

#### **4.01 Participation of the Public in School Affairs**

The Springer Municipal Schools Board of Education shall seek and encourage parents and community members to participate in the development of policies and regulations pertinent to the educational program of the District. Parents shall be advised, through the local media and school bulletins, of activities involving development of policies and procedures and encouraged to participate and contribute. Parents with requests, contributions, or complaints may take these to the building principals or Superintendent's office.

The Board shall interpret the educational program to the people and invite discussions and suggestions on important educational policies, and shall attempt to represent the entire community.

Objectives of the Board shall be:

To develop citizen understanding of the school system in all aspects of its operation.

To determine how the citizenry feels about the school system and what it wishes the school system to accomplish.

To develop citizen understanding of the need for adequate financial support for a sound educational program.

To help citizens assume a more direct responsibility for the quality of education the school system provides.

To earn the good will, respect, and confidences of the citizenry in the personnel and services of the school system.

To bring about citizen understanding of the need for improvement and what must be done to facilitate essential change.

To involve citizens in the work of the Board and the solving of its educational problems.

To promote a genuine spirit of cooperation between the Board and community in sharing leadership for the improvement of the community and the schools.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.02 Public Information Program**

It will be the policy of the Board of Education to maintain a continuing information program for compiling and distributing news of events, noteworthy facts, statistics, plans, and forecasts necessary to the creation of an interested and informed public.

One of the most effective information dissemination devices is direct communication between the home and the school. The Board encourages the utilization of newsletters, annual reports, and frequent school memos in getting information to school patrons and parents.

Students and faculty of the schools are to be protected from intrusion on their time during the school day by announcements, posters, bulletins, and communications of any kind from individuals and organizations not directly connected with the schools and/or that do not further the vision, mission and goals established by the Board of Education.

The Springer Municipal Schools Board of Education grants the television and radio stations permission to broadcast or televise all public meetings of the Board.

In inclement weather or emergency situations that may affect the safety and well-being of students and staff, the media will be informed as soon as possible that a modified school and transportation schedule will be in effect.

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#### **4.03 Board-Community Relations**

The Board recognizes the value of community understanding and support of the school system. The Board and its employees will make diligent efforts to develop and maintain this understanding and support.

##### Public Participation in Board Meetings

Patrons desiring to be heard by the Board may be referred to the Superintendent to resolve a problem and then, if necessary, may request to be placed on the agenda for a future meeting.

##### Public Hearings

The Board will conduct public hearings on matters that properly and legally fall within the jurisdiction of the Board. While conducting a public hearing, the Board shall not be bound by civil court procedures.

Prior to the beginning of a hearing, the Board president will explain the procedures to be followed. If attorneys are involved, the Board and the attorneys will agree upon basic procedures before commencement of the hearing.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.04 Reporting to Parents/Guardians**

All schools within the school system shall report student progress to parents on a timely and regular basis.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.05 Consultation with Parents and Teachers**

It is the policy of the Springer Municipal Schools Board of Education to design and implement its Title I Program in consultation with parents and teachers of the children being served. Activities should include, but are not limited to the following:

1. Informing each student's parent(s) of the specific instructional objectives for the pull-out student.
2. Reporting to each student's parents on the student's progress.
3. Establishing conferences between individual parents and teachers.
4. Providing materials and suggestions to parents to help them promote the education of their children at home.
5. Providing timely information concerning the Title I Program.
6. Soliciting parents' suggestions in the planning, development and operation of the program.
7. Conducting an annual meeting to explain to parents of the program and activities provided with Title I funds.
8. Coordinating parental involvement activities with programs funded under the "Adult Education Act" to the extent possible.
9. Assessing the effectiveness of the parental involvement program by consulting with parents about its successes and what action(s) could be taken to improve the program and increase parental participation.
10. Abide by all federal and state regulations regarding parent involvement in Title I.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.06 Visitors**

All visitors to school campuses, including Board members, district employees, and representatives from the media, shall report their presence to the school office at the beginning of each visit so that so that district administrators and other employees may fulfill their responsibilities for the protection of the persons and property of students and employees. All visitors shall request permission for such visits through the principal of each school. Unauthorized visitors may be charged with trespassing.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.07 Tobacco Use Prohibited**

To be in compliance with Tobacco Free Campuses, state regulations and state statutes, the Springer Municipal Schools Board of Education prohibits the use of tobacco and tobacco products by students, school staff, parents and school visitors in school buildings, on school property, and for students at school functions away from school property.

Adopted: January 12, 2006

Revised:

Legal Reference: NMAC 6.12.4

#### **4.08 Cooperation Between Law Enforcement Agencies and Public Schools**

The following policy shall be observed in connection with all contacts by law enforcement agencies with students. A copy of this policy shall be provided to all local law enforcement and social service agencies so that mutual cooperation may be promoted.

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

##### **I. INVESTIGATION IN SCHOOLS**

###### **A. By Police: At the Request of School Authorities.**

1. A school principal must notify police in investigating any crime contrary to the laws of the State of New Mexico or any allegation of a crime contrary to the laws of the State of New Mexico, including crimes committed in his/her school building or on school grounds during or after school hours, or during school-sponsored activities.
2. Requests for assistance shall be directed to the law enforcement agency (State Police, Sheriff's Department or local police) having jurisdiction over the geographical area in which the school is located.
3. Whenever a school principal requests assistance, a law enforcement officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in school during the day. Interviews shall be held in the principal's or other administrative office and reasonable attempts shall be made to maintain in confidence the identity of those interviewed. The principal or his/her designee shall be present during the interview. Neither the principal or his/her designee shall disclose any written statements made or the content of statements given during the interview to any person without the permission of the interviewing law enforcement agency, except that he/she may disclose statements made or the content of statements given during the interview to the person interviewed, his/her attorney, or his/her parents. If the principal deems it appropriate to legitimate disciplinary goals, he/she may disclose the statements or content to other school officials.

In determining whether the principal or his/her designee shall be present during an interview regarding child abuse, the principal shall ask the

student whether the student prefers that the principal be present or another faculty or staff member – teacher, nurse, counselor, assistant principal, etc. If at all possible, the student’s request shall be honored. If the student prefers that no school employee be present, the principal shall record such and have the student sign the statement. This applies to students K-12.

4. It shall be the policy of the school district to notify parents of a student prior to any interview/interrogation by police. If, upon initial contact by a law enforcement agency, the school principal is directed by the agency not to attempt to notify the student’s parent or obtain the parent’s attendance during any interview or interrogation, the principal shall immediately prepare a written statement that the school district has been directed to make the student available for interview or interrogation without notice to the parent, and should request that the investigating officer sign the statement. If the officer refuses, the principal shall record the time, date, the officer’s name, title, and badge number and that the officer refused to sign the statement. The principal shall then sign such statement and retain this record in the school files. Furthermore, if an officer refuses to sign such a statement, the principal shall notify the parents at the conclusion of said interview/interrogation.
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 herein set forth with respect to interrogation, search, and arrest. In addition, the principal shall follow the advice of rights provisions of Section II.A.4 below.

B. By Police: Without Request of School Authorities.

1. While it should not ordinarily be necessary for police officers to interview students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the principal, if the police deem exigent circumstances exist to interview students at school regarding such crimes, the law enforcement agency shall first contact the school principal regarding the planned visit and shall give the principal the reason for conducting the investigation during school hours, school-sponsored activities, or on school property and shall obtain his/her approval. Interviews shall not commence until approval is obtained. The principal shall approve and cooperate with the police during the investigation unless the principal determines a valid reason that he/she should not. In the event that the principal declines to approve the interview, he/she shall immediately report his/her opposition to the Superintendent, who shall notify and discuss the opposition with the

appropriate police supervisor. Approval shall not be unreasonably withheld.

2. A principal shall not, in any event, prevent the appropriate law enforcement agency from serving or executing court process (i.e., summonses, warrants, subpoenas) or court orders upon school grounds during school time. A principal may, however, designate a reasonable time and place for the conduct of interviews with students or for service of process upon students under his/her control so that the educational process is not disrupted.
3. The principal shall follow the provisions of Section I.A.4 regarding notice to parents.

C. By School Administrators.

1. School administrators have the right and duty to interview students in investigating crimes, or reports thereof, committed during school hours, school-sponsored activities, or on school property, or reports of the presence in the school building or on school grounds of illegal substance or materials. School administrators may conduct an investigation independent of any being conducted by law enforcement agencies, but should in most circumstances cooperate with the law enforcement agency and not withhold information from the agency which the agency deems relevant to its investigation.

## II. INTERROGATION OF SUSPECTS IN SCHOOL

A. By Police.

1. If a school principal has requested assistance, the law enforcement agency investigating a crime involving school property or students may interrogate suspects in school during school hours or school-sponsored activities. The principal shall have the right to designate a reasonable time and place for the conduct of the interrogation so that the educational process is not disrupted. Prior to the interrogation taking place, the principal shall make a reasonable attempt to notify the parents of the student, except as provided in Section I.A.4.
2. In instances in which law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities for criminal activity committed outside the school or school grounds or regarding crimes committed at the school for which assistance has not been requested by the principal, the law enforcement

officers shall first contact the school principal regarding the planned interrogation. The procedures of Section I above regarding approval and conduct of the interrogation and notice to parents shall be complied with.

3. The principal or his/her designee shall be present during any interrogation on school grounds, but shall not disclose the contents of any written or oral statements given during the interrogation to persons other than the person interviewed, his/her parents, his/her attorney, the district attorney, other school officials, or other law enforcement agencies without the permission of the interrogating agency.
4. It is not the responsibility of the school principal to advise the student suspect of his/her basic rights as set forth in the children code, Section 32A-1-16 N.M.S.A. 1978. However, where criminal prosecution is anticipated by the law enforcement officers or the school principal, no interrogation shall commence unless a parent or guardian is present to counsel the student or the student suspect has been advised of his/her basic rights and has knowingly, intelligently and voluntarily waived those rights. Thus, before interrogation, the police officer shall advise the student of the nature of the crime for which he/she is a suspect; that he/she has the right to remain silent, that anything he/she says may be used against him/her in criminal or juvenile court and that he/she has the right to have an attorney present, or a court appointed attorney if the parents are indigent, and the student or parent may stop the interrogation at any time, in order to obtain an attorney and have him/her present at further interrogations.

If the student waives these rights, the interrogation may commence.

The school principal or designee cannot waive these rights on behalf of the student, nor may he/she compel the student to submit to an interview or interrogation. The school principal shall use her/her discretion and his/her knowledge of a student's age and mental or physical condition and shall not permit interrogation in an instance in which a parent is not present and he/she does not believe that the student can knowingly, intelligently and voluntarily waive his/her rights.

Ordinarily, the school principal shall not permit the student suspect to be photographed or fingerprinted unless the law enforcement officer presents a court order authorizing it nor shall he permit the interrogation of a student under the age of twelve (12) years. The school principal shall keep a record of the procedural steps followed by the police on conducting interrogations, and any instance in which the principal acts to preclude or terminate an interrogation.

B. By School Administrators.

1. If a student is a suspect or is accused of a crime, a school principal may interrogate the student, subject to paragraph 2 below, without the presence of parents, and without giving the student constitutional warnings, if breach of school discipline, health or safety of the student or student body, or presence in the school building or grounds of illegal matter is involved.
2. If interrogation of a student by school administrators is at the request or instigation of the police, the student must be advised of his/her constitutional rights, and a reasonable attempt to notify his/her parents must be made before the interrogation may take place. The student must knowingly, intelligently, and voluntarily waive his/her constitutional rights if interrogation is to be conducted under the circumstances set forth in this paragraph.
3. If interrogation by a police officer is at the request of the school principal because the health and safety of the student or student body is involved, or the presence in school buildings or grounds of illegal matter, the police officer may interrogate the student without giving the student constitutional warnings so long as only administrative or school disciplinary sanctions are contemplated. Although efforts shall be made to notify a parent of the student, interrogation may proceed if the parent is unavailable or unwilling to attend. In the event criminal or juvenile court prosecution is anticipated, the provisions of paragraphs II.A.1. through II.A.4. above apply.

III. ARREST BY POLICE OFFICERS IN SCHOOLS

- A. School officials should require that identification, such as an identification document with a photograph, be shown which identifies the person as a law enforcement officer and further identifies the officer's employing entity. Although various officials have law enforcement officer status, there are a limited number of law enforcement entities that would have reason to appear in the school setting. It is also reasonable to require that written documentation of the specific authorization be presented as appropriate. Copies of all such documentation should be made and retained by the school district.
- B. School officials should contact the law enforcement agency to verify the identification of the officer and the purpose of the official visit. School officials should independently secure the telephone number of the law enforcement entity, contact the entity, and verify both the law enforcement officer's identity and the mission pertaining to the individual student.

- C. It should ordinarily not be necessary for police officers to arrest or take custody of students during school hours at school or school-sponsored activities for crimes committed outside of school hours. The principal should not permit police officers to arrest or take custody of a student under the age of 12 years at school for such crimes, unless pursuant to an arrest warrant, juvenile court order, or under other emergency circumstances.
- D. In cases where a law enforcement agency deems it necessary to arrest a student during school hours or activities at school, the agency shall first notify the principal of the intended arrest. The student shall first be summoned to the office by the principal, unless circumstances exist as described in paragraph IV.C below. The principal should request that the services of school security officers be used, if available, to assist in the arrest.
- E. In emergency situations, where the immediate arrest of a student is deemed necessary by the police, including instances where the commission of a crime or offense involving a felony or serious breach of the peace has been witnessed by a police officer or if the police officer is in “hot pursuit” of the student for such crime, the police shall be entitled to take direct and unhindered action in the school. The school principal must be notified of the action as soon as possible.
- F. The school principal shall record the name of the arresting police officer, the name of the issuing authority of any arrest warrant, the time of arrest, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student shall be notified immediately thereof by the school principal. The principal shall notify the Superintendent of the student arrest. The principal shall notify juvenile probation authorities of the arrest of any student who is a minor.

#### IV. SEARCH AND SEIZURE

- A. By Police - On Request of School Authorities.
  - 1. If public health or safety is involved, upon request of a school principal who shall be present, police officers may make a general search of students’ lockers and desks, or students’ automobiles for drugs, weapons, or items of an illegal or prohibited nature.
  - 2. If a principal has received reliable information, which he/she believes to be true, that evidence of crime or stolen goods not involving school property or property of members of the school staff or student body, is located in a certain student’s locker, desk, or student’s or non-student’s

automobile, he/she shall request police assistance, and procedures to obtain and execute a search warrant shall thereafter be followed.

B. By Police - Without Request of School Authorities.

1. Police officers may search a student's locker, desk, or automobile if they have a search warrant, if probable cause exists, or the search is executed after a knowing, intelligent, and voluntary consent is given by the student involved.
2. A student's person may not be searched in school unless police have a search warrant, or the student is under arrest, or a frisk of the student's person is done upon reasonable suspicion that the student is concealing a weapon, or the search is executed after a knowing, intelligent, and voluntary consent is given by the student involve.
3. Notwithstanding the foregoing, a search of a student's person, locker, automobile on school grounds, or desk, may be conducted by any police officer on school grounds during school hours if emergency circumstances are present and there is probable cause to believe that the health and safety of the student or of others requires a search.
4. A school official may not consent to a warrantless search of a student's locker, desk, or automobile by police unless police are acting at the direction and under the supervision of the school administration.
5. The student, if then available, shall be present during any search of his/her locker, desk, or automobile.

C. By School Authorities.

1. The school administration retains control over lockers and desk space loaned to students, and regulates admission and parking of automobiles on school grounds. School principals therefore have the right and duty to inspect and search students' lockers and desks, and student or non-student automobiles, if the principal reasonably suspects, upon information received from police or otherwise reliable sources, that drugs, weapons, dangerous illegal or prohibited matter, or goods stolen from the school or from members of the staff or student body, are likely to be found therein. School principals in exercise of the school's duty to enforce school discipline and to protect the health and safety of the student and/or the student body, also have the right and duty to search a student's person if they have a reasonable suspicion that drugs, weapons, dangerous illegal or prohibited matter, or such stolen goods, are likely to be found on the

student's person. The fruits of such search may nevertheless be turned over to the police for inspection or examination and may be the subject of criminal or juvenile court prosecution or of school disciplinary proceedings.

2. Searches by school administrators and personnel shall be conducted pursuant to the procedures set forth in 6.11.2.10B NMAC.

#### V. REPORTING AND PROSECUTION OF CRIMES OR DELINQUENT ACTS COMMITTED IN SCHOOL TO POLICE

- A. Information or evidence of any crime contrary to the laws of the State of New Mexico or defined as a criminal or delinquent act in 6.11.2.7B and C NMAC and by the Children's Code, shall be reported and turned over to the police.
- B. The discretion to prosecute any crime is reserved to the local District Attorney's office and if prosecution of any student is initiated, the school authorities shall cooperate fully with police.
- C. In addition to cooperation with the law enforcement agencies in prosecuting criminal or delinquent acts, it shall be the policy of the school district to seek restitution or damages from any child or his/her parents for willful destruction, damage, or vandalism to school property pursuant to the Children's Code and Section 32A-2-27 N.M.S.A. 1978.
- D. Where non-violent conduct of students or non-students in demonstrating or picketing on school property, or illegally occupying school buildings, disrupts or has the potential to disrupt the educational program, normal operation, or lawful functions of the school, school administrators have the jurisdiction and responsibility of attempting to restore order. The building principal shall notify the Superintendent of Schools immediately. The building principal pursuant to 30-20-13 N.M.S.A. 1978 may request that non-students leave the property or building and shall immediately request police assistance if the non-students refuse to do so, continue such disruptive acts, or incite others to do so. In addition to use of existing disciplinary measures, the principal may request police assistance in dealing with students who refuse to abide orders directed at restoring order.
- E. The principal shall immediately request police assistance in any case in which students or non-student demonstrators attempt to threaten, coerce, or intimidate any persons lawfully on school premises, or where the potential for violence is evident.

#### VI. INVESTIGATION OF CHILD ABUSE AND NEGLECT

- A. Pursuant to Section 32A-4-3 N.M.S.A. 1978 it is the duty of any school nurse and any school teacher or administrator who knows or suspects that a child is or has been abused or neglected, upon penalty of fine, to report this information immediately to: (1) a local law enforcement agency; (2) the department office in the county where the child resides (which would be Child Protective Services of the Children, Youth & Families Department); or (3) tribal law enforcement or social services agencies for any Indian child residing in Indian country. Violation of this section is a misdemeanor, which is punishable by a possible maximum sentence of 364 days and/or a fine of \$1,000.00.
- B. Investigators who desire to interview a student at school who is a suspected victim of child abuse or neglect shall present their request to the school principal who shall designate a reasonable time and place for the conduct of such interview and shall attempt to assure that the identity of the child is not readily disclosed. The school principal or designee shall determine from the investigator whether it is appropriate to notify the parent or guardian of the requested interview. Where such notice is not appropriate or where the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the principal shall record such direction.
- C. In determining whether the principal or his/her designee shall be present during an interview regarding child abuse, the principal shall ask the student whether the student prefers that the principal be present or another faculty or staff member--teacher, nurse, counselor, assistant principal, etc. If at all possible, the student's request shall be honored. If the student prefers that no school employee be present, the principal shall record such and have the student sign the statement. This applies to students K-12.
- D. Where investigators wish to interview children who are not suspected of being abused or neglected, but may be witnesses or possess relevant information, the principal or designee shall advise the investigators that local school policy favors prior notice to the parents of the student of the intended interview. If the investigating agency requires that the investigation be completed without notice to such parents, the investigator should sign a written statement that the school district has been directed to permit an interview without prior notice to the parent. If the investigator refuses to sign such a statement the principal shall record this fact in the manner prescribed in Section I.A. above.
- E. It is not the responsibility of the school principal or designee to advise a possible victim of child abuse or neglect of his/her basic rights as set forth in the Children's Code, and the principal should not interfere with this process unless, on the basis of his/her knowledge of a child's age and mental or physical condition, he/she does not believe that the child can make a knowing, intelligent, or voluntary waiver of his/her rights. In any such instance, the principal shall

advise the investigating officer and record all procedural steps taken by the officer.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.09 Public Performances and Trips by Students**

Teachers will be encouraged to provide students for public performances when:

1. The performance fits both the aims of the schools and the needs of the students.
2. No student is excluded because of race, color, sex, religion, national origin, age, disability, sexual orientation or gender identity.
3. Such performance is appropriate to the age group.
4. The performance is approved by the principal and/or Superintendent.

Students may perform under school sponsorship when admission fees are charged only if the proceeds are used for charitable, educational, or civic purposes. Payment for a performance under school sponsorship may be accepted by the schools but not by individual students. Costs directly related to the supervision of students and liability protection for the participants will be the responsibility of the school district. Costs of the performance will be paid first from the proceeds of the admission fees. Any other costs must be addressed in the performances and participation plan approved by the building principal.

No attendance at or performance or service by a school-sponsored student organization, which is solicited by and which furthers the private commercial or business interest of a for-profit entity, shall be permitted without a written contract. The contract shall be first negotiated by a committee composed of the principal of the school, the club or activity sponsor, and a student representative of the club or organization if the performance or service involves secondary school students, or a parent of a student if the performance or service involves elementary school students.

School-sponsored trips by students involving an overnight stay must have the Superintendent's advance approval.

Approval for all public performances will be given by the office of the Superintendent when the above criteria have been met.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.10 Political Campaigns**

No school property may be used for or to benefit the political campaigns of any candidate for public office, except as part of a candidate's forum, panel discussion, or the like. Permitted uses must be approved in advance by the Superintendent. Campaign literature may be placed in the teachers lounge. Campaign material affixed by employees to their private vehicles is exempt from this policy.

No school-sponsored group may provide entertainment for or appear at any political campaign function for any office, as a school-connected entity or using the school name unless approved in advance by the Superintendent.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.11 Rights of Non-Custodial Parents**

In those circumstances involving the enrollment of a child or children, in which the family is separated and the parent or guardian states that he or she is legally responsible for the child or children, meaning that the other parent is prohibited or has limited rights for visiting with or reviewing records of the child(ren), the building administrator shall require a certified court order delineating the custodial rights of the parties involved. Otherwise, each natural parent or appointed guardian shall be assumed to have all legal rights pertaining to parenthood.

Adopted: January 12, 2006

Revised:

Legal Reference:

## **4.12 Advertising and Soliciting on School Property**

### Advertising

No individual, group or organization shall be permitted to use school facilities or organizations as media for advertising unless it has been determined by the Superintendent or her/his designee that the involvement supports the District's or the Board's educational vision, mission and goals. School officials shall screen all contests and activities carefully and shall not involve the school in controversial and compromising situations.

No advertising of any kind may be placed in the centrally located school mail boxes without prior approval from the Superintendent. Commercial advertising, other than that from a registered non-profit, civic or community social service organization will not be approved. Advertising that is not approved for distribution may be mailed via U.S. mail to school sites by the vendor.

The principal of a school may give permission to a company or individual to make literature available to school staff. The principal has the discretion to approve material for distribution to students when:

- (1) The organization has received prior approval from the Superintendent;
- (2) The literature is directly related to an event, activity or service that the principal deems appropriate and necessary for students;
- (3) The organization is non-profit or government sponsored.

Materials shall be prepared and delivered according to the direction of the principals in accordance with school guidelines. No direct access to school employees or students will be granted during school hours.

### Solicitations

The Superintendent will assure that staff members are not disturbed during the duty day by solicitors. Staff members shall refrain from participating in solicitations which involve the Springer Municipal Schools, other than for authorized purposes as approved by the Superintendent. State law precludes staff members from certain forms of solicitation of business, commercial sales or employee involvement in purchases, unless specific conditions are met. Thus, all solicitations of or by staff members must be approved by the Superintendent.

No person shall sell or use student, faculty or staff lists with personal-identifying information obtained from a public school or a local school district for the purpose of marketing goods or services directly to students, faculty or staff or their families by means of telephone or mail. The provisions of this paragraph shall not apply: (1) to legitimate educational purposes, which

shall be determined by rules and regulations developed by the department of education; or (2) when a parent of a student authorizes the release of the student's personal identifying information in writing to the public school or local school district. For the purposes of this subsection, "personal identifying information" means the names, addresses, telephone numbers, social security numbers and other similar identifying information about students maintained by a public school or local school district.

Adopted: January 12, 2006

Revised:

Legal Reference: NMSA 1978, Section 22-21-1

NMSA 1978, Sections 13-1-190 to 13-1-199

#### **4.13 Gifts and Donations**

It shall be the policy of the Board to exercise appropriate control in respect to the receiving of gifts, including student awards, donations, or contributions of any kind, to any school or department within the school system from any source.

1. Employees of the Springer Municipal Schools shall not solicit or encourage the giving of gifts by students, fellow employees or parent groups. A gift that is given in a natural, normal way and one of genuine expression of appreciation is acceptable; price should be of “reasonable value.”
2. It shall be expected that individuals or organizations desiring to contribute supplies or equipment to the schools will counsel with school officials (principal or Superintendent) regarding the acceptability of such contributions in advance.
3. Contributions of equipment or services that may involve installation or major costs for maintenance, or initial or continuing financial commitments from school funds, shall be presented to the Superintendent for consideration and approval.
4. It shall be the general policy of the school to direct those individuals who desire to make contributions to the schools. It shall be recommended that consideration be given to the purchase of equipment or services which would not likely to be considered an appropriate public fund expenditure.
5. It shall be understood that any gifts contributed to the school shall become the property of the school district and are subject to the same controls and regulations that govern the use of other school properties.
6. Monetary donations will be deposited with the district office and regular purchasing requirements will apply. Signatures of appropriate building or program officials are required prior to purchases, i.e., athletic director and building principal should approve purchases for athletic teams.

Adopted: January 12, 2006

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#### **4.14 Staff Participation in Community Activities**

The Board provides opportunities for staff members to be absent during duty hours for participation in certain community obligations, with the advance approval of the Superintendent. Further, the Board encourages each staff member to participate in community activities to the extent that a worthwhile contribution can be made and the basic duties and responsibilities of the staff member are not overlooked or compromised.

Each employee has the privilege and the responsibility of taking an active part in community life. Each employee shall keep in mind that one's first obligation, during the period of contract, is to the students of the school system.

##### Staff Public Appearances

Staff members appearing before the public or educator groups shall not represent that they are presenting the views or positions of the School District or School Board unless specifically authorized to do so. This policy is not to prohibit school personnel from speaking on behalf of the school system, with consent of the employee's supervisor, in order to present information about its educational programs.

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#### **4.15 Use of School Facilities**

School buildings and grounds may be made available for educational, cultural, civic, religious, recreational, governmental, and general political activities which are sponsored by responsible, recognized organizations, agencies or institutions, provided that the activity does not interfere with the programs and best interests of the Springer Municipal Schools. The Superintendent or designee is authorized to make all approvals and set all conditions for community use of buildings and grounds under the directions of this policy.

A rental fee schedule shall be prepared by the Superintendent for review and approval by the Springer Municipal Schools Board of Education.

The Superintendent is authorized to set aside or reduce any scheduled or normal rental fees when a mutually beneficial relationship is established between the Springer Municipal Schools and a proposed user of school facilities. The Superintendent is authorized to act on any rental proposal not covered in this policy. When this occurs, the Superintendent shall report the action to the Board of Education and advise the Board of any needed change in the policy.

It is the intent of the Springer Municipal Schools Board of Education that parent-teacher groups, booster clubs, and any other school-related organizations should have the use of school facilities for their regular meetings without charge. When such groups hold special events, any charge for facilities will be calculated on a cost-to-the district basis. When kitchen facilities are to be used for food preparation and/or service, the user organization must pay a member of the food service staff to be present.

It shall be the responsibility of the Superintendent to assure that adequate supervision of school facilities is provided during periods of community use.

Official representatives of all groups using school facilities must sign a liability waiver or “hold-harmless” agreement in favor of the School District. Any non-school-related user group, which is covered by an existing liability insurance policy, must also provide in advance of use of the facility a certificate of liability insurance, which names the Springer Municipal Schools as an additional insured. Representatives of all groups must also sign a form, which indicates acceptance of responsibility for the care and supervision of the facilities and for payment of the rental charges, if any.

The Superintendent may, when it is deemed to be in the best interest of the District, require a cash deposit above the rent to be charged to cover damage to rental property. The deposit, less payment for damage done beyond normal wear and tear on the property, shall be refunded within thirty (30) days.

Rental charges in this policy are for the facilities only and any normally required furniture and equipment. Other charges shall normally be added when special equipment is to be provided the facility user.

All agreements for use of school facilities shall be reviewed annually.

Adopted: January 12, 2006

Revised:

Legal Reference:

#### **4.16 Inspection of Public Records**

The Springer Municipal Schools Board of Education recognizes that every person has a right to inspect any public records of this state except:

1. Records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;
2. Letters of reference concerning employment, licensing or permits;
3. Letters of memorandums which are matters of opinion in personnel files or students' cumulative files;
4. Law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency, including inactive matters or closed investigations;
5. As provided by the Confidential Materials Act (14-3A-1, 14-3A-2 NMSA 1978);
6. Attorney-client privileged information; and
7. As otherwise provided by law.

#### Designation of Custodian of Records

The official Custodian of Public Records for the Springer Municipal Schools shall be the District's Business Manager who shall:

1. Receive and respond to requests to inspect public records;
2. Provide proper and reasonable opportunities to inspect public records, and
3. Provide reasonable facilities to make or furnish copies of the public records during usual business hours.
4. Provide procedures for access, inquiry or appeal of inspection/review requests.
5. Provide the first ten pages of requested single page copies or a district report, at no cost to members of the community, each fiscal year, thereafter provide copies at a rate of 25 cents per page. This charge also applies to employees requesting copies of their personnel files.

### Procedures for Requesting Public Records

1. Any person wishing to inspect any of the District's public records may submit an oral or written request to the Superintendent or designee. A written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records.
2. A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen (15) days after receiving a written request. If the inspection is not permitted within three (3) business days, the custodian shall explain in writing when the records will be available for inspection or when the Springer Municipal Schools Board of Education will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian.
3. In the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly forward the request to the custodian of the requested public records and notify the requester. The notification to the requester shall state the reason for the absence of the records from that person's custody or control, the records' location and the name and address of the custodian.

### Procedure for Denied Requests

1. If a written request has been denied, the Superintendent or designee shall provide the requester with a written explanation of the denial. The written denial shall:
  - a. Describe the records sought;
  - b. Set forth the names and titles or positions of each person responsible for the denial; and
  - c. Be delivered or mailed to the person requesting the records within fifteen (15) days after the request for inspection was received.

Should the Superintendent or his/her designee (custodian) fail to deliver or mail a written explanation of denial within fifteen (15) days after receipt of a written request for inspection, such omission is subject to an action to enforce the provisions of the Inspection of Public Records Act.

**This policy does not apply to parents and/or legal guardians, who request educational information or records pertaining to their children, as students of the Springer Municipal**

**Schools, or the procedures for disclosure of personally-identifiable education records subject to the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and its implementing regulations, 34 CFR Part 99.**

Adopted: January 12, 2006

Revised:

Legal Reference: NMSA 1978 14-2-1 through 14-2-12, 14-3A-1, 14-3A-2

#### **4.17 Policy Governing Education of Students Who Have or Are Carriers of Communicable Diseases**

1. The Board recognizes that the health and safety of the students of this District are primary concerns and that it is necessary, in order to protect student health and safety, to adopt a policy governing the manner in which the Board and its administration will protect the health and safety of all students when any current or potential student is infected with a communicable disease. This policy is adopted in order to protect the legitimate interests and rights of students with communicable diseases or who are carriers of communicable diseases, while also protecting the health and safety of the remaining students in the District.
2. No student, otherwise qualified to attend the schools of this District, shall be denied admission, suspended, expelled, segregated, restricted from curricular or extra-curricular activities, have his or her educational program changed nor otherwise be denied the benefits of the educational program as a result of the student being a carrier of or having any communicable disease, unless the procedures specified herein have been followed.
3. For the purposes of this policy, communicable diseases are defined as diseases which can be transmitted from person to person and include, but are not limited to, the following:

Measles

Acquired Immune Deficiency Syndrome (HTLV-III) (AIDS)

AIDS Related Complex (ARC)

Hepatitis B Virus

Chicken Pox

Whooping Cough

Diphtheria

Typhoid Fever

Rubella

Salmonella

Cytomegalovirus

Herpes Simplex

Communicable diseases may be of short term or long term duration. Short term communicable diseases are those which generally last no more than ten (10) days. Included in that category are chicken pox, whooping cough, and rubella. Long term communicable disease are those which last longer than ten (10) days.

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

5. School attendance and educational decisions regarding students having short term communicable diseases should be handled by the principal as advised by the school nurse.
6. For communicable diseases of short and well known duration, parents or guardians shall absent their children from school during the contagious period. In the event that the parents or guardians refuse to do so, the principal shall suspend the child for up to ten (10) days, following the procedures governing short term suspensions of students.
7. Any decision affecting the educational program or attendance of a student who is a carrier of or who has a long-term 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.
8. 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.
9. For communicable diseases of less well-determined duration, parents or guardians may voluntarily choose to absent their children from school, without compliance with the procedures of paragraphs 11 through 16 hereof, for any period during which the child's condition is infectious or communicable, provided that such absence is supported by a statement to that effect prepared by a medical doctor or other competent medical professional. A determination as to whether alternative instruction will be provided in such circumstances will be made on a case-by-case basis, based upon other policies of the Board, the length of the absence, the severity of the condition and other factors considered relevant by school authorities.
10. The number of personnel who are aware of the child's condition shall be kept to the minimum needed to assure proper care of the child and to deal with situations where the potential for transmission may increase (e.g., bleeding injury).
11. Decisions concerning the educational program and placement setting for those students who have or are carriers of long term communicable diseases will be made by a committee composed of the following: (1) the child's physician; (2) the child's parents or legal guardians; (3) the school personnel with whom the child will interact and who are familiar with a child's educational and physical care needs; (4) the Superintendent of his or her designee; and (5) any other person, to be appointed to the committee by the Superintendent, whose expertise would be useful to the committee in reaching and implementing its decision.

12. In determining the educational program and placement setting for any student who has or is a carrier of a long term 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 neurologic development of the student; (5) the physical condition of the student; (6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms; (8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom he or she will interact; and (10) any other pertinent factor reasonably related to the decision.
13. An unrestricted educational program and placement setting will be the primary goal for any student who has or is a carrier of a long term communicable disease. Restrictions upon a student's educational program and/or placement will be imposed only when the committee determines that the risks of an unrestricted program and placement outweigh the benefits which the student may receive from an unrestricted program.
14. The educational program and/or placement setting established by the committee for any student who has or is a carrier of a long term communicable disease will be reevaluated, and modified if necessary, as often as the circumstances will require, but in no event will the educational program and/or the placement setting continue without reevaluation at least once per school year. Any reevaluation will be done by the committee taking into account those factors listed in paragraph 12.
15. All school personnel and all members of the committee appointed according to the provisions of this policy shall maintain the student's right of confidentiality with respect to the fact that the student has or is a carrier of a long term 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 thereunder.
16. The parent or guardian of a student who has or is a carrier of a long term communicable disease aggrieved by a program or placement decision made pursuant to this policy may appeal that decision to the Board of Education by requesting a hearing, in writing, within ten (10) calendar days of the program or placement decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. The decision of the Board shall be final.

Adopted: January 12, 2006

Revised:

Legal Reference: