

# ESTANCIA MUNICIPAL SCHOOLS

## Policy Manual Index

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## 302 Sexual Harassment

302

### **Nondiscrimination on the Basis of Sex – Sexual Harassment**

The Procedures that follow are specified in 34 C.F.R. Part 106 at 106.45 as required by 106.44a and though listed as a regulation are federal regulations implementing Title IX of the Education Amendments of 1972 as amended.

The following procedures apply to all reports and formal complaints of sexual harassment that may be received with the following exceptions for reports of sex discrimination that are not formal complaints:

- Notice of the allegations,
- Consolidation of formal complaints,
- Dismissal of formal complaints,
- Investigation of formal complaints, and
- Any part of a noted procedure that is specified for a formal complaint

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in the Title IX Coordinator, or by any means that results in the Title IX Coordinator receiving the person's verbal or written report (such as reporting to any District employee). Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

*Any student of the district is required to inform the Title IX Coordinator, Superintendent or the Supervising Administrator of their work site of any report made to them or any instance they observed regarding sexual discrimination or sexual harassment as soon as possible. Failure to do so may result in their being subject to disciplinary action.*

**Discrimination of the Basis of Sex:** A District's treatment of a complainant or a respondent in response to a report or formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. For the purpose of addressing formal complaints of sexual harassment, the grievance process must comply with the following requirements. Any provisions, rules, or practices other than those required by § 106.45 as part of this grievance process for handling formal complaints of sexual harassment as defined in § 106.30, must apply equally to both parties.

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

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

Sexual harassment may include, but is not limited to:

- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering gestures, or display of sexually suggestive objects, pictures, or cartoons.
- Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment).
- Implying or withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; suggesting that probation will be failed; implying or actually withholding grades earned or deserved; or suggesting that a scholarship recommendation or college application will be denied.
- Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee; or engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- Offering or granting favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
- Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program activity.
- "Sexual assault" as defined in 20 U.S.C. 1092 (f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C.12291(a)(8), or "Stalking" as defined in 34 U.S.C. 12291(a)(30)."

Anyone who is subject to sexual harassment or who knows of the occurrence of such conduct, should inform the supervising administrator. If the supervising administrator is the subject of investigation the Superintendent should be informed. If the Superintendent is the subject of investigation the Board of Education President should be informed and an outside investigator will be hired.

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

**Basic Requirements:** A district's grievance process will:

- Treat complainants and respondents equitable by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Such remedies will include the same individualized services described in § 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;
- Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
- Any individual designated by a District as a Title IX Coordinator, Investigator, Decision Maker, or any person designated by a District to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. District will ensure that Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates an informal resolution process, receive training on how to serve impartially, including by avoiding prejudgment of the facts at

issue, conflicts of interest, and bias. The District will ensure that Decision Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in paragraph (b)(6) of § 106.45. The District also will ensure that Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of § 106.45. Any materials used to train Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and shall promote impartial investigations and adjudications of formal complaints of sexual harassment;

- It is to be presumed that the respondent is not responsible for the alleged conduct until determination regarding responsibility is made at the conclusion of the grievance process;
- Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the District offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
- Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility;
- Include the procedures and permissible bases for the complainant and respondent to appeal;
- Describe the range of supportive measures available to complainants and respondents; and
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**Notice of Allegations:** The following is required upon receipt of a formal complaint

- The District must provide the following written notice to the parties who are known:
  - Notice of the District's grievance process that complies with § 106.45, including any informal resolution process.
  - Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include if known:
    - The identities of parties involved in the incident,
    - The conduct allegedly constituting sexual harassment under § 106.30 and
    - The date and location of the alleged incident.
  - The written notice must include a statement that the respondent is presumed no responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under paragraph (b)(5)(iv) of § 106.45, and may request to inspect and review evidence under paragraph (b)(5)(iv) of § 106.45.
  - The written notice must inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to paragraph (b)(2)(i)(B) of § 106.45, the District must provide notice of the additional allegations to the parties whose identities are known.

**Dismissal of a Formal Complaint:**

- The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct action under another provision of the District's code of conduct.
- The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or the respondent is no longer enrolled or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- Upon a dismissal required or permitted pursuant to paragraph (b)(3)(i) or (b)(3)(ii) of § 106.45, the District must promptly send written notice of the dismissal and reasons therefor simultaneously to the parties. Consolidation of formal complaints. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in § 106.45 to the singular "party," "complaint," or "respondent" include the plural, as applicable.

**Investigation of Formal Complaints:** When investigating a formal complaint and throughout the grievance process, the District must:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties provided that the District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under § 106.45 (if a party is not an "eligible student," as defined in 34 CFR 99.3, the District must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have other present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  - Prior to completion of the investigative report, the District must send to each party and the party's advisor if any, the evidence subject to inspection and review in an electronic format or a hardcopy, and the parties must have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
  - The District must make all such evidence available for the parties' inspection and review and at any hearing, give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
  - Create an investigative report that fairly summarizes relevant evidence and, at least (ten)10 days prior to a hearing (if a hearing is required under § 106.45 or otherwise provided) or other time of determination regarding to responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

**Alternative to Hearings:** The District's grievance process will not provide for a hearing.

- After the District has sent the investigative report to the parties pursuant to paragraph (b)(5)(vii) of § 106.45 and before reaching a determination regarding responsibility, the Decision Makers(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The Decision Maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

**Determination Regarding Responsibility:** The Decision Maker, who cannot be the same persons as the Title IX Coordinator or the Investigators, must issue a written determination regarding responsibility. To reach this determination, the Decision Maker must apply the standard of evidence described herein.

The written determination must include:

- Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the District’s code of conduct to the facts;
- A statement of, and rationale of, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District’s education program or activity will be provided by the District to the complainant; and
- The District’s procedures and permissible bases for the complainant and respondent to appeal if the District offers an appeal.

The District must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for ensuring the implementation of any remedies.

### 302.1

**Appeal:** The District must offer both parties an appeal from a determination regarding responsibility, and from the District’s dismissal of a formal complaint or any allegations therein, on the following basis:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigators, or Decision Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The District may offer an appeal equally to both parties on additional bases.

As to all appeals, the District must:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the Decision Maker(s) for the appeal is not the same person as the Decision Maker(s) that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
- Ensure that the Decision Maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of § 106.45;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written decision simultaneously to both parties.

### 302.2

**Informal Resolution:** The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with § 106.45. Similarly, the District may not require the parties to participate in an informal resolution process under § 106.45 and may not offer an informal resolution process unless a formal complaint is filed.

At any time prior to reaching a determination regarding responsibility the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:

- Provides to the parties a written notice disclosing, the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- Obtains the parties' voluntary, written consent to the informal resolution process; and
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

At any time prior to agreeing to a resolution:

- Any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

### 302.3

**Recordkeeping:** The District must maintain for a period of seven (7) years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of § 106.45, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website, or if the District does not maintain a website the District must make these materials available upon request for inspection by members of the public; and
- For each response required under § 106.44, the District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

### 302.4

**If the District Does Not Provide a Complainant Supportive Measures:** If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

**Board Adopted: August 18, 2020**



**ESTANCIA MUNICIPAL SCHOOL DISTRICT**  
**NONDISCRIMINATION / EQUAL OPPORTUNITY COMPLAINT FORM**  
(To be completed with the compliance officer as provided in AC-R)

Please print: Name; \_\_\_\_\_

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

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

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

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

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

I wish to complain against: Name of person, school (department), program, or activity:

\_\_\_\_\_

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

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

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

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

If there is anyone who could provide more information regarding this, please list name(s), address(es) And telephone number(s). Name Address Telephone Number

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

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

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

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

\_\_\_\_\_  
Signature of Person Reporting or Complainant

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

**Board Technical Revision and Adoption: February 13, 2018**  
**Board Adopted: August 18, 2020**

### 303 Admissions and Attendance

#### **303.1 Admission of Students Expelled by a New Mexico School District**

The constitutional right to attend public school is implemented by statute.

The right to attend public school, however, is not absolute. It is conditioned upon each student's observation of the obligation to abide by the rules and policies of the school community and the state. The right may be taken away through expulsion of a student who has seriously or repeatedly violated the rules and policies of the school community.

The Board of Education and the administration are responsible for maintaining a safe secure environment that is conducive to the educational mission of the schools, and the interests of the students, and may validly expel students whose conduct endangers the health or safety of students, school personnel, or others for whose safety the school is responsible. When a student has been validly expelled for such a reason by a New Mexico school district, the expulsion constitutes a determination that the student's presence constitutes an unacceptable threat to the school community, and the student's constitutional right to attend public school in New Mexico has been extinguished. A student who has been expelled for such reason by any New Mexico school district poses the same threat to other New Mexico school districts. Moreover, his or her right to attend public school in New Mexico has been lost as a result of the expulsion. In the case of a student who has been expelled for such conduct in another state, it may be necessary for the administration to institute proceedings to determine whether the student's presence in the schools of this district constitutes an unacceptable threat to the health or safety of the school community.

It is the policy of the Board of Education that a student seeking admission to the schools of the district at the mid-school or high-school level may be denied admission if such student has been validly expelled from another New Mexico school district for conduct that, in the view of this district's administration, constitutes an unacceptable threat to the health or safety of the school community. This policy shall be implemented by the following:

- A. The administration will produce a form, to be filed out by students claiming the right to admission to school in the district at the mid-school or high-school level, requiring disclosure of any prior expulsions, the reason(s) for such expulsions, and other pertinent information.
- B. Any student who has been validly expelled by a school district in New Mexico for conduct, which, in the view of the administration, constitutes an unacceptable threat to the health or safety of the school community, may be denied admission.
- C. The administration may contact the prior school district of students claiming admission to school in this district at the mid-school or high-school level, in order to confirm or clarify information about the circumstances of such student's departure from the district in which he or she formerly attended school.
- D. In the case of a student who has been expelled by a school district in another state, the administration will conduct appropriate proceedings to determine if such student's presence in the schools of this district constitutes an unacceptable threat to the health or safety of the school community.
- E. Hearing and Appeal of Denial of Enrollment or Re-Enrollment.  
A student or the student's parent may appeal a denial of enrollment or of re-enrollment through the procedures established for long-term suspensions and expulsions of students, provided that when the denial of enrollment or re-enrollment was based upon the student's prior expulsion from another School District within the preceding twelve-month period, the admission of evidence of such expulsion shall shift the burden of proof to the student or parents to show that the student should be admitted despite such expulsion.

**Board Technical Revision and Adoption: January 20, 2010**

**303.2 High School Admission**

**303.2.1 Entrance** - High school pupils may enter the High School by: (1) promotion from the Middle School, (2) presentation of a transcript of credits from an approved outside school, or (3) passage of examinations given by the Principal or Superintendent.

**303.2.2 Transfer Students -**

1. **Accredited Schools** - Students enrolling from accredited schools must provide the following information to the Principal at enrollment: (1) the correct name and address of the last school attended; (2) immunization records, and (3) information concerning student placement.
2. **Private Schools** - Students transferring from private (accredited and non-accredited) schools must supply sufficient information for the registrar to request a course description from the former school. This material will be evaluated. If this material is not available, students may be tested for proper placement. A student initially will be placed at the grade level where his or her ability indicates the likelihood of success.
3. **Home Schooling** - Transfer of students from Home Schooling for grade placement will be on a case-by-case basis. Achievement tests and / or other relevant tests may be required to determine the appropriate grade level for placement.

**303.3 Compulsory School Attendance**

A “school-age” person means a person who is at least (5) years of age prior to 12:01 a.m. on September 1 of the then current school year and who has not received a high school diploma or its equivalent and who has not reached the person’s twenty-second (22<sup>nd</sup>) birthday on the first day of the school year and meets other criteria provided in the Public-School Finance Act.

Any parent, guardian, or person having custody and control of a person subject to the provisions of the Attendance for Success Act is responsible for the school Attendance of that person until that person has reached at least eighteen (18) years of age unless the person has graduated from high school, received a school Equivalency credential, or withdrawn on a hardship waiver.

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

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

Legal Ref.: 22-1-2 NMSA; 22-12A-4 NMSA

**Board Revision Adopted: September 15, 2020**

**303.3.1 Open Enrollment** - The Board of Education adopts this policy pursuant to the terms of NMSA 22-1-4, also known as the Open Enrollment Act.

The Open Enrollment Act requires that a free public-school education be available to any school-age person who is a resident of New Mexico and who has not received a high school diploma or its

equivalent. This policy does not apply to students who are not New Mexico residents. The Board of Education retains the discretion to determine whether the School District has sufficient accommodations to offer enrollment to students who do not reside in the school district or who are not New Mexico residents.

1. **Enrollment Priorities** - In-state students shall be enrolled or re enrolled in each district school according to the following priorities:

A. First Priority

- a) Students residing within the Estancia School District
- b) Students who were enrolled in the school the previous year and relocated because their parents/guardians were deployed as active duty members of the United States armed forces or National Guard.
- c) Homeless students who were enrolled in the school as a school of origin (a school of origin means the school the student attended when permanently housed or the school in which the student was last enrolled):
- d) The enrollment of eligible children of certificated staff members (In order to encourage qualified certified employees to join the staff, children of certificated employees will be enrolled if space is available per NMSA 22-12-5)

B. Second Priority:

- a) Students who previously attended the school and/or have sibling attending the school; and

C. Third Priority:

- a) All other applicants for enrollment at the school.

2. **Transportation** - Transportation shall be provided by the School District for transportation-eligible students residing within the Estancia School District. Transportation of students residing outside the Estancia School District shall be the responsibility of the parent/guardian or student. The School District will comply with the transportation requirements of the No Child Left Behind Act.

3. **Maximum Class Size** - The Superintendent shall determine the maximum allowable class size in the School District by administrative regulation.

A. If the maximum allowable class size established by the Superintendent or as permitted by law is not exceeded by the enrollment of first-priority students (those residents of the Estancia School District), the school will continue to enroll priority two and priority three students.

B. If the maximum allowable class size would be exceeded by enrollment of a student applicant in the second or third priority category, the school shall deny such student enrollment.

C. Each school shall establish a waiting list of second or third priority students who are seeking enrollment in the school and enter the names of such students on the list in the order in which each student seeks enrollment.

- D. As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll on the basis of 1) the student's enrollment priority category, and then 2) the order of the student's entry on the waiting list.
4. **Denial of Enrollment or of Re-enrollment** - Notwithstanding any other provision of this policy, enrollment or re-enrollment of a student to any district school may be denied by the Principal of such school on the following grounds:
- A. The student seeking enrollment or re-enrollment has been expelled from another School District in New Mexico or in any other state during the preceding twelve-month period; or
  - B. The student's behavior in a School District in New Mexico or in another state during the preceding twelve-month period makes the student's enrollment detrimental to the welfare of other students or school personnel.
5. **Hearing and Appeal of Denial of Enrollment or Re-Enrollment-**
- A. A student or the student's parent may appeal a denial of enrollment or re-enrollment through the procedures established for long-term suspensions and expulsions of students, provided that when the denial of enrollment or re-enrollment was based upon the student's prior expulsion from another School District within the preceding twelve-month period, the admission of evidence of such expulsion shall shift the burden of proof to the student or parents to show that the student should be admitted despite such expulsion.
  - B. Denials under all other circumstances, the burden of sustaining the denial shall remain with the school.

**Board Technical Revision and Adoption: January 20, 2010**  
**Board Technical Revision: April 14, 2020**

**303.3.2**

**Attendance for Success Policy**

- A. It is the policy of this district to follow the Attendance for Success Act that school age persons receive an education and do not dropout or otherwise withdraw prematurely prior to completing an educational program. To that end, a school-age person shall attend public school, private school, home school or a state institution until the school-age person is at least eighteen years of age unless that person has graduated from high school or received a general educational development certificate. A parent may give written, signed permission for the school-age person to leave school in case of a documented hardship approved by the local superintendent.
  - 1. It is required that class attendance be taken and maintained by class period for every instructional day for each student in each school or school program in the school district. During periods of distance (virtual) learning attendance will be taken by virtue of students logging into the virtual classroom. In an incident where technology does not allow logging in, students may also call into class and participate by phone.
  - 2. The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons.
  - 3. It is required that each school report unexcused absences of two or more classes up to fifty percent of an instructional day as one-half day absence, and the unexcused absence of more than fifty percent of an instructional day to be counted as one full-day absence;

4. The district prohibits out-of-school suspension and expulsion as a punishment for unexcused absences and habitual truancy;
  5. The district uses withdrawal as provided in Section 22-8-2 NMSA 1978 only after exhausting intervention efforts to keep students in educational settings;
- B. The district provides for early identification of students with unexcused absences, students in need of early intervention, and habitual truants; then provides for intervention strategies that focus on keeping students in need of early intervention in an education setting. As outlined in the attendance for Success Act, the District shall provide tiered interventions for students who are missing school, depending on the number of absences.
1. All students will be encouraged to have good attendance through positive recognition programs at school (Tier 1 support).
  2. Tier 2 Intervention (Individualized Prevention) is called for if a student misses five percent (5%) but less than ten percent (10%) of classes or days of school.
    - a) The school district shall contact the student's parent(s)/guardian(s) to inform them that the student has absences exceeding 5% from school. The school district will inform the parent/family of the student's attendance history, the impact of student absences on student academic outcomes, the interventions or services available to the student or family, and the consequences of further absences. Possible interventions may include but not be limited to:
      - Assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
      - Making referrals to health care and social service providers;
      - Identifying and coordinating age-appropriate resources for students in need of;
      - Counseling; and
      - Seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.
    - b) For Tier 2 middle or high school students, the attendance team provides the same interventions as for elementary students, and involves the student in their conversations with parent/family.
  3. If students are absent ten percent (10%) but less than twenty percent (20%) of days of school, in addition to previous levels of support, they shall receive Tier 3 interventions. For Tier 3 students, a representative of the school district shall notify the parent/guardian of the scheduled date, time, and place for the parent/guardian to meet with school officials/staff to develop intervention strategies that focus on keeping the student in an educational setting, and provide the parent/guardian a printed student attendance report.
    - a) Working together during the meeting, parent/guardian, and staff will identify the causes for the student's absences, identify what actions can be taken that might prevent the student's absences and establish a corrective action plan to address the student's absences.
    - b) The corrective action plan will include establishing weekly progress monitoring and a contract for attendance.

- c) The corrective action plan must contain follow-up procedures to ensure that the causes for the student's unexcused absences are being addressed;
  - d) To the extent appropriate, given the student's age, the student should be actively involved in the formulation of the attendance contract, the provisions of which should include a focus on both academic and extracurricular activities appropriate for an of interest to the student.
  - e) The notification to the student's parent(s) guardian(s) and the meeting with the parent(s)/guardian(s) must be respectful and in a language and in manner that is understandable to the student and the parent(s)/guardian(s)
  - f) **Parent Failure to Meet:** If a parent/guardian fail to arrange, or to appear for, a conference regarding unexcused absences within 10 days of notice from the school, the school will provide written notice to the Children Youth and Family Department and Probation Services Office (phone # 505-384-2780) of such failure. School staff will cooperate with the Juvenile Probation Office or the District Attorney in enforcement actions.
4. Tier 4 (The Intensive Supports) is for student who have missed twenty percent (20%) or more of classes or school days for any reason. Absences of 20% or more demonstrate the student is a habitual truant. The district shall give written notice of the habitual truancy by mail to or by personal service to the student's parent(s)/guardian(s); the notice shall include a date, time and place for the parent to meet with the local school district representative(s) to develop additional intervention strategies that focus on keeping the student in an education setting. As well, the parent/guardian and staff shall establish non-punitive consequences at the school level, identify appropriate specialized supports that may be needed to help the student address the underlying causes of excessive absenteeism, and apprise the student and the parent/family of the consequences of further absences.
- a) Specialized supports may include but are not limited to:
    - o Counseling;
    - o Personal contact via email;
    - o Personalized learning
    - o Personalized rewards; and
    - o Parent/guardian roll and home supports.
  - b) **Excessive and Pattern Absences:** Student absences shall be monitored for pattern (i.e., every Monday or Friday), and reported as required herein.
  - c) **Parent Failure to Meet:** If a parent/guardian fails to arrange, or to appear for, a conference regarding unexcused absences within 10 days of notice from the school, the school will provide written notice to the Children Youth and Family Department and Probation Services Office (phone#505-384-2780) of such failure. School staff will cooperate with the Juvenile Probation Office or the District Attorney in enforcement actions.
5. If a student does not respond to Intensive Support and continues displaying additional absenteeism, the School Board shall consult with the Superintendent in Executive Session on the issue and shall cause the student to be reported to the probation services office of the appropriate judicial district for the purpose of an investigation as to whether the student should be considered a neglected child or a child in a family in need of family services, subjecting the child to provisions of the Children's code.
6. If the student is a habitual truant the school shall document the following for each student identified as a habitual truant:
- a) Attempts of the school to notify the parent that the student had excessive absences;
  - b) Attempts of the school to meet with the parent to discuss intervention strategies;
  - c) Tier 2, 3 and 4 intervention strategies implemented to support keeping the student in school; and

- d) Patterns (i.e., every Monday or Friday) of absences noted.
7. If the habitual truant is not referred to the children's court by the juvenile probation office for appropriate disposition, including consideration of initial or renewed suspension of his or her driving privileges, the school district may contact the children's court attorney directly to determine what action will be taken.
  8. If determination and finding has been made by the juvenile probation office that the habitual truancy by a student may have been caused by the parent or guardian of the student, and no charges have been filed against the parent or guardian, the school district may contact the district attorney's office to determine what action will be taken.
  9. The public education department's truancy prevention coordinator shall be permitted access to any records and information related to students in need of early intervention or habitual truancy in any school district.
  10. Intergovernmental Agreements: A Memorandum of Understanding (MOU) is not necessary with Native American tribes since there are no local Native American nations or tribes located in the district. Native American student needs will be met on an individual basis.
- C. Reporting Requirement: The school district shall maintain class attendance records by class period for every instructional day for each student in each school or school program in the school district in a manner verifiable by the public education department. The local superintendent of the school district will report absences with excused and unexcused identifiers through the student teacher accountability reporting system and certify that the information is being reported consistently at intervals and in a manner as specified by the public education department. Failure to comply with this rule may be good and just ground for the suspension or revocation of a department-issued license or certificate, may result in notification by the department to the local school board, superintendent, school principal that they have failed to meet requirements as prescribed by law or rules promulgated by the department and be grounds for seeking a court order to ensure compliance with the requirements of this rule.

D Definitions:

1. **Absences:** No present for a class or a school day for which the student does not have an allowable excuse.
2. **Unexcused Absence:** An absence for which no appropriate excuse has been provided by the student's parent or legal guardian within the time limits provided by this policy. Special family situations may be considered appropriate for excused absence when prior approval is received from the principal or his/her designee.
3. **Excused Absence:** An absence for which an appropriate excuse has been provided by the student's parent or legal guardian within the time limits provided by this policy. Acceptable explanations include illness or personal injury, death in the immediate family, medical appointments that cannot be scheduled apart from school, family emergencies (with administrative discretion), educational experience (previously approved by administration), observance of major religious holidays of the family's faith or religious instruction and tribal obligations (for religious instruction and tribal obligations written consent of a parent and approval of the principal are required), when the school bus cannot make its run, activity absences (school related absences). School administrator are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence. A student may be excused for authorized reasons and time shall be provided for the student to make up the work.



4. **Activity Absence:** An absence that is the result of student participation in co-curricular or extra-curricular activities.

### **Attendance Requirements**

1. **Parent Notification of Absence:** parent or guardian shall notify the school each day his or her child will be absent from any class and the reason for the absence; or shall provide a written and signed verification of the reason for the student's absence, to be presented upon the first day a student returns to school from any absence. If a student has been absent for 3 or more consecutive days due to illness, the principal or his/her designee may require written verification from the student's professional health-care provider.
2. **Prolonged Illnesses:** In cases of chronic or prolonged illnesses expected to last 10 days or more, during which the student is able to do school work, the student's parent or guardian shall present written verification by the student's professional health care provider of the expected length of the illness and of the student's ability to do school work at home, and the student shall be placed on home-bound study until he or she can return to school.
3. **Make-Up Work/Grades:** Following an excused absence, a student shall be given 1 day for every day absent to make up homework. Extensions to this procedure may be made at teacher or administrative discretion in extenuating circumstances. Students are encouraged to inform teachers ahead of time when they will be absent so if teachers wish, work may be provided before the planned excused absence. At applicable grade levels, if an absence is unexcused, or if the student fails to make up the work missed during an excused absence within the time permitted, any work for which a grade was taken may or may not be counted as a zero for such student in the teacher's grade book, and averaged into the student's grades for the relevant grading period (administrative discretion).
4. **Discipline:** In addition to the other measures to be imposed according to this policy, students may receive detention, in-school suspension, a referral to the Truancy Response Team, be referred for in home community services or other discipline designed to keep the student in school and progressing academically, for each unexcused absence, at the discretion of the Principal or his/her designee. Out-of-school suspension and expulsion will not be used as punishment for truancy or unexcused absences.
5. **Notice to Parents of Unexcused Absence:** If a student is absent from school without a parent notification of absence, as required by paragraph 1 above, the principal or his/her designee will, as soon as practicable, contact the parents or legal guardians by telephone or to give notice of the student's absence and to ascertain and document the reason for the absence.
6. **Distribution of Policy; Acknowledgment of Receipt:** A copy of this policy and an acknowledgment form will be issued to each student on the first day of school. The student shall return the acknowledgment form, signed by his or her parent/guardian no later than the fifth day of school. A student who fails to return a signed form within that time may be subject to the disciplinary actions prescribed herein.

**Note:** It should be noted that students that are the age of majority or emancipated must continue to comply with all rules, regulations, and procedures of the High School or be subject to disciplinary action.

**Board Technical Review and Adoption: December 08, 2009**  
**Board Technical Review and Adoption: October 09, 2012**  
**Board Technical Review and Adoption: July 11, 2017**  
**Board Technical Review and Adoption: July 2, 2019**  
**Board Technical Review and Adoption: September 15, 2020**

**LEGAL REF:** 22-12A-1 NMSA rt seq.  
6.10.4.9 NMAC  
6.10.8.7 NMAC  
6.10.8.8 NMAC  
6.10.8.9 NMAC  
6.10.8.10 NMAC  
6.11.2.9 NMAC

**303.3.3 Compulsory School Attendance Exemptions-**

**303.3.3.2 Letter Jacket Financial Support Award**

It is the intent of the Estancia Municipal Schools', Board of Education to set aside up to \$10,000.00 annually from the proceeds of the Windmill Fund to purchase letter jackets and or accessories, for students that meet the award criterion developed by school administration in conjunction with the athletic coordinator. Academic as well as athletic letters will meet the criterion for jacket awards. Additionally, grade point average, character, behavior and attendance will be taken into consideration. Awards criterion will be reviewed each July and amended as needed. Eligible students will receive a one-time award in an amount not to exceed \$200.00 in the form of a voucher to an approved vendor. Awards are based on the availability of funds to be determined by the Superintendent with Board review at the July Board of Education Meeting.

**Board Adoption: November 13, 2018**

**303.4.8 Ceremony Privilege** - The Board of Education does not permit the issuance of blank diplomas to seniors nor shall any student be permitted to walk through the graduation exercises unless they will be receiving a diploma or certificate of completion.

**303.4.9 Diplomas** - Students must pass a State Competency Exam (NMHSCE) to receive a diploma. Students failing any portion of the test will receive a certificate indicating the number of credits earned and grade completed.

**303.4.10 Ceremony Colors** - The senior class will use traditional school colors (red, white, blue) for caps, gown and announcements; black (a traditional graduation color) may also be used for caps and gowns, if the cap tassel reflects the traditional school colors.

**303.4.11 Graduation Ceremony** - Graduation ceremonies will take place at a date and time to be determined annually by the Board after receiving input from the Senior Class Students and Sponsor. The date and time will be determined no later than at the December Regular Board Meeting.

**Board Revision and Adoption: October 14, 2008**  
**Board Revision and Adoption: January 10, 2022**

**303.4.12 Academic Letter Requirements**

Any student earning a 3.5 GPA or higher for each of the 4 quarters is eligible for an academic letter. (The academic letter is awarded one time during the high school career. Students who maintain the qualifying GPA after the letter is earned, receive gold pins to attach to the letter signifying sustained academic excellence.) Academic letters will be awarded at an awards ceremony to be held in the fall of the following academic year for the Freshmen, Sophomore, and Junior classes. The Senior class academic awards ceremony will be held during the last week of the current academic year.

**303.4.13 Graduation and Board Member Privilege** – In recognition of their service to the students of the Estancia Municipal School District any individual that has served, at any time, on the Board of Education for Estancia Municipal School District, will be allowed the privilege of awarding their child's diploma upon graduating from Estancia High School.

**Board Adoption: May 14, 2019**

**303.4.14****Prayers at Graduation Ceremonies**

Student-initiated invocations and/or benedictions shall be allowed at high school graduation ceremonies under the following conditions:

1. Inclusion of invocations and/or benedictions shall rest solely within the discretion of the graduating senior class.
2. Invocations and/or benedictions shall be allowed only after a majority of the graduating class vote in favor of such inclusion at a student-initiated election on the subject and only if the invocations and/or benedictions are given by student volunteer(s) without any involvement of the Board or school staff.
3. Consistent with the principle of equal liberty of conscious, such student-initiated invocations and/or benedictions shall be non-sectarian and non-proselytizing in nature.

### **304 Rights and Responsibilities**

A primary responsibility of the New Mexico Public Schools and their professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.

**304.1 Students Leaving School Premises** - Students shall not leave the school premises during school hours without permission of the Principal granted upon the request, written or in person, of the parent or guardian or for good reason known to the Principal.

**304.1.1 Exceptions - Students Leaving School Premises** - Exceptions will be granted for students who meet the following criteria:

- Must sign a parent release form at the beginning of the school year
- A pass will be assigned to all students eligible for open campus
- Must be classified as a current Junior or Senior
- Consequences for bringing something to an underclassman or taking an underclassman with them will result in the student's pass being revoked for the semester
- Consequences for bringing another student without a pass off campus will result in immediate termination of off-campus pass
- Food will not be allowed in classrooms at any time
- The first offense for bringing food to the classroom will result in a verbal warning
- The second offense for bringing food to the classroom will result in the student's pass being revoked for the semester
- Eligibility Requirements:
  - 3.0 GPA
  - No D's or F's
- Students, if they wish to leave campus, will have a five-minute window to leave the campus if the student does not leave in the allotted time they will not be able to leave campus
- If the student acquires any discipline referrals the student will be receive the following consequences:
  - For the first discipline referral the pass will be revoked for the semester
  - Once the student has acquired two or more discipline referrals the pass will be revoked for the remaining school year
  - Tardies to 5<sup>th</sup> period will be receiving the following consequences:
    - The first offense will result in a verbal warning
    - The second offense will result in the student's pass being revoked for the semester
    - Students will be required to have a 95% attendance rate for the semester

All 4<sup>th</sup> period teachers of juniors and seniors will create a list of students with off-campus passes and who are leaving for the day, will send list to secretary in high school front office and these records will be designated as the sign-out for that day and kept on file.

This policy will be reviewed and re-considered on an annual basis at the July Board Meeting.

**Board Adoption: July 12, 2016**

**304.2 Smoking** - In compliance with State & Federal regulations, the Estancia Municipal School Campus is designated as a Drug-Free and Tobacco Free Campus.

**304.3 Dress and Manner** - Students are required to follow the dress code established by each school's handbook.

**304.4 Disruptive Conduct** - Conduct which materially and in fact interferes with the education process is prohibited.

**304.5 Cooperation with School Personnel** - Students must obey the lawful instructions of School District personnel.

**304.6 Refusal to Identify Self** - All persons must, upon request, identify themselves to proper school authorities in the school building, on school grounds or at school-sponsored functions.

**304.7 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 officials.

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 events.

**304.8 Freedom of Speech and Assembly** - Obscenities or personal attacks are prohibited. All student meetings in school buildings or on school grounds shall function only as a part of the formal education process or as authorized by the Principal. There is an appropriate time and place for the expression of opinions and beliefs. Conducting a demonstration which will cause a disruption of the school is prohibited.

**304.9 Freedom to Publish** - Under the supervision of a sponsor, students may publish a school-sponsored publication. Before printing graduation announcements, yearbook or other public announcements, the building administrator must approve the contents.

The distribution of any publications other than that published by the students of Estancia High Schools must be approved by the building administrator

**304.10 Possession of Weapons in School**

The Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to forbid the possession, custody, and use of weapons by unauthorized persons in or around school property.

This policy is enacted to implement the requirements of the federal Gun Free Schools Act.

1. **Definitions:**

- a) **Weapon:** For purposes of this policy, a "weapon" is any firearm, knife explosive, or other object, even if manufactured to 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.

- b) **Firearms:** 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 silencers, or any destructive device.
- 2. **Prohibitions:** No student shall bring a weapon into a school zone or to any school activity, including transportation to or from such activity.
  - 3. **Enforcement:**
    - A. 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 Public Education Department.
    - B. Any student who brings a firearm or weapon to a school or within a school zone shall, in addition to penalties imposed under School Board policy, be referred to appropriate law enforcement authorities for prosecution.
  - 4. **Penalties for Violations:**
    - A. Any student found to be in violation of this policy shall be subject to discipline, including long-term suspension and expulsion.
    - B. In compliance with the federal Gun Free Schools Act, any student found to be in violation of this policy due to possession of a firearm, as defined in this policy, shall, at a minimum, be expelled from school for a period of not less than one year, provided, that the superintendent or the Board of Education may modify such penalty in appropriate cases in their discretion.
    - C. This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act. (IDEA).
      - 1. 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 a school under the jurisdiction to the School Board may be placed in an interim alternative educational setting as specified by the IEP team.
      - 2. If the parent or guardian requests a due process hearing, the child shall remain in the alternative educational setting pending such proceedings, unless the parents and school official agree otherwise.

**304.11 Disciplinary Actions**

**304.11.1 Authority / Constitutional Safeguards** - The authority possessed by the Board of Education to prescribe and enforce standards of conduct in its schools must be exercised consistently with constitutional safeguards and a student's legitimate entitlement to a public education as a property interest which may not be taken away for misconduct without adherence to the minimum procedures required by due process.

**304.11.2 Immediate Removal** - "Immediate removal" means the removal of a student from the class for a period of one day or less. Regardless of what other disciplinary action may also be considered appropriate, or what other disciplinary actions are implemented, students whose presence poses a

danger to persons or property or a threat of disrupting the educational process may be immediately removed from school or school sponsored events.

1. Oral or written notice of the charges against the student and a rudimentary hearing on such charges shall follow as soon as practicable.
2. Parents shall be given oral or written notice of the charges against the students as soon as practicable.

### **304.11.3**

**Temporary Suspension and In-School Suspension** - "Temporary suspension" means the removal of a student from the school for a specified period of nine (9) consecutive school days or less.

Where it is anticipated that a student will be subject to temporary suspension or in-school suspension, the due process clause requires that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the administrative authorities have, and an opportunity to present his side of the story, subject to the following guidelines:

1. There need be no delay between the time "notice" is given and the time of the hearing;
2. In the great majority of cases, the administrative authority may informally discuss the alleged misconduct with the student minutes after it has occurred;
3. In being given an opportunity to explain his version of the facts at this discussion, the student first must be told what he is accused of doing and what the basis of the accusation is;
4. Parents shall be given oral and written notice of the charges against the student and their possible consequences as soon as practicable, but in no event later than the beginning of the first full day or suspension.

### **304.11.4**

**Long-Term Suspension and Expulsion** - "Long-term suspension" means the removal of a student from school for a specified period of time exceeding nine (9) consecutive school days.

Both temporary and long-term suspension may be used where appropriate. Where the need for suspension is immediate, temporary suspension may be invoked while complying with the mechanics for activating long-term suspension. Regardless of what other disciplinary action may also be considered appropriate, where the administrative authority recommends long-term suspension or expulsion, the administrative authority shall within two (2) days after such recommendation:

1. Mail the parent of the student written notice, by certified mail at least five (5) school days before the commencement of that contemplated disciplinary action, that such action is pending;
2. The notice of disciplinary action must include a copy of this rule, and must advise the student, through his parent, of the following:
  - a) Subject to the procedure set forth herein, if satisfactory evidence to refute the alleged reasons for the contemplated disciplinary action, or a request for hearing, is not submitted to the administrative authority within ten (10) school days from the date of mailing, the disciplinary action will be affected;
  - b) The right to a hearing, the time and place of the hearing, not to exceed fifteen (15) school days from the date of mailing, and the right of the student to be represented by legal counsel of his parent;

- c) Accompanying the notice shall be a form to be signed, if desired by the student and parent, giving them the right to waive the hearing procedure and to voluntarily comply with the recommended disciplinary action.
- 3. Subject to the procedure set forth herein, if satisfactory evidence to refute the recommendation of disciplinary action is not submitted to the administrative authority within ten (10) days from the date of mailing and if no hearing is requested, the disciplinary action will be affected.
- 3. If a written request for hearing is timely received, the following procedure shall apply for the conduct of the hearing;
  - a) The school shall have the burden of proof.
  - b) The hearing shall be conducted to afford the student due process, and shall provide:
    - i) an opportunity for the child and his parent or guardian to respond at the hearing;
    - ii) the right to present evidence;
    - iii) the right to confront adverse witnesses;
    - iv) the right of cross examination;
    - v) the right to have a decision based solely on the applicable legal rules and the evidence presented at the hearing;
    - vi) the right to be represented by counsel.
- 5. The Hearing Officer, usually the Superintendent, shall impose the requested sanction or other appropriate measure if he / she finds by a preponderance of the evidence that the allegations are correct.
- 6. A tape recording or minutes of the proceedings shall be kept by the administrative authority, but a verbatim transcript or transcript setting forth the substance of the evidence presented is not required.
- 7. Within five (5) school days after the hearing, the hearing authority shall prepare and mail to the student, through his parent, a written decision and the reasons therefore.
- 8. If the hearing authority decides in favor of the student, the matter shall be closed. If the hearing authority decides against the student, the student shall be suspended or expelled from school five (5) school days from the date of mailing of the decision.
- 9. Appeal - The student has the right to appeal the decision of the hearing authority to the local School Board. Such appeal shall be a review of the procedure and the findings of the hearing authority and shall not be set aside unless it is established, by a preponderance of the evidence presented, that insufficient cause existed for the decision.
- 10. Hearing Authority - The administrative authority may designate one or more of its staff not involved in the alleged infraction, or members of the public to act as hearing officers or hearing panel for disciplinary actions; who, upon referral of the case from the administrative authority shall follow the procedures set forth herein to afford the student and his parents due process.



11. Students who admit allegation of misconduct to the administrative authority and accept the penalty are not required to have a disciplinary hearing.

### **304.13**

**Discipline of Pupils** - Teachers shall be responsible for the discipline of pupils and shall have the same authority as the parent in absence of specific instructions from the parents.

The teacher has the authority to suspend students from a class for cause subject to a review by the Principal. Severe reprimand and physical punishment of students shall never be allowed to occur in the presence of other students.

1. The teacher should understand that he is free to consult with his Principal in matters of student discipline, and with the permission of the Principal, may use the Principal as an additional deterrent of misbehavior. The teacher must keep in mind, however, that he cannot abrogate the responsibility placed upon him in this section, for referral is an immediate but only temporary remedy, and it is unlikely that the attitudes of the student will have been changed permanently when he is returned to the classroom. The teacher must reject the fallacious assumption that the Principal is a Principal because he knows something about student discipline the teacher does not. The Principal is appointed as an instructional leader and he must be given the time and opportunity to exercise that leadership. Relegation of the Principal to the role of assistant teacher for discipline will not allow him to do this.

### **304.13.1**

#### **Staff Use of Restraint and Seclusion Techniques with Students**

A school may permit the use of restraint or seclusion on a student only if both of the following two (2) conditions apply:

1. The student's behavior presents an imminent danger of serious physical harm to the student or others (students, staff, visitors, substitute teachers, contractors, etc.); and
2. Less(er) restrictive intervention(s) appear insufficient to mitigate the imminent danger of serious physical harm.

The use of restraint and seclusion techniques are included in the school-level safe schools plan under the School District Wellness Policy.

#### **Staff Training**

Restraint and seclusion techniques established under the Safe Schools Plan shall only be used and applied by school employees who are trained in the safe and effective use of restraint and seclusion unless an emergency situation does not allow sufficient time to summon those trained school employees.

The restraint technique applied shall not impede the student's ability to breathe or speak. This includes the use of prone restraint in which a student's chest, abdomen or stomach is placed on the floor, wall or another surface and force is applied to the student's back, legs, or head. The restraint technique shall not be out of proportion to the student's age or physical condition.

School employees shall maintain continuous visual observation and monitoring of the student while restraint or seclusion is in use. The restraint or seclusion technique must end when the student's behavior no longer presents an imminent danger or serious physical harm to the student or others.

## **Reporting and Documentation**

At a minimum, procedures for reporting and documentation shall be as follows:

- A school employee shall provide the student's parent/guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent the same-day notification;
- If the school employee does not provide notice on the same day as the incident, notice must be provided within twenty-four (24) hours of the restraint or seclusion; and
- 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. Written documentation must also include specific information about the behaviors and its precursors or antecedents, the type of restraint and seclusion used, and the duration of its use. This information must be provided to the student's parent or guardian within a reasonable time following the incident or restraint and seclusion.

All of these reporting and documentation provisions apply even if non-trained personnel use restraint and seclusion techniques. If law enforcement personnel are summoned in lieu of restraint and seclusion, the school must comply with the reporting, documentation, and review procedures.

### **Review of Procedures After Use of Restraint and Seclusion**

The school shall review strategies used to address a student's behavior if restraint or seclusion are used with individual students two (2) or more times during any thirty-calendar-day period. The review shall include:

- A review and analysis of the circumstances in which restraint or seclusion techniques were used. This should include the antecedents to the dangerous behavior, setting in which the behavior occurred, and people involved in the incident. The consequences of the behavior should be reviewed. The purpose of this analysis is to determine how future incidents of restraint and seclusion may be avoided. In addition, a determination can be made if the student requires a Functional Behavior Assessment (FBA).
- A meeting of the student's Individualized Education Program (IEP) team, Behavior Intervention Plan (BIP) team, or Student Assistance Team (SAT) 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 and seclusion.

Reference: New Mexico Administrative Code (NMAC) 6.12.6.8(D), School District Wellness Policy House Bill 75, June 16, 2017

**Board Adoption: June 13, 2017**

## **304.14**

### **Criminal Acts**

#### **304.14.1**

**Definition** - The following activities are among those defined as criminal under the laws of the State of New Mexico and are prohibited. The school official in charge will immediately remove from contact with other students anyone who commissions a criminal act and thereupon shall contact the parent or legal guardian and the proper legal officials.

1. **Arson** - The intentional setting of a fire.

2. **Assault**- Physical threats or violence to persons.
3. **Burglary** - Stealing of school or personal property.
4. **Explosives** - (illegally used) - Explosives are not permitted on school property or at school sponsored events.
5. **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.
6. **Firearms** (illegally used) - Firearms prohibited on school property or at school sponsored events.
7. **Larceny** - Theft.
8. **Malicious Mischief** - Property damage.
9. **Robbery** - Stealing from an individual by force or threat of force.
10. **Sales or Use or Possession of Alcoholic Beverages or Illegal Drugs** - The commission of or participation in such activities in school buildings, on school property, or at school sponsored events is prohibited. Disciplinary action will be taken by the school regardless of whether or not criminal charges result.
11. **Trespass** - Being present in an unauthorized place or refusing to leave when ordered to do so.
12. **Unlawful Interference with School Authorities** - Interfering with administrators or teachers by force or violence.
13. **Unlawful Intimidation of School Authorities** - Interfering with administrators or teachers by intimidation with threat of force or violence.

**304.16 Cooperation between Law Enforcement Agencies and Estancia Municipal Schools**

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

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

**304.16.3 Official Contact with Students in Schools**

1. Administrative Authorization Required: Law enforcement officers, including investigators employed by public agencies authorized to investigate child abuse, may not be permitted contact with any student except by the Building Principal or his / her designee, or by the Superintendent, and pursuant to the procedures and requirements set forth in this policy.
2. Prior to any student being produced by a school principal for any contact with officers, the principal or his / her designee shall:
  - a) Write down the name, badge number, and agency of the officer(s), together with the date and time of appearance.

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

#### 304.16.4

##### **Administrative Monitoring of Contact with Students**

1. After completion of the Verification, Documentation, and Parental Notification Procedures, and upon Administrative Authorization, as described in this policy, a law enforcement officer may investigate within the school building and upon school grounds and interview students as possible witnesses in the principal's office or other administrative office.
2. The principal or his / her designee shall be present during the interview.
3. Reasonable attempts shall be made to keep the identity of those interviewed confidential.
4. Neither the principal nor his / her designee shall disclose any written statements made or the content of statements given during the interview, except he / she may disclose statements made or the content of statements given during the interview to:
  - a. the student interviewed and to his / her attorney or parents;
  - b. to the district attorney, or other law enforcement agencies; and
  - c. if the principal deems it appropriate to legitimate disciplinary goals, to other school officials.
5. If the investigation focuses on a particular student as a suspect of a crime, the school principal and the police officer shall follow the general guidelines set forth in this policy with respect to interrogation, search, and arrest. In addition, the principal shall follow the advice of the rights provisions of Section II.B, below.
6. The school principal shall keep a record of the procedural steps followed by the police in

conducting interrogations, and any instance in which the principal acts to preclude or terminate an interrogation.

7. All writings and records created pursuant to these procedures shall be retained as part of the school's records.

**304.17**      **Damage or Destruction of School and/or Private Property** - A student shall not intentionally cause or attempt to cause damage to school and / or private property or steal school and / private property.

Damage and / or destruction to any property belonging to the school district or to another student or employee shall be paid for by the individual(s) perpetrating said acts. Parents and / or guardians of the students committing the damage may also be held liable to the extent of and in accordance with prevailing statutes.

**304.18**      **Vandalism Protection Rewards** - As part of the protection from vandalism, the Board of Education will: Offer, and upon compliance with the condition of such offer, to pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts of juvenile authorities of offenders in case of theft, defacement, or destruction of local school district property.

The Superintendent of Schools shall be responsible for recommending reward amounts to be paid by the Board. The payment of a reward will be subject to the availability of funds. The Source of information will remain confidential.

**Board Technical Revision and Adoption: October 10, 2017**  
**Board Technical Revision and Adoption: April 14, 2020**

**304.19**      **The Use, Distribution, and Possession of Prohibited Substances** – The use of any prohibited substances at any time is prohibited in all district property and premises owned, leased, or contracted by the district as well as at all school related activities and events including:

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

**Disciplinary Actions** – Any participant/student observed in violation of this policy on school grounds or at any school sponsored event will be referred to the building administrator for progressive discipline as defined by the School Board approved handbooks and discipline matrix in addition to possible referral for support services and resources.

1. **Tobacco:** The use, possession and/or distribution of tobacco at any time in any form including e-cigarettes, liquid nicotine containers, or vapor cigarettes is prohibited on all school grounds and at all school-related activities and events including:
  - Any activity participant observed\* by a member of the school staff will be:
    - a) **First offense**, turned over to Administration, the head coach advisor and sponsor of any school activity programs(s) in which they participate for disciplinary action.
    - b) **Second Offense**, suspended from participation in all school activities for twenty school days (until further review by the school board\*\*). There will be no carryover from school year to school year.

2. **Drug and Alcohol:** The use of or possession or distribution of alcoholic beverages, mood-altering substances or non-prescription drugs (including the smelling thereof) is prohibited on all school grounds and at all school-related activities and events. Any school or activity participant observed by a member of the school staff at any time will be suspended from all school activities for one semester or for duration of season for sports related activities. \*

\*Violations that are not school or activity related will be referred to school Administration and handled at the discretion of the Administrator, coach, advisor and sponsor of any school activity to which they belong.

\*\*if the offense occurs at the end of a sports season or school year the student will be turned over to the building principal for discipline.

**Board Technical Revision and Adoption: August 14, 2018**

**304.20 Married and/or Pregnant Students School Attendance** - Married and/or pregnant students may attend school and participate in school activities or duties unless the attendance or participation of that student will harm the student's own mental or physical health or the mental or physical health of other students.

**304.21 Students Records**

**304.21.1 Confidentiality** - The schools must make every effort to keep student records confidential and out of the hands of those who might use the records for other than legitimate purposes. Information of a highly confidential and personal nature about students that counselors, teachers, and other school personnel acquire must be respected as confidential. The following guidelines shall control disclosure of the student's educational records:

**304.21.2 Access to Public Records** - Access to public records at Estancia Municipal Schools will follow the policy and procedures established by: (1) Inspection of Public Records Act; (2) Family Educational Rights and Privacy Act, and (3) Code of Federal Regulations.

In accordance with State Statute, it shall be the policy of Estancia Municipal School District to approve or disapprove a request made in writing for access to public records.

It is the intent of the Board of Education that dispute for challenging content of students' records be resolved, if possible, through informal proceedings between the challenger and the Principal. If informal proceedings do not lead to agreement, the parents and eligible students shall have a right to a hearing. The Superintendent shall conduct the hearing. The decision shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and reason for the decision.

**Board Adoption: April 16, 2013**

**304.21.2.1** Certain school system records are open for Public Inspection. These records include, but are not limited to:

- a) Regular or Special Board Minutes
- b) Board Financial Records
- c) Board Fiscal and Business Records

Use of such records must be approved by the Superintendent or designated representative. Requests for inspection or copies of Public Records, pursuant to the Inspection of Public Records Act, Sections 12-2-1 *et seq.* NMSA 1978, must be made through the Superintendent's Office. The Superintendent of Schools or his/her designee shall be the Custodian of Records. The Custodian of Records will respond to requests for inspection or copies of Public Records in accordance with the provisions of the Inspection of Public Records Act.

**304.21.3 Disclosure to the Student Himself** - The student has the right to inspect his academic record and is entitled to an explanation of any information recorded on it.

**304.21.4 Disclosure to Faculty and Administrative Officer of the Institution** - Faculty and Administrative Officer of the school who have a legitimate interest in the material and demonstrate a need to know should be permitted to look over the required records of any student. The contents of the official folder of a student should not be sent outside the Office of the Registrar or other records office except in circumstances specifically authorized by the Principal or other official since copies can readily be prepared.

**304.21.5 Disclosure to Parents, Educational Institutions and Agencies** - Transcripts or grade reports may be released to parents or guardians without prior approval from the student if enrolled in any school in New Mexico.

A request for a transcript or other academic information from another institution of learning, including the military, indicating the reason therefore may be honored as a matter of inter-institutional courtesy. There is no need to secure prior approval from the student.

Requests from research organizations making statistical studies may be honored without prior approval of the student provided no information revealing the student's name is supplied.

**304.21.6 Disclosure to Government Agencies** - Properly identified representatives from federal, state, or local government agencies may be given the following information if expressly requested.

1. Verification of date and place of birth.
2. School or division of enrollment and class.
3. Date of enrollment.
4. Home and local addresses and telephone numbers.
5. Name and address of parent or guardian.
6. Record of grades and attendance to date.

Concerning release of further information, it should be noted that government investigative agencies as such have no inherent legal right to access to students and records.

When additional information is requested, it should be released only on written authorization from the students. If such authorization is not given, the information should be released only on court order or subpoena. If a student is served, the student whose record is being subpoenaed should be notified and that subpoena should be referred to the school's legal counsel.

**304.21.7 Disclosure to Other Individuals and Organizations** - Information furnished to other individuals and organizations should be limited to the items listed below under "Telephone Inquiries" unless the request is accompanied by or transcript release signed by the student.

**304.21.8 Disclosure in Response to Telephone Inquiries** - Extreme caution must be used when any information is released in response to telephone inquiries and should be limited to:

1. Whether or not the student is currently enrolled.
2. The school or division in which he is or was enrolled and his class.
3. Dates of enrollment.

Urgent requests for student information, e.g., address, telephone number, or immediate whereabouts, based upon an apparent emergency, should be handled by the principal, including reference to another appropriate officer or individual.

### 305 Student Welfare and Safety

**305.1 Student Accident Insurance** - Accident insurance may be obtained by all school children that desire to take advantage of or participate in the program at their own expense. The obligation of the Board ends after the insurance is made available for student purchase.

**305.2 Immunization Required** - Immunization requirements of the State Health Department are to be met before a child is admitted to school or exempted according to the law. The following immunizations are required:

1. DPT (Diphtheria, Pertussis, Tetanus) - Series of three plus two boosters (Children six years and older are given DT (Diphtheria, Tetanus)).
2. Polio - Series of three, plus two boosters
3. Measles
  - a) Rubella (10 day), one vaccine  
Male - through high school  
Female - up to 12th birthday
  - b) Rubella (3 day), one vaccine  
Male - up to 12th birthday  
Female - up to 12th birthday

**305.2.1 Exemptions** - Medical or religious exemptions are good for a period not to exceed nine months, on the basis of any one certificate.

**305.2.2 Transfer Students** - Transfer students shall be allowed to enroll conditionally until such time as proof of immunization is received from the former school or licensed physician; provided, however, that such conditional enrollment shall not exceed six (6) weeks from the date of enrollment, and if there is, in the opinion of the principal, a good faith effort to comply with the immunization law.

**305.2.3 Disenrollment** - If satisfactory evidence of immunization is subsequently determined to be incorrect for any reason, and the person enrolled has not completed the required immunizations, or if a person having begun the process of immunization does not submit evidence of completion within the time limits, or an exemption is determined to be invalid, the administrative authority shall commence disenrollment proceedings.

**305.2.4 Records** - A cumulative health record will be maintained in the office of the principal for each child in school through the cooperation of the County Nurse / School Nurse and other available sources. Every child who expects to attend public schools shall comply with state and school health requirements

### **305.3 Administration of Medication**

#### **I. PURPOSE**

The purpose of this Policy is to provide for the administration of medication to Estancia Municipal School (EMS) students during the school day. Where it is necessary for students to take medication during school hours, all applicable laws, rules, and administrative regulations will be followed.

#### **II. DEFINITIONS**

For purposes of this policy, the following definitions apply:



- (1) “certifying practitioner” means a health care practitioner who is licensed in New Mexico to diagnose and recommend medical cannabis as a course of treatment for a qualified student;
- (2) “designated school personnel” means a school employee authorized by the District to possess, store and administer medical cannabis to a qualified student in accordance with this policy and related administrative regulations;
- (3) “health care practitioner” means a person authorized under New Mexico law to prescribe medication for the treatment of associated medical conditions;
- (4) “medical cannabis” means cannabis that is:
  - a) recommended for treatment of a student’s debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act, in a written certification by a certified practitioner;
  - b) dispensed by a cannabis producer that has received approval from the New Mexico department of health to conduct sales of medical cannabis;
  - c) is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:
    - a. may be safely divided into measurable doses;
    - b. is not an aerosol product consumable through smoking or in particulate form as a vapor or by burning;
    - c. is not a food or beverage product;
    - d. is not a salve, balm or other topical product;
    - e. does not require refrigerated storage; and
  - d) is authorized to be possessed, stored, and/or administered in the school setting by a qualified student’s parent/legal guardian in package or container clearly labeled with:
    - a. the student’s name and date of birth; and
    - b. the recommended dosage allotment.
- (5) “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;
- (6) “Prescription” means a qualified health care practitioner’s written information, affixed to the dispensing container of a medication and which includes, at a minimum: (a) name of the medication; (b) date of prescription and prescription number; (c) name of the student for whom the medication is prescribed; (d) name of the prescribing health care practitioner; and (e) dosage and time of administration.
- (7) “Primary caregiver” means a parent, guardian or other person designated by a certifying practitioner as taking responsibility for managing the well-being of a qualified student authorized as a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act.
- (8) “qualified patient” means a person who has:
  - a. been diagnosed by a certifying practitioner;
  - b. received written certification from a certifying practitioner; and
  - c. is currently enrolled in the New Mexico department of health’s medical cannabis program and has received a current and valid registry identification card pursuant to the Lynn and Erin Compassionate Use Act.

- (9) “qualified student” means a student who demonstrates evidence to the District that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis;
- (10) “school setting” means any of the following locations during a school day:
- a. a school building;
  - b. a school bus used within the state during, in transit to or in transit from a school-sponsored activity;
  - c. a public vehicle used within the state during, in transit to or in transit from a school-sponsored activity in the state; or
  - d. a public site in the state where a school-sponsored activity takes place.
- (11) “self-administration” means a student’s authorized discretionary use of his or her prescribed medication(s), pursuant to a prescription from a health care practitioner and in accordance with District policy and procedures;
- (12) “written certification” means a statement written by a qualified student’s certifying practitioner, which is not valid for more than one year from the date of issuance:
- a. in a qualified student’s medical records or in the written treatment plan statement;
  - b. certifying that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act;
  - c. certifying that the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student; and
  - d. signed by the certifying practitioner.

### **III. PRINCIPLES**

In general, it is preferred that prescription medications be administered to students at home. However, if a student’s prescribed medications must be administered during the school day, administrative regulations shall provide guidelines regarding administration of such medications.

Administration of over-the-counter medications (OTC) shall be permitted on EMS property in accordance with administrative regulations.

The Superintendent shall designate at least one locked storage container for the secure storage of medical cannabis, to be accessible only by the Primary Caregiver for a Qualified Student. Administrative regulations shall provide guidelines regarding procedures for use of the storage containers for such medication.

School personnel may not possess, store, or administer medical cannabis. No person may possess, store, or administer medical cannabis in a manner that creates disruption to the education environment or causes other students to be exposed to medical cannabis. No school employee may be disciplined for refusing to administer medical cannabis. The District reserves the right, in accordance with procedures established by the Superintendent, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population.

### 305.3

#### **Administration of Medication**

Prescription and over-the counter (OTC) medication may be administered to Estancia Municipal Schools (EMS) students in accordance with District policy 305.3, and as described below. No other medications, substances, or herbal supplements may be administered by any person on EMS campuses or property under any other circumstances.

Whether prescribed to the student, or not, no student may carry medications except in accordance with this policy.

#### **Administration of Prescription Medication**

While it is preferred that prescription medications be administered to students at home, if a student's prescribed medication must be administered during the school day, a student's parent/legal guardian must submit to the School Nurse a written and signed prescription from the student's health care provider and a written authorization and release for the medication to be given during the school day in a form approved by the District and signed by the student's parent/legal guardian (Written Authorization). The prescription must include the student's name, the name of the medication, doses to be taken, the time the medication is to be administered, the route of administration, and the name of the prescribing health care provider. The information provided in the written authorization must match the information on the prescription. The Written Authorization form may be obtained from an EMS school nurse. Written Authorizations shall be valid only for the current school year.

Upon receipt of the prescription of parent/guardian authorization, four options are available to parents:

1. A parent/legal guardian may visit the school to administer the prescribed medication to the student, in a location approved by the Principal or Principal's designee, and bring the medication to and from school on each visit.
2. Authorized district personnel may administer the prescribed medication which has been delivered to the school nurse by an adult, and is in an original container that is labeled by the prescribing health care practitioner or state-licensed pharmacist.
3. A student who has a medical diagnosis of asthma, an anaphylaxis-associated medical condition and/or diabetes, and complies with the New Mexico Administrative Code (NMAC 6.12.2.9 and NMAC 11.14.05) to self-assess, carry and self-administer related and prescribed medication(s) under specified conditions, shall also be permitted to do so if, in doing so, he or she does not endanger his or her own person or other persons through misuse of the medication. In order to carry such medications, the student's parent/guardian and health care provider must provide appropriate documentation of the student's competence to self-administer the medication.
4. If permitted under the Written Authorization, secondary students may carry and administer their own medications (excluding medication classified as a controlled substance), or may self-administer it under the supervision of the school nurse or authorized school personnel, as documented by the student's health care practitioner.
  - a. Secondary students who are permitted to self-administer prescription medication must carry the medication in an original container that is labeled by the prescribing health care practitioner or state-licensed pharmacist and may carry only the dosage necessary to be taken during school hours. With the exception of medication for asthma, an anaphylaxis-associated medical condition and/or diabetes that complies with the New Mexico Administrative Code (NMAC 6.12.2.9 and NMAC 11.14.05), Students may carry only the quantity of medication needed for one day at a time.
  - b. Secondary students who are permitted to self-administer prescription medication must provide documentation from their medical provider that they have been instructed in how to properly

administer their medication at school, as coordinated between the student, parent/legal guardian, the medical provider, licensed school nurse and any other school employees who may assist and/or supervise the administration of the prescribed medication.

EMS will not send excess prescription medications home with a student. A parent/legal guardian shall be notified to pick up any excess medication. Any medication left at the end of the last day of the school year shall be destroyed in accordance with state nursing protocols.

### **Administration of Over-the-Counter Medication**

Over-the-counter medication that must be administered on a regular basis must be prescribed by a licensed health-care professional and may be administered in accordance with the District policy and regulations for prescription medication.

For administration of over-the-counter medication on an “as needed” basis by the school, a student’s parent/legal guardian must submit to the School Nurse a written authorization and release for the medication to be given during the school day in a form approved by the District and signed by the student’s parent/legal guardian (Written Authorization). The Written Authorization must include the student’s name, the student’s age, the name of the OTC medication, and the time and frequency of the OTC medication to be administered, as appropriate. The information provided in the Written Authorization must be consistent with the dosage amount specified on the OTC medication. Such Written Authorization forms may be obtained from an EMS school nurse. Written Authorization forms shall be valid only for the current school year.

School nurses will administer OTC medications. OTC medication for student use is to be provided to the school nurse by the student’s parent/guardian. OTC medication should be provided by the parent/guardian in the original unopened manufacturer container. It is recommended that the smallest container available be provided to the school.

The determination of the need for an OTC on an “as needed” basis must be made by the licensed school nurse. If it is likely that an OTC will alleviate the student’s discomfort and allow him/her to return to school participation, then the school nurse may choose to administer or delegate the administration of the OTC medication. Unlicensed trained designees may collect data and report to the school nurse to assist him/her with the determination of the need for OTC medication.

As determined by the school nurse, secondary students may be permitted to self-administer OTC medications; however, such OTC medications must be in their original containers and the students may only carry only the dosage necessary to take during school hours, for one day at a time.

### **Emergency Medications**

EMS campus staff are to be trained in the identification of emergent symptoms that might necessitate the need for the emergency medications, or medical emergency services, including diabetes awareness, signs and symptoms of hypoglycemia and hyperglycemia. The most common emergency medications in the school setting are epinephrine, albuterol, glucagon, seizure medications, and oxygen.

A student’s parent/guardian must provide medication orders and guidelines from the student’s licensed health care provider regarding the circumstances under which emergency medications

should be administered. These orders and guidelines should be included in the student's individualized emergency care plan and signed by the parent/guardian. Such plans are to be developed in collaboration with the student, parents, primary care provider, and appropriate school staff.

Where necessary, school campuses may identify unlicensed personnel to be trained to assist with emergency medications in the absence of a school nurse. However, where appropriate, a 911 response might be the most appropriate solution for emergency response needs in the absence of a licensed health care provider to administer care.

### **Administration of Medical Cannabis**

No EMS employee may administer medical cannabis to qualified students, nor may any EMS employee store or possess such medical cannabis. However, each campus shall have a designated secure area to store medical cannabis in each school's office, and shall designate a location for the administration of medical cannabis. Medical cannabis to be possessed, stored and administered pursuant to this policy may only take the form of a non-refrigerated capsule, extract, or concentrate that is ingested orally and that is not inhaled in particulate form as a vapor or by burning.

Medical cannabis may only be possessed, stored and administered by the Primary Caregiver of a qualified student, in accordance with state law, district policy and this regulation.

Prior to any possession, storage, or administration of medical cannabis on EMS property, parents or legal guardians of a qualified student must provide the Principal with the following for the current school year: 1) a copy of the qualified student's valid, signed written certification for use of medical cannabis pursuant to the Lynn and Erin Compassionate Use Act; 2) a copy of the qualified student's New Mexico Department of Health (NMDOH) issued ID card, which includes the name of the primary caregiver; 3) a written treatment plan, prepared by the student's health care practitioner, and approved by the Campus Administration, that affirms the student's qualifying debilitating medical condition, provides the recommended dosage allotment and frequency of administration, and is signed by the primary caregiver and the certifying practitioner; 4) a signed HIPAA authorization that permits the school to obtain current information from the NMDOH regarding the enrollment status of the qualified student in the NMDOH's Medical Cannabis Program; and, 5) a written statement from the qualified student's parent or legal guardian in the form approved by the District releasing the District, school, and school personnel from liability.

A written certification and a written treatment plan shall be valid for no more than one year from the date of issuance and shall be presented to the school at, or prior to, the beginning of the school year for which the written certification and written treatment plan shall apply, or prior to the date the student begins attendance at EMS.

Upon receipt of such documentation, the campus Principal shall assign to Primary Caregiver of a qualified student for that current school year only a secure locking container, in an area designated by the Superintendent or Superintendent's designee. A parent or legal guardian will create his/her own password for the safe and may store no more than the amount of cannabis necessary to fulfill the Qualified Student's treatment plan for 1 week, in its original, sealed packing or container, in the assigned safe. All packaging must contain the percent of CBD and THC in the medication, as well as the total volume or weight of the medication.

All administration of medical cannabis to qualified students shall be in accordance with the written certification for use of medical cannabis and the written treatment plan from the student's health

care practitioner. No student may possess, store, or self-administer medical cannabis, and no Primary Caregiver, parent, or legal guardian may possess, store, or administer medical cannabis to a qualified student in a manner that disrupts the educational environment or causes other students to be exposed to medical cannabis. Likewise, no student may possess, use, distribute, sell or be under the influence of a cannabis product in a manner that is inconsistent with the provisions of state law, district policy and district regulation.

All medical cannabis to be possessed, stored and administered to a qualified student, in accordance with this regulation, shall be in a new package or container from an authorized dispensary with clearly labeled identifiers including the qualified student's name, date of birth, and dosage allotment. A primary caregiver must pick up all unused medical cannabis at the end of each school year, and/or upon a qualified student's disenrollment, withdrawal, transfer, or graduation.

A Qualified Student who uses medical cannabis in the morning before school, at school, or during a school event, will not be permitted to drive a motor vehicle on District property. No student may possess, distribute, or sell cannabis. No student may use or be under the influence of a cannabis product in a manner inconsistent with provisions of the Lynn and Erin Compassionate Use Act.

In the event of spillage or waste of medical cannabis in the School Setting, on that same day, the primary caregiver must be notified and must clean up and remove the cannabis completely and document same.

No school employee who refuses to possess, store, or administer medical cannabis under this regulation, and related district policy, shall be disciplined by EMS.

#### **Administration of Non-FDA Approved Substances**

EMS does not permit the possession or administration of any non-FDA approved substance – including but not limited to essential oil, herbal substances or anabolic steroids – on school property by students, district personnel, or by parents/legal guardians.

Where such substances are prescribed by a licensed health care provider, EMS may obtain a medical opinion from the New Mexico Department of Health Regional Health Officer prior to proceeding with the administration of such substances.

#### **Administration of Medication at Athletic Practices and/or School-Sponsored Trips/Events**

A student's parent/legal guardian must submit to the licensed athletic trainer (for athletic events) or the school nurse (for other school-sponsored trips/events) a written and signed prescription from the student's health care provider and a written authorization for the administration of any medication that must be taken during the athletic practice, trip, or event.

If such authorization provides for self-administration, a student may self-administer his/her own medication without supervision. Where a student is unable to self-administer, a licensed athletic trainer shall administer the prescribed medication to the student.

#### **Storage**

Medications are to be stored in a locked cabinet in a designated, secure area on each campus. Where a medication must be refrigerated, it must be kept in secure, designated, non-food contained refrigerator, in the original labeled containers provided by the dispensing pharmacy/provider, at a temperature maintained between 36- and 46-degrees Fahrenheit.

Emergency medications (e.g. Epinephrine, Albuterol, Glucagon, Diastat, Intranasal Midazolam) are an exception to this general storage rule, as such medications must be accessible to adult educational staff for quick retrieval during the school day. All medications, including emergency medications, are to be stored and locked at the end of each school day. All controlled substances are to be stored in a double locked narcotic system that is equipped with two separate locks and keys.

### **Documenting Medication Administration at School**

Each dose of medication that is administered, or self-administered by the student and witnessed by school staff, is to be documented in ink or electronically on a Medication Administration Record (MAR). The MAR is a permanent health record and is subject to all confidentiality policies and laws.

Documentation of a medication administration in a MAR is to be done by the person administering the medication, or observing the student's self-administration. All handwritten MARs are to be corrected by drawing a single line through the error, recording the correct information, then initialing and dating the corrected entry, as with any medical record. If a MAR is contained in the electronic student health record, use strike-over to reflect the information in error, then enter correct information that reflects when and by whom the error was corrected.

MARs must include the following information:

- Student's name
- Prescribed medication and dosage
- Schedule for medication administration
- Name(s) and signature(s)/initial(s) or electronic identification of individual(s) authorized and trained to administer and/or supervise the self-administration of medications

The Model Medication Administration Record found in the NM School Health Manual may be used to effectuate this provision of the policy.

### **Training**

EMS shall provide annual training on the district's medical cannabis policy and procedures.

### **Confidentiality**

The Family Educational Rights and Privacy Act (FERPA) is the federal law protecting the privacy of students and their educational records. Health records maintained by EMS and school employees are education records that are protected by FERPA and so must be kept confidential.

Information regarding student health information should be shared with school personnel only where those individuals require such information for a legitimate educational purpose and/or as needed to assist with medication administration.

**Board Technical Revision: October 8, 2013**  
**Board Adopted Revision: July 2, 2019**  
**Board Adopted Revision: August 5, 2019**

**305.4 Education of Students Who Have or Are Carriers of Communicable Diseases**

**305.4.1 Health and Safety of All Students** - The local Board recognizes that the health and safety of the

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

**305.4.2 Rights of Students** - No student, otherwise qualified to attend the schools of this District, shall be denied admission, suspended, expelled, segregated, restricted from curricular or extra-curricular activities, have his / her educational program changed nor otherwise be denied the benefits of the educational program as a result of the student being a carrier of or having any communicable disease, unless the procedures specified herein have been followed.

**305.4.3 Testing / Screening** - The District will not require mandatory testing or screening of students for communicable diseases as a condition precedent to registration or admission to school, either initially or annually. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease, such student may be required to submit an appropriate medical examination, at the expense of the District. Questionable cases will be at the discretion of the school's nurse.

**305.4.4 Communicable Diseases Defined** - For the purposes of this policy, "communicable diseases" are defined as diseases that can be transmitted from person to person and include, but are not limited to, the following:

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

**Vaccine-Preventable Diseases Child / May Not Return to School Until**

- |                                 |   |
|---------------------------------|---|
| 1) Measles (Rubeola)            | five (5) days after rash begins   |
| 2) German Measles (Rubella)     | until seven (7) days after rash begins  |
| 3) Whooping Cough (Pertussis)   | until patient has been on anti- biotics for at least five (5) days                            |
| 4) Mumps                        | until nine (9) days after glands swell  |
| 5) Diphtheria                   | until therapy is complete <u>and</u> student has had two (2) negative cultures for diphtheria |
| 6) Haemophilus <u>influenza</u> | until on antibiotics for 24 hours   |
| 7) Polio                        | until cleared by Department of Health   |

**2. Other Communicable Diseases:**

- |   |   |
|---|---|
| 1) Chickenpox (Varicella)                                     | lesions are crusted; at least five (5) days   |
| 2) Diarrhea due to <u>Shigella</u><br>or <u>Campylobacter</u> | diarrhea and fever are absent   |
| 3) Diarrhea due to <u>Salmonella</u>                          | 3 consecutive negative cultures; cultures <u>typhi</u> (Typhoid Fever) must be done at least one (1) month after the onset of illness |



- |  |   |
|--|---|
| 4) Acute Hepatitis A                       | seven (7) days after jaundice begins                      |
| 5) Fifth Disease<br>(Erythema Infectiosum) | seven (7) days after rash begins                          |
| 6) Acute Conjunctivitis<br>eyes / redness  | on antibiotic drops for 4 days and drainage from resolves |

**c. Chronic Communicable Diseases**

- |   |  |
|---|--|
| 1) Tuberculosis (Active)  | on effective therapy for twenty-one (21) days and have negative cultures |
| 2) Human immunodeficiency virus (HIV) infection including AIDS) | (no exclusion)   |
| 3) Hepatitis B <u>carrier</u> (only carriers are of concern)    | (no exclusion)   |

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

**305.4.6 Student Absence Due to Acute Communicable Disease** - For acute communicable diseases, parents or guardians shall absent their children from school during the contagious period. Parents or guardians may voluntarily choose to absent their children from school, without compliance with the procedures of Paragraphs 8 through 13 hereof, for any period during which the student's condition is infectious, provided that such absence is supported by a statement to that effect prepared by a medical doctor or other competent medical professional. In the event that the parents or guardians refuse to voluntarily absent the infectious student from school, the principal shall suspend the student for up to 10 school days, following procedures governing short term suspension of students. A determination as to whether alternative instruction will be provided during such absences will be made on a case-by-case basis, based upon other policies of the local Board, the length of the absence, the severity of the condition and other factors considered relevant by school authorities.

**305.4.7 Attendance Decisions Regarding Chronic Communicable Diseases** - Any decisions affecting the educational program or attendance of a student who is a carrier of or who has a chronic communicable disease will be based upon competent medical advice and will balance the rights of the infected student against the legitimate interest of the District in protecting the health and safety of the remaining students.

**305.4.8 Committee Decisions for Carriers of Communicable Diseases** - Decisions concerning the educational program and placement setting for those students who have or are carriers of chronic communicable diseases will be made by a committee (hereinafter "the Committee") composed of the following: (1) the child's physician; (2) the child's parents or legal guardians; (3) the superintendent or his / her designee; (4) the District Health Officer as defined in Section 24-1-4, NMSA 1978; and (5) any other person, to be appointed by the Committee.

**305.4.9 Program / Placement Setting Determination** - In determining the educational program and placement setting for any student who has or is a carrier of a chronic communicable disease, the following factors will be evaluated: (1) the nature of the disease; (2) the age of the student; (3) the

behavior of the student; (4) the neuralgic development of the student; (5) the physical condition of the student; (6) the expected type of interaction.

which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms; (8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom he/she will interact; and (10) any other pertinent factor reasonably related to the decision.

**305.4.10 Educational Program / Placement Restrictions** - An unrestricted educational program and placement setting will be the primary goal for any student who has or is a carrier of a chronic communicable disease. Restrictions upon a student's educational program and / or placement will be imposed only when the Committee determines that the risk of an unrestricted program and placement outweigh the benefits which the student may receive from an unrestricted program.

**305.4.11 Educational Program / Placement Re-evaluations** - The educational program and / or placement setting established by the Committee for any student who has or is a carrier of a chronic communicable disease will be re-evaluated, and modified as necessary, as often as the circumstances require, but in no event will the educational program and / or placement setting continue without re-evaluation at least once per school year. Any re-evaluation will be done by the Committee taking in to account those factors listed in Paragraph VII. 3.9.

**305.4.12 Student's Right of Confidentiality** - The number of personnel who are aware of the student's condition shall be kept to an absolute minimum needed to assure proper care of the child and to deal with situations where the potential for transmission may increase (e.g., where there is a bleeding injury. All school personnel and all members of the Committee appointed according to the provisions of this policy shall maintain the student's right to confidentiality with respect to the fact that the student has or is a carrier of a chronic communicable disease, and with respect to any records, documents, statements, letters or memoranda developed or prepared by the Committee; provided, however, that nothing herein shall prohibit or prevent the disclosure of information that may be permitted or required by state or federal law or regulations promulgated there under.

**305.4.13 Hearings** - The parents or guardians of a student who has or is a carrier of a chronic communicable disease aggrieved by a program or placement decision made pursuant to this policy may appeal that decision to the local Board of Education by requesting a hearing, in writing, within 10 calendar days of the program or placement decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. The decision of the local Board shall be final. Nothing herein shall be construed as limiting the rights of parents of special education students under federal or state regulations and to the extent that such regulations are inconsistent with this policy, the federal or state regulation shall prevail.

**305.5 Responsibility** - Health Services of the School District are primarily through cooperation with the County Health Department and the School Nurse. Each principal may contact the office of the County Nurse when necessary.

The services will be made available to all children as permitted and with the County Nurse / School Nurse. The services rendered at school are a supplement but are no substitute for the health care the parents should provide.

**305.6 Head Lice** - To assist in the prevention and management of head lice, the following steps will be taken:

1. Any student with live lice or nits will be dismissed to the parents for immediate treatment.
2. Prior to returning to school after treatment, the student must be examined by the school nurse. The student may be readmitted to school if upon examination by the school nurse there are no live lice or nits on the child.
3. The school nurse will periodically check children who have encountered lice and/or nits to see if retreatment is necessary.

4. The school nurse may check other students for head lice if one or more cases of head lice are found in a classroom.
5. Homework will be provided to students.
6. CYFD will be notified on repeat cases.

**Board Adoption: January 11, 2011**

- 305.7 School Bus Drivers/Pupil Transportation** - The Standards for School Bus Operations, Regulation No. 95-5, provided by the New Mexico Public Education Department, is the guide to be followed. It shall be the duty of bus drivers to implement all regulations governing the transportation of students at all times while he / she is operating a bus while transporting students.
- 305.7.1** The school bus driver is in full charge of pupils when they are riding the bus. The driver shall make efforts to resolve student misconduct problems. Unresolved discipline cases shall be reported to the student's Principal.
- 305.7.2** Each school bus driver shall be concerned for the safety of the individual child who rides his / her bus. The driver must be a considerate person who will appreciate the cooperation of the passengers in all matters that will result in a successful transportation year.
- 305.7.3** Bus drivers shall not use wireless communication devices, ie., cell phones, hands free communication devices, or send, receive or read text messages while driving and/or supervising the loading and unloading of students.

**Board Technical Revision and Adoption: December 14, 2010**

**Board Revision and Adoption: August 14, 2007**

- 305.8 Activity Trips** - Activity trip driver(s) shall be assigned by the Administration for the purpose of transporting of students to and from a school-sponsored activity.
- 305.8.1** Two activity bus drivers shall be assigned when the school-sponsored activity would require a driver to be continuously on duty longer than eight (8) hours as a driver of the activity bus.
- 305.8.2** Rest stops on activity trips in a duration of four hours or more shall be scheduled by the sponsor of the activity bus.
- 305.8.3** On activity trips using the activity bus, a sponsor other than the driver shall be responsible for the students.
- 305.9 Vehicles** - School owned vehicles used on activity trips will meet the inspection requirements established by the New Mexico Public Education Department School Bus Transportation Division and by law. Private conventional vehicles, when used, will meet all requirements established by law.
- 305.9.1** Liability Insurance coverage shall be provided by the School District for school-owned vehicles. Coverage will include medical provisions in case of accident. Private conventional vehicles must have liability insurance coverage.
- 305.10 Emergency and / or Accident Procedures** - All laws and regulations of the School Bus Transportation Division covering emergency and / or accidents shall apply to school activity trips.
- 305.10.1** The driver shall contact the Building Principal and Superintendent of Schools as soon as possible in case of emergency and / or accident.
- 305.10.2** Parents shall be notified by the Administration in case of emergency and / or accident

## **305.11 Field Trip Policy**

**305.11.1** Class visits to places of cultural or educational significance give enrichment to the lessons of the classroom. To insure the desired outcome of such trips, teachers should prepare the pupils for the place that is to be visited and the things that are to be seen. A discussion should be held regarding the purpose(s) and the goal(s) of the trip.

**305.11.2** Permission Slips. The written consent of parents must be obtained for every child participating in a field trip. Permission slips must inform parents of the following:

1. Name, location and date(s) of event.
2. Cost to the student.
3. Mode of transportation to be used.
4. Name of the supervisor overseeing the activity.
5. Parents' responsibility.

**305.11.3** Transportation - Whenever possible, bus transportation should be provided. An approved school bus must be used any time the school sponsored activity involves more than 9 students or would require more than one school owned or private vehicle to transport students.

For activities involving 9 or less students, vehicles (school owned or private) with a rated capacity of 9 or fewer, may be used for an activity trip, provided the vehicle meets all applicable requirements of Federal Motor Vehicle Safety Standards for its category.

Each driver and / or chaperone should be given a copy of the approved itinerary including the route(s) to be followed, procedures for loading and unloading students on the route, and a summary of their responsibilities.

For trips other than NMAA sanctioned Athletic and Activity Trips, supervision of one (1) adult per ten (10) students is required.

All occupants should use seat belts, and vehicles should not be retro-fitted with three-point seat belts.

The following safeguards must be followed:

1. A check of the driver through motor vehicle records.
2. Evidence that the vehicle is in safe condition.
3. Documentation of a vehicle maintenance program for school owned vehicles.
4. Records indicating pre and post trip inspections of the vehicle.
5. Documentation that the vehicle is adequately insured.

**Board Technical Revision: April 15, 2014**

**305.11.3.1** Bus Supervision Procedures/Guidelines:

- 1) Students must remain in their seats at all times when the bus is in motion.
- 2) Chaperones/Sponsors/Teachers/Coaches must be seated strategically to effectively monitor the middle and rear of bus. This requires an adult seated at the rear of the bus as well as active monitoring of student interactions and conversations.
- 3) Males and females must be separated into front and back of bus with chaperones in between.
- 4) Rules must be reviewed on the bus prior to departure for each trip.
- 5) Inappropriate behavior on the bus can result in loss of privilege for the year. Should the violation occur at the end of the year loss of privilege will apply to the following year.

Consequence will be determined based on the level of the infraction as determined by the discipline matrix.

- 6) Any issues or concerns on the bus must be reported immediately to the Coach/Sponsor/Teacher/Chaperone. The Coach/Sponsor/Teacher/Chaperone will report any concerns in writing to the Principal or Athletic Director/Coordinator.
- 7) Use of personal technology on any school sponsored activity must follow the District Acceptable Use of Technology Policy. Misuse of technology will result in disciplinary action.
- 8) Chaperones/Sponsors/Teachers/Coaches should walk the aisle at least every 10 minutes to ensure student behavior is acceptable. Monitoring by Coaches/Sponsors/Teachers/Chaperones should take place at different intervals and times.

**Board Adoption: April 15, 2014**

#### **305.11.4**

Field Trips by Private Vehicles - The use of private vehicles is strongly discouraged. However, if a private vehicle is used, the policy regarding Transportation applies, as well as the additional items noted here.

If parents or volunteers occasionally assist the District by transporting students in their own vehicles on field trips, it should be made clear that the District DOES NOT provide insurance coverage for their driving and transporting school children.

There is coverage for the District in the above situation, but such coverage is secondary to the parent's or volunteer's insurance, and is in excess of the limits of their policy.

The use of private vehicles should be discouraged - If a private passenger vehicle must be used, the following criteria should be verified:

1. The driver must be 21 years of age or older.
2. The driver must have a valid, non-probationary driver's license and no physical disability that may impair the ability to drive safely.
3. The vehicle must have a valid registration.
4. The vehicle must be insured for liability as required by law: \$100,000 / \$300,000 / \$50,000 or more is the preferred coverage.

A signed "Field Trip by Private Vehicle" must be submitted to the principal and superintendent for each vehicle used.

#### **305.12**

##### **Service Animals**

We are dedicated to protecting the health and well-being of our community. Some students are highly allergic to certain animals. Animals can also spread disease, or behave in dangerous or unpredictable ways that can cause injury to persons with whom they come into contact. For this reason, pets are not allowed on school campus.

##### **Service Animal Exception**

Service animals are not pets. Estancia Municipal School District (EMSD) does not discriminate on the basis of disability. Persons with disabilities have the same right as the able-bodied to the use and enjoyment of our school. SCPS strives to make reasonable accommodations for a disabled person's use of a service animal on school property. Service animals are permitted in any areas where their service owner is normally permitted; however, they must be appropriately and humanely cared for, and properly handled. Any person who wishes to bring an animal into the classroom must receive prior permission from the principal. The following guidelines shall apply to service animals in the schools:

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:
  - 1) Is the service animal required because of a disability?
  - 2) What work or task has the service animal been trained to perform?
 Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.
- Only the designated student may handle the service animal.

#### **A. Requirements for service animals on School Property (on a continuing basis)**

Request: A person who wants to be accompanied by his/her service animal on a continuing basis must make a prior written request of the school's principal if the service animal will come onto school property. For all other school division facilities, such requests should be made to the Superintendent. When a service animal accompanies a student as an Individualized Education Program (IEP) or 504 Plan accommodation or renewal process. When a service animal accompanies a school division employee, this **request may be updated during the employee's annual review.**

Health: The service animal must be in good health. The owner or handler of the animal must submit documentation to the school principal each school year from a licensed veterinarian of the following: a current veterinary health certificate and proof of the service animal's current vaccinations and immunizations. When a service animal accompanies a student as an IEP accommodation, the documentation may be submitted at the student's annual IEP meeting.

Condition: Service animals must meet the following conditions:

- Be clean, well-groomed and does not have an offensive odor,
- Does not urinate or defecate in inappropriate locations,
- Does not solicit attention, visit or annoy any students or school personnel,
- Shows no aggression towards people or other animals,
- Does not solicit or steal food or other items from the students or school personnel and,
- Must not interfere with the educational program of any student.

#### **B. Supervision and Care of Service Animals**

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. A service animal must be under the control of its handler at all times. The service animal must have a harness, leash, or other tether. If a student is unable to handle the service animal him/herself, a handler must be provided by the parent or the service animal is not allowed in or on school grounds. If the handler happens to be absent for any reason, the service animal cannot attend that day either.

#### **C. Damages to School Property and Injuries**

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

Staff members or students who have been bitten by a service animal shall report such incident to the principal and the office immediately. The principal shall notify the public health authorities if the injury merits medical follow-up. Public health authorities shall determine the appropriate action and period of confinement for a service animal if an injury has occurred. Any animal involved in serious injury must be impounded until authorization release is granted by health authorities.

#### **D. Removal of Service Animals from School Property**

In accordance with the Americans with Disabilities Act, allergies and fear of dogs are not valid reasons for denying access to people using service animals. When a person who is allergic to a service animal and a person who uses a service animal must spend time in the same room or facility, they should both be accommodated by assigning them, if possible, to different locations within the room or to different rooms within the facility. A school administrator may only require an individual with a disability to remove a service animal from school property under the following circumstances:

- 1) The animal is out of control and the animal's handler does not take effective action to control it;
- 2) The animal is not house-broken;
- 3) The presence of the animal poses a direct threat to the health or safety of others; or
- 4) The presence of an animal would require a fundamental alteration to the service program, or activity of the school division. If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal with other accommodations

#### **Denial of Access and Grievance**

If a school official denies a request for access of a service animal or a dog in training, the Individual with the disability or parent or guardian can file a written grievance with the School division's Section 504 Coordinator.

**Board Adopted: April 15, 2021**

**ESTANCIA MUNICIPAL SCHOOL DISTRICT  
SERVICE ANIMAL REGISTRATION/AGREEMENT**

\_\_\_\_\_  
Owner of animal

\_\_\_\_\_  
Student or Staff member receiving assistance from animal

Type of Service Animal:

\_\_\_\_\_ Dog \_\_\_\_\_ Other: \_\_\_\_\_  
Name of Animal

I have read and understand the School District's Service Animals procedure. I will abide by the terms of this procedure. I understand that if my Service Animal is: out of control and/or the animal's handler does not effectively control the animal's behavior; not housebroken or the animal's presence or behavior fundamentally interferes in the functions of the School District; or, poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications, the School District has the discretion to exclude or remove my Service Animal from school property. I agree to be responsible for any and all damage to School District property, personal property, and any injuries to individuals caused by my Service Animal. I agree to indemnify, defend and hold harmless the Estancia Municipal School District from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by my Service Animal.

\_\_\_\_\_  
Signature: Service Animal Owner Date: \_\_\_\_\_

\_\_\_\_\_  
Signature: Superintendent or Designee Date: \_\_\_\_\_

Note: This Registration/Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year, whenever the student changes schools or the employee changes his/her place of assignment, or when the individual accompanied by the service animal desires to use a different service animal.



**ESTANCIA MUNICIPAL SCHOOLS  
SERVICE ANIMAL ACCESS REQUEST CHECKLIST**

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

Student: \_\_\_\_\_ DOB: \_\_\_\_\_

Could the student's needs be met by an adult in the school system?

\_\_\_\_\_ YES \_\_\_\_\_ NO

Explain why the student's needs could not be met by an adult in the school system.

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Is the animal a trained Service Animal (hearing, seizure alert, mobility, autism, etc.)?

\_\_\_\_\_ YES \_\_\_\_\_ NO

Type of Service: \_\_\_\_\_ Type of Animal: \_\_\_\_\_

Does the animal perform task(s) or function(s) that mitigate the student's disability?  
(hearing, guiding, retrieving objects, carrying objects, pulling a wheelchair, opening doors,  
seizure alert, allergen alert, diabetes, balance/mobility, preventing behaviors) Identify:

---

Does the animal and its primary handler have proof of training? \_\_\_ YES \_\_\_ NO

Certificate from ADI member organization provided? \_\_\_ YES \_\_\_ NO

Does the animal have a current health certificate? \_\_\_ YES \_\_\_ NO

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Phone: \_\_\_\_\_

Handler's Name: \_\_\_\_\_

Handler's Address: Handler's Phone: \_\_\_\_\_

The handler has had a background check and is qualified to be on school grounds?

\_\_\_ YES \_\_\_ NO

Based on observation is the animal (Check all that apply):

\_\_\_\_\_ Dog is clean, well-groomed and does not have an offensive odor;

\_\_\_\_\_ Dog does not urinate or defecate in inappropriate locations;

\_\_\_\_\_ Dog does not solicit attention, visit or annoy any member of the general public;

\_\_\_\_\_ Dog does not vocalize unnecessarily, i.e., barking, growling or whining;

\_\_\_\_\_ Dog shows no aggression towards people or other animals; and

\_\_\_\_\_ Dog does not solicit or steal food or other items from the general public.

## 306 Student Activities

### **GUIDING PRINCIPLES**

The purpose of establishing and supporting athletics and activity programs, extra-curricular and/or co-curricular, is to provide opportunities beyond the academic programs for students to develop their talents, interests and skills in a supportive learning environment that fosters the development of respect, fairness, trustworthiness, citizenship, caring and responsibility. These six pillars of character are the basis for allowing students to test themselves with and against their peers, thus giving them ample opportunity to ultimately find their place in society where they can excel as responsible citizens, leaders, team players, parents, and community members. Towards that end, the ideals of sportsmanship, competition, effort, pride and responsibility in being a member of a team or organization, are the pillars of the foundation for a successful adult life.

Participation is a privilege offered to students, and is not an inherent right. With participation comes the responsibility of making a commitment to fully engage all aspects of a program from practice, to game or competition events, and to abide by all rules and behavior standards expected of a member in good standing. In support of providing many opportunities for a student to choose to participate in, it is recognized that there will be times when scheduling conflicts will occur between various activities and athletic seasons and competitions. It is the responsibility of the student to inform the coaches and sponsors involved of their total intended commitment and potential conflicts at the beginning of the season. The student with support of their parent(s) or guardian(s) will determine which event takes precedence, have it documented and fully understood, signed by all involved persons, and maintained on file in the Coordinator's office. Coaches/sponsors will have the final determination on the student's participation in specific events, based upon readiness to participate and fairness to other members of the team or activity; but, in no instance shall a student be punished for selecting one event over another. It is also demanded that the coaches and sponsors will actively embrace these principles so that students feel supported to make their school years as broad and enriching an experience as possible.

Students, school personnel, parents and community members are representatives of our school and community. Rules of conduct and good sportsmanship are expected of all, at all times, to exemplify that high standards will be maintained. Failure to abide by these principles will result in loss of privilege to participate.

### **Board Technical Revision and Adoption: July 08, 2008**

**306.1 Estancia Secondary Schools Athletic and Activity Code** - The official school colors of Estancia Municipal Schools will be Red and White. Royal Blue may be used as a trim or highlight color, so long as the colors are predominantly Red and White. The design and colors of all athletics/activity uniforms will require the approval of the Principal prior to their purchase. Non-conforming uniforms existing at the time of adoption of this policy shall remain in use until their scheduled replacement when they shall be replaced with uniforms which meet policy. The official Mascot of Estancia High School and Estancia Middle School will be the Bear, and the official Mascot of Estancia Elementary Schools will be the Cub.

**306.1.1 Estancia Secondary Schools Philosophy of Activities** - The philosophy of the Estancia Secondary Schools interscholastic program is that all students be provided with a wide range of opportunities for development with and beyond the academic program. We believe that activities are an integral part of the educational process, offering many opportunities for mental, social, and physical growth.

Participation in activities is a **privilege** offered to students; it is not an inherent right. Participation in any of these programs demands a major commitment, not just during practice or competition, but at all times in order to be prepared mentally and physically to do their best.

Students, school personnel, and community-school assistants are representatives of their school and community. Their conduct is expected to exemplify high standards at all times.

**306.1.2 Goals of the Estancia Secondary Schools Athletic / Activity Program.** It shall be the goal of Estancia Secondary Schools to provide and to teach each participant the following:

1. A feeling of positive self-worth and the attitude of self-discipline.
2. An opportunity to develop the participant's full physical, mental, and emotional potential.
3. An opportunity to compete with and against others in preparation for a competitive society.
4. A sense of responsibility towards the organization, school, and community.
5. A standard of values and ethics which demonstrate sportsmanship and positive representation of school and community.

**306.1.3 Athletic / Activity Guidelines**

1. A student is subject to the general laws of the community and regulations of the Secondary Schools.
2. A participant, by participating in an activities program, agrees to abide by and be subject to the activities regulations of Estancia Secondary Schools and the Articles and Regulations of the New Mexico Activities Association (NMAA).
3. It is the responsibility of each participant to understand and comply with all Secondary Schools regulations.
4. It is understood that it is impossible to have a regulation for every possible circumstance. Coaches/sponsors and administrators shall use discretionary judgment in dealing with individual situations not covered by a specific written regulation.

**306.1.4 Eligibility and Participation**

1. Any student who is in good academic standing, who meets the requirements of the NMAA, and whose conduct conforms to general school policies may participate in athletics / competitive activities.
2. Realizing that academics is the prime reason for public education, the following eligibility requirements are set:
  - a. Student must be passing all classes.
  - b. A student must have a grade point average of 2.0 or better.
  - c. Ineligible students must follow NMAA guidelines.
  - d. It is the policy of the Board of Education not to allow participation of 8<sup>th</sup> graders in High School competitive sports. The Superintendent may override this policy on an emergency basis if the need is based upon extreme hardship conditions as determined by the Superintendent. If a coach recommends that an 8<sup>th</sup> grade student be allowed to compete at the high school level based upon extreme hardship, the coach must obtain the approval of the Athletic Coordinator/Principal and the Superintendent prior to student athlete participating in any event. Failure to comply with this policy on the part of a coach will result in immediate suspension of duties.

3. Before a student may be issued athletic equipment or can begin practice, the student must provide proof of the following:
  - a. Acknowledgment of Injury form signed by the parent / guardian and student. Also, acknowledgment that both parents and student understand the regulations of the sport involved in.
  - c. Proper insurance coverage.
  - d. Positive physical examination report from a medical doctor.
4. Students are required to attend all scheduled practices for participation. If circumstances should arise whereby a student cannot attend practice, the student must notify the coach / sponsor prior to the practice through personal contact or arrange for notification by his / her parents / guardians through a written statement or telephone call. The coach / sponsor must determine the validity of any missed practice.
5. In order for students to participate in athletics / activities contests, he / she must attend all classes that day up to the departure time set by the coach / sponsor. Unusual circumstances (i.e., medical or dental emergency) will be handled on an individual basis with the coach / sponsor of that particular sport / activity and the Athletic Coordinator/ Principal.
6. In order to participate in an "all-day" event, the student must attend classes the school day prior to the event. Unusual circumstances and emergencies will be handled on an individual basis.
7. If a participant misses school because of illness, a parental / guardian release is required before the student may practice that day.
8. Students may participate in only one seasonal athletic sport / activity at a time unless approved by both coaches / sponsors involved. Students wishing to participate in school and non-school sports / activities during the same season must have the school principal's approval for participation in school competition.
9. A student dropping an athletic sport / activity shall use the proper procedure. First the student must discuss the departure with the coach / sponsor. Second, he / she must return all equipment and clear all financial responsibility with the athletic department / sponsor. When a student quits a sport / activity after the first contest or game / etc., he / she may not go out for another sport / activity until the sport / activity he / she quit is concluded for the season or he / she has received permission from both coaches / sponsors involved and the Athletic Coordinator/ Principal.
10. An injured athlete / participant shall report to practice sessions and meetings unless excused by the coach / sponsor. An injured athlete / participant can continue to observe and help the team / club / etc. as much as his / her condition will allow. If a student is under a physician's care, he / she must have a signed "Return to Participation" form from the physician before participating after the injury or illness.

**Board Technical Revision and Adoption: July 08, 2008**  
**Board Revision and Adoption: July 10, 2007**

### 306.1.5

#### Travel

1. Students must travel with their athletic / activity team in school-sponsored transportation to and from out-of-town events from the campus.
2. For exceptions to this policy, the Athletic Coordinator/ Principal may, at their discretion, and upon written request from a parent or legal guardian, at least 24 hours in advance of the stated departing time, approve an exception to the policy. Should the request be granted, the parent / legal guardian must report with the student(s) to the event to be checked in or released, unless otherwise prearranged with the Athletic Coordinator/ Principal.
3. In no instance shall permission be granted for a student to travel to or from an event in the absence of an approved adult.

**Board Technical Revision and Adoption: July 08, 2008**

### 306.1.6

#### General Appearance and Conduct

1. Student participation must adhere to high standards of personal appearance at all times. Appropriate clothing must be worn. Hair must be groomed and arranged so as not to create a health or safety hazard.
2. Good sportsmanship is a major objective during practices and activity contests.
  - a. Participants will treat opponents with respect.
  - b. Athletes / activity participants must not argue or make unsportsmanlike gestures towards officials, opponents, spectators or each other.
  - c. Participants will follow other specific rules set up by the coach / sponsor of a particular sport / organization.
  - d. Student participants will show self-discipline on and off the athletic field / organization event.
  - e. Students will be expected to act in a mature manner. (Loud talk, boasting, vulgarity, profanity, and immature behavior and horseplay are not appropriate to Estancia Secondary Schools representatives and will not be tolerated.)
3. On trips, Estancia Secondary Schools students and representatives must remain with the group unless the coach or sponsor has given permission and knows their destination and whereabouts at all times.
  - a. On out-of-town trips, students will not be allowed in rooms with members of the opposite sex unless accompanied by an adult advisor. Students must abide by a curfew as designed by the coach or the adult sponsor.
  - b. All Estancia Secondary Schools students will be in their assigned rooms, without visitors, by curfew.
  - c. Students committing serious violations of the Activities Regulations will be sent home. Parents / Guardians will be contacted and arrangements will be made to send the student home at the parent's expense or will be picked up by the parent / guardian.
4. Students committing minor violations may be removed from participation in the activity or event.

- a. The discretion of the coach / sponsor will be used to determine the consequences of student violations of the regulations.

**306.1.8**      **Disciplinary Action** - Students are subject to disciplinary action as deemed appropriate. This applies to all students attending Estancia Secondary Schools. It should be noted that the violation of other school rules and regulations might jeopardize a student's athletic / activity participation.

1. For first violations of Rule IV 16.5 (Travel) and Rule IV 16.6 (General Appearance and Conduct), the student athlete / activity participant may be removed from a game / activity and / or be disciplined at the discretion of the coach / sponsor. Violations of these rules or other school rules and regulations may also result in suspension from the team / activity.
2. A student athlete / activity participant violating Rules a second time will be suspended from all sports programs / activities for a period of seven (7) days. The athlete / activity participant may lose letter award privileges for the sport / activity in which he / she is participating.
3. A student athlete / activity participant violating Rules a third time during the student's Secondary Schools career will be declared ineligible to participate in interscholastic sports / activities for one semester. During the period of suspension, the athlete / activity participant will lose letter award privileges and will not be allowed to attend the All-Sports Banquet / Club Banquet as a team member.
4. Any suspension will be effective from the date of discovery of the violation.

**306.1.9**      **Lettering** - Individual coaches / sponsors will set forth requirements for lettering in their respective activities.

**306.1.10**      **Equipment and Facilities** -

1. An athletic participant is responsible for all personal equipment (including uniforms) issued at the beginning of the season and must return it at the end of the season. Students must pay for equipment which has been lost, stolen, misused, or damaged beyond normal usage.
2. All equipment must be returned before a participant is eligible to letter and / or to participate in any other sport.

**Board Technical Revision: June 11, 2013**

**306.1.10.1**      **Library Books and School Materials** -

1. A student is responsible for all library books and school materials issued throughout the school year and must return them when they are due. Students must pay for items if they are lost, stolen, misused, or damaged beyond normal usage.
2. All items must be returned before a participant is eligible to participate in reward field trips or attend extracurricular activities.

**Board Adoption: June 11, 2013**

**306.1.11**      **Responsibilities** - It is the responsibility of the participants and their parents / guardians to be sure that students involved in activities / athletics abide by all regulations and procedures set forth herein.

It is the responsibility of the Athletic Coordinator / Building Principal to administer the overall sports / activity program and supervise the coaches / sponsors in the performance of their duties.

Secondary Schools administrators will issue disciplinary actions concerned with removal from a team / organization or suspension from school.

It is the responsibility of the coach / sponsor to distribute and explain these regulations and answer questions concerning this document. In addition, the coach / sponsor is the first line of enforcement for these regulations.

**Board Technical Revision and Adoption: July 08, 2008**

**306.1.12 Appeals** - Appeals from the decisions of the coaches, activity sponsor or the Athletic Coordinator may be made to the Building Administrator. If this does not resolve the issue, concerned parties may take the appeal to the District Superintendent.

**Board Technical Revision and Adoption: July 08, 2008**

**306.3 Student Organizations**

**306.3.1 Supervision** - All student organizations using the name of the school and / or using school facilities shall be under the supervision of school authorities. All activities shall be coordinated and approved by the building administrator.

**306.3.2 Eligibility in Extra-Curricular Activities** - The requirements for a student to be eligible for participation in extra- curricular activities are to:

1. Meet the New Mexico Activities Association scholastic requirements, and
2. Meet the local Estancia School District policy

No student shall be absent for school sponsored extra-curricular activities in excess of fifteen (15) days per semester and no class may be missed in excess of fifteen (15) times per semester.

**306.3.3 Board of Education Support** - The Board of Education will support any student competing in a competitive club (such as FFA, BPA, Y&G) at a National/State Convention on a competitive basis. This support includes up to a 50% match by district funds for expenses incurred for school vehicles, competition related student transportation, conference registration, lodging fees, and meals, and is intended to cover remaining expenses after fundraising has been completed. The match money will have a *not to exceed* cap of \$10,000 per competitive club paid by district funds for a state/national combination. Expenses incurred by event sponsors and chaperones are included in the \$10,000 cap. If an activity bus is utilized 100% of the cost is at the district expense.

The board will review and revise this policy on an annual basis at the July Board Meeting.

**Board Technical Revision: November 12, 2013**

**Board Technical Revision: October 10, 2017**

**Board Technical Revision: November 12, 2019**

**306.3.4 Board of Education Support** – The Board of Education will support any student competing in a competitive club (such as FFA, BPA, Y&G) at an International Convention on a competitive basis. This support includes up to a 50% match by district funds for expenses incurred for school vehicles, competition related student transportation, conference registration, lodging fees, and meals, and is intended to cover expenses remaining after fundraising has been completed. The match money will have a not to exceed cap of \$10,000 per competitive club paid by district funds for International Competition in addition to the match fund for state and national competitions. Expenses incurred by event sponsors and chaperoned are included in the \$10,000 cap. If an activity bus is utilized 100% of the cost is at the district expense.

**Board Adoption: February 12, 2019**

**Board Technical Revision: November 12, 2019**

**306.3.3.1**      **Board of Education Meal Support** - The Board of Education will support any student competing at a school sponsored event as per the following terms:  
One-way mileage must meet or exceed fifty (50) miles OR the event duration must meet or exceed eight (8) hours. The Board of Education will review and revise the limitations pertaining to this policy on an annual basis during the July board meeting.

**Board Adoption: September 13, 2016**  
**Board Technical Revision: September 12, 2017**

**306.4**      **Handbooks** - The Student Handbooks from Elementary, Middle and High School will be adopted at the annual August or September Board meeting. These handbooks, along with the District Procedure Manual and Staff Handbooks will serve as the official guide for the District.



### 307 Search and Seizure

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

- 307.1** 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.
- 307.2** Rules Regarding Searches and Seizures: The Board reserves the right to search persons, residence rooms, personal effects, and vehicles as follows:
- 307.2.1** 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.
- 307.2.2** 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.
- 307.2.3** 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.
- 307.2.4** 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.
- 307.3** **Who May Conduct a Search** - Any certified school personnel or school bus driver may conduct a search of a student's person or school property assigned to that student if they have a reasonable cause to believe that a search is necessary in the aid of maintaining school discipline.
- 307.3.1** General searches of school property including lockers and school buses may be conducted at any time with or without the presence of students.
- 307.3.2** Notice of the school's policy on searches shall be distributed to each student at the beginning of the term, or in the case of transfer students, upon his admission.
- 307.3.3** Searches of a student's person or vehicle parked on school property may be conducted only if a certified school employee or school bus driver personally notices or is suspicious or, arrangement of a student's clothing, possessions or actions which give reasonable cause to believe that a crime or breach of the disciplinary code is being committed by the student.
- a) Searches of a student's person may be conducted by a certified school employee only in the presence of another certified school employee, where possible.

- b) Searches of a student's person may be conducted only by a certified school employee who is a member of the student's same sex.

**307.3.4** Illegal items (firearms, knives or other dangerous weapons) or other possessions which are a threat to the safety or security of others may be seized by administrative authorities and released to the appropriate authorities.

**307.3.5** Items which are used to disrupt or interfere with the educational process may be removed from a student's possession.

**307.3.6** If the search of a student or his locker or possessions discloses contraband material whose possession violates the law, school personnel should consider whether circumstances require the notification of the local Juvenile Court Prosecutor or District Attorney.

### **308 Student Concerns, Complaints, and Grievances**

The Estancia Municipal 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

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

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

Bullying as defined below is prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in 6.30.2.19 NMAC.

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

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

The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance. The complaint/grievance shall be made only to an administrator or other professional staff member. That person shall elicit from the student the particulars determined by the Superintendent to be necessary for the complaint/grievance to be investigated. When the initial allegation is submitted in a manner other than on the prescribed

form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the student in completing the complaint/grievance form. The student should sign and date the form, however, unsigned forms are to be processed in the same manner as a signed form. A professional staff member or support staff member shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

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

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

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

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

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

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

Disposition of all complaints/grievances shall be reported to the Superintendent as the compliance officer for discrimination. The Superintendent will determine if the policies of the District have been appropriately implemented and will make sure reports and/or referrals are submitted to the Board as necessary. Knowingly submitting a false report or making false accusations under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies and regulations shall be followed.

**Board Adoption: June 13, 2017**

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

To be filed with the school administrator

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

**Please Print**

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

Address \_\_\_\_\_

Telephone \_\_\_\_\_ During the hours of: \_\_\_\_\_

Alternative number \_\_\_\_\_ During the hours of: \_\_\_\_\_

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

**Please provide the following information so that we may thoroughly investigate your concern.**

Person(s) involved including name(s), school (department), program/activity:

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

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

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

What is the ideal resolution of your concern? \_\_\_\_\_

\_\_\_\_\_

Date(s) of incident: \_\_\_\_\_

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator or professional staff member

\_\_\_\_\_  
Date initial complaint received Today's Date

**Board Adopted Revision: July 2, 2019**