of the school or classroom is inappropriate and prohibited.

Gangs/Unauthorized Group Activity

Philosophy - The RISD recognizes that a school must create a safe environment in which learning can take place. An individual or group will not be allowed to threaten the safety of others and/or cause disruption to the educational process of the school environment. The term GROUP applies to any and all ethnic backgrounds.

Definition - This policy refers to any individual, group, organization or club which exists without the sponsorship of the school or sponsorship of any sanctioned adult community or civic organization and which has no acceptable social goals. An unauthorized group is a group of two or more people who engage in any of the following activities:

- Restrict others from a certain area or territory
- Has a name; rivals/enemies; and
- Exhibit antisocial behavior - including the commission of illegal acts or acts in violation of disciplinary rules of the RISD.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

1. Dress, Symbols, Signs - The School Board recognizes that, within certain limits, each student's mode of dress and grooming is a manifestation of personal style and individual preference. District personnel have the responsibility of protecting the health and safety of pupils and maintaining proper and appropriate conditions conducive to learning. (Refer to Dress and Appearance)

1. Graffiti- Any group or individual discovered to have been responsible for graffiti on school buildings or property may be suspended for the semester with loss of credit or assigned to an alternative program.

Any student discovered to be with another student at the time the graffiti is applied may be suspended and parent conference required.

Students disciplined for applying or participating in the application of graffiti will be prosecuted to the fullest extent of the law. Parents and students will be held liable for the damage and are responsible for paying any costs of having the damage professionally removed, repaired or replaced. (see also Policy 7300 - Graffiti on School Property)

3. Intimidation/Physical Safety Hazard - No group or individual on or about school property or at any school activity shall:
 - a. Solicit others for membership in any unauthorized group(s).
 - b. Request any person to pay protection or otherwise intimidate or threaten any person.
 - c. Commit any other illegal act or violate school district policies.
 - d. Incite other students to act with physical violence upon any other person.
 - e. Make particular hand gestures to signal unauthorized group affiliation.
 - f. "Stare down" or "mad dog" to challenge or provoke fights.
 - g. Participate in marking or writing on school property.

Depending on extent of violation, students may be suspended long term. Expulsion may be imposed for the commission of certain criminal or violent acts. Students involved in any attack will be prosecuted for the assault to the fullest extent of the law.

- Following 365 day suspension (without firearm involved) student may appeal to the Assistant Superintendent for Instruction at the conclusion of the semester immediately preceding scheduled re-entry date to request readmission at beginning of new semester.
- Following 365 day suspension (with firearm involved) student can appeal only to the Superintendent, based on Federal Guidelines.
- Following expulsion student may appeal to the Assistant Superintendent for Instruction at the end of 365 days for readmission.

Grievance Procedure for Complaints Arising Under Section 504

Section 504 of the Rehabilitation Act of 1973 and District Policy 5130 prohibit discrimination by the District against any student with a qualifying disability. The goal of these grievance procedures is to provide a prompt and equitable resolution of complaints raised by a District student or his/her parents that the District is in violation of Section 504 or District Policy 5130.1

This regulation provides students and their parents with an opportunity to pursue a grievance both informally and formally. While the District encourages students and their parents to resolve complaints at the lowest administrative level as possible, a student and his/her parents are not required to engage in the informal process, described in subpart A., below, prior to engaging in the formal procedures identified in subpart B., below. Students and their parents also have the opportunity to file a complaint with the Office for Civil Rights (“OCR”), described in subpart C., below. If the complaining party files both a grievance with the District and a federal complaint with OCR, OCR will have primary jurisdiction over the claim.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT’D)

A. Informal Grievance Procedure.

Any student and his/her parent who believes he or she may have a valid basis for a complaint under Section 504 or District Policy 5130 shall discuss the concern with the building principal. The principal will promptly investigate the complaint and reply to the complainant in writing within ten (10) school days. If this reply is not acceptable to the complainant, he or she may initiate the formal procedures, listed in subpart B., below.

B. Formal Grievance Procedure

1. Any student or his/her parent of the District may submit the complaint in writing to the Section 504 Coordinator (Assistant Superintendent for Instruction) within ten (10) school days of the receipt of the written reply to the informal grievance.
2. The Section 504 Coordinator, upon receiving such a written complaint, shall immediately undertake a thorough and impartial investigation. The Section 504 Coordinator will review with the building principal, or other appropriate persons, the allegations contained in the complaint. The complaining party may submit evidence and identify witnesses. Within ten (10) school days after receiving the complaint, the Section 504 Coordinator shall determine the action to be taken, if any, and report in writing the findings and the resolution to the complaining party.
3. If the complaining party is dissatisfied with the decision of the Section 504 Coordinator, he or she may appeal the decision in writing to the Superintendent within ten (10) school days after receipt of the Section 504 Coordinator’s response. If practical, the Superintendent, or his/her designee, may meet with all parties involved, further investigate the allegations contained in the complaint, formulate a conclusion, and respond in writing to the complaining party within ten (10) school days after the receipt of the appeal.

4. If the complaining party remains unsatisfied, he/she may appeal through a signed written statement to the Board within ten (10) school days of his/her receipt of the Superintendent's response. In an attempt to resolve the grievance, the Board shall conduct an impartial hearing within forty (40) calendar days of the receipt of such an appeal.

During the hearing, the complaining party shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses. The parent/guardian shall provide notice in writing to the Superintendent not less than seven (7) school days before the scheduled hearing that the parent/guardian will be represented by counsel. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days after this meeting.

C. Federal Complaint Procedures

An individual or organization may file a complaint with the regional Office for Civil Rights in Denver, Colorado. An OCR complaint must be filed, in writing, within 180 days after the alleged discriminatory act or from the time the person becomes aware of the alleged discriminatory act. In certain cases, OCR will consider complaints where more than 180 days have elapsed. Anyone wishing to file a formal complaint with OCR should submit in writing the information requested by the OCR. More information is available at Office for Civil Rights, Federal Office Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582, (303) 844-5695.

As a recipient of Federal financial assistance from the U.S. Department of Education, the Roswell Independent School Board is prohibited from discriminating against any qualified student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973.

A "qualified student" is a school-age person who resides within the jurisdiction of the District and has not received a high school diploma or its equivalent.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

A "student with a disability" is one who (1) has a physical or mental impairment that substantially limits one or more of the student's major life activities, (2) has a record of having such an impairment, or (3) is being regarded as having such an impairment.

It also is the responsibility of the District to identify and evaluate students who, within the intent of Section 504, (1) have a physical or mental impairment that substantially limits one or more of the student's major life activities; and (2) needs special services or programs in order to receive the required free appropriate education ("FAPE").

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act ("IDEA"). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy 5130 and its regulations and under federal and state laws and regulations.

Delegation of Authority to Superintendent

The Board delegates to the Superintendent or his/her designee the authority to develop procedures, as necessary, to fully implement this Policy.

The Superintendent also shall designate at least one employee to coordinate the District's efforts to comply with Section 504 ("Section 504 Coordinator"). The name and contact information of the Section 504 Coordinator shall be identified in the procedures and published in each school's handbook.

Notice

Copies of this policy and the implementing procedures shall be provided annually to each parent/legal guardian of a student currently enrolled or attending a school in the District. The policy, procedures, and required notices to parents/legal

guardians also shall be provided by an effective means of communication to parents who have a primary or home language other than English.

Hazing (Prohibiting and Preventing)

The Roswell Independent School District shall not permit hazing as a condition of membership in, or initiation into, any class, team, group or organization sponsored by, or permitted to operate under, the auspices of a school of the district.

A. Definition of Hazing

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment.

B. Reporting Possible Violations

1. Any student who believes he/she has been the victim of hazing by another student or by an employee of the district shall immediately report any alleged acts which may constitute hazing to any employee of the district.
2. Any district employee who receives any written or verbal report of possible hazing of a student, regardless of the source of the report, or who himself/herself observes instances of possible hazing shall notify his/her immediate supervisor or the principal, or his/her designees, of the school where the employee works.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

3. District employees who witness acts of possible hazing by students shall have an affirmative duty and the authority to act in a reasonable manner within the disciplinary standards of conduct established for district employees. The district employee shall attempt to promptly stop such conduct by, including, but not limited to:
 - a. taking custody of the alleged student-violator
 - b. removing the student from the educational environment for the purpose of immediately transferring custody of the student to the principal, or his/her designee, for further evaluation and corrective action
4. No district employee shall retaliate against any person for good faith reporting, or participating in the investigation of an alleged violation of this procedural directive.
5. District employees or students who knowingly give false reports or information related to a complaint or report of an alleged act of hazing shall be subject to corrective action.

C. Investigation Full and Complete

1. All reports of 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 hazing shall promptly investigate such complaints. If a report of student hazing is received during a school-sponsored trip or event, the head coach, sponsor, administrator, or other employee of the District responsible for the students during the school-sponsored trip, shall conduct a preliminary investigation, including interviewing each individual student separately involved in the alleged hazing incident, separately.

- a. If the preliminary investigation substantiates the alleged misconduct, the following steps will be taken:
 1. The head coach, sponsor, administrator or other employee of the District who conducted the investigation will inform the student's principal and/or the Athletic Director and the Superintendent or the Superintendent's designee of the investigation and the preliminary finding.
 2. The student alleged in violation of the hazing policy will be allowed to participate in the immediate singular school-sponsored event, and his/her parent(s) will be contacted.
 3. A parent meeting will be scheduled as soon as possible.
 4. At the conclusion of the event, additional investigation will be conducted and additional corrective action may be taken, if necessary.
 5. No corrective actions will be taken until a complete, full investigation has been completed and meeting with the student, the student's parents, and administration have been conducted at the student(s) school campus.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

- b. If the Administrator, head coach, sponsor, or other employee of the District responsible for the students during the school-sponsored trip is notified of the alleged hazing incident an initial investigation prior to the event will be conducted. The student(s) accused of hazing will be allowed to participate in the immediate singular competition. At the conclusion of the immediate singular completion, a full investigation into the alleged hazing incident shall be conducted, and if the allegations are substantiated, the student(s) shall face correction action.
- c. If the full investigation does not support the allegation of misconduct, the student will be allowed to continue to participate in the school sponsored events. If the full investigation substantiates the alleged misconduct, the student will face disciplinary consequences at that time.
3. The full investigation will include a written report documenting statements of those interviewed including, but not limited to, audio/video recordings and transcriptions. The report will be reviewed by the principal, the Director of Athletics, and the Superintendent or his/her designee for the purpose of determining if a violation of this policy occurred prior to any corrective actions being taken.
4. All inquiries from the media will be directed to the Superintendent or his/her designee to ensure student privacy rights are protected.

D. Corrective Action

In assessing the existence of a violation of this policy by students and the appropriate corrective action to be imposed, the principal or designee may 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 procedural directive on the part of the violator. Disciplinary action shall comply with RISD policies regarding discipline.

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.

In-School Suspension

For short term suspension the principal may choose to assign the student to an in-school suspension or Saturday School (high school only). When appropriate, alternatives to suspension must be considered before a student is recommended for long term suspension

Make-Up Work (Revised 8/09)

Students who are absent from school are responsible for collecting missed assignments on the first day following the absence and submitting make-up work in no more than twice the number of days missed. Students who complete make-up work within the allocated time will be allowed to make up one hundred percent of the work and grace missed including “participation” grades. Student’s grades will in no way be reduced, except in the case of poor quality or late make-up work.

In such case, make-up work must be graded and the grade explained to the student by the teacher. Credit will be given for all work completed including whole or portions of assignments/projects.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT’D)

Enforcement of Attendance Law—Habitual Truants—Penalty. (Section 3. 22-12-7 NMSA)

- A. Each local school board and each governing authority of a private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.
- B. To initiate enforcement of the provisions of the Compulsory School Attendance Law against an habitual truant, a local school board or governing authority of a private school or its authorized representatives shall give written notice of the habitual truancy of certified mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law.
- C. If unexcused absences continue after written notice of habitual truancy as provided in Subsection B of this section has occurred, the student shall be reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services because of habitual truancy and thus subject to the provisions of the Children’s Code. In addition to any other disposition, the children’s court may order the habitual truant’s driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent find of habitual truancy.
- D. If, after review by the juvenile probation office where the student resides, a determination and finding is made that the habitual truancy by the student may have been caused by the parent of the student, then the matter will be referred by the juvenile probation office to the district attorney’s office or any law enforcement agency having jurisdiction for appropriate investigation and filing of charges allowed under the Compulsory School Attendance Law. Charges against the parent may be filed in metropolitan court, magistrate court or district court.
- E. A parent of the student who, after receiving written notice as provided in Subsection B of this section and after the matter has been reviewed in accordance with Subsection D of this section, knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor. Upon the first conviction, a fine of not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100) may be imposed, or the parent of the student may be ordered to perform community service. If violations of the Compulsory School Attendance Law continue, upon the second and subsequent convictions, the parent of the student who knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) or

imprisonment for a definite term not to exceed six months or both.

Off-Campus Behavior

Any behavior that may be construed as being disruptive or potentially disruptive to the school setting and which occurs off the school campus during the normal school day or in normal to and from travel is prohibited. Such behavior includes fighting, use and/or sale of alcoholic beverages or illegal drugs (substances defined as a "controlled substance"), verbal abuse and any other act listed elsewhere in this regulation as being a criminal or prohibited act. Punishment by school authorities for such acts will be the same as if the act had been committed on school grounds.

Off-Campus Events

Students at school sponsored, off-campus events shall be governed by school district rules and regulations and are subject to the authority of school district personnel. Failure to obey the rules and regulations and/or failure to obey the lawful instructions of school district officials may result in loss of eligibility to attend school sponsored, off-campus events. Students currently serving out-of-school suspensions may not be on any RISD campus or attend any RISD activity.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

Parent Notification (Revised 8/12)

Early Identification—Unexcused Absences and Truancy: Section 4. 22-12-8 NMSA 1978. – Notwithstanding the provisions of Section 22-12-7 NMSA 1978, if a student is in need of early intervention, the school district shall contact the student's parent to inform the parent that the student is in need of early intervention from school and to discuss possible interventions. The provisions of this section do not apply to any absence if the parent has contacted the school to explain the absence. The parent/legal guardian must contact the school within twenty four hours of the student's absence. If a student is absent from school, the school will attempt to contact the parent by telephone to verify the student's absence. Mail contact will be utilized when students are absent 3 or more consecutive days

Prohibiting Violence, Intimidation, and Hostile or Offensive Conduct

The Roswell Independent School District 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.

Sexual Harassment of Students

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.

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. Tolerance 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.

Inquiries or complaints regarding discrimination in violation of this policy should be directed to: Title IX Coordinator, Director of Activities, Roswell Independent School District, 300 N. Kentucky Avenue, Roswell, NM 88201 and/or Section 504 Coordinator, Assistant Superintendent for Instruction, Roswell Independent School District, 300 N. Kentucky Avenue, Roswell, NM 88201.

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 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 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.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

Verbal or physical conduct of a sexual nature by one student or another may constitute sexual harassment when the allegedly harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.

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

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. Any student who believes he or she has been sexually harassed by another student or other students, may report to a teacher, counselor, assistant principal or principal.

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

Reporting by employees is mandatory. Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the

Superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.

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

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

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

Technology

Students shall not use any internet or other communication device to intimidate, bully, harass, or embarrass other students or staff members. Students who engage in such activity on school grounds or who engage in such activity off campus and create a material disruption of school operations shall be subject to penalties for bullying and harassment contained in the student handbook, as well as possible criminal penalties.

Threats of Violence

- A. 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.
- B. All employees and students are required to report evidence of threats of violence to their principal. Such reports shall be investigated by the principal or designee. All such reports shall be documented by the principal.
- C. In cases of threats that may constitute a violation of criminal law, the principal, Superintendent or designee shall notify law enforcement authorities.
- D. Threats of violence toward other students, school staff members, or school facilities are prohibited and may result in suspension or expulsion, regardless of whether the student has engaged in such conduct previously.
- E. All employees and students are required to report evidence of threats of violence to their building principal, or to the Superintendent. Such reports shall be investigated by the building principal or his/her designee.
- F. All such reports shall be documented by the Superintendent or his/her designee, and, in regard to any that are regarded as not sufficiently credible to warrant investigation, all reasons and bases for such conclusion shall be stated in the documentation.
- G. In cases of threats that may constitute a violation of the criminal law, the Superintendent shall notify law enforcement authorities.
- H. Students who are charged with violations of this policy shall be placed on short-term suspension pending investigation of the charge. Those found through a due process hearing to have violated this policy shall be subject to discipline including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).
- I. As a condition or conditions of a student's return to school from short-term or long-term suspension for a violation of this policy, the Superintendent or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate:
 - 1. That the parent of such student shall provide a documented opinion by a licensed psychologist, psychiatrist or clinical social worker that the student does not represent a threat of harm to himself-herself or to others, and, for a period to be determined by the Superintendent or his/her designee, that the parents provide (at the parent's expense) regular documented updates of such opinion;
 - 2. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, a parent shall check the student for weapons at home, and shall accompany the student to the school office upon arrival at school at the beginning of each school day, at which time the student shall be searched for weapons or other contraband by school personnel;
 - 3. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be prohibited from leaving campus during the school day, and that during any non-class time, the student shall remain in a monitored, segregated environment;

4. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be transported home from school by the parent/or designee at the end of the school day;
 5. That the parent agree that for a period to be determined by the Superintendent or his/her designee, the student shall not be permitted to participate in any extracurricular activities, or school functions except classroom instruction during the school day; and
 6. That the parent agree that, for a period to be determined by the Superintendent or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.
- J. In permitting a student to return to school from a short term or long term suspension, conditions imposed by the Superintendent or his/her designee, including those set forth in paragraph 6, shall be incorporated into a written agreement to be signed by the parents or parent of the student in question.
- K. In permitting a student to return to school from a short term or long term suspension, the Superintendent or his or her designee shall document the reasons and bases for permitting such return, and such documentation shall include reasons and bases for imposing or not imposing the conditions set forth in paragraph 6.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

- L. Any student who is accused of committing a felony may be suspended indefinitely when she/he has been charged, indicted, arrested; or a petition filed alleging delinquency. Suspension will occur if the Hearing Authority or administrator believes the student in question poses an imminent danger or threat to other students or staff within the school, or if the student's presence at school would disrupt the educational process. The length of suspension will be at the discretion of the administrator. The administrator or designee will meet with the parent/guardian to determine the educational program of the suspended pupil pending the outcome of legal action.

Title IX NON-DISCRIMINATION POLICY

Harassment policies as set forth in Policy No. 3145 (employees) and Board of Education Policy No. 5130 (students). Inquiries regarding the Sexual Harassment policy should be directed to:

FOR STUDENTS

Title IX Coordinator
 Director of Activities
 Roswell Independent School District
 300 N. Kentucky Avenue
 Roswell, NM 88201
 (575) 627-2515

FOR EMPLOYEES

Assistant Superintendent for Human Resources
 Roswell Independent School District
 300 N. Kentucky Avenue
 Roswell, NM 88201
 (575) 627-2518

Grievance Procedures

Any student or employee of the District, 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 basis of sex in violation of this policy, may file a written complaint with the Title IX Coordinator. The Title IX 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. The Title IX Coordinator shall provide a copy of the written complaint and the response to the Superintendent of the District and to each member of the Board of Education.

If the complainant is not satisfied with the response of the Title IX Coordinator, he or she may submit a written appeal within 15 calendar days of receipt of the response to the Title IX Grievance Hearing Committee indicating with particularity the nature of disagreement with the response from the Title IX Coordinator and his or her reasons underlying such disagreement. The Title IX 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 Coordinator. The Title IX Grievance Hearing Committee shall provide the complainant with a minimum of 10-calendar days notice of the hearing date. The Title IX Grievance Hearing Committee shall issue a written decision and mail it to complainant within 15 calendar days of the completion of the hearing. The Title IX Coordinator shall provide a copy of the written decision to each member of the Board of Education and the Superintendent.

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

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

Tobacco

The use and/or possession of any tobacco products or paraphernalia used for the ingestion/inhalation/application of nicotine (cigarettes, electronic cigarettes, chewing tobacco, snuff, pipe tobacco, etc.) on school premises or at school sponsored activities is prohibited. Should a violation occur, the following consequences shall result:

First Offense - Warning; parent notification; student may be assigned detention; at elementary level, counseling and/or use of educational materials from American Cancer Society, loss of privileges.

Second and Subsequent Offense - Parent conference and further disciplinary measures which may include, but not be limited to, after school detention/work detail/Saturday School (high school only)/In-School Suspension or Out-of-School Suspension; at elementary level, more in-depth counseling and/or use of educational materials from American Cancer Society; one day out-of-school suspension (one day additional for each offense: Example: Third offense = 2 days Out-of-School Suspension, Fourth Offense = 3 days Out -of-School Suspension.

Vandalism

The RISD Board of Education recognizes the community's support of safe, clean, and well maintained school and the importance of school facilities in the educational mission. Thus, RISD will not tolerate any intentional acts defacing, damaging, destroying or otherwise creating maintenance obligations for any RISD building or facility. For students who participate in any such acts, the District may consider the full range of disciplinary consequences, including exclusion from extra-curricular activities, including but not limited to participation in award/graduation ceremonies, as well as suspension or expulsion from school. The District also reserves the right to seek civil damages for any costs created by such vandalism.

A school administrator, teacher or other school employee who observes or has direct knowledge of an act of vandalism to public school property shall file an incident report describing the incident. Failure of school employees to report acts of vandalism shall result in disciplinary action.

Notice of this policy shall be made each year, including each building principal.

Reference: 22-10A-33NMSA (1978)

Verbal Abuse

Verbal abuse or threatening action directed against another student or a school staff member is prohibited and may result in suspension or expulsion.

Violence on School Grounds

School authorities shall pursue any administrative action deemed appropriate for incidences of school violence. The pursuit of school administrative procedures is not considered a substitute or an alternative to law enforcement intervention.

Whenever violations of criminal law occur, school personnel will notify the appropriate law enforcement agency (refer to policy 5350).

First Offense - the mid or high school student will be suspended from school for up to five (5) days and a parent/legal guardian conference is required before the student is readmitted to school. The elementary student may be suspended up to 5 days. The student and parent will be requested to sign a behavioral contract.

1. Students will be allowed to make up work missed during their suspension providing assigned disciplinary sanctions are completed. Every attempt will be made to mediate the situation between the students.
2. Possession or use of a firearm shall, at a minimum, result in suspension for not less than one calendar year (365 days), PROVIDED, that the Superintendent or the Board of Education may modify such penalty in appropriate cases at their discretion. Expulsion may be imposed.
3. Possession or use of a weapon may result in suspension. Expulsion may be imposed.
4. Any physical or verbal assault on a staff member may result in a long term suspension or expulsion.
5. Long-term suspension for a first offense may be administered if the violence of the incident, injury involved, or safety of other students warrants such.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

Second Offense - The mid or high school student will be suspended from school for the remainder of the semester with loss of credit from this district. If a secondary student has been suspended for violation of this policy during the first semester, any violation in the second semester will result in suspension for the remainder of the academic year with loss of credit.

The elementary student will be suspended up to 5 days. Subsequent violations by elementary students will result in additional disciplinary sanctions as determined by the building principal.

Students with Disabilities: Any student who brings a firearm to a school or a school sponsored activity shall, in addition to penalties imposed under School Board policy, be referred to appropriate law enforcement authorities for prosecution. This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA).

In accordance with the provisions of 20 U.S.C. 1415e(3)(B) of the IDEA, a child with a disability who is determined to have brought a firearm to a school under the jurisdiction of the School Board may be placed in an interim alternative educational setting for not more than forty-five days as specified by the IEP team.

If the parent or legal guardian of a child with a disability requests a due process hearing, the child shall remain in the alternative educational setting during the pendency of such proceedings, unless the parents and school officials agree otherwise.

Weapons

The presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to forbid the possession, custody, and use of weapons by unauthorized persons in or around school property. In furtherance of this purpose, it is every student's duty to ensure that he or she does not possess weapons at school. This duty extends to the responsibility to ensure that all of a student's possessions are free of weapons at school. This includes vehicles driven onto school property regardless of ownership of the vehicle. This policy is enacted to implement the requirements of the federal Gun-Free Schools Act, 20 U.S.C. §7151 (a) (1), and it is the intention of the Board that it be interpreted to conform to provision of applicable federal and state law.

A. Definitions:

1. **Weapon:** For purposes of this policy, a "weapon" is any firearm, any knife, any explosive device (e.g., fireworks, stink-bombs), or any other objects (even if manufactured for a nonviolent purpose), that has a potentially violent use, or any "look-a-like" object that resembles an object that has a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.
2. **Firearm:** For purposes of this policy, and for purposes of compliance with the federal Gun-Free Schools Act, a "firearm" is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive: the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device.

B. 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 Regulation Section 6.11.2.1, as amended, and the policies of the district.
2. In addition to penalties imposed by Board Policy, the District may, after consideration of the surrounding circumstances, refer to the appropriate law enforcement authority any student who brings a weapon to a school or school-sponsored activity. Any student who brings a firearm to a school-sponsored activity will be referred to the appropriate law enforcement authority.

5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)

C. Penalties for Violations:

1. Any student found to be in violation of this policy shall be subject to discipline, including short-term in or out of school suspension not to exceed ten days, long-term suspension, and expulsion.
2. In compliance with the federal and state Gun Free Schools Acts, any student found to be in violation of this policy due to a knowing possession of a firearm, as defined in this policy, shall, at a minimum, be expelled from school for a period of not less than one year, provided that the Superintendent or the Board of Education may modify such penalty in appropriate cases at their discretion.
3. This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA).
 - a. In accordance with the provisions of 20 U.S.C. § 1415e (3) (B) of the IDEA, a child with a disability who is determined to have brought a weapon to school under the jurisdiction of the School Board may be placed in an interim alternative educational setting as specified by the IEP team.
 - b. If the parent or guardian requests a due process hearing, the child shall remain in the alternative educational setting during the pendency of such proceedings, unless the parents and school officials agree otherwise

REV 7/15

5131 POLICY FOR EDUCATION OF HOMELESS STUDENTS: DISPUTE RESOLUTION

The District is committed to ensuring that homeless students have equal access to the same free, appropriate public education and services, including public preschool education, as provided to other children and youth in the District in accordance to the provisions of the McKinney-Vento Homeless Education Act, 42 U.S.C. § 11431 *et seq.*

Definitions.

“Homeless student” shall have the same meaning as the term “homeless children and youths,” defined by 42 U.S.C. § 11434a(2)

as:

Individuals who lack a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition includes:

- (1) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (2) children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings;
- (3) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- (4) unaccompanied youth; and
- (5) migratory children (as such term is defined in 20 U.S.C. § 11302(a)(2)(C) who qualify as homeless for the purposes of this part because the children are living in circumstances described above).

“School of origin” means the school that the student attended when permanently housed or the school in which the student was last enrolled.

“Unaccompanied youth” means a youth not in the physical custody of a parent or guardian.

“Homeless Liaison” means the staff person designated by the Superintendent as the person responsible for carrying out the duties assigned by the McKinney-Vento Homeless Assistance Act to local education agencies.

Enrollment. To the extent possible and according to the best interest of the homeless student, the student shall remain in his or her school of origin for the duration of his or her homelessness or for the remainder of the academic year if the student becomes permanently housed during an academic year in a school district other than that of the school of origin. Alternatively, a homeless student may enroll in the school in the school zone in which the student is temporarily residing. A homeless student shall be immediately enrolled, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. The enrolling school shall immediately contact the school last attended by the homeless student to obtain relevant academic and other records.

5131 POLICY FOR EDUCATION OF HOMELESS STUDENTS: DISPUTE RESOLUTION (CONT'D)

To determine the homeless student’s “best interest”, the District shall (1) to the extent feasible, keep a homeless student in the school of origin, except when doing so is contrary to the wishes of the student’s parent or guardian; (2) provide a written explanation, including a statement regarding the right to appeal, to the homeless student’s parent or guardian, if the District sends such student to a school other than the school of origin or a school requested by the parent or guardian; and (3) in the case of an unaccompanied youth, ensure that the Homeless Liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

Educational Services. A homeless student shall be provided the services offered to other students, including, without limitation, transportation services, educational services (including services provided under Title I, IDEA, and educational programs for students with limited English proficiency), program in vocational and technical education, programs for gifted and talented students, and school nutrition programs.

Homeless Liaison. The Superintendent shall appoint a Homeless Liaison who shall ensure that:

- A. homeless students are identified by school personnel and through coordination activities with other entities and agencies;
- B. homeless students enroll in, and have full and equal opportunity to succeed in, the District;
- C. homeless families and students receive educational services for which such families and students are eligible, including programs administered by the District, and referrals to health care services, dental services, mental health services, and other appropriate services, and the parent, guardian, or unaccompanied youth is fully informed of these educational services;
- D. public notice of the educational rights of homeless students is disseminated where such students receive services, such as schools, family shelters, and soup kitchens;
- E. the parent or guardian of a homeless student, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school that is selected by the student;
- F. coordinate with local social services agencies and other agencies or programs providing services to homeless students and their families, and with other school districts on interdistrict issues, such as transportation or the transfer of school records;
- G. assist a homeless student in obtaining necessary immunizations or records;
- H. monitor and carry out the enrollment dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- I. develop procedures by which the District and the Homeless Liaison will implement and comply with this Policy.

Notice. Written notice shall be provided to the parent or guardian of a homeless student or the unaccompanied youth at the time any homeless student seeks enrollment in the District and at least twice annually while the homeless student is enrolled in the District, that

- J. shall be signed by the parent or guardian or the unaccompanied youth;
- K. sets forth the general rights provided to the homeless student;
- L. specifically states the choice of schools homeless students are eligible to attend; that no homeless student is required to attend a separate school for homeless children or youths; that homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;

5131 POLICY FOR EDUCATION OF HOMELESS STUDENTS: DISPUTE RESOLUTION (CONT'D)

- M. homeless students should not be stigmatized by school personnel;
- N. provides contact information for the Homeless Liaison and the New Mexico Coordinator for Education of Homeless Children and Youths;
- O. describes the dispute resolution procedures that a parent, guardian or unaccompanied youth may follow to initiate a

complaint with the school principal or District Homeless Liaison in the event that there is a dispute over enrollment, services, or other rights arising under the McKinney-Vento Act; and

- P. is provided in a manner and form understandable to such parent or guardian or unaccompanied youth, including, if necessary and to the extent feasible, in the native language of such parent or guardian or youth.
- Q. The notice also shall include a simple dispute resolution form that the parent, guardian or unaccompanied youth may use to initiate a complaint with the school or District Homeless Liaison.

Dispute Resolution. Disputes addressing the enrollment, transportation, and other barriers to education of children and youth experiencing homelessness may be initiated by parents, guardians or unaccompanied youth by submitting a complaint on the dispute resolution form contained in the above-described notice to either the school principal or the District’s Homeless Liaison. Pending resolution of the dispute, the student shall be immediately enrolled in the school in which enrollment is sought and the student shall be provided services for which he/she qualifies.

- A. The complaint must be
 - (i) written;
 - (ii) signed by the complaining party or his/her designated representative;
 - (iii) contain a statement that the District has violated a requirement of federal statute or regulation;
 - (iv) contain a statement of the facts on which the complaint is based and the specific requirement alleged to have been violated; and
 - (v) the relief being requested.
- B. Upon receipt of the initial complaint, the school principal or Homeless Liaison shall provide the complaining party with written confirmation of the receipt of the complaint and a notice of rights. The notice of rights should include:
 - i. contact information of the school principal, the District’s Homeless Liaison and the PED homeless liaison, along with a brief description of their roles;
 - ii. a step-by-step description of how to follow the dispute resolution process;
 - iii. notice of the right to immediately enroll in the school of choice pending resolution of the dispute and notice that immediate enrollment includes full participation in all school activities;
 - iv. notice of the right to obtain the assistance of advocates or attorneys;
 - v. notice of the right to appeal to the New Mexico Public Education Department (PED) if the district-level resolution is not satisfactory;
 - vi. the timeliness for resolving district and PED-level appeals; and
 - vii. notice of the right to provide written or oral documentation to support their position.
- B. The principal or Homeless Liaison shall investigate the initial complaint and provide a written decision within ten (10) calendar days from the receipt of the complaint. The written decision, if adverse to the complaining party, shall inform the complaining party that he or she may appeal the determination to the District’s Homeless Liaison by providing a written statement appealing the decision within three (3) school days from the date of the principal’s decision. Upon receipt of a party’s notice of appeal, the principal shall promptly forward the following information to the District’s Homeless Liaison:

5131 POLICY FOR EDUCATION OF HOMELESS STUDENTS: DISPUTE RESOLUTION (CONT’D)

- i. the school name, address, phone and fax number;
- ii. the student’s name, identification number, grade, and address;
- iii. parent, guardian or complaining party’s name, relationship to student, address and phone number;
- iv. name of school child or youth chooses to be enrolled in pending resolution of the dispute;

- v. reason for complaint;
 - vi. whether school enrolled in is school of origin;
 - vii. signature of parent, guardian or complaining party; and
 - viii. the principal's decision on the complaint.
- E. Upon receipt of the initial complaint or appeal from a determination by the school principal, the Homeless Liaison shall investigate the complaint and provide the complaining party with a written determination within ten (10) calendar days. The Homeless Liaison's decision shall be the District's final decision. The written decision shall include all factual information upon which the determination is based and the legal basis in support thereof. If the decision is adverse to the complaining party, the decision and all supporting documentation shall be forwarded to the New Mexico PED's homeless liaison within five (5) calendar days from the date of issuing the District's final decision. The complaining party may choose to appeal to the PED directly within five (5) calendar days of the District's final decision.

5131 ADDED 12/10

5135 POLICY PROHIBITING PHYSICAL MISTREATMENT OF STUDENTS

Introduction: Part of the educational mission of the schools is to instill in students a sense of respect for themselves and for others. In keeping with that purpose, the Board of Education has determined that there is no place for violence in a learning environment, neither by students nor against students. Accordingly, the Board has determined that it is in the educational interests of the school community that any form of physical mistreatment of students be prohibited.

In carrying out that determination through this policy, the Board has taken account of the circumstances employees may face from time to time that call for extraordinary action. In addition, teachers, counselors, and other education professionals

frequently observe the educational value of friendly physical contact to reward or encourage students as appropriate in view of the student's age and sex. It is not the purpose of this policy to prohibit or inhibit the types of appropriate friendly contact between professional staff and a student that frequently takes place as part of the educational process--for example, pats on the back, shoulder, arm, or head. The Board believes professional staff members can readily distinguish between appropriate and inappropriate contact in the exercise of sound professional judgment, as well as pursuant to the terms of this policy. To the extent any uncertainty exists on the part of individual staff members, questions should be directed to the administration for clarification.

Physical Mistreatment Prohibited: The Board of Education forbids physical mistreatment by any employee of any student by any employee upon any student, including the administration of corporal punishment by any employee upon any student. Employees are prohibited from physically mistreating students themselves and from directing or suggesting physical mistreatment of a student by another student.

Definition of "physical mistreatment": For purposes of this policy, physical mistreatment is defined as any action administered upon or directed to the body, including, but not limited to:

- (a) Striking, squeezing or pinching any part of the body, or forcefully grabbing the body or clothing of a student, or pushing a student;
- (b) Requiring a student to assume uncomfortable positions (*e.g.*, hands held overhead);
- (c) Restraining or restricting physical movement through binding or tying;
- (d) Enclosing a student in a confining space such as a closet, locker, or similar cubicle;
- (e) Using exercise as a punishment (*e.g.*, pushups, laps); *provided*, that reasonable exercise may be used as a disciplinary or motivational measure for students in physical education classes, or for students participating in athletic programs, provided such activity is appropriate to the physical and emotional condition of each student.

Corporal Punishment Prohibited: The Board of Education forbids physical mistreatment of any student any employee, to include the administration of corporal punishment upon any student by any employee.

Definition of "Corporal Punishment:" For purposes of this policy, corporal punishment is defined as any form of corporal punishment or any action administered upon or directed to the body of a student, including, but not limited to spanking or paddling.

Exceptions: The following actions are exceptions to this policy, and will not constitute a violation of the policy:

- (a) An employee may reasonably restrain a student whose conduct is violent or physically disruptive *if* the student's conduct is directed toward any person, including, but not limited to, any employee, another student, any third person on school premises, or the student himself or herself, or the student's conduct is directed toward school property or the property of another on school premises.
- (b) In any instance in which a student has refused valid directives to proceed to, to leave, or to avoid entering any part of the school premises, and the student's refusal creates a disruption or potential disruption of the operations of the school, it is not a violation of this policy for an employee to exercise a reasonable grasp upon, or restraint of, the student for the purpose of moving or removing the student, or for the purpose of preventing the student from entering the premises.
- (c) It is not a violation of this policy for a teacher or administrator to use reasonable physical work as a punishment, analogous to the concept of "community service," including such tasks as sweeping, cleaning, etc., *provided*, no student shall be assigned to do any heavy or strenuous labor, nor any work unsuitable to the student's age, gender, and physical or emotional capacity.

Discipline: An employee who is found to have violated this policy shall be subject to discipline, which may include suspension or discharge for any violation. In addition, instances of physical mistreatment of students by employees will be referred to law enforcement and child protective agencies as required by law.

5135 REV 7/15

5137 SEARCHES AND SEIZURES

The Board, 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 reserves 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. The district 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. The interiors of vehicles on school property may be inspected whenever a school official has a reasonable suspicion that contraband is within such a vehicle.
 - 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.
- III. Reasonable notice of this policy shall be provided each school year.
- IV. Seizure of items: Illegal items, legal items which threaten the safety or security of others and items which are used to 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.
- V. The administrative authority shall contact law enforcement officers when a search disclose illegally processed contraband material or evidence of some other crime or delinquent act.

5138 IMMIGRATION

Any communication to an immigration agency or official is prohibited by school personnel concerning any student in reference to his or her real or perceived immigration status.

Any request by immigration officials for consent to enter a school to search for information or to seize students shall be denied and immediately conveyed to the school principal and/or the superintendent's office.

Any employee in violation of this policy shall be considered insubordinate and subject to disciplinary actions, including but not limited to dismissal/termination.

5139 PHYSICAL RESTRAINT AND SECLUSION

A school may permit the use of restraint or seclusion techniques on any student only if both of the following apply:

- (1) the student's behavior presents an imminent danger of serious physical harm to the student or others; and
- (2) less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.

A. If a restraint or seclusion technique is used on a student:

- (1) school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use;
- (2) the restraint or seclusion technique shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others;
- (3) the restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees;
- (4) the restraint technique employed shall not impede the student's ability to breathe or speak; and
- (5) the restraint technique shall not be out of proportion to the student's age or physical condition.

B. Schools shall establish policies and procedures for the use of restraint or seclusion techniques in a school safety plan; provided that:

- (1) the school safety plan shall not be specific to any individual student; and
- (2) any school safety plan shall be drafted by a planning team that includes at least one special education expert.

C. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a student. The procedures shall include the following provisions:

- (1) a school employee shall provide the student's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident;
- (2) within a reasonable time following the incident, a school employee shall provide the student's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use; and
- (3) schools shall review strategies used to address a student's dangerous behavior if use of restraint or seclusion techniques for an individual student has occurred two or more times during any thirty-calendar-day period. The review shall include:
 - (a) a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the student requires a functional behavioral assessment; and
 - (b) a meeting of the student's individualized education program team, behavioral intervention plan team or student assistance team within two weeks of each use of restraint or seclusion after the second use within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion.

D. If a school summons law enforcement instead of using a restraint or seclusion technique on a student, the school shall comply with the reporting, documentation and review procedures established pursuant to Subsection C of this section.

E. Policies regarding restraint and seclusion shall consider school district support and strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.

For the purposes of this policy:

- (1) "first responder" means a person based outside of a school who functions within the emergency medical services system and who is dispatched to a school to provide initial emergency aid;
- (2) "mechanical restraint" means the use of 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 "mechanical restraint" does not include mechanical supports or 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, but "physical restraint" does not include physical escort;

- (4) "restraint" when not otherwise modified means mechanical or physical restraint; and
- (5) "seclusion" means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming."

Reference: 22-5-4.12 NMSA 1978

5140 STUDENT IMMUNIZATION

New Mexico law requires that all students be immunized against certain communicable diseases. These requirements are determined by the NM Department of Health (DOH). For assessment of vaccination status, current official immunization schedules of DOH are released annually. (See Administrative Codes in this section)

In the school setting, the school nurse is usually the person best qualified to determine which children require vaccination and notify parents/guardians. The New Mexico Department of Health will assess the immunization status of students attending New Mexico schools by conducting random immunization coverage surveys.

6.12.2.8 REQUIREMENTS FOR IMMUNIZATIONS OF CHILDREN ATTENDING PUBLIC, NONPUBLIC, OR HOME SCHOOLS:

A. The following definitions apply to this section.

- (1) "Administrative authority" means the superintendent, Principal or the designee of such persons.
- (2) "Public health division regulations" means those regulations adopted by the public health division of the department of health pursuant to the authority granted in Sections 24-5-1 to 24-5-6, NMSA 1978 and including the immunization schedule.
- (3) "Licensed physician" means a physician licensed to practice medicine or osteopathic medicine in New Mexico, another state or territory.
- (4) "Certified nurse practitioner" means an individual licensed as a certified nurse practitioner with prescriptive authority by the New Mexico board of nursing, another state or territory.
- (5) "Required immunizations" means those immunizations against diseases deemed to be dangerous to the Public health by the public health division and set forth in its immunization schedule effective at date of enrollment.
- (6) "Satisfactory evidence of commencement and completion of immunization" means satisfactory Evidence signed by a duly licensed physician, certified nurse practitioner, or other recognized public or private health facility stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule. Persons enrolling in schools who have begun the process of immunization shall have one month following the date of enrollment to complete the process of the required series.
- (7) "Satisfactory evidence of immunization" means a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized, licensed health facility stating that the required immunizations have been administered to the person.

B. No student shall be enrolled in the public, nonpublic, or home schools in the state unless the student can present satisfactory evidence of commencement or completion of immunization in accordance with the immunization schedule and rules and regulations of the public health division.

C. Exemptions from immunization:

- (1) The student is exempt from immunization as required by Subsection B of this rule upon filing with the governing authority:
 - (a) a statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical condition of the person seeking enrollment is such that immunization would seriously endanger the life or health of the person; or
 - (b) an exemption granted by the public health division on the basis of:
 - (i) notarized affidavits or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

STUDENT IMMUNIZATION (CON'D)

- (ii) notarized affidavits or written affirmation from his parent or legal guardian that his religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

- (2) Exemption from obtaining the required immunizations is valid for a period not to exceed nine (9) months and will not extend beyond the end of the school year in which the child is currently enrolled.
- D. Disenrollment: If satisfactory evidence of commencement or completion of immunization or an exemption from immunization in accordance with Subsection C is subsequently determined to be invalid for any reasons and the student is unable to provide either valid satisfactory evidence of commencement or completion of immunization or a valid exemption from immunization in accordance with Subsection C, the administrative authority shall commence disenrollment proceedings.
- E. Administrative duty to report:
 - (1) It is the duty of each school superintendent, whether of a public or nonpublic school, to cause to be prepared a record showing the required immunization status of every child enrolled in or attending a school under his (her) jurisdiction.
 - (2) These records must be kept current and available to public health authorities.
 - (3) The name of any parent or guardian who neglects or refuses to permit his (her) child to be immunized against diseases as required by rules and regulations promulgated by the public health division shall be reported by the school superintendent to the director of the public health division within a reasonable time after such facts become known to the superintendent.

[6.12.2.8 NMAC - Rp, 6.12.2.7, 8, 9, 10 & 11 NMAC, 11-15-05]

IMMUNIZATION ASSESSMENT/REQUIREMENT

- For a child who has begun the process of immunization and the process is being accomplished in accordance with the current NM immunization schedules, s/he may enroll in and attend school.
- For a child who has no documentation and was formerly enrolled in a school in the US, a phone call requesting records to verify immunization status is sufficient to be considered in process. If the child was formerly enrolled in a school in another country and has neither records nor contact information to acquire records, s/he must begin the recommended immunizations to be considered in process.
- For a child whose immunizations are not up-to-date but who has received all immunizations permissible at the current date, s/he is considered in process.
- For a child who is attempting to reach compliance but is behind on a series, s/he is no longer considered in process. A scheduled appointment to receive -immunizations is considered in process, and would allow the child to register and attend school. If proof of immunization is not presented the first school day after this appointment, disenrollment procedure can begin. For any student kept out of school longer than five consecutive days for noncompliance, the local Regional Officer (RHO) for DOH should be notified.
(See <http://www.nmcpr.state.nm.us/nmac/title07/T07C005.htm>)
- For children who are less than five years of age and who attend day care or early childhood programs must have their immunization status verified, and they are required to be in compliance with the NM required immunization schedule for childcare centers.

EXEMPTIONS FROM IMMUNIZATION

A student in New Mexico may be exempt from NM Public Education Department (PED) immunization requirements upon filing with the Department of Health one of the following documents.

- A statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical condition of the person seeking to enroll is such that immunization would seriously endanger the life or health of the person

OR

- A notarized certification of exemption from school/daycare stating that such child's parents or legal guardians religious beliefs do not permit the administration of vaccine or other immunizing agent.

Any exemption from obtaining the required immunizations is valid for a period not to exceed nine (9) months and will not extend beyond the end of the school year in which it is submitted and approved.

5140 STUDENT IMMUNIZATION (CONT'D)

CERTIFICATION OF EXEMPTION FROM SCHOOL/DAYCARE

<http://www.health.state.nm.us/immunize/Pages/Public/sched/sched.html>

Menu Selection: Exemptions

- Original forms may be obtained from the New Mexico Immunization Program or may be downloaded for the Programs Web site.
- The **original**, notarized signed certificate form must be filed with the NM Immunization Program. One copy of the approved form will be mailed to the child's school/daycare and one copy to the child's parent/guardian.
- The certification form must include the original notary seal and the notary commission expiration date.
- The original certification form pack made available to the parent/guardian must include information on Compulsory Immunization Regulations and Risk of Non-Immunization.

NEW MEXICO ADMINISTRATIVE CODE

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 2 Immunization Requirement

<http://www.nmcpr.state.nm.us/nmac/title07/T07C005.htm>

NEW MEXICO STATUTES ANNOTATED

CHAPTER 24 HEALTH AND SAFETY
ARTICLE 5 IMMUNIZATION

<http://www.conwaygreene.com/nmsu/lpext.ddl?f=templates&fn=main-h.htm&2.0>

SECTION 1 Immunization Regulations

SECTION 2 Unlawful to enroll in school unimmunized; unlawful to refuse to permit Immunization

SECTION 3 Exemption from immunization

SECTION 4 Superintendent; duty to report

SECTION 5 Who may immunize; who must pay

SECTION 6 Penalty

SECTION 7 Immunization registry; creation

SECTION 8 Reporting

NEW MEXICO ADMINISTRATIVE CODE

TITLE 6 PRIMARY & SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION – HEALTH AND SAFETY
PART 2 Health – Immunization of School Children

<http://www.nmcpr.state.nm.us/nmac/parts/title06/06.012.0002.htm>

5160 SCHOOL SPONSORED STUDENT FIELD TRIP POLICY

The RISD Board of Education recognizes that student field trips are important components in the instructional program of the District. Student field trips that are properly planned and implemented can:

1. Supplement and enrich classroom procedures by providing learning experiences in an environment outside the classroom.
2. Stimulate new interests among students.
3. Help relate classroom experiences to the reality of the outside world.
4. Bringing all the resources of the community within the scope of a student's learning experience.

Parents and students are hereby notified that no student field trip is to be considered "school sponsored" unless it has received the written "Final Approval" of the district administration as being in compliance with this policy. The field trip form must be submitted for "Final Approval" at least two weeks prior to the activity. Parents or students who are in doubt as to whether a field trip is school sponsored are advised to request a copy of the written "Final Approval" form for the field trip in question from the staff member who is sponsoring the activity or field trip.

1. Any student field trip involving students or staff that does not conform to the requirements of this policy is not "school sponsored."
2. Employees of the District are specifically prohibited from sponsoring, promoting, facilitating, or participating in any student activity or field trips, except in compliance with the conditions and procedures of this policy.
3. Employees of the District who, on their own behalf or on behalf of non-school organizations or groups, are involved in sponsorship, promotion, facilitation, or participation in student field trips that will or may include students of the District, are prohibited from doing so while on duty or while on school premises, and shall at all times avoid and correct any suggestion to students or their parents that District employee participation implicates the sponsorship or involvement of the school or the District.

All school sponsored student field trips shall comply with the RISD Board adopted School Sponsored Student Field Trip Policy Guidelines and Procedures in the RISD Transportation and Procedures Handbook.

5165 VANDALISM

The RISD Board of Education recognizes the community's support of safe, clean, and well maintained school and the importance of school facilities in the educational mission. Thus, RISD will not tolerate any intentional acts defacing, damaging, destroying or otherwise creating maintenance obligations for any RISD building or facility. For students who participate in any such acts, the District may consider the full range of disciplinary consequences, including exclusion from extra-curricular activities, including but not limited to participation in award/graduation ceremonies, as well as suspension or expulsion from school. The District also reserves the right to seek civil damages for any costs created by such vandalism.

A school administrator, teacher or other school employee who observes or has direct knowledge of an act of vandalism to public school property shall file an incident report describing the incident. Failure of school employees to report acts of vandalism shall result in disciplinary action.

Notice of this policy shall be made each year, including each building principal.

Reference: 22-10A-33NMSA (1978)

5170 ZONE EXEMPTIONS

The Superintendent implements the following Administrative Regulation to provide further clarification and procedures to address Zone Exemptions in the district in accordance with law, NMPED, and Board policy.

Each year, many students are eligible for zone exemption requests for the following school year.

Eligible requests include:

1. Inter-zone transfers: transfers of students between schools within the district
2. Out of district students: students applying to transfer from a different district

Zone Exemption requests regarding their student's placement for the following school year shall be made between January 15 through March 15 of that school year. All student assignments are granted until the student reaches the highest grade level offered at that school.

All students currently enrolled in their home zone school and all students granted a reassignment through an approved zone exemption request may continue to the highest grade level offered in their assigned school until:

1. The student fails to abide by an agreement concerning attendance expectations.
2. The student is enrolled in a program which requires a change of schools.
3. The parent or guardian requests a change of assignment.
4. The student is expelled.
5. The student leaves the public school to attend a private school, charter school, or home education program.
6. The student moves out of the Roswell Independent School District or moves to another residence which would affect their assignment.
7. The Board redistricts and district school boundaries are changed; or
8. It is determined that inaccurate, false, or misleading information resulted in an improper assignment, the student will be transferred to the home school at the end of the grading period.

Decisions about transfer approval or revocation will be delegated to the Superintendent by the Board, or the decision may be delegated to his/her designee.

Students accepted into an accredited foreign or domestic exchange program will be permitted to return to their transfer school upon return from their exchange program.

No transfers will be approved after the 20th day of each school year unless extenuating circumstances can be presented. Extenuating circumstances are defined as:

1. Safety of the student or other students.
2. Health reasons of the student.
3. Under-enrollment – school, classroom or program with less than 75% enrollment based on NMPED maximum guidelines.

All such transfers must be submitted to the building principal for approval.

If a student wishes to re-enroll after any of the events above, or if the student is new to the district, the student has the right to return to his/her home zoned school, unless there are programmatic requirements for the student to attend another school.

Prior to making student assignments for each school year, the Superintendent or designee will set the Enrollment Limit for each school and grade level (student/teacher projections and building capacity). This decision is based upon factors including, but not limited to, the physical capacity of the school, seats set aside for special programs (i.e. ELL students, Special Services and other such students), utilization of cafeteria, and seats set aside for projected growth.

5170 ZONE EXEMPTIONS (CONT'D)

Establishment of Official Residence

The official residence of a minor student shall be the primary domicile of his/her parent, legal guardian, or legal custodian. Primary domicile is defined as one's residence at a particular place – the parent and child's fixed, permanent and principal home accompanied by a positive proof of intent to remain there. Ownership of a property does not constitute primary domicile without proof of fixed, permanent and principal home of the parent/guardian and child. The residence of a student who is married or who is competent, emancipated or above the age of majority shall be his/her primary domicile. Examples of proof of address could include a service address such as: official lease agreement, mortgage agreement, property taxes, water bill, gas bill, or electric bill.

Home visits may be conducted to establish primary domicile including the following reasons:

- Complaint that parent/guardian and student do not reside in the home
- Randomly selected due to overcrowding
- Undeliverable mail to the address
- Not in school zone

Legal custody of a minor student shall be documented by birth certificate, a court of competent jurisdiction, notarized caregiver's authorization affidavit or placement by the Department of Children and Families or other such authorized agency.

Falsification of Information

Fair and equitable implementation of student assignments depends on sincere and honest compliance with process guidelines. Including false or misleading information on registration forms and reassignment applications with the intent to circumvent established procedures or to unfairly gain advantage over other applicants is considered a serious offense.

Upon information or belief that a student has been assigned to or enrolled in, or reassigned to, a particular school based upon inaccurate, false or misleading information, the school shall cause an investigation of the student's assignment, including an on-site visit to the address of record. Following investigation, if the investigator is unable to verify the accuracy of the application, he or she shall

notify the parent(s) or legal guardian(s) of the discrepancies.

If false or misleading information results in an improper assignment, or if a student is found to be inappropriately attending a school without an approved transfer or reassignment, the student shall be withdrawn from the assigned school and transferred (without regard to parental preference) to his/her districted school.

The parent or guardian of the student, or the student if of legal age, shall be responsible for any consequences affecting the eligibility of the student for participation in extra-curricular activities pursuant to rules of the New Mexico Activities Association ("NMAA"). The rules of the NMAA shall prevail in any event.

Student Registration Procedures

Each year, the district will publish and widely disseminate registration procedures in English and Spanish. Registration may take place at individual schools or other sites as established by the Superintendent of Schools or his/her designee. Registration periods shall be established for specific grade levels and published widely.

School Options under A-B-C-D-F Schools Rating Act

Schools Options allow parents of all public school students who are enrolled in a public school rated "F" for two of the last four years to transfer the student in the same grade to any public school in the state not rated "F".

For information regarding NM PED's calculation and designation of school grades, visit <http://webapp2/pedstate.nm.us/SchoolData/SchoolGrading.apex>. Application periods and timelines will be specified for each

school year as noted herein. During these times, parents of students who wish to transfer to a school in the state not rated “F” pursuant to the School Options under A-B-C-D-F Schools Rating Act must apply through the RISD Office of Instruction. The application period will be completed within the first 20 days of the school year. Assignments will be made and parents will receive notification of the new assignments via United States mail, email or phone call.

The district realizes parents do not always have information necessary to make informed choices. To assist parents and guardians, the district will engage in a community-wide dissemination of information.

The district shall print instructions and forms in the English and Spanish languages, and will arrange for employees and/or volunteers who speak Spanish to assist parents who do not speak English, as needed.

All schools shall maintain materials including, but not limited to, the following:

1. Information concerning the reassignment process (Description and Regulations)
2. Information regarding special programs
3. Transportation information
4. School Options under A-B-C-D-F Schools Rating Act

Student Transfer Procedures

The following procedure will apply for Zone Exemption Requests:

- A. Timelines for accepting zone exemptions for all RISD K-12 students will be open for two months beginning no later than January 15. The closing of transfer requests will take place on March 15.
- B. Parent(s)/Guardians(s) will complete the RISD Request for Zone Exemption and submit it to the school where the request is being made.
- C. All students not approved for zone exemptions will be placed on a waiting list maintained by the building principal at each school site.
- D. Decisions about zone exemptions approval or revocation will be made by the building principal. The Superintendent or his/her designee will work with schools to establish enrollment projections for the next school year and determine the number of seats that will be available at each school in each grade after the students in the school’s attendance zone have been served.

Zone Exemptions will be approved if space becomes available in the requested school after the 20th day of school each year.

Weighting Criteria: Zone Exemption options will be determined by the following priorities and sub-priorities. Students with one or more sub-priorities within a group are automatically considered for the top priority in which they qualify.

1. Students zoned for a school designated as “F”, asking to transfer to a school designated as A-D, with the following additional sub-priorities:
 - a. Children of employees employed at the public school;
 - b. Child care for siblings of students attending the public schools;
 - c. After school child care for student;
 - d. Extreme hardship;
 - e. Location of a student’s previous school;
 - f. Siblings of students already attending the public school; and
 - g. Student safety.
2. Students who previously attended the receiving school, but are not living in the school zone due to a move/address change or a school zone boundary change;
3. All other RISD districted applicants for enrollment at the receiving school with the following additional sub-priorities:

- a. Siblings of a student who currently attends and will continue to attend the receiving school;
 - b. Child of a RISD employee (substitutes and contractors are NOT considered employees);
 - c. All other students asking to transfer, but not categorized as 3-a or 3-b.
4. Students asking to transfer into the RISD from another school district.

Program of Study placement may be considered for placement when a student's desired Program of Study is not offered at the student's home zoned school (e.g. Dual Language, Vocational Focus, ROTC, etc.). A Program of Study is prescribed and continuous sequence of courses designed to allow a student to pursue a specific area of learning. If granted a Program of Study placement, parents, guardians and students are required to sign a letter of understanding committing to the requested Program of Study. Students are required to enroll and remain enrolled in courses as outlined in the letter of understanding. If the student withdraws from the Program of Study, he or she shall return to the home zoned school at the end of the semester. This move may impact a student athlete's ability to play varsity sports for 180 days. A referral for enrollment at the alternative University High School should be made by the school counselor or principal.

Acceptance of zone exemptions and a valid proof of address must be received no later than 10 business days after the notification. It is the responsibility of the parent/guardian to keep their contact information updated. If the parent or guardian does not accept within the time specified in the letter and provide valid proof of address, the seat will be forfeited and the position will be offered to the next student on the waiting list. After the 1st day of school, if a parent is contacted by phone and accepts, he/she must return a valid proof of address no later than 10 business days after the acceptance. If the parent declines the student zone exemption or the district is unable to contact the parent by within two (2) business days, the seat will be forfeited.

Placement Guidelines

- Under enrolled schools – below 75% of school capacity or grade level maximum as defined by NMPED
 - Accept all applicants throughout the school year
- Over enrolled schools – above 95% of school capacity or grade level maximum as defined by NMPED
 - All applicants placed on waiting list until 20th day of school
 - Only place students in classrooms up to 95% of the state defined maximum

Change of Primary Domicile within the District during the School Year

All students changing residences during the school year, but remaining within the district must complete the appropriate form to ensure that the school assignment is acceptable and must supply proof of address of the new address. The rules regarding change of residence within the district are as follows:

- Students moving within the district will be allowed to remain at the current school for the remainder of the grade period. If at the end of the school year, the student's next grade level is the highest grade level at the school, the student will be allowed to remain at the school for one additional year.
- Students that do not meet the above criteria will be required to enroll at the home zoned school of their new address or receive an approved student transfer to the school of their choice.

Change of Residence Out of the District during the School Year

All students changing residences during the school year must complete the appropriate form to ensure that the school assignment is acceptable and must supply proof of the new address. The rules regarding change of residence are as follows:

- Students moving out of the district will be allowed to remain at the current school for the remainder of the school year. The student must reapply and receive an approved student transfer as an out of district student to continue attending the

following year.

Transportation

Transportation must be provided by the parent/guardian for all students attending with an approved student transfer.

Athletics

Parents and students must abide by the NMAA rules and guidelines as it pertains to eligibility. Student athlete eligibility to play varsity sports can be impacted by the student transfer.

Other Provisions

Decisions about transfer approval or revocation will be made by the school principal.

Return to Districted School – This process allows students who have received a reassignment to request a return to the home school, during the school year, based on extenuating circumstances.

Out of District Students – A student from another New Mexico school district may be permitted to attend RISD consistent with the Open Enrollment Law and this policy and based on available space. The district shall determine the appropriate school to which any such student may be assigned.

Acceptance of a student from another New Mexico school district shall be granted only on a space available basis, after the district residents are placed. Transportation must be provided by the parents or guardians.

Students that are withdrawn or disenrolled will forfeit their approved Student Zone Exemption.

Appeal Process

For district residents for whom a school preference under A-F Choice or reassignment is denied for a reason other than enrollment limit, the parent, guardian, or student of legal age shall have the right of appeal to an Appeals Committee.

1. Each requests for appeal must be in writing. Appeals based on denial of assignment under the A-F Choice Plan may be accepted at any time; appeals based on denial of a reassignment request must be received by the Assistant Superintendent of Instruction within five (5) working days after notification of denial.
2. Additional information presented at an appeal hearing by the Assistant Superintendent of Instruction may necessitate the hearing being temporarily recessed for reconsideration, pending completion of the hearing process.
3. A quorum is required for all appeals hearings.
4. Three voting members shall constitute a quorum. The members shall consist of district teachers, building administrators, and/or directors.
5. An affirmative recommendation to accept the appeal and reverse the disapproved transfer application of any reassignment shall require a simple majority of those voting.
6. If a member determines that he or she cannot cast an objective vote for any reason, that member must abstain from voting.
7. If the abstention causes the council to fall below a quorum, additional members will be required to hear the appeal and vote.
8. A denial of the request for reassignment shall require a simple majority of those voting.

9. The recommendation of the committee will be reviewed by the Superintendent or his/her designee. The Superintendent or his/her designee will review and then deny or accept the recommendation of the appeals committee. That determination is the final decision, with no further in-district review.
10. The parent/guardian or student will be notified of the decision within five working (5) days of the hearing.

5180 UNAUTHORIZED PERSONS ON SCHOOL GROUNDS DURING SCHOOL HOURS

All persons entering a school building on school grounds or any physical plant of RISD, must check in at the principal's office or designated reception office, signing a register and stating the nature of his/her business.

When permission is granted, a badge or written pass shall be issued by the principal or designee and shall be surrendered at the school office upon leaving the premises.

Unauthorized persons (anyone who does not check into the office) shall not be permitted on the school grounds nor in the physical plants of the RISD. Violators of this policy may be subject to appropriate legal action.

5190 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access.
 - Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading.
 - Parents or eligible students may ask Roswell Independent School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
 - If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.
 - One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
 - A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
 - [Optional] Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

[NOTE: In addition, a school may want to include its directory information public notice, as required by §99.37 of the regulations, with its annual notification of rights under FERPA.]

5191 PUPIL PRIVACY ACT

The Protection of Pupil Rights Act ("PPRA"), 20 U.S.C. '1232h, provides parents and guardians with the right to inspect certain instructional materials and requires the District to notify parents and guardians and obtain their consent or allow their student to opt out of participating in certain activities. Parents or guardians shall receive notice of the right to inspect instructional materials annually at the beginning of each school year, as well as in any notice of a scheduled activity described in Section B.1.below. In the annual notice, the District will list all known activities, the specific or approximate dates during the school year when the activities are scheduled or expected to be scheduled, a brief summary of the activity, and whether the prior written consent is required or whether the parent or guardian has to right to opt-out of the student's participation

A. Definitions. As used in this policy,

- "instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational material, audio visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
- "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- "Marketing Surveys" means any instrument used in the collection of personal information collected from students for the purpose of marketing or for selling information or otherwise providing that information to others for that purpose.
- "parent" means a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- "personal information" means individually identifiable information including:
 - a) a student or parent's first and last name;
 - b) a home or other physical address (including street name and the name of the city or town);
 - c) a telephone number; or
 - d) a Social Security identification number.
- "student" means any elementary school or secondary school student.
- "Survey" means any survey, analysis or evaluation as part of any applicable program;

B. The right to inspect materials. Parents and guardians have the right, upon reasonable request, to inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material which would be used in connection with (a) any instruction material used as part of the educational curriculum for the student; (b) any Survey and (c) any Marketing Survey.

- Parents and guardians may request to inspect the instructional materials used as part of the student's education curriculum at any time by submitting the request in writing to the principal at the student's school. The request should include the specific class(es) for which the review of the curriculum is requested, as wells as the particular subject matters, chapters, or materials the parent or guardian wishes to inspect. Within ten (10) school days from the receipt of the request, a school official will contact the parent or guardian to make arrangements for the parent or guardian's review of the materials at the administrative offices of the student's school.
- Parents and guardians may request to inspect materials or instruments used in connection with surveys and marketing surveys before such materials are administered by submitting a written request to the principal at the student's school no later than twenty (20) school days prior to the date of the scheduled activity. The request should indicate the specific survey or marketing survey for which the review is requested. Within ten (10) school days from the receipt of the request, a school official will contact the parent or guardian to make arrangements for the parent or guardian's review of the materials at the administrative office of the student's school.

5191 PUPIL PRIVACY ACT (CONT'D)

C. Required notice, prior written consent/opt-out.

- **Required Notice.** Except as provided in Section C.1 below, the District shall notify parents and guardians prior to a student's participation in the following activities:
 - a. surveys, analyses or evaluations that reveal information concerning one or more of the following (hereinafter referred to as "Protected Information");
 1. political affiliations or beliefs of the student or the student's parent or guardian;
 2. mental or psychological problems of the student or the student's parent or guardian;
 3. sex behavior or attitudes;
 4. illegal, anti-social, self-incriminating or demeaning behavior;
 5. critical appraisals of other individuals with whom respondents have close family relationships;
 6. legally recognized privileged relationships, such as those of lawyers, physicians and ministers;
 7. religious practices, affiliations or beliefs of the student or student's parents or guardians; or
 8. income, other than as required by law to determine program eligibility
 - b. the collection, disclosure or use of student information for Marketing Surveys; and
 - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student.

In the event that an activity described in this section is not listed on the annual notice, the student's school shall send notice within a reasonable amount of time prior to the scheduled activity.

- **Required Written Consent.** For any surveys, analyses or evaluations concerning Protected Information that are funded by the federal Department of Education, the District shall obtain the parent or guardian's prior written consent before a student may participate.
- **Option to Opt-Out.** For any activities listed in Section B.1 that are not funded by the Department of Education, the District shall provide parents and guardians with a reasonable amount of time after receiving notice of such activities to opt their children out of participating in such activities.

D. Exceptions. The requirements under PRPA do not apply to the following:

- **Marketing Surveys** in which the collection, disclosure or use of personal information collected from students is for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as college or other post-secondary educational recruitment or military recruitment; book clubs, magazines and programs providing access to low-cost literary products; curriculum and instructional materials used by elementary schools and secondary schools; tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data, from such tests and assessments; sale of students of products or services to raise funds for school-related or education-related activities; and student recognition programs.

5191 PUPIL PRIVACY ACT (CONT'D)

- Non-emergency physical examination required by the State of New Mexico.
- Any survey administered to a student in accordance with Individuals with Disabilities Education Act (IDEA).

E. FERPA Compliance. The requirements of PPRA do not supersede any of the requirements of FERPA. The District shall maintain Protected Information as confidential under applicable laws. The District shall meet PPRA notice requirements for Marketing Surveys that involve only information designated as "directory information" under FERPA by allowing parents and guardians to opt-out of the release of "directory information" at the beginning of each school year. For any Marketing Surveys that involve the collection, use and disclosure of a student's social security number, the District shall obtain a parent or guardian's prior written consent before administering the survey to the student.

F. Rights transfer to students. The rights provided to parents or guardians under PPRA transfer to the student when the student turns eighteen (18) years old or is an emancipated minor under the laws of the State of New Mexico.

5195 DISTRIBUTION OF LITERATURE AND MATERIALS

The District reserves the right to review and reject any advertisement or distribution of materials on its property, at District affiliated functions, or in school affiliated organizations' publications. It further reserves the right to reject advertisements or distributions of materials that are incompatible with its educational purpose or that give the appearance of favoritism or entanglement with particular viewpoints.

Definitions

"Advertising" includes any postings, signs, flyers, distributions, email, web based sites, rented space, program listings or the distribution of any other material used to convey a message other than a District official communication on school property, in school facilities, at school functions or school affiliated events.

"Non-school sponsored literature" means written or printed materials in any format, handbills, photographs, films, tapes, other visual or auditory materials and digital or other electronic formatting of communications which are not part of the approved curricula, or are not sponsored by the District or by a District affiliated school support organization. Materials or objects that do not fall within this definition shall be prohibited.

"School affiliated person or group" is defined to include any parent group, booster club, athletic team, school sponsored student club/organization, school functions, or any person/organization authorized to use the name of District or one of its schools, teams or clubs.

"Non-profit" is defined as an organization which has tax exempt status as defined in Section 501(c) (3) of the Internal Revenue Code.

"Profit Making Organization" is defined as any entity organized as for profit.

"Advocacy Groups" are defined as non-District related persons or entities who seek to influence public opinion or school policy based on political, religious or commercial positions by communicating through school media, on school property, or at school affiliated events.

"Government Entities" include federal, state, county, city and other local public bodies.

"Distribution" means the circulation of more than ten (10) printed copies of material from a source other than the District.

Advertising/Distribution

The District seeks to create an atmosphere at school related gatherings and in school affiliated publications that focuses on the students and their teams, clubs or functions. The district reserves the right to reject any advertisement or distribution from any group that detracts from its education purpose.

Generally, all advertising and distributed materials shall be respectful of all people with regard to disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristics, or linguistic characteristics. Furthermore, all advertising must be age appropriate. Any advertising or distributed materials that do not meet these standards will not be permitted.

Furthermore, commercial advertisers may be dissuaded from leasing advertising space that is used for

5195 DISTRIBUTION OF LITERATURE AND MATERIALS (CONT'D)

Advertising controversial matters or “issue ads,” or political matters. No ads that may detract from the school’s neutrality on such matters that may entangle the District with particular viewpoints or that show favoritism will be permitted.

In addition, no advertisement or distributed materials shall involve, directly or indirectly, obscenity, profanity, sexual material, gambling, tobacco, or promote food or beverages that are not permitted for consumption on school premises or at school-sponsored events, as defined by Federal Nutrition Guidelines Advertising shall not promote conduct or activities that would violate other Board policies or state or federal law. In addition, the District will not permit ads that promote violence, including the use of any weapons.

No advertising or distributed materials shall include the District’s or any individual school’s logo or represent that the District, its officers, board members, agents, employees or students endorse the advertised service, product or idea, unless specifically authorized by the Superintendent or his/her designee.

Advertising or materials that use poor grammar are also prohibited, as are ads that include potentially libelous statements.

The District will consider requests for advertising or distribution of materials through the schools from organizations that fulfill the following requirements:

- A. Nonprofit organization and government entities whose programs are complementary to school programs and tend to extend or enhance the school programs.
- B. Nonprofit organization and government entities which are promoting an educational program consistent with curriculum that is of benefit to the school community.
- C. School affiliated persons or groups.

The District may reject requests for advertising through the schools from any of the following organizations pursuant to their non-school affiliated, non-curricular status:

- A. Profit-making organizations
- B. Advocacy groups
- C. Non-school affiliated or non-curricular organizations

No one, including students, shall publish, distribute or sell materials, papers, supplies or any other matter on school grounds without first obtaining proper consent in accordance with District policies. In order to ensure that the welfare and rights of the community are adequately protected, the following will apply in the case of any distribution of non-school sponsored literature on school premises or at times students are under the jurisdiction of the school:

1. The organization/advertiser who wishes to distribute or proposes to advertise/distribute will first submit a request for distribution of materials and/or advertising to the Assistant Superintendent for Instruction, or his/her designee, for approval. Requests for approval shall include the name of the person or organization sponsoring the distribution. The Assistant Superintendent for Instruction may have up to five school days to review the material before approving or rejecting. This time may be extended with the written approval of the Superintendent. If rejected, the Assistant Superintendent for Instruction shall state the reasons in writing whether approved or rejected.
2. The Assistant Superintendent for Instruction may disapprove/reject the distribution of any non-school sponsored literature the content or distribution of which he/she reasonably determines:
 - a. Would cause a substantial disruption of or a material interference with the normal operation of the school or school activities.

- b. Is potentially offensive to a substantial portion of the school community due to the depiction or description of sexual conduct, violence, morbidity or the use of language which is profane or obscene and which is inappropriate for the school environment as judged by the standards of the school community.
 - c. Is libelous or which violates the rights of privacy of any person.
 - d. Is false or misleading or misrepresents facts.
 - e. Is demeaning to any disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristics, or linguistic characteristics .
 - f. Encourages violation of local, state or federal laws.
3. In the event the submitted literature is denied the privilege of distribution, the applicant may: appeal the decision of the Assistant Superintendent for Instruction in writing within five (5) school days to the Superintendent. The appeal shall include the factual grounds on which the appealing party relies to support the distribution of non school sponsored materials. The superintendent shall reply in writing within five (5) school days.
 4. “Distribution” is defined as giving out or division among a number of persons, sharing or parceling out, allotting, dispensing, apportioning, either by physically doing so or placing the material to be distributed in any public area so that another person may obtain the same either for a fee or without charge a total of ten or more copies of the distributed literature from a source other than the District. “ Non-school sponsored literature” means written or printed materials in any format, handbills, photographs, films, tapes, other visual or auditory materials and digital or other electronic formatting of communications which are not part of the approved curricula, or are not sponsored by the District or by a District affiliated school support organization. Materials or objects that do not fall within this definition shall be prohibited.
 5. If the Assistant Superintendent for Instruction gives his/her approval, he/she may designate a time, location and means by which the distribution may take place. The distribution shall be orderly and the designated area for distribution shall be kept free of loosely scattered material. Students distributing the non-school sponsored literature shall be responsible for cleaning up or removing any excess or loosely scattered materials from District property at the end of the school day on which the literature is distributed.
 6. Approval of the distribution of non-school sponsored literature or materials may be revoked and any distributed literature may be confiscated if the use or misuse of the literature causes a substantial disruption of the educational process or material interfere with the normal operation of the school or school activities. School officials may remove any advertisement for any violation of this policy. The District reserves the right to sever any affiliation with persons/groups that violate this policy and to impose discipline against students/staff that violate its terms. Confiscated materials shall be returned to the student or students at the end of the school day. Students may appeal a revocation in accordance with the procedure set out in paragraph 3 above.

5196 SCHOOL SPONSORED STUDENT PUBLICATIONS

Student publications are important elements of the instructional program and contribute directly to the accomplishment of the schools' goals. The Board recognizes students' constitutionally protected right to freedom of expression in the school setting. Freedom of expression in our schools shall be interpreted as including, and not being contrary to:

1. development of student responsibility in distinguishing between freedom and license
2. consideration by the faculty of the maturity levels of students and of appropriate standards of journalistic taste.
3. care for the development of skills of written expression among students.

Standards for Publication

The schools are entitled to set high standards and to exercise control in regard to publications produced or distributed under school auspices and will not permit or sponsor the publication or dissemination of student expression that is:

- a. biased or prejudiced;
- b. vulgar, profane, obscene or lewd;
- c. unsuitable for immature audiences;
- d. defamatory or otherwise intrusive upon the rights of others;
- e. inadequately researched, ungrammatical or poorly written;
- f. associates the school with any position other than neutrality on matters of political controversy; or
- g. that will, or is likely to, disrupt or impede the work of the schools, on the basis of articulated, objective facts.

Publications may not be deemed disruptive merely because they express unpopular or controversial views. Building principals are hereby authorized to promulgate regulations consistent with this policy.

Students distributing approved and non-school sponsored literature shall be responsible for cleaning up or removing any excess or loosely scattered materials from District property at the end of the school day on which the literature is distributed.

Confiscated materials shall be returned to the student or students at the end of the school day.

Appeal Rights

In the event the submitted literature is denied the privilege of distribution, the applicant may:

- a. request a hearing to determine whether such deprivation is justified under this policy. The request shall be submitted to the principal within five (5) school days of the action giving rise to the complaint. Such a hearing shall be held as soon as possible after the request before a committee, which includes representatives of the faculty and the student body. The hearing shall provide for an opportunity for both sides to present evidence and argument as to the propriety of the application of this policy. During such hearings, the school shall have the burden of justifying its actions. No legal counsel shall be permitted and no formal record shall be made, but the committee shall render its decision, including findings of fact, in writing within five (5) school days after the conclusion of the hearing.
- b. The student or student group has the right to appeal the decision of the hearing committee to the Assistant Superintendent of Instruction or his/her designee. An appeal shall be made in writing, setting forth the factual basis for the appeal, no later than five (5) school days after the committee issues its decision. Such appeal shall be a review of the procedure and the findings of the committee which shall not be set aside unless it is

5210 EDUCATIONAL TESTING

The school district will establish and maintain a standardized testing program, which can be used, communicated and interpreted by school personnel and district patrons as provided or approved by Public Education Department. The district testing program shall incorporate any tests required by state law and approved by RISD. Designated school personnel shall attend all required training in the security, administration, interpretation, and application of the assessments. Failure to not implement the district approved curriculum and instructional programs, and assessments shall be subject to disciplinary action.

I. GROUP TESTING PROGRAM

- A. The district wide standardized group testing program may include those teacher administered tests which yield estimates of a student's abilities, school readiness, differential interests and aptitudes as well as educational achievement in all areas in accordance with the Roswell Educational Plan for Student Success as approved by RISD. The program is undertaken to provide information to students, parents/legal guardians, teachers, counselors and administrators about students and programs.

The testing program will

- a. obtain a more complete and meaningful picture of the student on educationally relevant national standards.
 - b. plan and provide learning experience appropriate to each student's needs and abilities to differentiate instruction.
 - c. assist students and families to understand educational programs.
 - d. evaluate teaching effectiveness per PED regulations.
 - e. evaluate the effectiveness of educational programs.
 - f. engage in educational and career technical planning with the student.
 - g. . analyze student progress in all sub-groups.
 - h. . analyze the impact of the curricula on the students.
 - i. . establish effective curriculum and professional development .
 - j. determine adequate and financially feasible training for school personnel in terms of administration, scoring, interpretation, and use.
 - k. provide a comparative and/or longitudinal status and study of the District's instructional program and growth of its students, grades, schools, and content areas from year to year.
- B. Group testing will be conducted in compliance with PED Educational Standards for New Mexico Schools and Federal program guidelines. Additional testing may be conducted to fulfill programmatic needs relative to factors outlined above, however must be approved by RISD.

An informational report on the testing program will be presented annually to the Board of Education and members of the Roswell community through the District Report Card published in compliance with PED regulations and state law.

II. INDIVIDUAL TESTING

Individual diagnostic evaluation will be conducted in compliance with PED Educational Standards for New Mexico Schools. In all cases informed written parental consent will be obtained prior to formal testing.

5220 FINAL COURSE AND STUDENT GRADE CHANGES

The Roswell Independent School District Board of Education acknowledges that uniformly applied rules for correction of erroneous grades are necessary to assure the integrity of final grades and course grades and to assure public confidence in the grading process. Therefore, any course grade change, test grade or assignment grade change which is not made in accordance with the following requirements is deemed a violation of this policy and will result in disciplinary proceedings against the employee and/or student involved.

I. Statewide Tests/Student Progress/Graduation

Test results on any statewide test used to determine student progress or graduation from high school may not be changed unless a grade change is necessary due to a clearly clerical mistake, such as when a student is misidentified. In such circumstances, the Superintendent shall promptly notify the assessment and accountability division of the New Mexico Public Education Department ("PED") for guidance.

II. Final Course Grade Change

- A. If a parent, legal guardian of a student, or a student of legal age ("Requestor") disputes the accuracy of a final course grade, the Requestor must submit a written request for the final course grade ("course grade") change, with supporting documentation, in substantially the same form as the school provides. Unless the student is still enrolled in the school district at the time of the course grade change request, the request must be made within thirty (30) days after the student has exited the school unless extenuating circumstances permit consideration of a longer time. Requests for final course grade changes of students who are currently enrolled shall be made no later than two (2) weeks after final course grade reports for that semester have been delivered.

No final course grade change shall be considered for any prior school year unless the school determines that a mathematical error or misidentification of a student has resulted in a failing grade and, but for that error, the student would have received a passing grade.

Not later than five (5) calendar days after receipt of the request, the principal of the student's school, or the principal's designee, shall respond in writing to the request. The response shall state whether the request is denied or allowed, and if allowed, what new grade will be entered. Any grade change must be based on articulated reasons in the response such as extenuating circumstances, additional graded work submitted by the student, additional or make-up testing, or any meaningful criteria that can be verified.

During the investigation period following receipt of a course grade change request, the principal, or appropriate designee, shall obtain written input from the teacher who issued the grade in dispute. The teacher shall state reasons to support or oppose the requested grade change and provide all documentation to support the teacher's reasons. During the investigation period the course grade, as originally entered, shall remain effective for determining a student's eligibility for participation in extra-curricular activities or other school sponsored activities in which a minimum grade point is required.

No person shall pressure or retaliate against the teacher for making a certain recommendation, according to Board Policy 3140 #7.

The principal or designee shall be responsible for reviewing the request, approving and signing the final written response to any grade change request and for ensuring that this policy was followed.

The written response shall be mailed, certified, to the Requestor by first class mail to the Requestor's address as shown on the request for grade change form. Posting by mail shall be deemed delivery.

5220 FINAL COURSE AND STUDENT GRADE CHANGES (CONT'D)

- B. The final written response shall also inform the Requestor that he or she has fifteen (15) calendar days following notification of the written response to request a hearing before the superintendent of the schools, or appropriate designee (“hearing officer”), to appeal the decision. If a hearing request is timely, the hearing officer shall set the hearing within ten (10) calendar days following receipt of the request and shall give the Requestor at least two (2) calendar days advance written notice of where and when the hearing will be held. The Requestor, at his or her own expense, may have an attorney or other representative at the hearing.
- C. The hearing officer shall render a written decision as soon as possible but no later than five (5) calendar 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. A record shall be made at the hearing.
- D. If the hearing officer decides to uphold the decision of the principal, or principal’s designee, the Requestor shall be notified of that decision. The Requestor shall have the right to submit to the principal of the school a statement of objection, of not more than one (1) page, to the hearing officer’s decision. Any statement from the Requestor 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 kept on file in accordance with NMAC 1.20.2.101.
- E. The final course grade change documents shall be maintained in a separate file that is destroyed after the student graduates, transfers from, or otherwise leaves the school.

III. Test Grade or Assignment Grade Change

A Requestor shall submit a written request to the teacher of the class giving a test grade or assignment grade for a grade change. The request shall specify the factual grounds for the request. Any request for a change to a test grade or assignment grade must be made within five (5) calendar days following receipt of that grade.

The teacher shall respond to the request in writing no later than five (5) calendar days following the request. A student not of legal age must have his or her parent or legal guardian sign the teacher’s written response acknowledging receipt.

A Requestor who disputes the teacher’s decision on the test grade or assignment may appeal to the principal by submitting a written request for review by the Principal within three (3) calendar days of the teacher’s decision. The principal shall review the teacher’s decision and underlying documentation and shall render a written decision within five (5) calendar days. The principal’s decision shall be final and not subject to review.

Pending a final decision, the test or assignment grade, as originally entered shall remain effective for determining a student’s eligibility for participation in extra-curricular activities or other school sponsored activities in which a minimum grade point is required.

IV. General Provisions

Any course grade change must be available to all students who are similarly situated.

The school shall strictly adhere to all requirements under the Family Educational Rights and Privacy Act (“FERPA”). Furthermore, nothing stated herein shall in any way limit or eliminate the rights afforded to parents under federal regulations 34 CFR Sections 300.618 through 300.621 under the Individuals with Disabilities Education Act, and 34 CFR Sections 99.20 through 99.22 under FERPA, both as they relate to amendment of a student’s educational records.

5300 ACCESS TO CO-CURRICULAR AND EXTRA CURRICULAR ACTIVITIES

The Roswell Independent School District believes that a dynamic program of student activities is important to the educational development of the student. Participation in extracurricular and co-curricular activities, while not a right, is considered a supplement to the schools' program of education which strives to provide experiences that will help to develop boys and girls physically, mentally, socially and emotionally.

The activities programs for RISD shall be conducted in accordance with existing Board of Education policies, the New Mexico Activities Association Bylaws, Title IX Federal Regulations, equal access requirements, and all state and federal law.

Contests and Activities within New Mexico

High school and junior high/middle school state-level competitions within New Mexico, both athletic and non-athletic, must be sanctioned by and conducted in accordance with the rules, regulations, procedures, and guidelines of the New Mexico Activities Association (7.1.1).

Contests and Activities outside of New Mexico

"Extended Trips" are defined per sport as out-of-state travel to any site over 300 land miles from Roswell.

Extended trips are permitted for extracurricular activity travel to any out of state site over 300 land miles from Roswell but only after certain criteria and stipulations are met. Extracurricular activities also include athletics and are defined as school sponsored activities not required by law of the Education Standards for New Mexico Schools which have practice, meetings, events, performances or interscholastic competition. (NMAA 8.1.2). The Board recognizes the substantial burden placed on students, programs, school budgets and the community involved in travel of this nature therefore the following criteria and stipulations must be met for these types of trips:

1. A formal written request for such special trip or event is made in writing to the Director of Activities and Athletics no later than 3 months in advance, or immediately after any qualifying competition to the event and before any fundraising has begun;
2. The request shall contain the following information:
 - a. The name, date, and location of the event, and the sanctioning body, if applicable;
 - b. The names of the students participating;
 - c. A financial statement of the anticipated expenses for the special trip or event detailing the necessary adjustments to the proposed budget submitted the previous June to the Director of Activities and Athletics per RISD Board Policy 7350 in order to remain in compliance with the NM Equities Act and Title IX.
 - d. A statement signed by the coach, supervising adults, and students agreeing to abide by RISD and NMAA policies during the course of the event.
3. Only RISD students and NMAA-eligible home-school students who are enrolled and are currently 8th through 12th grade, and who will not have graduated before the event are eligible to participate;
4. No District funds will be used or requested to support the event; the event will be fully financed entirely by a booster club.
5. All funds, budgets, and associated materials must adhere to RISD Board Policy 7350.
6. No more than one such trip may be taken by any given team or organization per school year;
7. Only programs that have won the previous or current school year's NMAA State championship are permitted to participate in such events; and
8. The District must receive written confirmation in advance of the competition that the activity is covered by the District's insurance.
9. The individuals proposed to serve as chaperones must be either RISD employees or parents of students participating in the special trip or event, and must be approved by the Principal.
10. Parents who serve as chaperones as part of the special trip or event shall be familiar with and enforce policies and procedures of the RISD and will adhere to the policies and procedures that govern school personnel.
11. The number of chaperones for a one-day special trip or event to supervise students shall be no less than one chaperone per twenty-five students. The number of chaperones to supervise mixed groups of male and female students as part of an overnight special trip or event shall be no less than one chaperone for each fifteen

students, and at least one chaperone of each sex. When the one-day or overnight special trip or event is a same sex group, the ratio may be no less than one chaperone for each twenty-five students. Bus driver(s) shall not be counted as chaperones for the purpose of calculating the chaperone-student ratio.

Extended trips for co-curricular activity travel to any out of state site over 300 land miles from Roswell, but must be reviewed by the Superintendent with accordance with this paragraph and with the “Requested Travel; Process and Review” stated below. Co-curricular activities are defined as those activities that are an extension of classroom instruction which are governed by the Educational Standards for New Mexico or local board policy (NMAA 8.1.4). Examples of co-curricular activities include Band, Orchestra, Agriculture/VoAg, Office Education/DECA, Business Education/BEA, Speech/Debate, and Choral Groups. These programs undertake required state level competitions which often lead to required national level competitions. The Superintendent shall be the Board’s designee for any required co-curricular extended trip considerations. Requests for co-curricular extended trips shall be considered by the Superintendent, in consultation with the Director of Activities, who will examine each co-curricular activity extended travel request on an individual basis. As further described below, the Superintendent shall assess whether extended trips are part of the instructional program for that activity and whether District resources, staffing and student transportation policy requirements will permit participation in the extended trip.

Requested Travel: Process and Review

Any co-curricular travel under this policy must receive authorization from the District at least three (3) months in advance, or immediately after any qualifying competition by submitting a detailed written request with supporting materials to the District’s Director of Activities. Any request must include the destination, approximate cost, travel mode, lodging, number of participants, student/sponsor ratio, program agenda, and justification for attendance.

Any person who is not a District employee or coach, who is traveling with students and acting as a sponsor, chaperone or volunteer must comply with the District’s volunteer policy.

The District has the responsibility of assessing its entire activities program for balance and fairness, legal exposure, or budgetary/operational problems. Title IX require all funds and fundraising to be taken into consideration when analyzing whether the school or district is compliant with Title IX and the New Mexico School Athletics Equity Act. The process should take into consideration fundraising district-wide and the impact on parents, business owners, and the community. This includes funds raised by booster clubs, private fundraising and student-initiated fundraising. The Superintendent is the final decision-maker regarding any such request.

Finally, pursuant to the authority provided in this policy, the Superintendent may take any action within his sound discretion to stop unauthorized fund-raising, student/staff participation, or travel that is in violation of this policy, up to and including discontinuing or disassociating with any co-curricular or extracurricular program.

Reference: 22-12-2.1 NMSA 1978

NMAA Bylaws: 8.1.4, 7.1.2, 7.1.1

5305 DISTRICT PROCESS FOR DETERMINING NEED FOR ADDITION /DISCONTINUATION OF A SPORT

The District athletic department will evaluate the sports available to R.I.S.D. students. The purpose of the evaluation is to determine the need or continuation of a sport.

1. The criteria to be considered will be:
 - a. resources available to provide adequate facilities, equipment and personnel.
 - b. safety considerations such as safe equipment, safe transportation, adequately trained coaches, and other miscellaneous safety considerations.
 - c. educational value of existing program.
 - d. sport serves enough students to justify its existence.
2. If a need exists to discontinue an existing sport from the District Athletic Program the four criteria for conducting a sport, as listed in Section 1 above, will be considered.
3. If a need exists to add a sport to the District's athletic program the criteria to be considered will be:
 - a. analysis of the athletic program to determine if it meets the goals of the R.I.S.D. and the needs of the students.
 - b. analysis of the athletic program to determine compliance with Federal (Title IX), State Law and District requirements, as well as the New Mexico Activities Association guidelines.
 - c. response to public requests to consider addition of a sport.

5310 HONOR ROLL

The honor roll will be compiled for Grades 3-12 at the end of each nine-weeks grading period. The honor roll for any one nine-weeks period shall be comprised of those students who have a composite grade average of 3.5 or above.

5320 STUDENT CERTIFICATE OF EMPLOYMENT

Any student subject to the provisions of the Compulsory Attendance Law attaining the age of fourteen (14) may be excused from full time school attendance by issuance of a certificate of employment by the superintendent of schools or designee. The certificate of employment shall be issued upon satisfactory assurance that the student will be employed.

Certificates of employment for students aged 14-16 to work will be issued by the Roswell Independent School District as per instructions from the New Mexico Labor and Industrial Division.

1. The student obtains an application form from the RISD Administration Office after they have been offered a job.
2. The student must present a valid birth certificate and social security card or driver's license for completion of the application.
3. The application is processed and copies are sent to the employer and the New Mexico Department of Labor.

The certificate of employment shall contain the following information:

1. the name, age and residence of the person excused from full-time attendance;
2. by whom the student is to be employed or is employed;
3. current grade of the student;
4. signature of parent or legal guardian.

The same expectations relative to regular attendance, academic performance, and the pursuit of a program designed to help the student earn a high school diploma will apply to part-time students as apply to full-time students.

5330 ADMINISTRATION OF MEDICATION AT SCHOOL

INTRODUCTION:

It is recognized that some students are able to attend school outside of the home because of the effectiveness of medications in the treatment of certain disabilities and illnesses. However, if at all possible, students' medications should be administered at home. If medications must be given during school hours, they shall be administered in compliance with the New Mexico Administrative Code, New Mexico Nursing Practice Act, New Mexico School Health Manual Standards, and this Policy. This policy applies to both prescription and nonprescription (i.e., over-the-counter) medications. Medication shall be dispensed only according to this Policy, and the District shall not be liable for failure to properly dispense medication when the parent/guardian and/or student have not complied with this Policy.

AUTHORIZATION FORMS

To ensure that students are medicated at school under maximum protection, the following guidelines should be followed:

- An authorization to administer prescription medication, signed and updated annually by both the student's healthcare provider and parent/guardian should be on file at the school.
- A new authorization form is required for each medication to be administered at school and each time changes occur in the medication or dosage, including the written request for discontinuation of medication by the parent/guardian.
- The Public Education Department licensed school nurse ("School Nurse") shall review every authorization form for compliance with the form's requirements.
- Authorization forms apply to both prescription and non-prescription medications.
- A parent/guardian should provide the school with a pharmacy-labeled container or original manufacturer's/provider's container that holds the appropriate medication to be administered in the school setting.
 - Unused medication shall be returned to the parent or guardian. All medications administered in the school setting shall be prescribed by a licensed healthcare provider with prescriptive authority.
- A licensed healthcare provider authorization is required for non-prescription drugs when they are taken for more than 3 consecutive school days.
- NON-FDA approved substances (over-the-counter supplements, herbs, etc.) are not regulated by the medical profession and therefore, require a healthcare providers order.

ADMINISTRATION OF MEDICATIONS AT SCHOOL:

The following policy will be followed when it is absolutely necessary for a student to take medication during school hours. The licensed school nurse has the educational background, knowledge and licensure that provide the unique qualifications to administer medications in accordance with the standards of practice, state nurse practice acts and state laws. Clear and explicit written communications between the prescribing health care provider, parent/guardian, and the licensed school nurse is essential for safe medication administration to occur in the school setting. The student shall be given written instructions by his/her prescribing health care provider regarding his/her own individual medication plan according to the student's age and level of ability/understanding, and the licensed school nurse shall review these written instructions with the student and his/her parent/guardian. The administration of medication by the School Nurse, supervised self-administration by the student, and self-administration by the student will adhere to the following procedures:

1. Prescription medications administered at school will be made available to the licensed school nurse by the parent or guardian in a pharmacy labeled container and must provide the following information: Name of the student, name of the medication, drug strength and prescribed dosage, route of administration,

5330 ADMINISTRATION OF MEDICATION AT SCHOOL (CONT'D)

- time schedule of administration and the name of the prescribing health care provider.
2. Non-Prescription medications administered at school will be made available to the licensed school nurse by the parent or guardian in the manufacturer's original packaging that contains the age/weight/dosage ratios and administering instructions.
 3. The parent/guardian will come to school and give medication until a written authorization can be secured by the licensed school nurse.
 4. The information provided in the written authorization should match the labeling information on the medication container.
 5. Students may be allowed to assume responsibility for carrying and administering their own medications (excluding controlled substances), provided that self-administration is approved in writing by the prescribing health care provider and the parent/guardian. Only a one-day supply of medication may be carried by a student at any given time in a current original pharmacy labeled container.
 6. Medication self-administration instructions should be provided by the parent/guardian or health care provider, followed by the PED-licensed school nurse's written assessment to evaluate the student's ability to perform safe and accurate self-administration.
 7. For administration of Over the Counter (OTC) medication, the parent/ guardian will be required to provide new unopened container of the OTC medication, with the child's name on the container.
 8. Any student in grades K-12 is allowed per New Mexico law to carry and self-administer the following prescribed medications: an asthma treatment medication, anaphylaxis emergency treatment medication, and diabetes treatment medication under specific conditions. Those specific conditions include: appropriate instructions has been given by the health care provider to the student in the correct and responsible use of the medication; the student has demonstrated adequate skill level to the school nurse to carry and self-administer identified medication.
-
8. Medication will be stored within a locked medication cabinet in the licensed school nurse's office. Exceptions of this rule will be noted on the physicians order and medication authorization form and will pertain to medication that must be stored in a refrigerator or those carried by students.
 9. Asthma medications will not be locked up during school hours.
 10. The school nurses will document the quantity of prescription medication received, and the procedure for recording the time and date the medication is given and for monitoring beneficial and/or adverse effects of the medication. The procedure will be followed at each school.
 11. The medication log and accompanying documentation shall become a part of the student's permanent health record for the parent/guardian and health care provider, and shall be maintained in accordance with the confidentiality requirements of state and federal laws.
 12. The nurse is unable to give missed home doses at school without a physician order. The parent must come to school to administer missed home doses.
 13. At the end of the school year, or at the time of a student's early withdrawal from school, the unused medication shall be returned to the parent/guardian or disposed of in accordance with the School Health Procedures.
 14. The site principal is responsible to provide the equipment and materials necessary for the safe administration and documentation of this policy.

The District (including its employees and agents) shall not incur any liability as a result of any injury arising from the student's transport and self-administration of medication and the parent/guardian shall indemnify and hold harmless the District (including its employees and agents) against any claim arising out of the student's transport and self-administration of medication.

FIELD TRIPS

If a student must receive medication while on a school-sponsored field trip, it is the parent/guardian's responsibility to notify the licensed school nurse and the student's teacher that the student will require medication during the field trip. The licensed school nurse should work with the student's teacher and parent/guardian to develop a plan for administering the medication.

5330 ADMINISTRATION OF MEDICATION AT SCHOOL (CONT'D)

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 2 HEALTH SERVICES**

6.12.2.1 ISSUING AGENCY: Public Education Department
[6.12.2.1 NMAC - Rp, 6.12.2.1 NMAC, 11-15-05]

6.12.2.2 SCOPE: This regulation applies to children attending public, nonpublic, or home schools in New Mexico unless otherwise expressly limited.
[6.12.2.2 NMAC - Rp, 6.12.2.2 NMAC, 11-15-05]

6.12.2.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Section 22-2-1 NMSA 1978.
[6.12.2.3 NMAC - Rp, 6.12.2.3 NMAC, 11-15-05]

6.12.2.4 DURATION: Permanent
[6.12.2.4 NMAC - Rp, 6.12.2.4 NMAC, 11-15-05]

6.12.2.5 EFFECTIVE DATE: 11-15-05, unless a later date is cited at the end of a section.
[6.12.2.5 NMAC - Rp, 6.12.2.5 NMAC, 11-15-05]

6.12.2.6 OBJECTIVE: This rule addresses health services for children attending schools in New Mexico.
[6.12.2.6 NMAC - Rp, 6.12.2.6 NMAC, 11-15-05]

6.12.2.7 DEFINITIONS: [Reserved]

6Added to 5140

6.12.2.9 STUDENT'S RIGHT TO SELF ADMINISTER CERTAIN MEDICATIONS

- A. The following definitions apply to this section.
 - (1) "Health care practitioner" means a person authorized under law in New Mexico to prescribe drugs for the treatment of asthma and anaphylaxis associated medical conditions.
 - (2) "Medication" means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and includes inhaled bronchodilators, inhaled corticosteroids and auto-injectable epinephrine.
 - (3) "Self-administration" means a student's discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to prescription or written direction from a health care practitioner.
- B. Requirements

5330 ADMINISTRATION OF MEDICATION AT SCHOOL (CONT'D)

- (1) General rights: Schools (whether public or nonpublic) must grant to any student in grades kindergarten through 12 authorization to carry and self-administer health care practitioner prescribed asthma treatment medications and anaphylaxis emergency treatment medication if the following conditions are met:
 - (a) a health care practitioner has prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication; and

- (b) the student has demonstrated the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed by the health care practitioner (or such practitioner's designee) and the school nurse or other school official who is a public education department licensed health care provider; and
- (c) the school nurse (if available) with the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and
- (d) the school has, in writing, informed the parent or guardian of the student that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the self-administration of medication pursuant to this section; and
- (e) the student's parent or guardian has completed and submitted to the school:
 - (i) any written documentation required by the school, including the statement required by Paragraph (1);
 - (ii) the treatment plan formulated under Subparagraph (c) of this paragraph; and
 - (iii) a signed statement from the parent or guardian of the student acknowledging that, notwithstanding any provision of state law to the contrary, the school (including its employees and agents) is to incur no liability as a result of any injury arising from such self-administration of medication and the parent or guardian will indemnify and hold harmless the school (including its employees and agents) against any claim arising out of such self-administration of medication.
- (2) Extent of authorization: An authorization granted under Paragraph (1) of Subsection B must allow the student involved to possess and use his/her medication:
 - (a) while in school;
 - (b) while at a school-sponsored activity;
 - (c) during normal before-school and after-school activities such as before-school or after school care on school-operated property; and,
 - (d) in transit to or from school or school-sponsored activities.
- (3) Duration of authorization. An authorization granted under Subsection B:
 - (a) must be effective only for the school year for which it is granted; and
 - (b) must be renewed by the parent or guardian each subsequent school year in accordance with this section.
- (4) The school must ensure that back-up medication, if provided by a student's parent or guardian, be kept at the student's school at a location easily accessible to the student in event of an asthma or anaphylaxis emergency. Each school must develop policies and procedures to address the safekeeping of back-up medication in a manner that ensures the medication is easily accessible by the student. Authorized school personnel who in good faith provide a person with backup medication as provided in this paragraph are not liable for civil damages as a result of providing the medication.
- (5) Maintenance of information: Information described in Subparagraphs (c) and (e) of Paragraph (1) shall be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency. Each school must develop policies and procedures to address the safekeeping and confidentiality of the required information.

[6.12.2.9 NMAC - N, 11-15-05]

6.12.2.10 HUMAN IMMUNODEFICIENCY VIRUS (HIV)

- A. This section applies to local school boards, local school districts, and charter schools and governs policies to be implemented by local school districts with regards to students and school employees infected with HIV, provides for appropriate curricula regarding HIV, and requires community involvement in the development of policies and the review of instructional materials.
- B. Each school district shall implement a policy that will ensure that all students infected with HIV have appropriate access to public education and that their rights to privacy are protected and to further ensure that the rights to privacy of all school employees infected with HIV are protected.
- C. Curricula:

- (1) Each school district shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades.
- (2) Educational materials and grade levels of instruction shall be determined by the local school district and shall be appropriate to the age group being taught.
- (3) The instructional program shall include, but not necessarily be limited to:
 - (a) definition of HIV and acquired immune deficiency syndrome (AIDS);
 - (b) the symptoms and prognosis of HIV and AIDS;
 - (c) how the virus is spread;
 - (d) how the virus is not spread;
 - (e) ways to reduce the risks of getting HIV/AIDS, stressing abstinence;
 - (f) societal implications for this disease;
 - (g) local resources for appropriate medical care; and
 - (h) ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.

D. Community involvement. Each local board of education shall insure the involvement of parents, staff; and students in the development of policies and the review of instructional materials.

[6.12.2.10 NMAC - Rp, 6.12.3.8, 9 & 10 NMAC, 11-15-05]

HISTORY OF 6.12.2 NMAC:

PRE-NMAC HISTORY: The material in 6.12.2.8 NMAC is derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 76-16, Immunization Of School Children, filed September 1, 1976; and State Board of Education (SBE) Regulation No. 76-16 (Amendment 1), Immunization Of School Children, filed October 19, 1988. The material in 6.12.2.10 NMAC was derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 87-11, Regulation on Acquired Immune Deficiency Syndrome (AIDS), filed April 13, 1988.

HISTORY OF REPEALED MATERIAL:

The material in 6.12.2.8 NMAC is derived from 6.12.2 NMAC, Immunization of School Children - repealed effective 11-15-05. The material in 6.12.2.10 NMAC is derived from 6.12.3 NMAC, Acquired Immune Deficiency Syndrome (AIDS) - repealed effective 11-15-05.

5330 ADMINISTRATION OF MEDICATION AT SCHOOL (CONT'D)

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY PART 8 DIABETES SELF-MANAGEMENT BY STUDENTS IN THE SCHOOL SETTING

6.12.8.1 **ISSUING AGENCY:** New Mexico Department of Health.

[6.12.8.1 NMAC - N, 02/01/2009]

6.12.8.2 **SCOPE:** This rule applies to students enrolled in public, private, home or parochial schools in New Mexico unless otherwise expressly limited.

[6.12.8.2 NMAC - N, 02/01/2009]

6.12.8.3 **STATUTORY AUTHORITY:** This rule is adopted pursuant to the Department of Health Act, Section 9-7-6(E) and the Public Health Act, Sections 24-1-3(B), 24-1-3(G), and 24-1-3(O) NMSA 1978.

[6.12.8.3 NMAC - N, 02/01/2009]

6.12.8.4 **DURATION:** Permanent.

[6.12.8.4 NMAC - N, 02/01/2009]

6.12.8.5 **EFFECTIVE DATE:** February 1, 2009 unless a later date is cited in the history at the end of a section.

[6.12.8.5 NMAC - N, 02/01/2009]

6.12.8.6 **OBJECTIVE:** The purpose of this rule is to grant students who are authorized pursuant to this rule the right to self-manage their diabetes care in the school setting and to develop mechanisms that support safe diabetes self-management in the school environment.

[6.12.8.6 NMAC - N, 02/01/2009]

6.12.8.7 DEFINITIONS:

- A. "Developmental level" means the appropriate age-specific stage of emotional, mental and physical growth as determined by the school nurse or other designated registered nurse or clinician.
- B. "Equipment and supplies" means those materials required to store or dispose of sharps, to perform self-assessment procedures, or to self-administer medication.
- C. "Health care practitioner" means a person authorized under law in New Mexico to prescribe drugs for the treatment of diabetes and associated medical conditions.
- D. "Individualized healthcare plan" means a written plan that identifies the student's health

5330 ADMINISTRATION OF MEDICATION AT SCHOOL (CONT'D)

care needs and is developed by the school nurse or designated registered nurse or clinician cooperatively with the student and parent or guardian based on the orders provided by the student's health care practitioner.

- E. "Medication" means a drug as that term is defined in section 201(g) (1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and includes oral and non-oral drugs in a pharmacy-labeled container.
- F. "Other designated registered nurse or clinician" means a registered nurse or clinician designated by the school district to act in the capacity of a school nurse.
- G. "School nurse" means a registered nurse (RN), clinical nurse specialist (CNS) or certified nurse practitioner (CNP) licensed by the New Mexico public education department to provide nursing services in the school setting.
- H. "Self-administration" means a student's own use of prescribed diabetes medication pursuant to a prescription from a health care practitioner.
- I. "Self-assessment" means a student's monitoring of his/her blood glucose levels and for the presence of ketones.

- J. "Sharps" means a device with a keen edge or sharp point used to puncture the skin for the purpose of self-assessment or a needle used to inject medication.
[6.12.8.7 NMAC - N, 02/01/2009]
6.12.8.8 REQUIREMENTS:
- A. General rights: Schools (whether public or nonpublic) are required to grant to any student in grades kindergarten through 12 authorization to carry and use equipment and supplies, for storage and disposal of sharps, for self-assessment and for self-administration of diabetes treatment medications prescribed by a health care practitioner if all of the following conditions are met.
- (1) A health care practitioner has prescribed the medication, directed the instruction of the student in the correct and responsible use of the medication, and approved the student's ability to perform self-assessment and medication self-administration, pursuant to Subsection B of 6.12.8.8 NMAC.
 - (2) The student has demonstrated to the school nurse or other designated registered nurse or clinician the skill level and developmental level necessary to correctly store and use any equipment and supplies required to perform self-assessment and self-administration of such medication as prescribed by the health care practitioner (or the practitioner's designee).
 - (3) The school nurse or other designated registered nurse or clinician, with input from the parent or guardian and based on the student's health care practitioner's medical orders, has formulated a written individualized healthcare plan for management of diabetes care for the student that includes but is not limited to the correct storage and disposal of sharps by the student, the performance of self-assessment procedures and the self-administration of medication.
 - (4) The school has informed the parent or guardian of the student in writing that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the performance of self-assessment procedures and the self-administration of medication nor from any injury arising from the student carrying and disposing of equipment and supplies to perform these procedures.
 - (5) The student's parent or guardian has completed and submitted to the school:
 - (a) all written documentation required by school policy; and
 - (b) the required treatment plan/medical orders; and
 - (c) a signed statement from the parent or guardian of the student acknowledging that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the performance of self-assessment procedures and the self-administration of medication nor from any injury arising from the student carrying and disposing of equipment and supplies to perform these procedures, and the parent or guardian will indemnify and hold harmless the school, including its employees and agents, against any claim arising out of the performance of these procedures or storing and disposing of equipment and supplies to perform them.
- B. Terms and limits of the student's rights: A student granted authorization under Subsection A of 6.12.8.8 NMAC shall:
- (1) retain these rights not to exceed the duration of the current school year, but may lose these rights if, as determined by the school nurse and the school administrator, endangerment to the student's person or other persons occurs through the misuse of equipment, supplies, or medication or if the student's self-administration of medication is inconsistent with the prescribed dosage; and
 - (2) be responsible for storing and disposing of all sharps as agreed upon with the school nurse or other designated registered nurse or clinician; and
 - (3) be allowed to possess equipment and to perform routine self-assessment and self-treatment at locations identified in Subsection C of 6.12.8.8 NMAC but away from major traffic pathways as agreed upon with the school nurse or other designated registered nurse or clinician.
- C. Extent of authorization: An authorization granted under Subsection A of 6.12.8.8 NMAC must allow the student granted authorization to store and dispose of equipment and supplies necessary for self-treatment and self-assessment in the school setting including:
- (1) while at any location on school property, including the classroom, but away from major traffic pathways as agreed upon with the school nurse or other designated registered nurse or clinician;
 - (2) while at a school-sponsored activity;
 - (3) during regular before-school and after-school activities; and

- (4) in transit to or from school or school-sponsored activities.
- D. Duration of authorization: An authorization granted under Subsection A of 6.12.8.8 NMAC is effective only for the duration of the school year for which it is granted and must be renewed each subsequent school year in accordance with this subsection. It may be revoked at any time for failure to comply with Subsection B of 6.12.8.8 NMAC.
- E. Back-up medication: The school must ensure that in the event of a diabetes emergency any back-up medication and equipment and supplies provided by the parent or guardian are kept at an easily accessible location agreed upon by the student and authorized individuals. The school must develop policies and procedures to address the safekeeping of these materials. Authorized school personnel who in case of an emergency and in good faith provide a person with **back-up** medication, equipment, or supplies are to incur no liability as a result of providing the materials and medication to an authorized student or individual.
- F. Maintenance of information: Information described in Paragraphs (3) and (5) of Subsection A of 6.12.8.8 NMAC shall be kept on file at the student's school of enrollment in a location easily accessible by authorized individuals who have a legitimate need to know. Each school district must have in place policies and procedures that are in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Health Insurance Portability and Accountability Act of 1996 (HIPAA) to address the safekeeping and confidentiality of the described information.

[6.12.8.8 NMAC - N, 02/01/2009]

HISTORY of 6.12.8 NMAC: [RESERVED]

5330-A ADMINISTRATION OF MEDICATION REQUEST

ROSWELL INDEPENDENT SCHOOL DISTRICT
HEALTHCARE PROVIDER ORDER AND MEDICATION AUTHORIZATION FORM
(Please complete every item on this form)

- A new medication administration form must be completed at the beginning of each school year, for each medication, and each time there is a change in dosage or time of administration of medication.
- Prescription medication must be in a CURRENT container labeled by the pharmacist or prescriber.
- The school nurse will call the prescriber if a question arises about the child and/or the child's medication.

Student's Name: _____

Date of Birth _____ School: _____ Allergies: _____

HEALTH CARE PROVIDER'S ORDER

1. I have examined this student for (diagnosis) _____
and have determined she/he requires medication during school hours. ICD-9 Code _____

2. Name of medication: _____ Dosage: _____

3. Time of administration: _____

4. This student is expected to be receiving this medication (how long): _____

5. Special instructions regarding this medication: _____

6. Contact me if the following signs or symptoms appear: _____

7. While on a field trip, student will be able to self-administer one dose of prescribed medication under the supervision of a teacher at the appropriate time and manner. Yes _____ No _____.

Physician's signature _____ Printed name _____

Date _____ Phone _____

PARENT/GUARDIAN STATEMENT

1. I/We, the undersigned parent/guardian of _____ request that a school nurse administer the above medication, to the student, according to the health care provider's instruction. I agree to furnish the necessary prescribed medicine in the properly labeled container, to provide replacement medication as necessary and I agree to notify the school nurse immediately if the medication prescription or dosage is changed.

2. I, the undersigned parent/guardian of _____ give my permission for my child to self-administer one dose of prescribed medication under the supervision of a teacher at the appropriate time and manner while attending a field trip.

3. I/We authorize, as needed, the sharing of information related to my child's health between the school nurse and the healthcare provider listed on this form.

Parent/Guardian signature _____ Initials: _____ Date: _____

Home: _____ Cell: _____ Work: _____

Parent must initial any special directives added in the space below:

_____ I will pick up any unused medication on the last day of school.

Parent Initials

_____ Please send home any unused medication with my child on the last day of school.

Parent Initials I assume all liability in the transport of the medication via my child. (NOT APPLICABLE FOR ELEMENTARY STUDENTS)

_____ Please discard any unused medication on the last day of school per Board of Pharmacy Regulations.

Parent Initials

5330-A ADMINISTRATION OF MEDICATION REQUEST

Roswell Independent School District

**PARENT AUTHORIZATION TO ADMINISTER OVER THE COUNTER
MEDICATION**

(One form per medication)

For medication to be safely administered at school every item on this form must be completed.

- **Non prescription medication must be in the original unopened container.**
- **Students requiring non-prescription medication more than 3 times a month or on more than 3 days in a row will be referred for a medical evaluation.**

STUDENT'S NAME: _____ DOB: _____

DATE: _____ GRADE: _____

List all medication allergies: _____

I authorize the School Nurse to administer the following medication to my child.

Name of Medication: _____ Dosage: _____

Time of Administration: _____

Reason: _____ How Long: _____

Parent/Guardian Signature: _____ Initials: _____

Printed Name: _____

Date: _____ Phone Number: _____

Parent must initial any special directives added in the space below:

_____ I will pick up any unused medication on the last day of school.

Parent Initials _____

_____ Please send home any unused medication with my child on the last day of school.

Parent Initials assume all liability in the transport of the medication via my child. (NOT APPLICABLE FOR ELEMENTARY STUDENTS)

_____ Please discard any unused medication on the last day of school per Board of Pharmacy Regulations.

Parent Initials _____

5330-A ADMINISTRATION OF MEDICATION REQUEST

**ROSWELL INDEPENDENT SCHOOL DISTRICT
AUTHORIZATION TO ADMINISTER ASTHMA/NEBULIZER
MEDICATION FORM**

Student Name: _____ DOB: _____

Grade: _____ School: _____ Teacher: _____

The following is to be completed by a Health Care Provider

Diagnosis of Student (please circle one of the following) ICD-9 code _____

Mild Intermittent Asthma Mild Persistent Asthma Moderate Persistent Asthma Severe Persistent Asthma

Other: _____

Allergies: _____

Student Asthma Triggers: _____

Medication: _____ Dosage: _____ Route: _____ Time: _____

Nebulizer Medication: _____ Dosage: _____ Route: _____ Time: _____

Special Instructions: _____

Do you want this medication taken before Physical Education Class? (circle) Inhaler Nebulizer Neither

Student may carry his/her own MDI? Yes ___ No ___ If yes, parent will need to provide a back-up medication for the nurse.

While on a field trip, student will be able to use inhaler under the supervision of the teacher. Yes ___ No ___

Expected Peak Flow/Oxygen Saturation: _____

Health Care Provider Signature: _____ Date: _____

Health Care Provider's Printed Name: _____ Phone: _____ Fax: _____

PARENT/GUARDIAN STATEMENT

1. I/We, the undersigned parent/guardian of _____ request that a school nurse administer the above medication, to the student, according to the healthcare provider's instruction. I agree to furnish the necessary prescribed medicine in the properly labeled container, to provide replacement medication as necessary and I/we agree to notify

the school nurse immediately if the medication prescription or dosage is changed.

2. I/We the undersigned parent/guardian of _____ believe she/he is competent to carry and administer her/his own metered dose inhaler medication at the appropriate time and in the appropriate way/ I/we give my/our permission for her/him to do so.

3. I/We authorize, as needed, the sharing of information related to my child's health between the school nurse and the healthcare provider listed on this form.

Parent/Guardian signature _____ Initials: _____ Date _____

Home: _____ Cell: _____ Work: _____

Parent must initial any special directives added in the space below:

_____ I will pick up any unused medication on the last day of school.

Parent Initials

_____ Please send home any unused medication with my child on the last day of school. I assume all liability in the

Parent Initials transport of the medication via my child.

_____ Please discard any unused medication on the last day of school per Board of Pharmacy Regulations.

Parent Initials

5330-A ADMINISTRATION OF MEDICATION REQUEST

**ROSWELL INDEPENDENT SCHOOL DISTRICT
HOLD HARMLESS AND INDEMNITY COMMITMENT
EMERGENCY MEDICATION AUTHORIZATION
ASTHMA MEDICATION/INHALER AND EPINEPHRINE AUTO-INJECTOR
(This form must be renewed annually)**

Student's Name _____ DOB: _____ School: _____

Pursuant to the authority granted under Section 6.12.2.9 of the New Mexico Administrative Code, I hereby authorize my son/daughter, _____, to self administer the above referenced medication at school, school sponsored activities, while under the supervision of school personnel, and before and after normal school activities such as before/after school care on school operated property. *(We recommend that you provide an additional dose of the medication to be kept at school in the event that your child forgets or loses his/her medication.)*

Not withstanding any provision of state law to the contrary, I/we agree to indemnify and hold harmless the School District, its Board of Education and Board members, and employees against any claim, liability, loss or expense, arising out of a self-administration of the above referenced medication.

Parent/Guardian Signature: _____ Date: _____

Parent/Guardian Name (print) _____

The student must complete this section:

I agree to:

- Demonstrate correct use of the inhaler or epinephrine auto-injector using a trainer/demonstrator to the school nurse.
- Never share the inhaler or epinephrine auto-injector with another person.
- Notify a teacher or other responsible adult and the school nurse, if there is not marked improvement in my breathing within several minutes after using the inhaler as ordered by the healthcare provider.
- Immediately notify a teacher or another responsible adult and the school nurse, if I use my epinephrine auto-injector.

- Comply with these rights, but may lose these rights if, as determined by the school nurse and school administrator, endangerment to the student's person or other persons occurs through the misuse of medication or if the student's self-administration of medication is inconsistent with the prescribed dosage.

Student Signature: _____ Date: _____

5330-A ADMINISTRATION OF MEDICATION REQUEST

**ROSWELL INDEPENDENT SCHOOL DISTRICT
GRADES 6-12 MEDICATION SELF-ADMINISTRATION RELEASE FORM
SHORT TERM PRESCRIPTION MEDICATION
(Please complete every item on this form)**

Students may be allowed to assume responsibility for carrying and administering their own medications provide that:

- Medication is not a controlled substance.
- Approval in writing by the prescribing health care provider and parent/guardian.
- A one day supply of medication may be carried by the student at any given time.
- Medication must be in the original pharmacy labeled container.
- Self-administration instructions should be provided by the parent/guardian or health care provider.
- A written assessment, conducted by the school nurse, to evaluate the student’s ability to perform safe and accurate self administration will be done.

Student’s Name: _____ DOB: _____

Grade: _____ Teacher: _____ School: _____

Name of Medication: _____ Dosage: _____ Time: _____

This student is expected to be receiving this medication for _____
(How long?)

Special instructions regarding this medication _____

I believe this student is able to carry and administer her/his own medication (excluding controlled substances) at the appropriate time and in the appropriate way. Please check ___ Yes ___ No

Health Care Provider’s Signature: _____ Printed Name _____

Date: _____ Phone: _____

PARENT/GUARDIAN STATEMENT:

1. I/We, the undersigned parent/guardian of _____, believe she/he is competent to carry and administer his/her own medication (excluding controlled substances) at the appropriate time and in the appropriate manner.

2. I hereby certify that _____ has previously had at least one dose of the prescribed medication listed and did not have an adverse reaction from it. I hereby give my permission for this medication(s) to be self-administered at school as prescribed by the health care provider. I understand that it is my responsibility to furnish this medication. I acknowledge that the school incurs no liability for any injury resulting from the self-administration of medication and agree to indemnify and hold the school, and its employees and agents, harmless against any claims relating to the self-administration of such medication.

Parent/Guardian Signature: _____ Date: _____

Home Phone: _____ Cell: _____ Work Phone: _____

5340 COMMUNICABLE DISEASES

The Roswell School Board of Education recognizes its responsibility in establishing and maintaining appropriate health standards for the school environment, to promote the good health of students and staff, and to educate students and staff in disease prevention and sound health practices. Upon discovery or being informed that a student attending a district school has been diagnosed as having a communicable disease, the schools will endeavor to protect the health and safety of all students while concurrently safeguarding the legitimate interests and rights to a free public education of the infected student.

In an effort to maintain a safe and healthful school environment, the District will provide educational opportunities to students and staff regarding measures that can be taken to reduce the risk of contracting or transmitting communicable disease (including HIV infection) at school and in school related activities. The District recognizes the rights of individuals with communicable diseases to continue education or employment where possible.

Communicable diseases are defined as diseases caused by infectious agents that may be transmitted directly or indirectly from person to person. For the purpose of this policy, communicable diseases include, but are not limited to, the following: chicken pox, cytomegalovirus, diphtheria, herpes simplex, hepatitis B virus, acquired human immune deficiency virus, measles, pertussis (whooping cough), rubella, salmonella, tuberculosis, typhoid fever and similar communicable diseases with serious consequences.

Definitions

1. Short-term Communicable Diseases: Diseases that have a communicable period generally lasting up to ten (10) days. Included in this category are chicken pox, measles, and whooping cough.
2. Long-term Communicable Diseases: Diseases that have a communicable period generally lasting for more than ten (10) days.

Identification/Diagnosis of Students with Communicable Diseases

The district will not require mandatory testing, screening, or vaccination of students for communicable diseases as a condition before registration, admission, or readmission to school either initially or annually, unless required to do so under state or federal law or ordered to do so by the State District Health Officer. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease; such student may be required to submit to an appropriate medical examination.

Parents or guardians of students presently attending or enrolling in the schools of the district have a legal obligation, if there is no health care professional attending the student, to report to the Health Services division of the Health and Environment Department of the State of New Mexico, the fact that the student is a carrier of or is infected with a communicable disease, as soon as the parent or guardian becomes aware of the condition.

A student with a communicable disease whose medical condition causes a handicap, as defined under federal law, shall be referred to the Special Education division for determination of eligibility as an exceptional student.

Confidentiality

In recognition that an individual's health status is personal and private, the District will handle information regarding the students and staff with suspected or confirmed communicable disease in accordance with state, federal and board policies regarding the confidentiality of student and staff records, while at the same time complying with applicable public health requirements. The number of personnel who will be informed of the student's communicable disease will be kept to a minimum to assure the confidentiality of records and other information regarding the student. School personnel and members of any committee/team 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 communicable disease, and with respect to any records, documents, statements, letters, or memoranda developed or prepared by the committee/team; provided, however, that nothing herein shall prohibit or prevent the disclosure of information that may be permitted or required by state or federal laws on regulations promulgated thereunder as to the reporting of communicable diseases.

Educational Services for Short-term Communicable Diseases

Students or staff may be excluded from school and/or school related activities if they are suspected of or diagnosed as having a communicable disease defined in the administrative procedures that poses a significant health risk to others or that renders them unable to adequately perform their jobs or pursue their studies. The Health Care Team will convene at the request of the principal and nurse to determine whether and under what circumstances a student may be sent home for diagnosis and treatment. The Health Care Team may receive referrals for the purpose of formulating recommendations regarding educational program modification short of exclusion that could permit the student to attend school without posing a significant threat to the health of self or others.

For communicable diseases of short or well-known duration, parents or guardians will be asked to absent their children from school during the contagious period. In the event that the parent or guardian refuses to do so, the principal shall suspend the child for up to ten (10) days, following the procedures governing short-term suspensions of students. For communicable diseases of less well determined duration, parents or guardians may absent their children from school for any period during which the child's condition is infectious or communicable, provided that such absence is supported by a statement to the effect prepared by a medical doctor.

Educational Services for Long-term Communicable Diseases

The determination as to whether and under what circumstances a student may be sent home for diagnosis and treatment or excluded from school shall be made by the principal, in consultation with the nurse serving the school and, where appropriate, with local public health officials. If the disease in question appears to require a lengthy period of exclusion to pose a serious health threat to the student or others (tuberculosis, hepatitis B, and HIV infections, for example) the principal should ordinarily refer the determination to the Health Care Team.

A student who qualifies as an exceptional student according to the Educational Standards for New Mexico schools shall have placement and services provided in the least restrictive environment as determined by an EA&R committee in accordance with those standards and will be afforded all protections under federal law as to a handicapping condition.

Decisions concerning the educational program and placement setting for non-exceptional students, according to the Educational Standards for New Mexico Schools, who have or are carriers of long-term communicable diseases will be made by a committee. The composition of the committee will include the following: the student's physician; the parent(s) or legal guardian(s); the superintendent or designee; school personnel with whom the student will interact and who are familiar with the student's educational abilities and needs; any person to be appointed by the superintendent, whose expertise would be useful to the committee in reaching and implementing its decision.

In determining the least restrictive educational program and placement setting for a non-exceptional student who has or is a carrier of a long-term communicable disease, the following factors will be considered:

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 student or with employees in the proposed placement setting;
7. The hygienic practices of the student;
8. The risk of transmission of the disease from the student to other students or employees, with whom the student may interact; and
9. Any other pertinent factor reasonably related to the decision.

Restrictions placed upon the educational program and/or placement of a non-exceptional student with a long-term communicable disease will be imposed only when the committee or health team determines that the risks of an unrestricted program and placement outweigh any benefits which the student may receive from an unrestricted program and/or placement.

The student's placement and program will be reevaluated, and modified if necessary, as often as the circumstances will require, but in no event will the educational program and/or placement setting continue without reevaluation at least once a semester or twice a year. Any reevaluation will be done by the committee or health team taking into account those factors listed.

Program or Placement Appeal

Students and staff excluded from school pursuant to this policy may appeal their exclusion as set forth in the administrative procedure. The parent or guardian of a non-exceptional student who has or is a carrier of a long-term communicable disease, who is aggrieved by a program or placement decision made pursuant to this policy, may appeal that decision to the Superintendent by requesting a hearing, in writing, within ten (10) days of the program or placement decision. Such hearing will be held at a time convenient to both parties in a closed session. Should the parent/guardian dispute the Superintendents decision he/she may appeal the decision to the Board. The decision of the Board shall be final.

Added from 5330 Administration of Medication at School

6.12.2.10 HUMAN IMMUNODEFICIENCY VIRUS (HIV)

- A. This section applies to local school boards, local school districts, and charter schools and governs policies to be implemented by local school districts with regards to students and school employees infected with HIV, provides for appropriate curricula regarding HIV, and requires community involvement in the development of policies and the review of instructional materials.
- B. Each school district shall implement a policy that will ensure that all students infected with HIV have appropriate access to public education and that their rights to privacy are protected and to further ensure that the rights to privacy of all school employees infected with HIV are protected.
- C. Curricula:
 - (1) Each school district shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades.
 - (2) Educational materials and grade levels of instruction shall be determined by the local school district and shall be appropriate to the age group being taught.
 - (3) The instructional program shall include, but not necessarily be limited to:
 - (a) definition of HIV and acquired immune deficiency syndrome (AIDS);
 - (b) the symptoms and prognosis of HIV and AIDS;
 - (c) how the virus is spread;
 - (d) how the virus is not spread;
 - (e) ways to reduce the risks of getting HIV/AIDS, stressing abstinence;
 - (f) societal implications for this disease;
 - (g) local resources for appropriate medical care; and
 - (h) ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.
- D. Community involvement. Each local board of education shall insure the involvement of parents, staff; and students in the development of policies and the review of instructional materials.

[6.12.2.10 NMAC - Rp, 6.12.3.8, 9 & 10 NMAC, 11-15-05]

HISTORY OF 6.12.2 NMAC:

PRE-NMAC HISTORY: The material in 6.12.2.8 NMAC is derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 76-16, Immunization Of School Children, filed September 1, 1976; and State Board of Education (SBE) Regulation No. 76-16 (Amendment 1), Immunization Of School Children, filed October 19, 1988. The material in 6.12.2.10 NMAC was derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 87-11, Regulation On Acquired Immune Deficiency Syndrome (AIDS), filed April 13, 1988.

HISTORY OF REPEALED MATERIAL:

The material in 6.12.2.8 NMAC is derived from 6.12.2 NMAC, Immunization of School Children - repealed effective 11-15-05. The material in 6.12.2.10 NMAC is derived from 6.12.3 NMAC, Acquired Immune Deficiency Syndrome (AIDS) - repealed effective 11-15-05.

Administrative Procedure

A. Educational Preventative Measures

1. The District will ensure that all immunizations required of students have been obtained in accordance with New Mexico State Laws.
2. The nurse serving the school shall be responsible for the appropriate maintenance of a health office in each building. The nurse shall ensure that a list of communicable diseases as defined by the Department of Health is available in the health office and that information regarding the suppression and control of communicable disease is available for review by interested students and/or staff.
3. First aid and other supplies and equipment appropriate to reducing the risk of transmission of communicable disease in the school environment, as determined by the school nurse serving the school will be provided in each school building.
4. Information regarding the suppression and control of communicable disease will be included as part of the curriculum for students, and will be used as needed to train and inform staff.
5. The District requires all staff to routinely observe universal precautions to prevent disease-causing organisms. The District shall provide necessary equipment/supplies to implement universal precautions.

Confidentiality / Reporting

1. The principal and the school nurse shall function as the District's liaison with students, staff, parents/guardians, physicians, public health officials and the community at large concerning communicable disease issues in the school.
2. Any person who knows or suspects that a student or staff member has a communicable disease shall report the facts to the principal or nurse.

Exception: The name of the HIV infected individual cannot be shared unless a written consent authorizing disclosure is obtained from the infected individual or their parent/guardian.

3. The principal will confer with the nurse serving the school and, to the extent circumstances warrant the permit, with the student and the student's parent or guardian.
4. If required pursuant to public health statutes and regulations, the principal or designee will make a report to the local public health officer.
5. The District will maintain the confidentiality of the health records of students and staff, and will not disclose any such records except to the extent required or permitted by law.

Health Care Team

- A. The Health Care Team will consist of the principal, the nurse serving the school, the local public health officer, and to the extent the cooperation such individuals can be obtained, the student's parent/guardian, and the student's physician.
- B. The Health Care Team will convene at the request of the principal and nurse to determine whether and under what circumstances a student may be sent home for diagnosis and treatment. The Health Care Team may also receive referrals for the purpose of formulating recommendations regarding educational program modification short of exclusion that could permit the student to attend school without posing a significant threat to the health of self or others.
- C. The principal, nurse, or Health Care Team will decide when a student who has been excluded from school may return. The District may require a statement signed by the student's physician recommending the student for readmission.

Exclusion From School

1. Students who are suspected of having a communicable disease that could be detrimental to the health of self or others in the school environment may be sent home for diagnosis and treatment. Students who are diagnosed as
2. having a communicable disease that renders them unable to pursue their studies or poses a significant risk of transmission to others in the school environment shall be excluded from school until their presence no longer poses a threat to the health of themselves or others.
3. The determination as to whether and under what circumstances a student may be sent home for diagnosis and treatment or excluded from school shall be made by the principal, in consultation with the nurse serving the school and, where appropriate, with local public health officials.
4. The principal may refer this determination to the Health Care Team. If the disease in question appears to require a lengthy period of exclusion to pose a serious health threat to the student or others (tuberculosis, hepatitis B, and HIV infections, for example) the principal should ordinarily refer the determination to the Health Care Team.

Appeal Procedure for Exclusion

1. A parent/guardian who disputes the decision to exclude a student from school attendance made pursuant to this policy may appeal that decision to the Superintendent of schools by requesting a hearing, in writing, within 10 calendar days of the exclusion decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. Should the parent/guardian dispute the Superintendent's decision he/she may appeal the decision to the Board. The decision of the Board shall be final.

Review

1. The District shall periodically review this policy and procedure and make revisions when necessary.

Procedural Directive

The procedures are 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.

1. Educational and Preventative Measures
 - A. The district will maintain student immunization records for each student and will be reviewed on an as needed basis.
 - B. The building principal is responsible for designating an appropriate area for the health office. Supplies for reducing the risk of transmission of Communicable diseases will be available in each building. The school Nurse will provide a list of communicable diseases as defined by the Department of Health.
2. For the purpose of this procedure "communicable diseases" are defined as diseases which can be transmitted from person to person and include, but are not limited to the following:

ACUTE COMMUNICABLE DISEASES (those which have a definable onset and end of the infectious period).

1. Vaccine Preventable Diseases: Child may not return to school
 - a. Measles (Rubella) until 4 days after rash begins and/or

	with consent from physician
b. German Measles (Rubella)	until 7 days after rash begins and/or with consent from physician
c. Whooping Cough (Pertussis)	until student has been on antibiotics for for at least 5 days or 3 weeks after onset of cough of infected child
d. Mumps	exclusion from time of diagnosis until the swelling has disappeared (7-10 days)
e. Diphtheria	until certified by Department of Health to be free of infection
f. Haemophilus influenzae	until on antibiotics for 24 hours
g. Polio	until at least one week after onset of symptoms
h. Chickenpox (Varicella)	until all lesions are crusted

Other communicable diseases:

Child may not return to school:

a. Diarrhea due to Shigella or Campylobacter	until diarrhea and fever are absent
b. Diarrhea due to Salmonella Typhi (Typhoid Fever)	until fever, vomiting and diarrhea have ceased
c. Acute Hepatitis A	until 7 days after jaundice begins may attend school unless otherwise directed by Department of Health
d. Fifth Disease (Erythema Infectiosum)	no exclusion, notify pregnant staff members of outbreaks
e. Acute Conjunctivitis	exclusion not necessary unless have outbreaks

Chronic Communicable Diseases

Tuberculosis	until determined non-infected by physician
Human immunodeficiency virus (HIV) infection (including AIDS)	no exclusion
Hepatitis B Carrier (only carriers are of concern)	no exclusion

Students with Acute Communicable Diseases

For acute communicable diseases, parents or guardians should absent their children from school during the contagious period.

5350 LAW ENFORCEMENT PERSONNEL

INTRODUCTION AND PURPOSE

This agreement is between the Roswell Independent School District, hereinafter referred to as "School District," and the Roswell Police Department, Chaves County Sheriff's Department, and Chaves County District Attorney's Office, State Police, hereinafter referred to collectively as "Law Enforcement." The following policy shall be observed in connection with all contacts by law enforcement and social service agencies so that cooperation may be promoted.

The parties to this Memorandum of Understanding recognize the need for effective law enforcement on school campuses as well as the need for Law Enforcement personnel to carry out some of their duties on school property. At the same time, the parties understand the need to maintain an educational environment with minimal distractions and interference with the teaching process. The parties recognize that police presence on campus can create disturbances and distractions with staff and students, and can undermine the effectiveness of the learning environment.

In order to balance the interests of all parties and minimize confusion about the overlap of Law Enforcement and school administrative authority, this Memorandum of Understanding outlines the practices and procedures for Law Enforcement access to campus and students and similarly sets forth the process that school administrators should follow when Law Enforcement has expressed the need to enter RISD grounds.

Unless specifically noted, references to "Law Enforcement" in this Agreement includes School Resource Officers (SRO's). The parties have also agreed that SRO's shall be bound by this Memorandum unless otherwise specifically noted.

The purpose of this Agreement is to define: A) Law Enforcement activities on school district campuses, B) contact persons at each campus site, C) conditions under which Law Enforcement personnel will be called onto campus by schools, D) procedures to be followed by Law Enforcement personnel while on campus, and E) access by Law Enforcement personnel to students and records.

ACTIVITIES ON SCHOOL DISTRICT CAMPUSES BY LAW ENFORCEMENT

Section 1: Activities on RISD Property

Law Enforcement activities at the RISD property may include all four types of the following activities:

- A. Educational presentations to students in classrooms: School officials, to the extent possible, will try to utilize Law Enforcement officials as part of a variety of curricula at school sites. The parties recognize that student/Law Enforcement interaction is beneficial for community/police relations.
- B. Consultation to administrators and faculty on issues of law enforcement on school grounds.
- C. While law enforcement for special activities at high school levels is normally not required, it may be provided upon the principal's request for selected special activities.
- D. Basic law enforcement activities, when needed, will be provided as requested for schools within the Law Enforcement's jurisdiction according to guidelines set forth in Articles III and IV of this agreement.

5350 LAW ENFORCEMENT PERSONNEL (CONT'D)

Section 2: Contact Persons on Campuses

In most circumstances, contact persons on campuses for Law Enforcement issues will be:

- Site Principal, or in his/her absence, the Assistant Principal or Counselor.

In limited situations, Law Enforcement may wish to take its concerns to the superintendent directly.

CONDITIONS UNDER WHICH LAW ENFORCEMENT OFFICIALS WILL BE CONSULTED AND/OR CALLED ONTO CAMPUS

Section 1: School District Policy on Reporting Student Violation of Law

A school principal or other school designee should strongly consider requesting the assistance of Law Enforcement in investigating any crime contrary to the laws of the state of New Mexico or in gaining control of situations on school property. Violations to which school officials will report to Law Enforcement include, but are not limited to:

- A. Possession of firearms and other deadly weapons on or near the school premises.
- B. Possession of or discharge of explosives of any type.
- C. Aggravated assault or battery upon another person.
- D. Use, sale, supplying, arranging for supplying or possession of narcotics or other dangerous drugs.
- R. Any situation which may be considered a serious threat to student/staff health or safety.
- S. Crimes committed against people or property on school property or at school-sponsored activities.

At the time the report is made to the Law Enforcement agency or the SRO by the School District administrator, the District and Law Enforcement will consult each other to determine:

- A. The severity of the offense.
- B. The situations and conditions surrounding the offense.
- C. The need for Law Enforcement presence or assistance on the school campus.
- D. Needed modifications or refinements, if any, in standard procedure.

LAW ENFORCEMENT INITIATED PRESENCE ON CAMPUS

Section 1: Policy: Law Enforcement Interviews of Students While on Campus

It should not ordinarily be necessary for Law Enforcement to interview students at school during school hours for criminal activity not committed at school. Law Enforcement understands that it should make reasonable efforts to minimize its use of RISD school time and property as the time/place for Law Enforcement interviews. However, it is understood that on occasion, Law Enforcement officers may require immediate access to suspects or witnesses while these individuals are at school because of the need for immediate action. When immediate need for an interview arises, Law Enforcement will follow the Article IV, Section 2, 3 and 4 procedures for seeking access to students.

5350 LAW ENFORCEMENT PERSONNEL (CONT'D)

Section 2: Procedure Governing Law Enforcement Interviews of Students While on Campus

- A. An officer wishing to interview a student on school grounds and during school hours should:
 - 1. Provide reasonable advance notice to the school principal/designee of the need for the on-campus/school time interview. The principal should document the stated reasons.
 - 2. Provide in that advance notice the officer's name, I.D., contact information of the officer's superior, and, upon arrival at the school, any documents demonstrating the need for the interview. An SRO who has already provided identification to the District need not tender additional identification, but the SRO should still provide his/her supervisor's contact information and any documentation showing need for the interview.
 - 3. Articulate to school officials the need for immediate action and the circumstances requiring action before the end of the school day. School officials should document the reasons articulated by the officer.
 - 4. Permit school officials reasonable opportunity to contact parents and/or Law Enforcement supervisors regarding Law Enforcement intention to interview the child (unless otherwise barred by child protection statutes; see Article VI of this Agreement)
- B. Special circumstances involving SRO's: Law Enforcement recognizes that SRO's, by virtue of their position, have increased access to students. Any attempts by SRO's to informally question students about criminal conduct should follow the guidelines in Subsection A above.
- C. Unless prohibited by the Department of Children, Youth and Families and the corresponding statutes, the principal designee, upon receiving the information specified above in Subsection A, will:
 - 1. Make reasonable attempts to contact a parent/guardian to advise them that their child is being interviewed and the particular time and place that the interview will take place. School officials will document their attempts to contact parents, the exigent circumstances outlined by Law Enforcement, and the information/materials that are provided or denied school officials by Law Enforcement. In the event that parents cannot be reached, the principal/designee shall not deny the law enforcement officer access to the student, barring circumstances that reasonably call into question the officer's identification
 - 2. Contact the interviewing officer's supervisor with any questions or concerns he/she may have regarding the interview. Law Enforcement will provide District officials with a reasonable opportunity to contact Law Enforcement supervisors with such inquiries.
 - 3. Arrange for the student to be called from the classroom, and provide for a space for the interview to be conducted so as to minimize exposure to the student's peers and to minimize disruption.
 - 4. Not interfere with the Law Enforcement interview. If the child's parents cannot be reached, the principal/designee may ask if the student wishes for the principal/designee to be present during the interview as an observer.
- 5. Ensure that a school employee is present with the student during the police-student interaction while the student is on campus.
- D. 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
 - b. The student suspect has been advised of his basic rights and, understanding those rights, has knowingly and voluntarily waived those rights. Before interrogation, the police officer shall advise the student of the nature of the crime for which the student is a suspect, advise the

student of the right to remain silent, that anything said by the student may be used in criminal or juvenile court and the right to have an attorney present, or a court appointed attorney if the parents are indigent, and of the right of the student or parent to stop the interrogation at any time in order to have an attorney present at further interrogations.

- c. The school principal or designee cannot waive these rights on behalf of the student, nor compel the student to submit to an interview or interrogation.
 - d. The school principal shall use discretion and 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/her rights.
 - e. It is not the responsibility of the school principal to advise the student of his/her basic rights set forth in the New Mexico Children's Code.
 - f. The school principal shall not permit a student suspect age thirteen (13) or under to be photographed or fingerprinted unless the law enforcement officer presents a court order authorizing it.
- E. If a student is being interviewed by a school principal 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/her constitutional rights;
 - b. The student knowingly, intelligently, and voluntarily waives these constitutional rights; and
 - c. A reasonable attempt to notify the parents is made before the interrogation takes place.

Section 3: Policy: Law Enforcement Removal of Students While on Campus

Before releasing students from school, District administrators must exercise that reasonable degree of care which a person of ordinary prudence, charged with a principal's duties, would exercise under the same circumstances. Due to the need for principals to act with care before releasing students to anyone, Law Enforcement will reasonably accommodate school efforts to check the identification of the removing officers and to validate the basis upon which the removal is premised.

Section 4: Procedure for Facilitating Law Enforcement's Removal of Students from School

- A. In order to facilitate a prompt school response in releasing a pupil to the custody of the Law Enforcement officer, the officer will, when possible:
- 1. Provide reasonable advance notice to the school principal/designee before arriving at school or seeking the removal, outlining the exigent circumstances why the arrest/removal cannot wait until the end of the school day. The principal/designee should document the stated reasons.
 - 2. Provide in the notice to the school principal/designee the officer's name, identification, the name and immediate contact information of the officer's supervisor. An SRO who already has provided identification to the District need not tender additional identification, but the SRO should provide his/her superior's contact information and any documentation showing need for the immediate removal. School officials should document all information provided, including any reasons for the action that are conveyed verbally by the officer.
 - 3. Work with the principal to provide for a reasonable removal that presents minimal interference with the educational environment.

5350 LAW ENFORCEMENT PERSONNEL (CONT'D)

- B. In situations where the principal/designee releases a minor pupil to a Law Enforcement officer for removal from school, the principal/designee will take immediate steps to notify the minor's parent, guardian or responsible relative, regarding:
1. The release of the minor to the officer,
 2. The place to which the minor is reportedly being taken (Law Enforcement will not unreasonably withhold this information from the school), and
 3. The probability that they will be contacted by Law Enforcement personnel.
 4. As required by law, the school is not to notify the parent when the minor has been taken into custody, or is being questioned, as a victim of suspected child abuse.

Section 5: Law Enforcement authority in exigent circumstances.

Nothing in this Agreement shall be construed to limit the ability of Law Enforcement to carry out arrests or take other action on school property when in "hot pursuit" of a suspect or where exigent circumstances require immediate action.

Section 6: Student Information: Law Enforcement representative shall be provided with the following primary information on a student who is being questioned by Law Enforcement or who is being transferred into Law Enforcement custody:

- A. Student's full name and date of birth.
- B. Name of student's parent/guardian/responsible adult.
- C. Telephone numbers at which parent/guardian/responsible adult may be reached.
- D. Student's home address, or parent's home address if different from that of student.

Law Enforcement may receive other basic identifying information allowable within the constraints of confidentiality guidelines beyond those outlined in A-D above. However, Law Enforcement understands that under the Family Education Rights and Privacy Act (FERPA) and other federal authorities, they are not entitled to unfettered access to a student's educational file and will provide school officials reasonable time to determine its confidentiality obligations to students before providing educational records.

If Law Enforcement seeks student records by valid warrant, District officials will comply immediately with the terms of the warrant. However, if student records are sought by subpoena, school officials shall notify the parents/guardians or the student (if 18 years of age) and provide the authorized person a period of 5 days to respond to the subpoena. Law enforcement will accommodate this 5 day period.

SEARCH AND SEIZURE BY POLICE

Section 1. On Request of School Authorities

- a. Emergency Circumstances (student searches): Upon request of a school principal, police officers may make a general search of students' persons, lockers and desks, or students' automobiles on school property, for drugs, weapons, or items of an illegal or prohibited nature if public health or safety is threatened.

5350 LAW ENFORCEMENT PERSONNEL (CONT'D)

- b. Non-emergency Circumstances (student searches): If a principal has a reasonable suspicion that evidence of a crime or violation of school policy is located in a certain student's locker, desk, or automobile parked on school property or on a student's person, and there is no immediate threat to the health or safety of student or employees, he/she shall request police assistance for a search by the police pursuant to a search warrant.
 - c. Non-student searches: Law Enforcement may conduct searches of non-students who are on school property, consistent with their authority under the law.
2. Without Request of School Authorities
- a. Law Enforcement may not search a student's person, locker, desk, or automobile unless they have a search warrant, or a knowing, intelligent, and voluntary consent is given by the student. Law Enforcement will make reasonable efforts to avoid executing search warrants of students' persons, lockers, desks, or automobiles during school hours or on school property.
 - b. A student's person may not be searched in school unless:
 - (1) police have a search warrant, or
 - (2) the student is under arrest, or
 - (3) the police are acting upon probable cause to believe that the student is concealing contraband, or
 - (4) a knowing, intelligent, and voluntary consent is given by the student.
 - c. 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 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. Law Enforcement, in concert with school officials, may exercise their discretion in choosing to have the student present during any search of his locker, desk, or automobile.
 - f. Law Enforcement may conduct searches of non-students on school property consistent with its authority under the law.
 - g. In all searches authorized by this section, the principal or his or her designee will accompany the officer(s) in conducting such searches where feasible.

CHILD PROTECTIVE AGENCY CONTACTS

Section 1. Duty to Report Suspected Child Abuse and Neglect:

Pursuant to New Mexico Statutes Annotated 1978, § 32A-4-3 every person, including but not limited to a licensed physician, a resident or an intern examining, attending or treating a child, a law enforcement officer, a judge presiding during any proceeding, a registered nurse, a visiting nurse, a school teacher, or a school official or social worker acting in an official capacity who knows or has a reasonable suspicion that a child is an abused or neglected child shall report the matter immediately to (1) a local law enforcement agency; (2) the department office (Children, Youth and Families) in the county where the child resides. School employees and officials will 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.

The school nurse, school teacher or school social worker shall also report the matter to the school principal or appropriate school official.

Section 2. Investigations of Child Abuse and Neglect

School officials must check and make reasonable efforts to confirm the identification of all CYFD investigators employed by public agencies authorized to investigate child abuse, particularly those seeking to remove students from school for purposes of maintaining protective custody as part of a child-abuse investigation.

In the event the Law Enforcement investigator and/or CYFD directs that notice not be given to family members regarding investigation of abuse, as in cases where a parent or close family member is the suspected abuser, the principal will document that such direction was given and the circumstances surrounding it.

CYFD investigators may invite the principal/designee to participate in the investigation of a child abuse/neglect case.

In the event the investigator directs that the school principal or designee not be present during an interview with a student, such directive shall also be documented.

Law Enforcement officers or investigators from the Children Youth & Families Department will have access to any records pertaining to a complaint of child abuse or neglect, in accordance with NMSA 1978, § 32A-4-3F.

5355 SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

It is the policy of the Board of Education to support the purposes of the Sex Offender Registration and Notification Act (New Mexico's version of "Megan's Law") by providing notification to parents and guardians of district students of the availability of public information concerning the presence of registered sex offenders residing within the district.

A. Accordingly, the administration will issue a notice to parents and guardians of district students at least once a year, preferably at the beginning of each school year, in substantially the following form:

Notice to Parents and Guardians:

The New Mexico Department of Public Safety (DPS) regularly publishes information on registered sex offenders.

The Board of Education urges all parents and guardians of district students to check the listing of registered sex offenders residing within the district so that they may take appropriate precautions for the safety and welfare of their children/charges.

The listings include addresses of registered sex offenders in most cases, so parents and guardians may determine if registered sex offenders live near their children's or charge's schools, school bus stops, or their walking routes to school.

Parents and guardians may review the listings on the DPS's website www.nmsexoffender.com. The listings may be searched by city, county, and by other categories. If you do not have a computer in your home through which you can access the DPS website, you can access the website through the Roswell Public Library.

Pursuant to the Sex Offender Registration and Notification Act, the release of sex offender registration information is limited to those individuals convicted of certain sex offenses on or after July 1, 1995, or those individuals convicted of a sex offense prior to that date and were incarcerated or on probation/parole as of that date.

The integrity and accuracy of the information provided by DPS is based on the information provided at the time a sex offender registers. Address information is subject to request change. Information is updated when a sex offender registers, re-registers, after moving or following annual renewal; however, you are cautioned that the information contained on the DPS's web page may not reflect the current residence, status, or other information regarding the offender.

If you believe there is a question regarding the accuracy of the information provided, please notify DPS at (505) 827-9193

B. The Superintendent may also issue such administrative directives that, in his or her judgment, may further promote the purposes of the Sex Offender Registration and Notification Act.

5360 REPORTING STUDENT ABUSE OF ALCOHOL OR DRUGS

New Mexico law (NSA 22-5-4.4) requires that school employees who know or in good faith suspect any student of using or abusing alcohol or other drugs shall report such use 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 civil damages for his or 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 other drugs by students.

All employees have a mandatory, nondiscretionary duty to report known or suspected alcohol or other drug use or abuse by any student of the District.

All reports made shall be on the SAT referral form, available from all principals and supervisors and from the curriculum office, and shall be given to the principal of the school in which the student is enrolled.

Reports shall be made within a reasonable time after the employee learns or suspects the use or abuse of alcohol or other drugs by a student.

It is not the duty of the school employee making the report to conduct an investigation to determine whether the student identified has in fact used or abused alcohol or other drugs. The duty to investigate shall be upon the principal to whom the report is made; provided, however, that the reporting employee shall cooperate with responsible school officials during the course of any investigation.

The failure of any school employee to report knowledge or suspicion of student alcohol or other drug use or abuse in a timely manner may be cause for discipline of the employee.

All employees are urged to review the Alcohol and Drug Abuse section of Roswell Board Policy 5130, Students Rights and Responsibilities.

5370 REPORTING CHILD ABUSE AND NEGLECT

New Mexico law 32A-4-3 requires that school employees who know or suspect that a child is an abused or a neglected child shall immediately report the matter to:

1. a local law enforcement agency;
2. the department office (Children, Youth and Families) in the county where the child resides.

After reporting the abuse or neglect of a child the school employee shall also report the matter to the school principal or appropriate school official.

So long as such report is made in good faith, the reporting school employee shall be immune from civil liability or criminal sanctions for their action. Any school employee who permits a member of a law enforcement agency or an employee of the Human Services Department to interview the child with respect to that report without the permission of his parent, legal guardian or custodian is presumed to be acting in good faith and shall be immune from civil and criminal liability that might otherwise be incurred, unless the employee acted in bad faith or with malicious purpose.

All employees have a mandatory, nondiscretionary duty to report known or suspected abuse or neglect of a child.

Except as otherwise provided by district policy or procedure, it is not the duty of the school employee making the report to conduct an investigation to determine whether the child identified has in fact been abused or neglected. The duty of school employees to report suspected child abuse or neglect is set forth in Section 32A-4-3 of New Mexico Statutes Annotated, (1993).

The failure of any school employee to report knowledge or suspicion of child abuse or neglect may be cause for criminal prosecution and will be cause for disciplinary action of the employee. Failure of any school employee to participate in district sponsored child abuse training will be subject to disciplinary action.

5390 PLEDGE OF ALLEGIANCE EXEMPTION

New Mexico state law and NMAC 6.10.2.8 require the display of the United States flag and recitation of the Pledge of Allegiance in all public schools throughout the state. The Board does recognize, however, that certain exemptions to this regulation may be appropriate for those students who have religious or conscientious objections to the restriction. Those who do not participate in such a recitation will not be harassed or intimidated and will conduct themselves in a respectful and non-disruptive manner during the recitation. The district allows the following exemptions:

Exemption by membership in recognized religious denomination. Parents or legal guardians belonging to a recognized religious denomination whose religious teaching prohibits their child's recitation of the pledge of allegiance shall present a certificate stating that the parents or legal guardians are bona fide members of said religious denomination and that the religious teaching of the denomination prohibits their child's recitation of the pledge of allegiance.

Exemption by certification of religious or conscientious objection. Parents or legal guardians who are not bona fide members of recognized religious denominations described above, but whose religious or conscientious beliefs, held either individually or jointly with others, do not permit the recitation of the pledge of allegiance, shall present a certificate stating that the parents or legal guardians have a religious or conscientious objection to their child's recitation of the pledge of allegiance. In addition, students in secondary grades (9-12) shall be permitted to present a certificate stating they have a religious or conscientious objection to reciting the pledge of allegiance.

Reference: 22-2-9 NMSA 1978, 22-5-4.5 NMSA 1978

5395 **TITLE IX NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURES**

The Board finds that the Roswell Independent School District Schools must provide equivalent opportunities and benefits for all genders in its athletics, academics, and training programs 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 sex or gender by educational institutions that receive federal funds directly or indirectly. The Board further acknowledges that the school district must undertake continued evaluations of its compliance with Title IX and take care to maintain a balance in the opportunities and benefits by its programs.

Non-Discrimination Policy

The Roswell Independent School District 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.

This prohibition against discrimination applies to students, employees, non-employee third parties (e.g., volunteers, contractors) who work subject to the control or direction of District authorities (collectively, “Third Parties”), on school property or at school-sponsored events.

Inquiries or complaints regarding discrimination in violation of this policy should be directed to:

Title IX Coordinator
Director of Activities
Roswell Independent School District
300 N. Kentucky Avenue
Roswell, NM 88201
(575) 627-2515

The employment procedures of the District will be in compliance with all appropriate State and Federal laws. Inquiries or complaints regarding discrimination other than those in violation of this policy with regards to employment with the District should be directed to:

Asst. Supt. for Human Resources
Roswell Independent School District
300 N. Kentucky Avenue
Roswell, NM 88201
(575) 627-2518

Sexual Harassment

The District 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 District 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 District will not tolerate such behavior between members of the same or opposite sex.

“Sexual harassment” is unwelcome conduct of a sexual nature and includes unwelcome sexual advances, requests for sexual favors, and other verbal (spoken, written, or electronically communicated), nonverbal, or physical conduct of a sexual nature.

“Sexual violence” refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, and sexual coercion.

Requests for dates or other age, time and place appropriate expressions of interest or affection between students, however, are not fundamentally inappropriate, and may even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age, time and place expressions of interest between students is not sexual harassment, unless the student to whom such requests or expressions are directed has indicated to the student(s) that these requests or expressions 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 harassment for the other student to continue to make such requests or give such attention.

Standards of Conduct

- 1. Standard of Conduct for Employees and Third Parties.** Between an employee or Third Party and a student, sexual harassment is any conduct of a sexual nature. No employee or Third Party may engage in any conduct of a sexual nature with a student at any time, any place or under any circumstances regardless of the student’s age, ability to consent, or actual consent.

- 2. Standard of Conduct for Students.** Between students, sexual harassment is unwelcome conduct of a sexual nature, and includes acts of sexual violence.

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

- verbal or physical sexual advances, including subtle pressure for sexual activity;
 - sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
 - in the educational setting the offer to afford a student preferential treatment in exchange for sexual favors or the threat to withhold or withholding of earned grades or credits, evaluations or recommendations for awards in order to coerce sexual behavior;
 - showing or giving sexual pictures, photographs, illustrations, messages, or notes, including the use of any form of electronic expression, such as texting, email, or use of social media websites (e.g., Facebook, MySpace);
 - writing graffiti of a sexual nature on school property;
 - comments or name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature;
 - sexually-oriented "kidding," "teasing," double-entendres, and jokes;
 - continued expression of sexual interest after being informed the interest is not welcomed; and
-
- any harassing conduct to which a student is subjected because of or regarding the student's sex, sex stereotyping, or gender orientation.
 - inappropriate contact or harassment described in 6.60.9.9.B (7)-(8) NMAC.

“**Unwelcome Conduct of a Sexual Nature.**” Verbal or physical conduct of a sexual

nature by one student to 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. Acquiescence in the conduct or the failure to complain does not automatically mean that the conduct was welcome.

A student of the age of consent who has initially consented to conduct of a sexual nature and has engaged in 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 and harassment under this Policy.

Retaliation

The District also prohibits retaliation against

- (1) Any employee or student for having made a report of alleged sexual harassment, and
- (2) Against any employee or student who has testified, assisted or participated in the investigation of a report.

Retaliation may constitute a basis for disciplinary action up to and including discharge or expulsion.

A copy of the District's 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 District' Sexual

Harassment policies as set forth in Policy No. 3145 (employees) and Board of Education Policy No. 5130 (students). Inquiries regarding the Sexual Harassment policy should be directed to:

FOR STUDENTS

Title IX Coordinator
Director of Activities
Roswell Independent School District
300 N. Kentucky Avenue
Roswell, NM 88201
(575) 627-2515

FOR EMPLOYEES

Assistant Superintendent for Human Resources
Roswell Independent School District
300 N. Kentucky Avenue
Roswell, NM 88201
(575) 627-2518

Grievance Procedures

Any student or employee of the District, who believes he or she has been discriminated against based on sex, including claims of sexual harassment and sexual violence, by an employee, Third Party, or by another student or students denied a benefit, or excluded from participation in any district education program or activity on the basis of sex in violation of this policy, should report such claims as soon as possible so they may be promptly investigated and equitably resolved.

Any student or employee of the District may file a written complaint with the Title IX Coordinator. The Title IX Coordinator will initiate 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. The Title IX Coordinator shall provide a copy of the written complaint and the response to the Superintendent of the District and to each member of the Board of Education.

If the complainant is not satisfied with the response of the Title IX Coordinator, he or she may submit a written appeal within 15 calendar days of receipt of the response to the Title IX Grievance Hearing Committee indicating

with particularity the nature of disagreement with the response from the Title IX Coordinator and his or her reasons underlying such disagreement. The Title IX 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 Coordinator. The Title IX Grievance Hearing Committee shall provide the complainant with a minimum of 10-calendar days notice of the hearing date. The Title IX Grievance Hearing Committee shall issue a written decision and mail it to complainant within 15 calendar days of the completion of the hearing. The Title IX Coordinator shall provide a copy of the written decision to each member of the Board of Education and the Superintendent.

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

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 shall be the exclusive procedures utilized in addressing such issues within the District. The procedures enumerated in Board of Education Policy 5395 shall be available to any student who believes a school instructor, coach, activity sponsor 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) of the Rehabilitation Act of 1973.

Steps for Filing a Title IX Grievance

1. Obtain a Grievance Form from the Title IX Coordinator, Director of Activities or School-based Principal, or prepare a written complaint/grievance.
2. Return or mail the completed form or the written grievance with documentation attached to:
Title IX Coordinator
Director of Activities
Roswell Independent School District
300 N. Kentucky Avenue
Roswell, NM 88201
3. The complaint process will then follow the specific steps and time lines set forth in the "Grievance Procedures" section of this policy.

Equity and Participation

The District 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 District and who meets the prerequisites of the course, educational program or activity.

Procedure for Determining How and Whether New Activity Will Be Added to RISD High School's Athletic Program

Once a year, the Title IX Coordinator, the Principal of each High School (or middle school, if appropriate) and the Superintendent (the Committee) shall meet and confer regarding whether a new activity shall be added to the District's Activity Program. The addition of new competitive activities will be considered and evaluated by the Committee using the results of surveys conducted during the school year, interest expressed through school registration or through the activity suggestion box. The determination of whether a new activity shall be added will be made using the following criteria:

1. The extent of the interest among students in the new activity.
2. The abilities of the interested students to compete in the new activity.
3. Whether the New Mexico Activities Association (NMAA) sanctions the activity for completion or whether the activity is being played in competition in the community.
4. The presence or absence of the activity in the feeder programs for the High School.
5. Whether there is the opportunity to compete in the activity in an intramural or club-sports program.
6. The overall benefit to the boys' or girls' activity program.

Student interest and abilities shall be assessed by implementing the following directives:

1. Every four years, the Administration shall conduct an activity survey of all of the students in the District. The survey shall be in the same form as the survey given during the 2003-2004 school year except the survey shall be amended to reflect the current NMAA-sanctioned activities.
2. During registration at the beginning of every school year, the Activity Director shall assess the interests and abilities of students for activities, which are not offered by the school. This shall be accomplished by making a form available at the activity sign up table which allows students to express their interest in an activity not offered and which asks students to state what experience they have playing such activity.
3. The Activity Director shall set up a suggestion box that is accessible to students at the Activity Office and in each school within the school district. The suggestions found in the box shall be brought to the annual meeting of the Committee.
4. Notice shall be published every year in the Student Handbook that informs students that they may express their interest in activities by leaving suggestions in the designated suggestion boxes or by visiting the activity table during registration. The notice shall also inform students that student interest and abilities will be measured through a survey conducted every four years.

Title IX Coordinator

In order to ensure equity and nondiscrimination under Title IX, the District authorizes the Director of Activities to be the Title IX Coordinator to coordinate the school district's compliance with the requirements of Title IX. The Title IX 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 Coordinator will direct the school district's responsibility to provide continuing training to administrators, instructors, coaches, sponsors and employees regarding the appropriate implementation of its Title IX and policy and procedures, including grievance procedures.

Director of Activities

In order to ensure equity and nondiscrimination under Title IX in activities, the District authorizes the Director of Activities to ensure compliance with Title IX. The Director of Activities is a student advocate and available to assist all students. Failure of the Director of Activities to comply and enforce the provisions of this policy and any additional state law (NM Equity Act) will be subject to disciplinary action.