

Personnel Policies
Section G
Subsection 7000

Lake Arthur Municipal Schools

Board of Education Policy Manual

Section G Subsection 7000

Personnel Policies

DESCRIPTION

Personnel policies for all school employees except for the superintendent and executive team

Section G Subsection 7000 contains school board personnel policies. It has two major divisions: professional staff and classified/support staff. This includes all school employees except for the superintendent and the executive team whose policies are located under General School Administration. The category of professional is divided into instructional staff and administrators because of their difference responsibilities, working conditions, and compensation/benefits, etc.

Professional staff: This policy category applies to all employees, including administrators, who must in most cases have certification from state authorities to hold their positions. Instructional staff are usually certified teachers but the category also includes other school-based personnel, such as guidance counselors, resource specialists, and nurses, whose responsibilities directly related to students.

Support/classified staff: This policy category applies to all employees who provide administrative, technical, and logistical support to a school or educational program. These employees may not need certification from state education authorities to hold their positions.

All policies that relate to the process of formal negotiations; that is, the conditions established through collective bargaining, are properly referred to under appropriate descriptors in the Personnel Policy section.

Conditions established by negotiated agreements are considered policy and supercedes board policy where it applies in the operation of the district.

Adopted	Revised
January, 2006	June, 2008

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Adopted	Revised
January, 2006	June, 2008
	March, 2018

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G7000 PERSONNEL POLICY STATEMENT

- I. The personnel policies of a school district are an essential part of the program of public education in a community. The philosophy of a school district and the community is generally reflected in these policies.
- II. The board of education wishes to establish conditions that will attract and hold the highly qualified personnel who will devote themselves to the education and welfare of Lake Arthur Schools' students.
- III. The board of education wishes to attract and retain personnel in the district who are self-motivated to do their best work. The board of education will not retain personnel who have to be externally motivated.
- IV. The board of education encourages cooperative efforts by the administration and the employee representatives in the development of personnel policies and regulations. Provision for implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected may voice their opinion.
- V. To keep its personnel policies, and the corresponding regulations, in the highest state of effective to achieve the above purposes, the superintendent is directed to establish the procedures needed.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
		November 11, 2008
	December 9, 2008	

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G7001 RESPONSIBILITY FOR PERSONNEL RECORDS POLICY

The Superintendent shall be responsible for the development and maintenance of appropriate personnel records. Personnel records of current and past applicants and employees shall be the property of the Lake Arthur School District. Each employee shall have two personnel record folders, a working file and a permanent file both of which are deemed confidential. These personnel record folders shall be placed in locked files in the Personnel Office.

The working file may contain personnel records but is not considered the permanent personnel file of the employee.

The personnel records may contain, among other items, the following information:

1. Background information in regard to training, experience, references, credentials, application form, personal data and any other information deemed appropriate and necessary.
2. Record of service within the school district consisting of school and grade assignment or subjects taught each year, summer school assignments, copies of contracts, transfer requests, extended leave requests, letters of resignation, and other records deemed important and appropriate.
3. Termination information which shall indicate whether termination was by resignation or dismissal. All information in the employee's permanent personnel file shall be open to the employee except access to the confidential papers of placement bureaus and references received from former employers or personal references given by an employee on an application prior to employment.
4. Records related to medical conditions or disability shall be contained in the permanent, confidential file per federal regulations.

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G7001 RESPONSIBILITY FOR PERSONNEL RECORDS POLICY

The Superintendent shall have custody of the personnel files and in conjunction with the custody of the personnel files may delegate certain responsibilities to the district's business manager.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

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G7002 FAMILY AND MEDICAL LEAVE OF ABSENCE

This policy is adopted to implement the federal Family and Medical Leave Act of 1993 (FMLA), as amended by the National Defense Authorization Act of 2008 (NDAA), pursuant to the terms, conditions, and limitations of the Act. In the event of any conflict between the provisions of this or any other leave policy of the Lake Arthur Municipal School District (LAMS) and the provisions of the FMLA, the latter shall prevail.

A. To be eligible for leave under the Act an employee must have worked for LAMS for a total of 12 months, during which the employee must have worked a total of 1,250 hours.

B. Pursuant to the Family and Medical Leave Act, employees are permitted up to 12 work weeks of unpaid leave per year during any 12-month period. Family and medical leave can be requested for the following reasons:

1. childbirth and infant care;
2. placement of a child with the employee for adoption or placement of a child with the employee by a state agency for foster care (entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child);
3. care of the employee's spouse, son or daughter or parent with a serious health condition;
4. the inability of the employee to perform his or her job duties due to his or her own serious health condition, or the necessary absence from work of an employee to receive medically necessary treatment, and
5. See Paragraph Q of this policy for FMLA provisions for Service member Family Leave.

The 12-month period within which each employee may take 12 weeks of leave under the FMLA shall be a "rolling" 12-month period, measured backward for each employee from the first time each such employee uses leave under the FMLA.

C. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that (a) requires in-patient care in a hospital, hospice, or residential medical care facility, or (b) requires continuing treatment by a health care provider and which, if left untreated, would likely result in an absence from work of more than three days, or (c) involves pre-natal care. A "serious health condition" does not include voluntary cosmetic treatments, unless inpatient care is required, or routine physical examinations.

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D. An employee requesting leave shall submit a "Request for Leave of Absence" form to the Operations Manager.

E. If an employee requests leave for treatment of an employee's serious health condition or for that of a child, parent, or spouse, the employee must make a reasonable effort to schedule the treatment at a time that is not unduly disruptive to LAMS.

F. An employee seeking leave for a foreseeable reason such as the birth or placement of a child or for planned medical treatment, shall provide LAMS with at least 30 days advance notice of the leave. If 30 days advance notice is not possible under the circumstances, e.g. in the case of a premature birth, the employee shall give such notice as is practicable, e.g., within one or two business days of the day the employee learns of the need for leave. If an employee's reason for seeking leave was unforeseeable, such employee shall give such notice as is practicable. An employee who fails to give notice of leave as required herein may be denied such leave until the notice requirements are met.

If less than 30 days notice of leave is provided, the employee must schedule an appointment with the Operations Manager for approval.

G. An employee seeking leave on the basis of the serious health condition of the employee or the employee's spouse, son or daughter, or parent, must provide certification issued by the health care provider of the employee or of the employee's spouse, son or daughter, or parent, stating

- (a) the date the condition began,
- (b) its probable duration,
- (c) appropriate medical facts, and
- (d) that, for a specified time, either
 - (1) the employee is unable to perform his or her job functions or will be unavailable to do so while receiving necessary medical treatment, or
 - (2) the employee will be needed to care for the sick family member.

If the adequacy of medical certification is questioned by LAMS, LAMS may require the employee to seek the opinion of a second health care provider, who is not regularly employed by LAMS, at LAMS's expense. If the opinions of the first and second health care providers differ, LAMS may require the employee to obtain a third opinion at LAMS's expense, from a health care provider agreed upon by the employee and LAMS. The third opinion shall be final and binding.

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H. Spouses employed by LAMS are limited to a combined total of 12 work weeks per year for the birth or placement of a child, or to care for a parent. However, for other covered leaves, such as to care for a spouse or child, or for treatment of the employee's own serious health condition, each spouse may take up to 12 weeks a year.

I. Intermittent leave and reduced work schedules are allowed when such are medically necessary; however, employees may not take intermittent leaves or go on reduced work schedules that reduce the number of hours worked per week or per day for childbirth/infant care or adoption leave.

J. If any employee requests intermittent leave or leave on a reduced work schedule to care for a seriously-ill family member or for the employee's own serious health condition, and the need for leave is foreseeable based upon planned medical treatment, the employee may temporarily be transferred to an available alternative position with equivalent pay and benefits, if the employee is qualified for the position and the position better accommodates recurring periods of leave than the employee's regular job.

K. All requests for family/medical leave must be approved by the employee's supervisor and a Human Resources Department administrator.

L. Employees who take family/medical leave must utilize any available paid leave they have accrued under another of LAMS's leave policies when the reason for leave corresponds with the basis for leave under the other policy. Accrued vacation or personal leave shall be substituted for any FMLA-qualifying purpose. If the requested leave period extends beyond the employee's accrued number of paid leave days, the remaining leave days will be unpaid.

[Example A: An employee who sought leave due to his or her own serious health condition and inability to perform his or her job duties, has accrued six weeks sick leave. The employee must use the six weeks of paid sick leave and may thereafter use the remaining six weeks of unpaid leave available under this policy;

Example B: An employee wishes to use four weeks of leave under this policy for birth or adoption of a child. The employee may substitute paid maternity or paternity leave, but is not required to, and may not, substitute paid sick leave, except to the extent allowed by the maternity/paternity leave policy.]

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Any employee seeking leave shall explain the reasons for the needed leave on the ARequest for Leave of Absence@ forms provided by LAMS. It shall be LAMS's responsibility to identify the requested leave as covered by the FMLA and as paid or unpaid on the basis of leave time accrued under other district leave policies. Such identification shall be made at the time leave is requested or during such leave, on the basis of information provided by the employee.

M. During the period of leave, LAMS will maintain the employee's coverage under LAMS's group health plan if the employee is eligible and enrolled in the plan; however, the employee is responsible for continuing to pay the employee's monthly portion of the premium. If an employee fails to make payment of the employee's share of health insurance premiums for 30 days after such payment is due, coverage of such employee for benefits shall be discontinued. If the employee fails to return to work following leave under the FMLA for any reason (1) other than the continuation of the FMLA-qualifying circumstances upon which the need for leave was originally based, or (2) circumstances beyond the control of the employee, the employee shall be required to reimburse LAMS for the cost of health insurance premiums LAMS paid to maintain coverage for the employee during the leave period.

N. Employees will not accrue leave or other benefits during the family/medical leave period.

O. An employee other than a "key employee," who has taken family/medical leave will be restored to his or her previous position or to a position of equivalent pay, benefit, and other terms and conditions of employment. Equivalency of positions shall be determined on the basis of LAMS practice. A "key employee" may be denied reinstatement if it would create a substantial and grievous economic injury for LAMS. A "key employee" is one whose compensation is within the highest 10 percent of the work force of LAMS.

P. LAMS shall post a notice to employees in a location frequented by all employees, describing the provisions of the FMLA, provided and approved by the Wage and Hour Division of the United States Department of Labor.

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G7002 FAMILY AND MEDICAL LEAVE OF ABSENCE

Q. Special provisions for FMLA Servicemember Family Leave

(a) An eligible employee of the District may take up to twelve (12) workweeks of FMLA leave measured backward for each employee from the first time such employee uses leave under FMLA, without pay, because of any qualifying exigency, as the U.S. Secretary of Labor shall by regulation determine, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation. (This provision is not in effect until the Secretary of Labor issues specific regulations defining “any qualifying exigency.”)

(b) An eligible employee of the District may take up to twenty-six (26) workweeks of FMLA to care for a covered servicemember who is the spouse, son, daughter, parent, or next of kin of a covered servicemember. A “covered service member” is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The leave described to care for a covered service member shall only be available during a single twelve (12) month period.

(c) The aggregate number of workweeks of leave to which both the husband and wife working for the District may be entitled under covered servicemember family leave combined with leave as described in paragraph Q(a), above, shall be limited to twenty-six (26) workweeks during only one (1) twelve (12)-month period.

(d) An employee must provide at least thirty (30) days notice before FMLA Servicemember Family Leave is to begin if the need for the leave is foreseeable. When thirty (30) notice is not practicable, notice must be given as soon as practicable.

(e) Certification of active military duty or call to active duty in support of a contingency operation for purpose of receiving FMLA Servicemember Family Leave shall be required under the same conditions as FMLA certification for other FMLA leave. In the case of continuation, recurrence, or onset of a serious health condition of the covered servicemember being cared for by an employee and the employee is unable to return to work, certification issued by the health care provider of the servicemember with the serious health condition shall be required to support the inability of the employee to return to work.

(f) All other provisions of the FMLA policy shall apply to the FMLA Servicemember Family Leave.

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G7002 FAMILY AND MEDICAL LEAVE OF ABSENCE

Cross Ref.:

Legal: Family and Medical leave Act of 1993 (FMLA)

First Reading	Adopted	Revised
December 16, 2005	December 16, 2005	
	May 11, 2010	May 5, 2010

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G7003 EQUAL EMPLOYMENT OPPORTUNITY

Discrimination against an otherwise qualified individual with a disability or any individual by reason of race, color, religion, sex, sexual orientation, age, and national origin is prohibited. Efforts will be made in recruitment and employment to ensure equal opportunity in employment for all qualified persons.

Cross Ref.:

Legal Ref. 20 U.S.C. 1703, Equal Employment Opportunity Act of 1972
28-1-2 NMSA et seq.

First Reading	Adopted	Revised
	May, 1995	
		November 11, 2008
	December 9, 2008	

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G7004 BACKGROUND INVESTIGATION

The Lake Arthur Municipal Schools' Board of Education hereby establishes the requirements, as part of the preventative process to establish safe district schools and support services departments, that all individuals who provide a service to district schools and/or departments are to provide criminal background investigation documentation, including mandatory fingerprinting, at his or her expense. The service provided to the district by the person or persons may be through employment, purchased service, vendor contract or as a volunteer. The background investigation documentation will be that specified by the district's superintendent.

Applicants recommended for employment and/or providing service(s) in the Lake Arthur Municipal School District are subject to work history, education history and/or reference investigations, including but not limited to, volunteers, substitutes and temporaries. Each finalist or such applicant and/or such person(s) providing service(s) will be subject to a criminal background investigation, including mandatory fingerprinting, at his or her expense, as a condition of employment or further consideration of employment.

All licensed personnel to be hired by the District, who have not been initially licensed within one (1) year of applying for employment, shall be required to provide fingerprint cards or electronic fingerprints for licensure in accord with state law and shall pay the cost of obtaining federal bureau of investigation records.

Effective immediately, all applicants for employment and/or person(s) providing service(s) will be required to read and sign an Authorization and Agreement form, a copy of which will be provided. All background checks on applicants and/or person(s) providing service(s) will be conducted through the central administration's personnel office.

All offers of employment and/or approval to provide service(s) shall be expressly contingent upon the satisfactory completion of background investigations. Criminal convictions shall not automatically bar an applicant from obtaining employment with the Lake Arthur Municipal School District and/or providing service(s) to the Lake Arthur Municipal School District, but pursuant to the Criminal Offender Act, NMSA 1978 28-2-4 and 28-2-5, may be the basis for refusing employment. Information from background checks shall not be disclosed except to persons directly involved in the certification or employment decision involving the applicant or employee.

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G7004 BACKGROUND INVESTIGATION

Contractors whose employees are in direct contact with students may be required to provide to the school district two finger print cards for employees of such contractors for the purpose of criminal background investigations.

The administration may also conduct the referenced background investigations of incumbent employees if it becomes aware of facts, circumstances or conduct that give rise to a reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue in employment with the District.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

Pursuant to state law, the Superintendent must report to the State Department of Education any conviction of a felony or misdemeanor involving moral turpitude of a certified school employee. All certified administrators shall report any such information to the Superintendent. Failure to make such report can lead to suspension or revocation of the certificate held by the certified school administrator.

Cross Ref.:

Legal Ref.: 22-10A-5 NMSA 1978 (1986 Repl.)
6.60.8.7 NMAC
6.60.8.8 NMAC
6.60.8.9 NMAC

First Reading	Adopted	Revised
	September, 1999	
	October 14, 2008	September 11, 2008

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G7005 CLASSIFIED STAFF CODE OF ETHICS

The board of education recognizes that ethical standards are part of the philosophical make-up of quality of education standard that Lake Arthur Schools strives for in all of its endeavors. To that end the board emphasizes that there is an expectation to have each classified staff member affirm and accept he/she's responsibility to practice the education profession according to the highest ethical standards.

CODE OF CONDUCT FOR ALL PERSONNEL

The Board of Education further recognizes the need to adopt local standards of ethical behavior and conduct for both certified and non-certified personnel. Therefore, the Board of Education adopts the following Code of Conduct for all employees establishing standards and expectations for employee behavior, which, if violated, may form a basis for discipline, up to and including termination or discharge.

This Code highlights employment responsibilities and sets forth concrete behaviors appropriate for all school personnel. We are committed to this Code and understand that it provides minimal standards of accepted conduct for employees of the School District.

Pertaining to students, all school employees shall:

1. refrain from disclosing confidential student records or information about a student or his/her personal and family life unless the release of information has been approved by the student's parent/legal guardian, or is allowed or required by law in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) the Individuals with Disabilities Education Act (IDEA), the New Mexico Mental Health and Developmental Disabilities Code (N.M. Stat. Ann. § 43-1-19), the Inspection of Public Records Act (N.M. Stat. Ann. § 14-2-1 et seq.), the Public School Code (N.M. Stat. Ann. § 22-1-9-8), and the Children's Code (N.M. Stat. Ann. § 32A-2-32 & § 32A-4-3) (as amended or recodified in the future);
2. not discriminate against any student on the basis of race, color, national origin, ethnicity, sex or gender, pregnancy, sexual orientation, gender identity, physical or mental handicap, serious medical condition, disability, or spousal affiliation nor permit students within the employee's control, supervision or responsibility to do so;
3. avoid using their position as a school employee to exploit a student or influence a student to engage in an illegal act, immoral act, or any other behavior that would subject a school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;

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4. refrain from fraternizing with students outside the context of school or school-sponsored activities, and tutor students only in accordance with Board policies, if any, upon obtaining written permission from the student's parent/legal guardian, and at a place or time approved by the employee's supervisor and the student's parent/legal guardian;
5. refrain from giving any gift to any student unless all similarly-situated students receive or are offered the same gift for the same reason;
6. shall not use their positions, their influence, or their authority over students to make personal demands upon students unrelated to the purposes of their education. Employees shall not become intimately involved with students, shall not engage in or respond to romantic, sexually oriented, or other intimate relations, or activities with students, nor participate in any unethical behaviors or conduct with them prohibited by the Board of Education's policies;
7. refrain from lending a student money except in instances of emergencies, or in which a student's safety or well being may otherwise be threatened, or the student will otherwise be unable to participate in a school activity, and all such instances and the reason for the action shall be reported to the employee's supervisor as soon as practicable;
8. avoid inappropriate contact with students - regardless of time or location - including, but not limited to:
 - all forms of sexual contact, and sexual or romantic relations;
 - inappropriate physical contact, embracing, petting, hand-holding, or kissing;
 - favoritism in regard to boys or girls; and
 - offering or giving a ride to a student unless absolutely necessary to the student's safety or well being, and all such instances shall be reported to the employee's supervisor as soon as practicable;
9. report any instances to the Superintendent or any School District administrator in which the employee reasonably suspects that another employee has engaged in sexual or physical contact prohibited by this Policy with a student, or that any other adult has engaged in sexual contact with a minor student;

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G7005 CLASSIFIED STAFF CODE OF ETHICS

10. abide by the prohibitions of N.M. Stat. Ann. § 30-9-11 (1978) or any other statute whether federal or state, which imposes felony sanctions for a school employee who has had sexual relations with a student less than eighteen years of age;
11. become familiar with and abide by Board of Education policies related to inappropriate contact with students and sexual harassment of students by employees or by students, avoid sexual harassment of students, and not permit students within the control, supervision or responsibility of the employee to sexually harass any other student, such as by any verbal or physical conduct of a sexual nature with a student -- including any sexual advances or requests for sexual favors, and use of any sexually oriented names or references -- even when the employee believes the student is initiating or consents to such conduct, and avoidance of any possession, display, or distribution of sexually-oriented materials or information at school except any that are part of the curriculum;
12. report to the administration any instance in which the employee suspects that a student has been subjected to sexual harassment at school, during school-sponsored activities, or during school transportation to or from such activities;
13. avoid any unauthorized or inappropriate discipline of a student or corporal punishment in excess of, or contrary to, Board policy, and under no circumstances shall corporal punishment be such that it injures a student, and, in interactions with students:
 - control anger, de-escalate conflicts and confrontations, avoid loss of temper, and refrain from any form of physical or verbal abuse of students, except reasonable physical intervention limited to restraint of students actively engaged in, or threatening, physical violence or harm toward himself or herself, other staff members, or other students, and instances of such physical restraint shall be reported to the administration as soon as practicable;
 - refrain from using or tolerating on school premises, while at any school activity, and during school transportation to or from any school activity, the use of vulgar, profane, or personally offensive terms, names or nicknames, racial, ethnic, or sexual epithets, and racially, ethnically, or sexually insensitive terms, racial, ethnic, or sexual jokes or slurs, crude anatomical references, other offensive, profane or abusive verbal or non-verbal communications;
 - obtain written supervisory approval with regard to particular words, terms, or other communications the employee uses or proposes to use that are or may be otherwise prohibited by this Code;

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G7005 CLASSIFIED STAFF CODE OF ETHICS

- avoid being provoked into a response barred by this policy, by student conduct or communications;
- 14. avoid engaging in violent or threatening behavior toward students, regardless of provocation, except when required for the immediate defense from serious physical harm of the employee, another student, staff member, or authorized person on campus.

In general, all school employees shall:

1. comply with all Board policies and administrative regulations regarding standards of employee behavior or conduct;
2. disclose all material facts in all procedures for obtaining employment or licensure, and refrain from making false or misleading statements in connection therewith;
3. avoid misrepresentation of his or her qualifications for employment or promotion;
4. refrain from assisting persons in obtaining educational employment whom he or she knows to be unqualified with respect to their character, education, or employment history;
5. refrain from making false or misleading statements concerning the qualifications of anyone seeking employment with the School District;
6. refrain from permitting or assisting unqualified or unauthorized persons to obtain employment with the School District;
7. avoid disclosure of personal, medical, or other confidential information about other employees to anyone, unless disclosure is required or authorized by law;
8. avoid making false and derogatory statements about other employees;
9. refrain from accepting any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, off-contract time employment or other item, offered on the basis of the employee's employment with the District, and exceeding in fair market value one-hundred-dollars (\$100), excluding approved educational or employment-related awards, honoraria, plaques, trophies, and prizes;
10. avoid conduct connected with the performance of official duties that is improper or illegal, or which creates the appearance of impropriety or illegality;

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11. become familiar with and abide by the Board's policies related to sexual harassment of employees, and avoid sexual harassment of any school employee, any school visitor, and anyone else whom he or she might encounter in the course of official duties, by any verbal or physical conduct of a sexual nature -- including unwelcome sexual advances or requests for sexual favors, and the use of any sexually-oriented jokes, innuendos, names, or references -- and avoidance of any possession, display, or distribution of sexually-oriented materials or information at school except any that is part of the curriculum;
12. refrain from engaging in public displays of affection, even with consenting adults, while on school property, during school-sponsored activities, and during school transportation to and from such activities;
13. use educational facilities and property only for purposes related to the legitimate school-related business for which they are intended, consistent with applicable policy, law and regulation, and avoid use of public school facilities or property to conduct personal business or personal affairs;
14. not discriminate on the basis of race, age, religion, color, national origin, ancestry, sex or gender, pregnancy, sexual orientation, gender identity, physical or mental handicap, serious medical condition, disability, spousal affiliation, military status in employment or the provision of services of any school employee or any other person with whom he or she has any dealings or contact in the course of official duties;
15. avoid all outside employment which conflicts with school employment duties, or which uses confidential or privileged information obtained from public school employment, or that impairs the employee's physical ability to perform school employment duties;
16. refrain from changing or altering, and from encouraging or assisting anyone else to change or alter, any record or document with the intent to conceal or confuse a fact in connection with:
 - any submission to any state or federal regulatory authority.
 - official school duties;
 - another person's official school duties;
 - any standardized or non-standardized testing;
 - any school application or disclosure process; and

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17. avoid knowingly engaging in any conduct or making any statement that would:
 - breach the security of any standardized or non-standardized test;
 - omit all or part of the testing instructions of any standardized or non-standardized test;
 - assist students in obtaining services or benefits to which they do not qualify or are not entitled;
18. avoid engaging in violent, abusive, indecent, profane, boisterous, disruptive, unreasonably loud, or otherwise disorderly conduct such as would tend to disturb the peace or interfere with or obstruct the lawful mission, processes, procedures or functions of the schools or the School District while on school property, while present at a school activity, and during school transportation to or from such activities;
19. refrain from violent, threatening, or unprofessional conduct toward other employees, supervisors, parents, members of the school community, members of the general public, and others with whom the employee has contact in connection with his or her duties;
20. avoid engaging in any behavior prohibited by the state's criminal code of federal law, and in conduct that may result in criminal penalties, civil fines, or similar sanctions;
21. respond in a prompt, direct, and professional manner to lawful directives, instructions, and requests from supervisors or administrators.

PENALTIES FOR FAILURE TO COMPLY WITH CODE OF ETHICS AND CONDUCT

The Board of Education finds that adherence to this Code of Ethics and Conduct has a significant bearing on a school employee's competence, turpitude, or the proper performance of his or her duties. Although the Code of Ethics and Conduct is intended to provide a valuable framework of personal ethics to assist employees in their interactions with colleagues, students, parents, and others, the Code of Conduct also sets minimal standards of accepted conduct with which all employees are expected and required to comply.

The failure to abide by the standards of ethical behavior and conduct set forth in the Code of Ethics and Conduct may constitute just cause for discipline - including termination or discharge - of personnel subject to this Policy, by action of the Superintendent of Schools in accordance with applicable procedural requirements.

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The failure to abide by the standards of conduct set forth in this Policy shall constitute insubordination and/or misconduct, and shall be considered conduct outside the normal scope of duties of school personnel and, thus, not subject to the procedures for correction of unsatisfactory work performance set forth under NMAC 6.69.2 and the employee will be subject to discharge or termination for misconduct as set forth in N.M. Stat. Ann. § 22-10A-24 and § 22-10A-27 (2003).

After final action is taken to discharge or terminate the employment of any licensed or certified school employee, or any other person providing instructional services in a school who does not hold a standard license but whose presence was authorized by the New Mexico Public Education Department through a waiver, substandard license, substitute license, or an educational plan approved by the Public Education Department, when such discharge or termination of employment is based in whole or in part upon a violation of this Code of Ethics and Conduct, the Superintendent or designee shall report such discharge or termination of employment to the Licensure Unit of New Mexico Public Education Department for possible license suspension or revocation as the Public Education Department determines to be appropriate.

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G7005 CLASSIFIED STAFF CODE OF ETHICS

G7005.5 Principle V: Commitment to a Standard of Conduct (Continued)

I.

II. EMPLOYEE CODE OF CONDUCT

- Trustworthiness:** Behavior which allows others to have faith in what you stand for by both word and deed.
- Honesty: Being free from lying, cheating, and stealing.
 - Integrity: Having the inner strength to be truthful, trustworthy, and honest in all things.
 - Promise-Keeping: Keeping your word and honoring your commitments.
 - Loyalty: Able to stand by, support, and protect your family, friends, and country.
- Respect:** Judging people on their merits; being courteous and polite; tolerant, appreciative and accepting of individual differences;
Respect the right of individuals to make decisions about their own lives.
- Responsibility:** Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions.
- Accountability: Thinking before you act and for the long term; considering all of the consequences on all people affected; accepting responsibility for the consequences of your choices; setting an example for those who look up to you.
 - Excellence: Doing your best and to keep trying; being diligent and industrious.
 - Self-restraint: Exercise self-restraint and being disciplined.
- Fairness:** Treating all people fairly; being open-minded; being impartial, objective, and unprejudiced; trying to understand what others are saying and feeling; making decisions which affect others only after appropriate considerations.
- Caring:** Demonstrating considerate, courteous, helpful, kindness and compassion when dealing with others.
- Citizenship:** Playing by the rules; obeying laws; doing your share; respect of authority; staying informed; voting; protecting and conserving the finite resources of the world in which you live; helping your community by volunteering.

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G7005.5 Principle V: Commitment to a Standard of Conduct (Continued)

Classified employee conduct which does not meet the standard of the employee code of conduct is addressed through board policy, employee appraisal system, and administrative regulation. These areas include but are not limited to:

- Appropriate attire
- Damage/destruction of school property
- Tobacco use
- Harassment
- Alcohol and drug use
- Weapons
- Assault
- Fighting
- Disruptive activities during the times and locations of school district jurisdiction
- Possession of prohibited devices
- Use of profanity, vulgar language, or obscene gestures
- Failing to comply with lawful directives from supervisor and/or other district administrator
- Engaging in misconduct while in the possession of or in the use of school property
- Committing extortion, coercion, or blackmail
- Engaging behavior that does not meet the characteristics of the character descriptors stated in the employee code of conduct
- Being insubordinate
- Being tardy or late to work, or not reporting to perform supervision of assigned responsibilities or those associated with student activities as they spontaneously occur.
- Non- or poor performance of job responsibilities and duties.
- Personal, professional, and ethical relationships that do not meet conduct standards as the employee interacts with employees, students, and all other persons who are served by and provide services for the school district.

Employees who engaged in these types of behavior/activities are subject to disciplinary action as per district policy and regulation.

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Cross Ref.:

Legal Ref.:

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	March 13, 2018
	April 10, 2018	

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G7006 NON-DISCRIMINATION POLICY

The Lake Arthur Municipal Schools' Board of Education forbids acts of discrimination in all matters dealing with employees and with applicants for positions with the district. This covers, but is not limited to recruitment, hiring, training, and promotion of persons in all job classifications, without regard to race, color, religion, sex, national origin or age.

The superintendent of schools has overall responsibility for (enforcement of) this policy. Implementation of this policy is a function of all administrators, supervisors, and staff employed by the district.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

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G7007 PROFESSIONAL STAFF CODE OF ETHICS

(Standards of Professional Conduct)

The board of education recognizes that ethical leadership and standards are part of the philosophical make-up of quality of education standard that Lake Arthur Schools strives for in all of its endeavors. To that end the board emphasizes that there is an expectation to have each certified professional staff member affirm and accept he/she's responsibility to practice the education profession according to the highest ethical standards.

Preamble

We, licensed educators of New Mexico, acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequence of each choice, the moral value best exemplified by the recommended choice, and our position on the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are: respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all, and personal integrity.

In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, but also it stimulates us to discuss the professional implications of our ethical choices and ethical recommendations, cause us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

Standard I – Duty to the student. We endeavor to stimulate students to think and to learn while at the same time we seek to protect them from any harm. Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but also by consistent and justifiable personal example. To satisfy this obligation, we:

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- shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. Section 1401 et seq., 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19, NMSA 1978), the Inspection of Public Records Act (Section 141-2-1 et seq., NMSA 1978), the Public School Code (Section 22-1-8, NMSA 1978), and the Children's Code (Sections 32A-2-32, 32A-4-3, NMSA 1978), withhold confidential student records or information about a student or his/her personal and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law;
- shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
- shall avoid using our positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;
- shall tutor students only in accordance with local board policies, if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian;
- shall not give a gift to any one (1) student unless all students situated similarly receive or are offered gifts of equal value for the same reason;
- shall not lend a student money except in clear and occasional circumstances, such as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;
- shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:
 - all forms of sexual touching, sexual relations or romantic relations;
 - inappropriate touching which is any physical touching, embracing, petting, hand-holding or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex, and maturity of the student;
 - any open displays of affection toward mostly-boys or mostly-girls; and

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- offering or giving a ride to a student unless absolutely unavoidable as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements;
- shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:
 - making any sexual advances, requests for sexual favors, repeated sexual references, any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them: and
 - creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) or Subparagraph (a) of Paragraph (8), Subsection B of 6.60.9.9 NMAC, above.

Standard II – Duty to the Profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession, and must strive consistently in educating the children of New Mexico, all of whom will one-day shape the future. To satisfy this obligation, we:

- shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;
- shall not orally or in writing misrepresent our professional qualifications;
- shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history;
- shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;
- shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;

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- shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;
- shall not knowingly make false or derogatory personal comments about an educational colleague, although first amendment protected comments on or off campus are not prohibited;
- shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100, excluding approved educational awards, honoraria, plaques, trophies, and prizes;
- shall avoid conduct connected with official duties that is unfair, improper, illegal or gives the appearance of being improper or illegal;
- shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:
 - making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above;
 - making any other verbal gesture or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;
 - displaying or distributing any sexually oriented materials where the above-named individuals can see them; and
 - creating an intimidating, hostile, or offensive work/school environment by engaging in any of the prohibited behaviors set forth at Subparagraphs (a), (b) or (c), Paragraph (10), Subsection C of 6.60.9.9 NMAC above;
- shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 et seq.) or contacting appropriate school human resources personnel;
- shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;

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- shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;
- shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
- shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity sex, sexual orientation, disability, religion, or serious medical condition;
- shall not engage in any outside employment:
 - the performance of which conflicts with our public school duties, such as where a licensed educator takes a private job that would require performance in the very school district where he/she is employed;
 - where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties; and
 - that impairs our physical ability to perform our school duties;
- shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
 - in connection with our official school duties;
 - in connection with another licensed person's official school duties;
 - in connection with any standardized or non-standardized testing;
 - in connection with any school application or disclosure process; and
 - in connection with any writing submitted to the public education department related to our initial or continued licensure, including endorsements;
- shall not in connection with any state board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test-registering;
- shall not engage in any conduct or make any statement:
 - that would breach the security of any standardized or non-standardized tests;
 - that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;

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- that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
 - that would give students an unfair advantage in taking a standardized or non-standardized test;
 - that would assist students in obtaining services or benefits for which they do not qualify or are not entitled:
-
- shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace.
 - shall not hold, or continue to hold, employment for which educator licensure or certification is required when the individual knew, should have known or is informed by the PED, that the individual does not hold the required credentials; and
 - shall not use school information technology equipment, hardware, software or internet access to view, download, display, store or print pornographic images or advertisements, nude images, or sexually explicit depictions or language;
 - shall not engage in unprofessional conduct, which conduct shall include but not be limited to the following:
 - striking, assaulting or restraining a student for no valid reason;
 - using any written or spoken words in public schools or at school events that are inflammatory, derogatory or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability;
 - bringing firearms onto school property or possessing them on school property, except with proper authorization;
 - possessing or consuming alcohol beverages at school;
 - possessing or using illegal drugs;
 - being under the influence of alcohol or illegal drugs at school;
 - actively obstructing an investigation into the possible unethical or illegal conduct of a school employee; and
 - engaging in favoritism or preferential treatment toward any school employee or applicant in regards to that individual's hiring, discipline, terms of employment, working conditions or work performance due to that individual's familial relationship with the licensee;

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- shall report any knowledge of inappropriate contact, as provided by Paragraph (7) of Subsection B of 6.60.9 NMAC with a student or other school employee to the local school authority within 30 days of obtaining such knowledge.

Sanctions

The standards of professional conduct establish minimal standards of accepted professional conduct with which all educators and administrators are required to comply. Therefore, the Secretary of Education through the professional licensure unit (“licensure unit”) of the Public Education Department (PED), may revoke or suspend the licensure of any person, or may deny applications for licensure or relicensure to any person, who is within the scope of this regulation and who after hearing is found to have failed to comply with one (1) or more of the enumerated provisions of the standards of professional conduct set forth in Section 6.60.9.9 NMAC, exclusive of the preamble.

In General

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students and District property. No employee shall, by action or inaction, interfere with or disrupt any District activity or encourage any such disruption. No employee, other than one who has obtained authorization from the appropriate school administrator, shall carry or possess a weapon on school grounds. All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

Cross Ref.:

Legal Ref.: 22-5-4.4 NMSA
6.60.9.9 NMAC
6.68.2.1. et seq. NMAC
6.68.3.1 et seq. NMAC

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	March 13, 2018

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IV.

V. EMPLOYEE CODE OF CONDUCT

- Trustworthiness:** Behavior which allows others to have faith in what you stand for by both word and deed.
- Honesty: Being free from lying, cheating, and stealing.
 - Integrity: Having the inner strength to be truthful, trustworthy, and honest in all things.
 - Promise-Keeping: Keeping your word and honoring your commitments.
 - Loyalty: Able to stand by, support, and protect your family, friends, and country.
- Respect:** Judging people on their merits; being courteous and polite; tolerant, appreciative and accepting of individual differences;
Respect the right of individuals to make decisions about their own lives.
- Responsibility:** Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions.
- Accountability: Thinking before you act and for the long term; considering all of the consequences on all people affected; accepting responsibility for the consequences of your choices; setting an example for those who look up to you.
 - Excellence: Doing your best and to keep trying; being diligent and industrious.
 - Self-restraint: Exercise self-restraint and being disciplined.
- Fairness:** Treating all people fairly; being open-minded; being impartial, objective, and unprejudiced; trying to understand what others are saying and feeling; making decisions which affect others only after appropriate considerations.
- Caring:** Demonstrating considerate, courteous, helpful, kindness and compassion when dealing with others.
- Citizenship:** Playing by the rules; obeying laws; doing your share; respect of authority; staying informed; voting; protecting and conserving the finite resources of the world in which you live; helping your community by volunteering.

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Certified employee conduct which does not meet the standard of the employee code of conduct is addressed through board policy, employee appraisal system, and administrative regulation. These areas include the State Board of Education's Standards of Professional Conduct and specifically:

- Discrimination as defined by the statute
- Appropriate attire
- Damage/destruction of school property
- Tobacco use
- Harassment
- Alcohol and drug use
- Possession or use of weapon on school property or in being a representative of the school district.
- Assault
- Fighting
- Disruptive activities during the times and locations of school district jurisdiction
- Possession of prohibited devices
- Use of profanity, vulgar language, or obscene gestures when on school property or representing the school district or attending a school function.
- Failing to comply with lawful directives from supervisor and/or other district administrator
- Engaging in misconduct while in the possession of or in the use of school property
- Committing extortion, coercion, or blackmail
- Engaging behavior that does not meet the characteristics of the character descriptors stated in the employee code of conduct
- Being insubordinate
- Being tardy or late to work, or not reporting to perform supervision of assigned responsibilities or those associated with student activities as they spontaneously occur.
- Non- or poor performance of job responsibilities and duties.
- Personal, professional, and ethical relationships that do not meet conduct standards as the employee interacts with employees, students, and all other persons who are served by and provide services for the school district.

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G7007 PROFESSIONAL STAFF CODE OF ETHICS

Cross Ref.:

Legal Ref.: 22-5-4.4 NMSA
 6.60.9.9 NMAC
 6.68.2.1. et seq. NMAC
 6.68.3.1 et seq. NMAC

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	March 13, 2018
	April 10, 2018	

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G7008 EMPLOYEE RECOMMENDATIONS FOR CURRENT OR FORMER EMPLOYEES OF THE DISTRICT

G7008.1 Board Findings

The Board of Education finds as follows:

1. That under current New Mexico law, an employer and individual employees may be held liable for having provided incomplete or misleading employment references or recommendations in regard to the employer's current or former employees under certain circumstances;
2. That individual employees of the Lake Arthur Municipal Schools (the District) who wish to provide employment references or recommendations for current or former employees may not be in possession of all pertinent information regarding a current or former employee necessary to provide a complete and fair employment reference or recommendation;
3. That under current law, an individual employee of the District who provides a recommendation or reference for a current or former employee of the District may be mistakenly perceived as providing such reference or recommendation on behalf of the District; and
4. That limitations and conditions are required to prevent employment references or recommendations by individual employees from being attributed to the District when such references or recommendations have not been authorized by the District.

G7008.2 Rules Regarding Employment References and Recommendations

In view of the foregoing, no employee of the District is authorized to issue a written or oral employment reference or recommendation for a current or former employee of the District except in compliance with the following:

1. No employee may issue or provide an employment reference or recommendation in his or her capacity as an employee of the District for a current or former employee orally—all such references or recommendations shall be in writing only.
2. No employee may issue or provide an employment reference or recommendation in his or her capacity as an employee of the District for a current or former employee of the District without first:

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G7008 EMPLOYEE RECOMMENDATIONS FOR CURRENT OR FORMER EMPLOYEES OF THE DISTRICT

- a. Providing a copy of the proposed reference or recommendation to the Director of Personnel or the Superintendent for approval; and
 - b. Receiving the Director of Personnel or Superintendent's written authorization of the reference or recommendation provided.
3. An employee who wishes to provide an employment reference or recommendation in his or her personal capacity only for a current or former employee of the District, without the authorization or endorsement of the District, shall observe the following limitations and conditions:
- a. No employee providing such personal reference or recommendation orally may do so during work hours, or while on District premises, or through the use of telephone or other communications media owned by the District.
 - b. No employee providing such personal reference or recommendation in writing may do so during working hours or while on District premises, or using any District or school letterhead or any communications media owned by the District, or by other means that suggests District authorization or agreement; and
 - c. An employee providing any such oral or written reference or recommendation shall specify in providing the reference or recommendation that he or she is speaking for himself or herself, and not on behalf of the Loving Municipal Schools.

G7708.3 Investigation and Record-keeping

1. Upon receiving a copy of or a request for a proposed reference for a former employee, the Director of Personnel or Superintendent shall make appropriate inquiries about the former employee of building administrators at each building in which the former employee worked while employed by the District, and shall compile a record of all information regarding the former employee's competency, turpitude, and proper performance of duties. In approving the issuance of a recommendation on behalf of the District, the Director of Personnel or Superintendent shall ensure that the recommendation fairly reflects all relevant and reliable information bearing upon the former employee's competency, turpitude, and proper performance of duties.

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G7008 EMPLOYEE RECOMMENDATIONS FOR CURRENT OR FORMER EMPLOYEES OF THE DISTRICT

2. The Director of Personnel or Superintendent shall keep and maintain copies of all proposed references or recommendations submitted to the Director of Personnel or Superintendent, copies of information compiled as to each, and the Director of Personnel or Superintendent's responses to each such proposed reference or recommendation.

G7008.4 Penalties

Any violation of the provisions of this policy or any of its procedures by any employee shall subject such employee to discipline, including termination or discharge.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

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G7009 EMPLOYEE RESPONSIBILITIES

It is the professional duty and responsibility of each District employee to help provide quality educational experiences in a caring environment for each child enrolled in Lake Arthur Schools.

Each employee shall be accountable to their immediate supervisor and ultimately to the Superintendent.

All employees have a responsibility to make themselves familiar with, and abide by, the laws of the State as they affect their work, the policies of the Board and the Administrative procedures designed to implement them.

All employees shall be expected to carry out their assigned responsibilities with conscientious concern. The first responsibility of the instructional staff is the education of the student.

Also essential to the success of the ongoing school operations and the instructional program are the following specific responsibilities, which shall be required of all personnel:

1. Faithfulness and promptness in work attendance.
2. Support and enforcement of board policies and their associative administrative regulations and procedures.
3. Diligence in submitting required reports promptly at the time specified.
4. Care and protection of all district property.
5. Concern and attention toward their own and the Board's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

Employees hold a position of public trust. Teachers especially, serve as trustees of the American heritage and work for the strengthening of education and for the realization of democratic ideals.

In their association with students all school employees will set examples that are an important part of the educational process. Their manner, dress, courteousness, industry, and attitudes establish models that affect the development of young people.

Lake Arthur Municipal Schools

Personnel Policies

G7009 EMPLOYEE RESPONSIBILITIES

No administrative officer, instructor, or employee of the school district shall directly or indirectly authorize or encourage the participation or attendance of elementary or secondary school students in any type of demonstrative or protest activity during the school day which might possibly expose them to violence, potential violence or physical injury.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7010 STAFF LICENSURE CERTIFICATION AND ENDORSEMENTS POLICY

It is the objective of Lake Arthur Municipal Schools to employ the most highly qualified staff for position assignments

To that end each staff member is responsible for and required to maintain all licensure, certification and endorsements required to be employed by Lake Arthur Municipal Schools on a continuous year to year assignment.

Failure to provide complete certification and endorsement documentation for an employee's personnel files shall be cause for denial of employment or termination.

A person who makes a false statement, representation, or certification in any application or contract of employment with the School District may be denied employment or terminated.

Cross Ref.: Lake Arthur Personnel Policy, G7005 Classified Staff Code of Ethics
Lake Arthur Personnel Policy, G7007 Certified Professional Staff Code of Ethics

Legal Ref. NMAC 6.60.9 Licensure Requirements , Code of Ethical Responsibility of the Education Profession

First Reading	Adopted	Revised
January 13, 2009	February 10, 2009	

Lake Arthur Municipal Schools

Personnel

G7011 FLSA SAFE HARBOR POLICY

It is the policy and practice of the School District to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

Review Your Pay Stub

The School District makes every effort to ensure its employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the School District's attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any question, please use the reporting procedure outlined below.

Non-exempt Employees

If you are eligible for overtime pay or extra pay (including pay due under our handbook or a collective bargaining agreement), you must maintain a record of the total hours you work each day. These hours must be accurately recorded on a time card/time sheet that will be provided to you. Each employee must sign his or her time card to verify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). Your time card must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each week, you should submit your completed time card for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

Exempt Employees

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the School District. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

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G7011 FLSA SAFE HARBOR POLICY

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a sick day pay plan and short-term disability insurance plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; NM Educational Retirement Board (ERB) or other voluntary contributions to a legitimate salary deferral plan. In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence because the School District/School is closed on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

Please note: You will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off.

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To Report Violations of This Policy, Communicate Concerns, or Obtain More Information

It is a violation of the School District's policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of School District policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager/supervisor or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Personnel Department/Human Resources Office.

You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination or discharge.

If you have questions about deductions from your pay, please contact the Business Department/Human Resources Office immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Business Manager at 700 Broadway, Lake Arthur, New Mexico 88253; Telephone: 575-365-2000. If you have not received a satisfactory response within five business days after reporting your concern to Business Manager at 700 Broadway, Lake Arthur, New Mexico 88253; Telephone: 575-365-2000 and you are unsure who to contact to correct the problem, please immediately contact the Superintendent of Schools, 700 Broadway, Lake Arthur, New Mexico 88253; Telephone: 575-365-2000.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

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In addition, the School District will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the School District's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

Cross Ref.:

Legal Ref.:

First Reading	Adopted	Revised
May 5, 2010	May 11, 2010	

Fn: PersonnelPolicies/FLSA Safe Harbor PolicyG7011P.doc

Lake Arthur Municipal Schools

Personnel Policies

G7012 STAFF STUDENT PROFESSIONAL BOUNDARIES POLICY

All staff are required to maintain appropriate professional, moral, and ethical relationships in their conduct with students and shall serve as positive role models for students at all times, whether on or off Lake Arthur Municipal Schools' property, both during and outside of school hours. The Lake Arthur Municipal Schools encourages healthy relationships between students and staff members that promote student achievement and success. At the same time, clear and reasonable boundaries for interactions between students and staff members are necessary to protect students from sexual misconduct and abuse and to protect staff members from misunderstandings and false accusations. In particular, a teacher is in a position of trust and power. A teacher's actions must always be guided by the principle of what is in the best interests of the students.

All staff have a responsibility to provide and support an atmosphere conducive to learning through consistent and fairly applied discipline and the maintenance of professional physical and emotional boundaries with students. These boundaries shall be maintained regardless of the student's age, the perceived consensual nature of the relationship or activity, the location of the activity, or whether the staff member directly supervises the student. For staff members whose children are students in Lake Arthur Municipal Schools, this Policy is not intended to violate or otherwise intrude upon the usual parent/child or other family relationship. However, the existence of a parent/child or other family relationship does not supersede the staff member's duty to attend to his or her professional responsibility to serve the interests of the School District, its student population and the local community. Should the staff member believe that these duties are in conflict, he or she shall discuss it with his or her supervisor to resolve the issue.

Personal contact between students and staff must always be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. A boundary invasion is an act, omission, or pattern of behavior by a staff member that does not have an educational purpose and either abuses or compromises the staff/student professional relationship or has the potential to abuse or compromise the staff/student professional relationship.

Staff members shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by law, regulation, or this Policy or that creates the appearance of prohibited behavior. All staff shall be required to maintain professional and ethical relationships with Lake Arthur Municipal Schools' students that are conducive to an effective, safe learning environment. This Policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary -blurring behaviors that have the intention or effect of leading to more egregious misconduct.

It is the responsibility of the Lake Arthur Municipal Schools' staff to maintain a professional relationship with students and their families, and staff members have a responsibility to report to the Lake Arthur Municipal Schools' principal, human resources, or to any other appropriate administrator when they suspect, recognize or observe the development of, or suspicion of the development of non-professional or potentially inappropriate personal relationships with students and/or their families.

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DEFINITIONS

Duty of Care – A common law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk or injury.

Electronic Communications – A communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. Electronic communications include, but are not limited to, emails, texts, instant messages, and communications made by means of an Internet website, including social media and other networking websites.

Hazing - Any action intentionally or recklessly taken or situation intentionally or recklessly created through which individuals are forced to perform, participate in or endure actions which endanger the mental, physical, or academic health or safety of a student. This may include, but not be limited to such actions which result in physical injury, assault or battery, kidnapping or imprisonment, intentionally placing a student at risk of mental or emotional harm, degradation, humiliation, intimidation or coercion, the compromising of moral or religious values, forced consumption of any liquid or solid, placing an individual in physical danger or at risk, or impairment of or interference with physical liberties or academic endeavors.

Inappropriate Boundary Invasion – An act, omission, or pattern of such behavior by a school employee or other adult that invades or is designed to result in an invasion of a student's physical or emotional boundaries, *does not have a legitimate educational purpose*, and results in abuse of the staff/student professional relationship.

Legitimate Educational Purpose or Reason – Matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration, or other purposes within the scope of the staff member's job duties, including performing a task specified in his or her position description or contract agreement, a task related to a student's education or to discipline of a student, providing a service or benefit related to the student or student's family, or maintaining the safety and security of the school community.

Professional Boundaries – appropriate professional, moral, and ethical relationships with students that have a legitimate educational purpose or reason on or off Lake Arthur Municipal Schools' property, both during and outside of school hours.

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Staff – For purposes of this Policy, the term “staff” is defined to include all Lake Arthur Municipal Schools’ employees, including but not limited to all administrators, counselors, teachers, nurses, librarians, student support specialists, support staff, non-instructional staff, coaches, employees of virtual school programs, to include but not be limited to distance learning, online programs, and vendors and/or independent contractors providing instructional services to, or who may have direct, unsupervised contact with students, as well as all student teachers, interns, practicum students, volunteers, volunteer coaches, and community members.

This Policy applies to Lake Arthur Municipal Schools’ employees, volunteers, student teachers, and independent contractors and their employees who interact with students, are present on school grounds and who may have unsupervised access to students.

Independent contractors doing business with the Lake Arthur Municipal Schools will ensure that their employees who have direct interaction with, or unsupervised access to students, or are present on school grounds, are informed of the provisions of this Policy and complete a criminal background check process which complies with NMSA 1978 Section 22-10A-5.

This Policy is not intended to interfere with appropriate personal or family relationships between staff and students and their families that exist independently of the Lake Arthur Municipal Schools, nor to interfere with participation in civic, religious or other outside organizations that include Lake Arthur Municipal Schools’ students.

The interactions and relationships between staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between staff and students in and outside of the educational setting, and consistency with the educational mission of the schools.

Staff will not intrude on a student’s physical and emotional boundaries, unless the intrusion is necessary to serve an educational, physical, mental, and/or emotional health purpose or to prevent an immediate risk of injury or harm to the student.

Staff shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvements with individual students. Any appearance of impropriety should be avoided. Intimate relationships between staff and students are prohibited. In addition to regular classroom instruction and extracurricular activities, appropriate occasions when staff may interact with students beyond the school day include before and after care, tutoring to improve students’ academic skills, mentoring that provides students with positive role models, and hosting school-sanctioned or school-sponsored activities and events that reinforce positive behaviors.

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One-on-one tutoring and mentoring offered during school or non-school hours must take place at the school or at an off-site location approved by the principal or appropriate administrator. When one-on-one tutoring and mentoring takes place away from the school, written permission from the parent/guardian must be obtained. Volunteers on Lake Arthur Municipal Schools' property must be under the supervision of a Lake Arthur Municipal Schools' staff member at all times.

During school-related or instructional-related events during non-school hours, staff must maintain the ethical standards applicable to their professions.

MANAGING PROFESSIONAL BOUNDARIES

Working in local communities - Staff working in local communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents/guardians of the children and young people with whom they work and are, therefore, more likely to share social and sporting events or membership at various community clubs or associations.

This means they will have legitimate reasons, on occasion, to attend social events with the children and young people with whom they work, and/or to visit their homes or to be visited by them in the company of their parents/guardians. These social engagements are an important part of community life and a positive contribution to the wellbeing of staff working in local communities.

Following the advice below will assist staff to enjoy these social engagements without compromising their professional responsibilities. The guiding principles in managing these situations are that:

- Social contact should be generated via the relationship the staff member has with the parents/guardians of children and young people or by an event, such as a sporting event.
- Staff should avoid being alone or in unsupervised settings with children and young people in these situations.
- Staff should conduct themselves in a way that will not give others reason to question their suitability to work with children and young people, and that will not create fear, discomfort, humiliation or intimidation for children and young people in their professional relationships with them.
- Consuming alcohol in these situations may lessen a staff member's capacity to judge when a professional boundary is at risk.
- Staff should politely refuse to discuss matters relating to the workplace and should not discuss children and young people's learning or social progress, other than at times specifically set aside for that purpose.

Any concern a staff member has about whether or not a situation may be compromising or breaching a professional boundary should be reported to the principal, human resources or any other appropriate administrator and an approved plan of action developed, implemented and monitored.

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REPORTING VIOLATIONS, INAPPROPRIATE OR SUSPICIOUS CONDUCT

Staff members are required to immediately notify the principal, human resources or any other appropriate administrator if they become aware of a situation that may constitute a violation of the law or this Policy. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect under the law as implemented by board policy, “Child Abuse Neglect and Reporting,” or its equivalent.

Students and their parents/guardians are strongly encouraged to notify the principal, human resources or any other appropriate administrator if they believe a staff member may be engaging in conduct that violates the appropriate boundaries as specified in this Policy, puts a student at risk or which may violate the law.

Anonymous complaints involving inappropriate boundary invasions by staff members with students will be investigated as if a student, parent, or staff member reported the violation.

INVESTIGATION

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of harassment.

It is understood that some reports made pursuant to this Policy will be based on rumors or misunderstandings; the mere fact that the reported staff member is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation any individual, including the reported staff member, the reporter, or a witness is found to have intentionally provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this Policy and other applicable laws, regulations and Lake Arthur Municipal Schools’ policies. Obstruction includes but is not limited to violation of “no contact” orders given to the reported staff member, attempting to alter or influence witness testimony by threat or intimidation, and destruction of or hiding evidence. Intimidation of a witness is a violation of the NM Criminal Code and is required to be reported to appropriate law enforcement authorities immediately upon discovery.

DISCIPLINARY ACTION

A violation of this Policy by a staff member may result in disciplinary action up to and including discharge or termination of employment. In the case of termination of employment for sexual misconduct or abuse, Lake Arthur Municipal Schools will notify the New Mexico Public Education Department. Consistent with the Public Education Department guidelines, the Lake Arthur Municipal Schools shall disclose to districts or schools seeking references any formal reprimands or dismissals for violating this Policy, even if the staff member resigned prior to the conclusion of the investigation.

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RETALIATION

Retaliation against students or staff members who report an improper staff/student relationship or participate in any related proceedings is prohibited. Appropriate action will be taken against students or staff members who retaliate against any student or staff member who reports alleged harassment or participates in related proceedings.

INAPPROPRIATE BEHAVIOR INITIATED BY A STUDENT

In the event that a student initiates inappropriate behavior toward a staff member, the staff member must immediately document the incident and report it to the principal, human resources or any other appropriate administrator. If applicable, the appropriate administrator will intervene and speak with the student and the student's parent/guardian about the alleged inappropriate behavior, and implement necessary follow-up discipline or guidance.

TRAINING

Lake Arthur Municipal Schools shall provide annual training with respect to the provisions of this Policy to current and new Lake Arthur Municipal Schools' staff and school board members who interact with students or routinely work on school grounds as part of their work for Lake Arthur Municipal Schools or officials.

Lake Arthur Municipal Schools, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this Policy and related procedures, including providing them with this Policy. Contracts with virtual school programs and other vendors providing instructional services to students will include a requirement that those staff members will comply with this Policy.

DISSEMINATION OF POLICY

This Policy will be included on the Lake Arthur Municipal Schools' website and in all employee, student, parent, and volunteer handbooks.

EXCEPTIONS

An emergency situation or a legitimate educational reason may justify deviation from professional boundaries set out in this Policy. The staff member shall be prepared to articulate the reason for any deviation from the requirements of this Policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

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Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this Policy.

Nothing in this Policy statement shall set aside, void, or offend any existing state laws and school policies relating to the topics covered herein. Rather this Policy statement shall serve as a supplement to such existing authority.

WORK RULES / REGULATIONS

Working one-on-one with children and young people - The following summary of expectations applies to all situations where staff are providing one-on-one learning assistance or feedback, behavior assistance/monitoring, counseling, testing and/or assessment.

<i>Make it Public</i>	<ul style="list-style-type: none">• The more visible and/or public the location the better.• Use the Lake Arthur Municipal Schools' authorized IT systems.• Do not use personal email, electronic communication, websites, and/or social media platforms to communicate with students.
<i>Make it Authorized</i>	<ul style="list-style-type: none">• Parents/guardians should be informed and give consent.• Activity must be authorized by an appropriate administrator.
<i>Make it Timely</i>	<ul style="list-style-type: none">• Provide support during normal work hours.• Do not conduct excessively long sessions.

Managing privacy expectations - Lake Arthur Municipal Schools' staff rely in different ways on being able to provide a degree of privacy for students. This may be to protect the student's dignity, to provide an environment conducive to the service/assessment being provided or to respect the student's desire for confidentiality.

Children and young people will often assume a high level of confidentiality when disclosing serious issues of a personal nature or reporting harassment or bullying. For these reasons, staff needs to find a careful balance between respecting the sensitive and private nature of counselling or service provided and the professional's duty of care obligations for the safety and wellbeing of the student. Good practice in managing these circumstances is the following:

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- Health/physical care should be provided with respect for the student's dignity and in a manner approved by the student and his/her parents/guardians.
- Counselling should be provided in unlocked rooms with part-glass doors, where possible, that are located near staff traffic areas.
- Avoid out of hours contact.
- While parental consent is often not applicable in many counselling situations, the Lake Arthur Municipal Schools will provide all parents/guardians with written information about the school's counselling services which outlines confidentiality and privacy issues.
- Ensure student appointments and counselling notes are documented properly, while preserving appropriate levels of confidentiality.

Conducting home visits - Staff must ensure they follow the specific home visiting protocols that apply to the Lake Arthur Municipal Schools. The key principle is that a home visit should place no one at unreasonable risk and that identified minor risks are consciously managed. A summary of general expectations is provided below.

<i>Inform</i>	Home visits must be authorized and documented by the administration and the Lake Arthur Municipal Schools must have information about when and where visits are being undertaken and the expected departure and return times.
<i>Prepare</i>	<ul style="list-style-type: none">• All available information about the safety of the proposed visit must be considered and risks managed.• Mobile phones must be taken and Lake Arthur Municipal Schools' ID should be visible.• Parents/guardians are to be notified in advance of the intended visit.
<i>Protect</i>	<ul style="list-style-type: none">• Do not enter the house if parents/guardians are not at home.• Speak with the student where the parent/guardian is present or clearly visible.• Do not interview or interact with students in bedrooms or other locations not conducive to the purpose of the visit.• Have a colleague accompany if problems are anticipated.• Document the visit.

UNACCEPTABLE AND PROHIBITED CONDUCT

Examples of boundary invasions by staff members include but are not limited to the following:

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the law or Lake Arthur Municipal Schools' Policies addressing the prohibition against Harassment and Retaliation.

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- Condoning hazing, initiations or other rituals that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to students, regardless of the student's willingness to participate.
- Showing inappropriate images to a student, including, but not limited to violent, disturbing or sexually explicit or pornographic subject matter.
- Dating a student, or discussing or planning a future romantic or sexual relationship with a student.
- Making sexual advances toward a student, including but not limited to personalized comments about a student's body, appearance, physical features, attributes or attractiveness, off color jokes, or sexual innuendoes.
- A flirtatious, romantic, or sexual relationship with a student.
- Unnecessarily invading a student's personal space or privacy.
- Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship.
- Socializing where students are consuming alcohol, drugs, or tobacco.
- Providing or offering to provide alcohol, drugs, or tobacco to students.
- For non-guidance/non-counseling staff, excessively encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to use their professional judgment and refer the student to appropriate guidance/counseling staff.
- Sending students on personal errands unrelated to any educational, athletic, non-curricular or extracurricular purpose.
- Banter, allusions, jokes, or innuendoes of a sexual nature with students.
- Asking a student to keep a secret.
- Disclosing inappropriate personal, sexual, family, employment concerns, or other inappropriate private matters to one or more students.
- Addressing students with personalized terms of endearment or pet names that would suggest the staff member feels love or affection for the student. As a staff member, permitting students to address you by your first name, nickname, with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
- Maintaining personal contact with a student outside of school by telephone, text message, email, Instant Messenger, Internet chat rooms, social networking websites or letters beyond homework or other legitimate school business.
- Exchanging gifts cards or letters that are personal or extravagant in nature with a student beyond customary student-staff gifts.
- Socializing or spending time with students outside of school related or school sponsored curricular or extracurricular activities or organized community activities, including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities.

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- Giving a student a ride alone in a vehicle in a non-emergency situation or a situation that can be avoided. If a staff member must give a student a ride, the student shall ride in the back seat of the vehicle when possible and staff member must attempt to gain prior permission from the parent for the transportation arrangement. A site administrator shall be informed of such an instance either before it occurs or immediately after providing such a ride.

Romantic or Sexual Relationships, including but are not limited to the following:

Staff members shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the Lake Arthur Municipal Schools or any other public or private school, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with staff members.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

- Sexual physical contact.
- Romantic flirtation, propositions, or sexual remarks.
- Sexual slurs, leering, epithets, sexual or derogatory comments.
- Personal comments about a student's body, appearance, attractiveness or physical attributes.
- Sexual jokes, notes, stories, drawings, gestures or pictures.
- Spreading sexual or romantic rumors.
- Touching a student's body or clothes in a sexual or intimate way.
- Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
- Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
- Displaying or transmitting sexual objects, pictures, or depictions.

Social Interactions including but are not limited to the following:

In order to maintain professional boundaries, staff shall ensure that their interactions with students are appropriate. Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

- Touching students without a legitimate educational reason. Reasons could include, but are not limited to, the need for assistance when injured, restraint or intervention to prevent or separate students who are fighting, threatening to fight or posing a risk of violence or harm to others, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction.
- Taking a student out of class without a legitimate educational reason.

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- Being alone with a student behind closed doors without a legitimate educational reason.
- Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
- Inviting a student to the staff member's home.
- Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
- Engaging in harassing, bullying, discriminatory, or other conduct prohibited by other Lake Arthur Municipal Schools' policies or by state or federal law and regulations.

APPEARANCES OF IMPROPRIETY

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable, these activities must be pre-approved by the appropriate administrator. If not pre-approved, the staff member must immediately report the occurrence to the principal, human resources or any other appropriate administrator.

- Conducting ongoing, private conversations with individual students that do not have an educational purpose, are unrelated to school activities or the well-being of the student, and that take place in locations inaccessible to or not observable by others.
- Being alone with an individual student out of the view of others or in an inaccessible location, except in the context of school counselors providing professional counseling support services, teachers working with students in an afterschool setting or during testing, or a school nurse providing medical services to a student.
- Inviting students for social contact off school grounds without the prior knowledge and express permission of the parent/guardian and an appropriate administrator.
- Social networking with students for non-educational purposes.

Staff members are expected to be aware of the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with the appropriate administrator whenever they are unsure whether particular conduct may constitute a violation of this Policy.

ELECTRONIC COMMUNICATION

The Lake Arthur Municipal Schools supports the use of technology to communicate for educational purposes. However, Lake Arthur Municipal Schools' employees acting in their Lake Arthur Municipal Schools capacity are prohibited from inappropriate online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunications device, or from engaging in any conduct that violates the law, Lake Arthur Municipal Schools' policies or other generally recognized professional standards.

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G7012 STAFF STUDENT PROFESSIONAL BOUNDARIES POLICY

Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in this Policy prohibits employees, faculty, staff or students from the use of approved educational websites if such sites are used solely for educational purposes.

Electronic and online communications between staff members and students must be transparent, contemporaneously accessible to administrators and parents/guardians, and professional in content and tone. Such communication must be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. Staff members must restrict one-on-one electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to the Lake Arthur Municipal Schools or with the prior express permission of the appropriate administrator and the parent/guardian.

As with in-person communications, staff members shall avoid appearances of impropriety and refrain from inappropriate electronic communications with students. Factors that may be considered in determining whether an electronic communication is inappropriate include, but are not limited to:

- The subject, content, purpose, authorization, timing, and frequency of the communication;
- Whether there was an attempt to conceal, shield, or misrepresent the nature of the communication from administrators and/or parents/guardians;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; and/or
- Whether the communication contained sexual innuendo, such as for purposes of grooming the student for victimization.

Parents/guardians are encouraged to have access to their children's social networking and digital communication devices and to supervise their children's use of these methods of communication in order to discover improper contacts which may violate this policy. Parents and guardians are encouraged to report any suspected violations of this policy by a staff member to the principal, human resources or any other appropriate administrator for investigation and necessary intervention.

Lake Arthur Municipal Schools
Personnel Policies

G7012 STAFF STUDENT PROFESSIONAL BOUNDARIES POLICY

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
February 13, 2018	March 13, 2018	

Lake Arthur Municipal Schools

Personnel

G7013 REPORTING CHILD ABUSE AND NEGLECT POLICY

Lake Arthur Schools believes that the family is a foundation of our community. As such, we support the protection of the parent/child unit and work towards maintaining communication with the parent/family.

Lake Arthur Municipal Schools also recognizes that there are times in which a child may be in danger from its care takers. In these situations, the child's protection is most important. Section 32-1-15 NMSA 1978 states, specifically, that school employees who know, or suspect that a student is an abused or neglected child shall immediately report the matter to:

- 1) The Superintendent or an appropriate administrator;
- 2) the Social Services Office of Children, Youth & Families Department in the county where the student resides;
- 3) The criminal prosecution division of the office of the district attorney;
- 4) The probation services office of the judicial district in which the child resides;
- 2) The law enforcement agency office in which the student resides.

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

All employees have a mandatory, non-discretionary duty to report known or suspected abuse or neglect of a student. The failure of any school employee to report knowledge or suspicion of child abuse or neglect may be cause for disciplinary action of the employee by the district.

It is not the duty of the school employee making the report to conduct an investigation to determine whether the student identified has, in fact, been abused or neglected. The duty to investigate the report is set forth in Section 32-1-15 of New Mexico Statutes.

The failure of any school employee to report knowledge or suspicion of child abuse or neglect may be cause for criminal prosecution.

Lake Arthur Municipal Schools
Students

G7013 REPORTING CHILD ABUSE AND NEGLECT POLICY

Cross Ref.: Staff Management Handbook

Legal: 32-1-15 NMSA 1978

First Reading	Adopted	Revised
September 11, 2008	October 14, 2008	

Lake Arthur Municipal Schools

Personnel

G7014 EMPLOYEE AND STUDENT RELATIONS POLICY

The effective education of our students requires a school environment in which students are safe and secure. Employees of the District are encouraged to take a sincere professional interest in students of the District. However, professional ethics requires that staff members avoid social situations through which they could exploit their positions of authority over students and in which they may be perceived as doing so.

Therefore, employees shall not use their positions, their influence, or their authority over students to make personal demands upon students unrelated to the purposes of their education. Employees shall not become intimately involved with students, shall not engage in or respond to romantic, sexually oriented, or other intimate relations, or activities with students, nor participate in any unethical behaviors or conduct with them.

All employees, as part of their regular duties, shall be watchful of the welfare of students, particularly with respect to circumstances that suggest abuse, including the sexual victimization of students or violations of paragraph B of this policy, by other school employees. Employees are required to report suspected violations of this policy to their immediate supervisor as soon as practical. All reports of possible violations of this policy or abuse including sexual misconduct against students by school employees shall be promptly and fully investigated by the administration according to the procedures set forth in the District's Sexual Harassment of Students by Employees Policy.

Violations of this policy by school employees may result in employee discipline up to and including termination or discharge, subject to any applicable procedural requirements.

Cross Ref.:

Legal Ref.:

First Reading	Adopted	Revised
September 11, 2008	October 14, 2008	

Lake Arthur Municipal Schools

Personnel

G7015 CERTIFIED EMPLOYEE EVALUATION POLICY

The Board of Education believes the procedures by which employees are supervised and evaluated must provide the employee and the supervisor the opportunity to identify both strengths and weaknesses and to work cooperatively toward satisfactory work performance. To that end each licensed professional staff member shall participate and demonstrate satisfactory job performance through the New Mexico 3-Tiered Licensure and Evaluation System.

This system of evaluation was created by the passage of HB212 and the Public Education Department Regulation 6.69.4 Performance Evaluation System Requirements for Teachers sets forth specific requirements for a Highly Objective Uniform Statewide Standard of Evaluation (HOUSSE) for teacher licensure. New Mexico Statute 22-10A-4.B states that the New Mexico licensure framework for teachers is a progressive career system in which licensees are required to demonstrate increased competencies and undertake greater responsibilities as they progress through the licensure levels. PED Regulation 6.69.4.8.D states the format for this evaluation shall be established by the department and shall be uniform throughout the state in all public schools.

The Superintendent shall develop and implement a systematic plan for the evaluation of all licensed professional employees. The plan shall be consistent with all state statutory and regulatory requirements.

Observations of employee job performance shall be made to document the employee meeting the standards and competencies as set forth by the State, the Secretary of Public Education and the Board of Education. Written documentation within identified timelines as required by the New Mexico 3-Tiered Licensure and Evaluation System will be prepared, reviewed with the employee and filed in the employee's personnel record. No evaluation report shall be placed in an employee's record without review and discussion between the employee and the employee's supervisor. An employee in disagreement with the contents of the evaluation report may submit a written rebuttal to be attached to the report and kept on file. However, the evaluation job performance requirements as identified by the employee's supervisor within the evaluation statements in accordance with job description, job assignment, and performance expectations are to be delivered regardless of employee's written petition to the evaluation's assessment of job performance.

Legal: 22-10A-19 NMSA (1978)
22-10A-21 NMSA (1978)
22-10A-22 NMSA (1978)
22-10A-23 NMSA (1978)
22-10A-24 NMSA (1978)
22-10A-25 NMSA (1978)
22-10A-26 NMSA (1978)
22-10A-27 NMSA (1978)
22-10A-28 NMSA (1978)
22-10A-29 NMSA (1978)
22-10A-30 NMSA (1978)
6.69.3.8 NMAC *et seq.*
6.69.2.8 NMAC
6.67.2.8 NMAC

Lake Arthur Municipal Schools

Personnel

G7015 CERTIFIED EMPLOYEE EVALUATION POLICY

Cross Ref.:

First Reading	Second Reading	Adopted	Revised
July, 29, 2004	August 10, 2005	September 14, 2005	
		July 14, 2009	June 9, 2009
		September 10, 2010	Aug 10, 2010

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Board Policy

Lake Arthur Municipal Schools

Personnel

G7016 EMPLOYEE IDENTIFICATION POLICY

The district has jurisdiction over taking measures to safeguard students and staff as they pursue activities on all district property and activities during the regular school day, while being transported by the district transportation system, and attending co-curricular and extra-curricular activities.

In an effort to promote a safe school environment the district is adopting a staff member identification system. Its purposes are, but not limited to, the following:

- Security
- Ease of identification
- Time and attendance recording
- Meal ticket
- Library use
- Event admission
- Facility access

As part of the policy the district will provide an individual photo ID to all staff and a designated ID card to others conducting regular business in the district.

Scope

Full Time Employee	Part Time Employee	Temporary Employee	Visitor	Individual Conducting Regular Business with District or School
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This first staff identification ID is provided free to each staff member. Any and all subsequent student ID's will be issued to the staff member through a specific replacement fee unless permitted a free reissue through the listed district criteria in this policy. The fee is to be paid upon receipt of the reissued ID or will be charged to the staff member and become part of the designated fees that the district can collect within state and local law, policy, and regulations.

The staff member is to have the ID in his/her possession while on campus or attending school functions in his/her district/school roles and responsibilities. Employees who willfully disregard the Lake Arthur Municipal Schools ID policy and regulations and procedures may be subject to disciplinary action. Staff members may be denied access to any of the services that require the use of the staff ID.

Lake Arthur Municipal Schools

Personnel

G7016 EMPLOYEE IDENTIFICATION POLICY

Damage to, defacement of, altering the appearance of, falsifying an ID or placing of adhesive objects of any kind on the staff ID is prohibited. The employee's supervisor shall determine if the staff member is responsible for the replacement of the staff ID.

A staff member's ID will be replaced at the district's expense if:

- The badge fails to function and has not been damaged
- An individual's name legally changes
- An employee's licensing credentials change

The employee's ID is the property of the District/School and must be returned upon demand by a district administrator.

Cross Ref.:

Legal:

First Reading	Second Reading	Adopted	Revised
August 9, 2005	September 13, 2005		

Lake Arthur Municipal Schools

Personnel Policies

G7017 TRANSFER OF CLASSIFIED EMPLOYEES

The superintendent and/or human resources director as designated by the superintendent shall have the authority and responsibility for transferring employees.

Requests for transfer shall be made in accordance with the district regulations pertaining to this and other district policies for classified staff. Requests for transfer must be made in writing to the employee's supervisor or administrator, utilizing the District's transfer form. All personnel reassignments shall be made by notifying and securing in writing an approval from the Superintendent and/or the Director of Human Resources.

Changes in employee assignment may be necessary after the beginning of the school year is in session due to student enrollment or other factors.

Employees may be administratively transferred when District needs indicate that present employee assignment will require reassignment. Final determination will be made by the superintendent and/or human resources director and in consultation with other appropriate administrators.

Employees are encouraged to seek voluntary changes in assignment for growth. Employees who desired this type of transfer may be transferred whenever practical and when in the best interest of the District.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
September 11, 2008	October 14, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7018 PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

G7018.1 Assignments

The Superintendent will determine all licensed professional staff assignments. Such assignments shall be based on the needs of the District. In addition, no right to school, grade or subject assignment shall be inferred from the standard teacher's contract.

G7018.2 Transfers

The procedure for assignment and transfer of professional staff members will be based on the needs of the instructional program. Assignments may be changed to serve the best interests of the District and the students.

Professional staff members may apply for transfer or reassignment, whether or not a vacancy exists. Generally, transfers will not be approved during the school year unless the needs of the District dictate such approval.

It shall be the policy of the Board that professional personnel be assigned on the basis of their qualifications, the needs of the District, and their expressed desires. When it is not possible to meet all three (3) conditions, personnel shall be assigned first in accordance with the needs of the District, second where the Superintendent determines the employee is most qualified to serve, and third as to expressed preference of the employees.

In the case of vacancies in new or existing positions, first consideration will be given to qualified applicants among current employees.

The Superintendent shall have the responsibility for the assignment of all personnel throughout the District.

The resolution of any conflicts over the need for a transfer shall be based on what is best for the instructional program, the needs of the students, and the overall needs of the District as defined by the Superintendent.

Lake Arthur Municipal Schools

Personnel Policies

G7018 PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	June, 2000	
		October 14, 2008
	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7019 RESIGNATIONS OF PROFESSIONAL STAFF MEMBERS

All resignations of requests to be released from contract shall be presented in writing. A release from an uncompleted contract may be granted contingent upon the availability of a well-qualified, licensed teacher as a replacement.

Each licensed teaching employee shall deliver an acceptance or rejection of reemployment to the Board within fifteen (15) days from the following:

- The date written notice of reemployment is served upon the person.
- The last day of the school year when no written notice of reemployment or termination is served upon the person on or before the last day of the school year.

A teacher who resigns contrary to this policy shall be deemed to have committed an unprofessional act and shall be subject to the penalty as provided under New Mexico statutes and Second of Public Education regulations.

Cross Ref.:

Legal Ref. 22-10A-23 NMSA (1978)
6.60.9.9 NMAC

First Reading	Adopted	Revised
	June, 2000	
		October 14, 2008
	November 11, 2008	

Lake Arthur Municipal Schools

Personnel

G7020 VOLUNTEERS

The Lake Arthur Municipal Schools, LAMS, expects that administrators and staff members to encourage community involvement in the various aspects of department and school programs. The use of volunteers strengthens the linkage between the Lake Arthur Schools and its constituent communities.

Principals/department or site supervisors and delegated staff members shall provide clear and explicit directions concerning responsibility expectations, assigned duties, and standards of performance.

Supervision of volunteers in the schools shall be the responsibility of the principals/department or site supervisors and/or delegated staff members.

Volunteers serve without compensation or the expectation of compensation from the school district.

All volunteers must comply with Lake Arthur Municipal Schools' policies and associated regulations and procedures. Abuse and harassment of students or other adults of any kind will not be tolerated. All charges of sexual harassment will be investigated according to the provisions of the student and employee sexual harassment policies.

The Board or the administration may direct the activities of all volunteers. The services of a volunteer may be terminated at any time without requirement for specified cause, proof of cause, or a hearing of any sort.

All volunteers in the Lake Arthur School District are to sign a volunteer permission and release form prior to any participation as a volunteer in the Lake Arthur Schools. The original is to be forwarded to the LAMS Human Resources Department. A copy is to be kept on file at the work site(s) and provided to the volunteer.

District volunteers coverage for liability and injury are solely determined by the policies and regulations of the New Mexico Public School Insurance Authority, Workmen's Compensation, or the New Mexico public school statutes.

Lake Arthur Municipal Schools

Personnel

G7020 VOLUNTEERS

Cross Ref.:

Legal:

First Reading	Adopted	Revised
October 10, 2006	November 7, 2006	

Lake Arthur Municipal Schools

Personnel

G7021 STUDENT TEACHERS AND INTERNS

Lake Arthur Municipal Schools encourages the assignment of qualified student teachers and interns from training institutions accredited by the New Mexico Board of Education.

Approval or disapproval of assignment of student teachers or interns is the responsibility of the Superintendent of Schools, or his/her designated representative. Upon approval by the superintendent or his/her designated representative, the student teacher is to comply with all district policies and regulations. Failure to do so will result in possible disciplinary action be taken that may include termination of student teacher authorization agreement and possible legal action if warranted or required.

Assignment of a student teacher or intern is completed when the Student Teacher or Intern Agreement Form is executed by the Cooperating Teacher/Administrator, building principal, Assistant Superintendent of Instruction and/or Assistant Superintendent of Personnel, and the Student Teaching/Intern Director.

Student teachers and interns new to the District must comply with the Background Check requirement of the district.

Cross Ref.: Background Investigation, Policy G4004

Legal:

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel

G7022 PROBATION PERIOD FOR DISTRICT CLASSIFIED EMPLOYMENT STATUS

The Board of Education endorses and authorizes the district administrators to administer a mandatory 90 day probationary period for all new support service employees. During this probationary period, employees will be eligible for all employee benefits for which they qualify. After the successful completion of the probationary period, the employee will be considered off of probationary employee status.

During this probationary period, a support service employee may be discharged or terminated for failure to perform responsibilities and duties as defined by job description, failure to adhere to board policies and administrative regulations, and/or violations of state or federal statutes. During the probationary period opportunity for hearing or statement of cause shall only be in accordance with applicable State of New Mexico statutes for discharge or termination. Within applicable period of time written notice of discharge or termination shall be given to the probationary employee.

Non-probationary employment and the acquisition of non-probationary employee status shall not imply rights to continuation of employment from year to year, tenure unless employee meets applicable state law(s), and/or any expectation of renewal as set by district performance standards.

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Cross Ref.:

Legal:

First Reading	Adopted	Revised
September 11, 2007	October 9, 2007	

Lake Arthur Municipal Schools

Personnel

G7022 PROBATION PERIOD FOR DISTRICT CLASSIFIED EMPLOYMENT STATUS

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Cross Ref.:

Legal:

First Reading	Adopted	Revised
September 11, 2007	October 9, 2007	

Lake Arthur Municipal Schools

Personnel

G7024 ALCOHOL AND DRUG TESTING FOR SAFETY-SENSITIVE POSITIONS

This policy is adopted by the Board of Education in the interest of protecting the safety of the district's school children and employees, and the safety of the public generally, by detection and deterrence of the use of controlled substances by school employees in safety-sensitive positions—including bus drivers—and final candidates for such positions, in conformity with the terms of Public Education Department's regulations, and in recognition of the policy preference expressed therein.

In the event that any portion of this policy or any portion of the regulations it incorporates are declared unenforceable, the remainder of this policy and such regulations shall remain in full force and effect.

A. Definition of "Safety-Sensitive Position"

For the purposes of this policy, a "safety-sensitive position" means a position of an employee or an independent contractor which involves:

1. Operation of school buses or school-owned vehicles as a regular function of the position or as a regular assignment;
2. Operation of heavy or potentially dangerous equipment or vehicles;
3. Handling or use of hazardous or toxic materials where misuse or accident may pose serious health or safety risks to staff or students;
4. Maintenance or administration of prescribed medication for students, treatments or implementation of medical plans for student;
5. Unsupervised nighttime access to or monitoring student health and safety and welfare during nighttime hours, if applicable.

B. Drug Testing

1. Any use, consumption, possession, or distribution of controlled substances, and being under the influence of controlled substances, during the work-day, or while on school premises is specifically prohibited with regard to employees and with regard to independent contractors and the employees of such contractors (hereinafter jointly referred to as "employee/contractors") in safety-sensitive positions, and with regard to applicants for employment in such positions, which shall include all positions that involve driving a motor vehicle on behalf of the District, or which are owned by the District.

Lake Arthur Municipal Schools

Personnel

G7024 ALCOHOL AND DRUG TESTING FOR SAFETY-SENSITIVE POSITIONS

2. Employee/contractors/final candidates in or for safety-sensitive positions shall be subject to drug testing by the District on the following basis:
 - a. Reasonable individualized suspicion: Upon the determination of the Superintendent, or his or her designee, that there is reasonable cause to believe that the employee/contractor has been using a controlled substance, on the basis of observation by school personnel who have received training in the identification of actions, appearance, or conduct which are indicative of such use;
 - b. Pre-employment: Upon employment by the District, following an offer of employment that is subject to such testing, but prior to commencing duties;
 - c. Random: By selection pursuant to a random selection process in which at least 50 percent of the average number of employees/contractors in safety sensitive positions employed annually by the District;
 - d. Post-accident: Within 32 hours of any accident involving injury or damage to property or of any reportable vehicular accident in which a driver has been involved, and for which the driver has received a citation for a moving traffic violation arising from the accident.
3. Positive results of such testing, or a refusal to cooperate in such testing, shall be grounds for discharge, nonrenewal, or refusal to hire. If an employee/contractor resigns after positive test results, the results of the test shall become part of the employee's personnel file or the contractor's file.
4. The circumstances in which testing shall be conducted, and the manner in which such tests will be conducted, shall be as set forth in the United States Department of Transportation regulations, namely, 49 C.F.R. Parts 391 and 340.
5. All contracts with school-bus operators are subject to such operators providing the Superintendent with test results for their employees and applicants for employment pursuant to the criteria set forth in paragraph 1, above.
6. As used in this policy, drug testing involves the employee or applicant making himself or herself available at a place and time specified by the Superintendent or his or her designee, and providing a sample of body fluid or tissue to be analyzed for the presence of "controlled substances" as that term is defined by pertinent U.S. Department of Transportation regulations.

Lake Arthur Municipal Schools

Personnel

G7024 ALCOHOL AND DRUG TESTING FOR SAFETY-SENSITIVE POSITIONS

7. To the extent application of the federal regulations incorporated in Public Education Department regulations hinges on the operation of a school bus in interstate commerce, or requires that it be subject to regulation by the Department of Transportation, or otherwise incorporates definitional phrases that are based on interstate activity or obligations to federal agencies, it is the intent of this policy that such testing requirements and procedures shall also apply to drivers not operating in interstate commerce or being subject to such federal regulation. To the extent any other portion of the federal regulations incorporated in Public Education Department regulations require reasonable modification to make them applicable to the operation of school districts, it is the intent of this policy to effectuate such reasonable modifications on a case-by-case basis and it is not the intention to make the regulation inapplicable.
8. The reporting requirements in Public Education Department regulation that arise under 49 C.F. R. Part 394 are an element of this policy. To the extent such reporting requirements hinge on operations in interstate commerce or subjection to United States Department of Transportation regulation or require reporting to federal agencies, such reporting requirements may not be applicable where operations are in an intrastate environment. To that extent, the reporting requirements will not be applied.

C. Alcohol Testing

1. Employees/contractors occupying safety-sensitive positions are prohibited from entering school property, appearing for work, or performing their duties, while in possession of, or under the influence of alcohol. An employee contractor will be presumed to be “under the influence” of alcohol in every instance in which the employee/contractor is found to
 - a. Have a breath-alcohol concentration of more than .02 percent, as indicated by a breath-alcohol test with an evidential breath testing device;
 - b. Be in possession of an open container of alcohol; or
 - c. Has ingested alcohol during the six hours preceding scheduled duty.
2. Employees/contractors in safety sensitive positions, as elsewhere defined herein, shall be subject to alcohol testing on the following basis:
 - a. Reasonable individualized suspicion: Upon the determination of the Superintendent, or his or her designee, that there is reasonable cause to believe that the employee is in violation of the alcohol prohibition, on the basis of observation by school personnel who have received training in the identification of actions, appearance, or conduct which are indicative of such use;

Lake Arthur Municipal Schools

Personnel

G7024 ALCOHOL AND DRUG TESTING FOR SAFETY-SENSITIVE POSITIONS

- b. Pre-employment: Upon employment by the District, following an offer of employment that is subject to such testing, but prior to commencing duties as a driver;
 - c. Random: By selection pursuant to a random selection process in which at least 50 percent of the average number of employees in safety sensitive positions employed annually by the District;
 - d. Post-accident: Within 12 hours of any accident involving injury or damage to property or of any reportable vehicular accident in which a driver has been involved, and for which the driver has received a citation for a moving traffic violation arising from the accident.
3. Positive results of such testing, or a refusal to cooperate in such testing, shall be grounds for discharge, nonrenewal or refusal to hire. If an employee resigns after positive test results, the results of the test shall become part of the employee's personnel file.
4. Alcohol testing may be conducted by use of evidential breath testing (EBT) devices approved by the National High Traffic Safety Administration (NHTSA) as published in the *Federal Registrar*. When using an EBT device, two breath tests should be conducted to determine if the person has a breath alcohol concentration at or above the prohibited level. A screening test will first be conducted, and any result less than 0.02 alcohol concentration will be considered "negative". If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted. The employee and the person conducting the test will complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test should be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.

Cross Ref.:

Legal:

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

Lake Arthur Municipal Schools

Personnel

G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

G7025.1 Purpose and Policy

- A. The purpose of the Exposure Control Plan for Lake Arthur Municipal Schools is to implement the requirements of OSHA Standard 29 CFT 1910.1030, Blood Borne Pathogens, and thereby reduce the risk of employee infection with blood borne pathogens such as, but not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV) which results in the disease commonly known as AIDS. The OSHA standard is included as Appendix I of this policy.
- B. This policy provides that all employees shall adhere to Universal Precautions. Universal Precautions is an approach to infection control. According to this concept, all human blood and certain human body fluids are treated as if known to be infectious for, HIV, HBV, and other blood borne pathogens.

G7025.2 Exposure Determination

- A. See Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix IIA of this exposure control policy lists job classifications in which all employees at a facility have been identified as having occupational exposure as defined in Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix III.
- B. See Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix IIB lists job classifications in which some employees have; occupational exposure and personal protective equipment required.
- C. Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix IIC lists job classifications in which the normal involves no occupational exposure and the worker can decline to perform tasks which involve a perceived risk without retribution.
- D. The exposure determinations have been made without regard to the use of personal protective equipment.

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G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

G7025.3 Methods of Compliance

A. General

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials.
2. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

B. Engineering and Work Practice Controls

1. Employees shall wash their hands immediately or as soon as possible after removal of gloves or other personal protective equipment and after hand contact with blood or other potentially infectious materials. If hand washing facilities are not immediately available, employees shall use antiseptic hand cleaner or towels and shall wash hands with soap and water as soon as feasible.
2. All personal protective equipment shall be removed immediately upon leaving the work area or as soon as possible if overtly contaminated and placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
3. Used needles shall not be sheared, bent, broken, recapped, or removed by hand. Any exception must comply with 29 CFR 1910.1030 (d) (2) (vii).
4. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in work areas where there is a reasonable likelihood for occupational exposure.
5. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on counters or bench tops where blood or other potentially infectious materials are or have been present.
6. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, splattering and generation of droplets.
7. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

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G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

8. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.
 - a. The container for storage, transport, or shipping shall be closed and labeled or color coded according to paragraph F of Appendix I 6480.
 - b. If outside contamination of the primary container occurs, it shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping. The second container shall be labeled or color coded according to paragraph F of Appendix I 6480.
 - c. If the specimen could puncture the primary container, it shall be placed in a puncture resistant second container meeting the characteristics of the above paragraph.
9. Equipment which may become contaminated with blood or other potentially infectious material shall be decontaminated as necessary unless decontamination is not feasible.
 - a. Contaminated equipment shall be labeled according to requirements in paragraph F of this program and shall state which portions remain contaminated. (Appendix I 64180)
 - b. It is the responsibility of Loving Municipal Schools to notify all affected employees, the servicing representative and/or manufacturer of shipping of contaminated equipment so that appropriate precautions can be taken.

C. Personal Protective Equipment

1. When there is potential for occupational exposure, employees will be provided and shall use appropriate personal protective equipment such as: gloves, aprons, lab coats, head and foot coverings, face shields or masks and eye protection; and mouthpieces, resuscitation bags, pocket masks or other ventilation devices. The appropriate personal protective gear shall be discussed with each employee and shall be required based upon the tasks involved and the hazards of the job duty.
2. Appropriate personal protective equipment in the appropriate sizes will be provided at the work site.

Lake Arthur Municipal Schools

Personnel

G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

3. Cleaning, laundering, or disposal of personal protective equipment will be provided by the employer without cost to employees.
4. When necessary, personal protective equipment will be repaired or replaced by the employer.
5. GLOVES: Gloves shall be worn when it can reasonably be anticipated that the hands will have contact with blood, other potentially infectious material, mucous membranes, non-intact skin, and when touching or handling contaminated items or surfaces.
 - a. Disposable (single use) gloves, such as surgical or examination gloves, shall be replaced as soon as possible when contaminated, torn, punctured, or when their ability to function as a barrier is compromised. Disposable gloves shall not be washed or disinfected for re-use.
 - b. Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.
 - c. Gloves shall be worn when performing vascular access procedures except as specified in 1910.1030 (d) (3) (ix) (d) of Appendix I.
6. Masks and eye protection or chin length face shield shall be worn whenever splashes, spray, spatter, droplets, or aerosols of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
7. Appropriate protective clothing such as but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degrees of exposure anticipated.

D. Housekeeping

The work site is to be maintained in a clean and sanitary condition. Your employer will determine and implement the appropriate written schedule for cleaning and method of decontamination based upon the location within this facility, type of surface to be cleaned, type of soil present, and tasks and procedures being performed in this area.

**G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND
BLOODBORNE PATHOGENS**

1. **CLEANING AND DISINFECTION:** All equipment and environmental working surfaces shall be properly cleaned and decontaminated after contact with blood or other potentially infectious materials.
 - a. Work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures, when surfaces are overtly contaminated; immediately or as soon as feasible after any spill of blood or other potentially infectious materials; and at the end of the work shift if contaminated since the last cleaning.
 - b. Protective coverings such as plastic wrap, aluminum foil, or imperviously backed absorbent paper may be used to cover equipment and environmental surfaces. These coverings shall be removed and replaced at the end of the work shift or when they become overtly contaminated.
 - c. All bins, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as possible upon visible contamination.
 - d. Broken glassware which may become contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means such as brush and dust pan, tongs, or forceps.
2. **Regulated Waste** (See Definitions, Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix III). Regulated waste shall be disposed of in accordance with the New Mexico Environment Department Solid Waste Regulations. Solid Waste Bureau can be contacted at (505) 827-2853.
 - a. **Contaminated Sharps**
 - i. Contaminated sharps shall be discarded immediately or, as soon as feasible in closeable, puncture resistant leak proof (on sides and bottom) containers. The container shall be labeled in accordance with paragraph F of Appendix I.
 - ii. Contaminated sharps containers shall be easily accessible to employees and located as close as feasible to the immediate area where sharps are used or can be reasonably anticipated to be found.
 - iii. Contaminated sharps containers shall be kept upright throughout use and not be allowed to over fill.

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G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

- iv. If leakage is possible, contaminated sharps containers shall be placed in a closeable, appropriately labeled container constructed to contain all contents and prevent leakage.
- b. Other Regulated Waste
 - i. Regulated waste shall be placed in containers which are closeable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping. Container shall be labeled in accordance with paragraph F of Appendix I (64180).
 - ii. If outside contamination of the regulated waste container should occur, it shall be placed in a second container meeting the same requirements as the paragraph (d) (2) (b) (i) above.
 - iii. Regulated waste shall be disposed of in accordance with the New Mexico Environment Department Solid Waste regulations. Solid Waste Bureau can be reached at (505) 827-2853.
- 3. Laundry
 - a. Contaminated laundry shall be handled as little as possible with a minimum of agitation. Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or reused in the location of use.
 - b. Contaminated laundry shall be placed in bags or containers labeled in accordance with paragraph F of Appendix I>
 - c. Whenever contaminated laundry is wet and presents a reasonable likelihood of soaking through or of leakage from the bag or container, the laundry shall be placed and transported in leak proof containers or bags.
 - d. Employees handling contaminated laundry shall wear gloves and other appropriate personal protective equipment.

G4090.4 Hepatitis B Vaccination and Post Exposure Evaluation and Follow-Up

- A. Hepatitis B Vaccination shall be made available to all employees with occupational exposure at no cost to the employee according to the requirement and procedures specified in 1910-1930.

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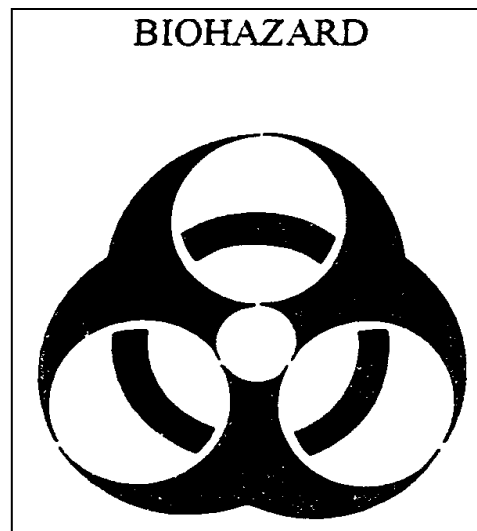
G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

- B. Post exposure evaluation and follow-up shall be made immediately available following the report of an exposure incident as defined in Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix III, and shall follow the procedures and requirements of 1910.1030 (f) (3) through (6) in Appendix I.

G7025.5 Communication of Hazards to Employees

A. LABELS AND SIGNS

1. Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials except as noted in the following paragraphs (d) (e) (f).
2. Labels shall include the following legend.



3. Label shall be fluorescent orange or orange red with lettering or symbols in a contrasting color.
4. Labels shall be affixed as close as possible to the container by string, wire, adhesive or other method to prevent their loss or unintentional removal.
5. Red bags or red containers may be substituted for labels.
6. Labels required or contaminated equipment shall state which portion of the equipment is contaminated.

**G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND
BLOODBORNE PATHOGENS**

B. Employee Information and Training

1. All employees that are identified as having occupational exposure will participate in a training program.
2. Employees will be trained at the time of initial assignment to tasks where occupational exposure may occur and at least annually thereafter.
3. Additional training may occur with change such as a modification of tasks or procedures or when new tasks or procedures may affect employee's occupational exposure.
4. At a minimum, the training for employees with occupational exposure at this facility will include:
 - a. The location of an accessible copy of OSHA's Blood Borne Pathogen Standard 1910.1030 and an explanation of its contents.
 - b. A general explanation of the epidemiology and symptoms of blood borne disease.
 - c. An explanation of the modes of transmission of blood borne disease.
 - d. An explanation of this exposure control plan and the location where an easily accessible copy will be kept.
 - e. An explanation of methods employees may use to recognize tasks that may involve occupational exposure.
 - f. An explanation of the methods and their limitations that will prevent or reduce occupational exposure.
 - g. Information on the selection, limitations, location, decontamination and proper disposal of personal protective equipment.
 - h. Information of Hepatitis B vaccine, including information on its effectiveness, safety, and method of administration benefits of vaccination, and that the vaccine will be administered without cost to the employee.
 - i. Information on appropriate actions and the person to contact in the event of an emergency involving blood or other potentially infectious materials.
 - j. An explanation of proper procedures to follow if an exposure incident, occurs, including reporting procedures and the medical follow-up that will be made available.
 - k. Information on post exposure follow-up that the employer is required to provide.

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- l. An explanation of the labels and/or color coding system at the facility.
 - m. An opportunity for the employee to ask follow-up questions and obtain answers during the training.
5. A record of the training required by this standard may be found in Exposure Control Policy for Blood Borne Pathogens Regulation, Appendix V of this program.

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G7025 EXPOSURE CONTROL POLICY FOR BODY FLUIDS AND BLOODBORNE PATHOGENS

APPENDIX I

This includes that portion of the Federal Register containing the final rules and regulations that apply the Occupational Exposure to Blood Borne Pathogens. There are eight (8) pages numbered 64175-64182.

Cross Ref.: Student Management Handbook

Legal: 32-1-15 NMSA 1978
 OSHA Bloodborne Pathogens Standard 29 CFR 1910.1030

First Reading	Adopted	Revised
September 12, 2008	October 14, 2008	

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G7027 REDUCTION IN FORCE (R.I.F.)

1. Authority

Pursuant to NMSA 1978 § 22-5-14 (2003), the Superintendent has the authority to discharge licensed school personnel during the term of their contracts or to terminate licensed school instructors and non-licensed school employees with rights created by NMSA 1978, Section 22-10A-24(C) (hereafter "tenured employees"), after notice and a hearing when a reduction in such personnel is required as a result of circumstances justifying a reduction in force as specified herein. Reduction-in-force (R.I.F.) is "just cause" for discharge of licensed school personnel and terminations of tenured employees, when established pursuant to this policy. This policy is adopted as the procedure by which reductions in personnel who are covered by the policy may be accomplished, within the context of the District's general personnel policies.

2. Board Discretion

The Board is vested with the discretion to develop educational policies for the District, so long as the state educational standards and statutorily-required standards are met. The Superintendent, in carrying out the educational policies of the Board and administering and supervising the District, shall exercise his or her discretion in accordance with this policy in determining when decreased enrollment, financial exigency or other causes justify a reduction in personnel.

3. Grounds Justifying Reduction In Force

Situations that justify a R.I.F. shall include, but are not limited to, the following:

- A. Decrease in student enrollment or reduced student demand for or participation in programs or activities;
- B. Decrease in revenue:
 - 1. because of decrease of student enrollment;
 - 2. because of loss or reduction of tax revenues;
 - 3. because of reduction of state, local, or federal financial support; or
 - 4. because of inflation reducing the value of revenues received or significantly increasing costs of operation;
- C. Change in the educational program of the district, as determined by the Board, in its good-faith exercise of discretion;

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G7027 REDUCTION IN FORCE (R.I.F.)

- D. Consolidation or de-consolidation involving the district;
- E. Court orders;
- F. Orders of the Secretary of Education;
- G. Legislative mandates;
- H. Unanticipated financial or programmatic exigencies identified by the Superintendent which warrants initiation of a RIF process.

4. Good Faith Determination

The Superintendent shall exercise discretion in good faith, and determinations that a R.I.F. is necessary shall be based on bona fide educational considerations, and shall not be a subterfuge for discharging or terminating licensed personnel without just cause or for impermissible reasons.

5. Timing Of Reduction In Force

A R.I.F. may occur at any time during the calendar year when the Superintendent, in his or her discretion, determines that it is justified and the procedures prescribed herein are applicable and are followed. A R.I.F. may be based upon projections of future enrollment, revenues or expenses, and the subsequent receipt of more revenue than expected or a subsequent saving of projected expenses shall not invalidate any actions previously taken in good-faith reliance on such projections, nor shall it require the reemployment of any employees who were released on the basis of such projections.

6. Determination Of Need For Reduction In Force

Except as required by legislative mandate or orders of the State Secretary of Education and to the extent that circumstances permit, the Superintendent, with the assistance of the administrative staff, shall report to the Board any circumstances which may ultimately require a R.I.F., in order that notice be given to licensed personnel of the possibility of a R.I.F. and so that consideration be given to means by which a R.I.F. may be avoided. Preparation of a R.I.F. Plan shall not be necessary if the reductions can be accomplished through attrition (i.e., resignations, retirements, etc.), or by termination of a sufficient number of nontenured staff.

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G7027 REDUCTION IN FORCE (R.I.F.)

A. Preparation of R.I.F. Plan

When the Superintendent concludes that a R.I.F. is necessary, a plan for R.I.F. shall be developed for presentation to the Board. The R.I.F. plan shall not identify individuals to be discharged or terminated, but rather shall focus upon the total educational program of the district and how it may be modified to reduce costs, programs and personnel while still providing the educational program required of school districts and the particular educational needs of the district. Where circumstances warrant, a R.I.F. plan may address particular programs, departments, school sites, content areas or activities if the causes for the R.I.F. predominately impact that aspect of the educational program. Such impact shall be described in the R.I.F. plan. The R.I.F. plan shall include, but need not be limited to, the following:

1. a detailed description of the cause or causes requiring a R.I.F.;
2. a description of all adjustments already made by the Administration in an attempt to avoid a R.I.F., if any (e.g., reduction by attrition, cuts in non-licensed staff, abolition of non-essential services or activities such as extra-curricular programs, etc.)
3. a designation of the part or parts of the total educational program or particular program or activity in which the R.I.F. is proposed and the number of positions proposed to be reduced in each program or activity;
4. a designation of non-essential services or activities which are to be retained, with a justification for retaining such programs; and
5. a discussion of alternatives (if any) considered by the Superintendent with an explanation as to why such alternatives were rejected.

The Superintendent shall include in the R.I.F. plan a listing of all extra-curricular, co-curricular and athletic programs or activities which may be considered for rating points in the proposed R.I.F. rating sheet and the proposed weight to be given each category of such programs or activities for discussion at the public meeting at which the R.I.F. plan is considered.

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G7027 REDUCTION IN FORCE (R.I.F.)

B. Board Considerations

The Board shall consider the recommendations of the Superintendent for the adoption of the R.I.F. plan at a duly-called board meeting, the public notice of which announces that a R.I.F. will be considered. The discussion and action on the plan shall be in open session; however, nothing herein shall restrict the Board from holding portions of those discussions in closed session, if such discussion would be proper under the New Mexico Open Meetings Act. The Board may allow such review, consultation, and comment by employees and members of the public, as the Board, in its discretion, deems appropriate. The Board may propose modifications to the plan recommended by the Superintendent as it deems appropriate, provided that the Superintendent shall be the final decision-maker on the content and scope of the plan after giving due consideration to the Board's proposals.

If a mid-year R.I.F. is proposed which would require the discharge of tenured certified staff, the Superintendent and Board shall adopt a joint determination that as to the projected financial burdens to the District in the future and concluding the District cannot survive financially for the fiscal year already underway, if the R.I.F. is not carried out.

Any final plan for a R.I.F. shall be made available to all staff, by providing copies thereof in the office of each building principal and at the Superintendent's office, within two (2) working days after the final plan has been approved by the Superintendent.

C. Adopted Plan

If a R.I.F. plan is adopted, the Board shall not be required to deplete its operational cash balances maintained or carried over as permitted by NMSA 1978 § 22-8-41C and Section 71, Laws 2003, Ch. 153 in order to avoid the R.I.F., if the Board, in its discretion, determines that the cash balance must be maintained at the level determined by the Board, in order to cover other permitted expenditures or as a contingency for unforeseen expenditures or emergencies.

Based upon the R.I.F. plan approved by the Board, the Administration shall perform a study of the School District's personnel to determine which person or persons must be wholly or partially terminated or discharged in order to implement the plan. The primary concern to be applied in making the R.I.F. selections shall be the Board's interest in maintaining a sound and balanced educational program which is accredited and meets state and federal or regulatory requirements or standards, as well as the educational and extra-curricular program established for the District. In performing the study, the School Administration shall prepare a rating sheet and apply a point scale using the criteria applicable to the affected personnel specified in the following section.

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G7027 REDUCTION IN FORCE (R.I.F.)

7. Criteria For Selection Of Employees For R.I.F.

A. Licensed Personnel

1. Licensing as Qualification/Substandard Licenses.

Substandard licensure is inferior to full licensure, and a person who is fully licensed to teach within the presently assigned content area shall be retained in preference to a person holding a substandard license.

- (a) A person holding a "teaching waiver" of licensure requirements approved by the Public Education Department (per NMSA 1978 Section 22-10A-14B) shall be treated as having substandard licensure for the purpose of this policy, and shall receive zero (0) points for licensure in the survey and on the rating sheet.
- (b) A licensed person working in the affected content area pursuant to an "assignment waiver" (per NMSA 1978 Section 22-10A-14C), but possessing full licensing in another content area not affected by the RIF shall be allocated five (5) points on the rating sheet.
- (c) A person who is fully licensed and teaching in the affected content area shall be allocated ten (10) points on the rating sheet.

2. Endorsements

Licensed personnel possessing teaching endorsements recognized by the Public Education Department beyond those requested or required as qualifications for the individual's current assignment or content area shall receive an additional two (2) points per current valid endorsement, up to a maximum of six (6) points.

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3. Extracurricular Licensing/Experience/Assignment

Licensing, experience and current assignment in the extra-curricular or co-curricular activities which are to be retained as an integral part of the district's overall program for its students may be considered as a qualification requirement, in addition to licensure status, in making selection of personnel to be released under this policy. Head coaches or trainers possessing current licensing as a coach or trainer who are also certified employees of the district may be allocated two (2) points for each head coaching or training assignment up to a maximum of six (6) points for all current assignments. Licensed assistant coaches who are also certified employees of the district may be allocated one (1) point for each assistant coaching assignment up to a maximum of three (3) points for all current assistant coaching assignments.

The Board shall also possess the discretion to grant up to, but no more than, three (3) points for current extra-curricular or co-curricular assignments, requiring specialized knowledge, training, expertise, or significant time commitment, but for which licensing is not available, in programs or activities which the Board has determined to retain as an integral part of its overall program.

No employee may receive in excess of ten (10) total points on the rating sheet for extracurricular, athletic or co-curricular assignments. The Administration shall include in the proposed R.I.F. Plan a listing of all extracurricular, athletic and co-curricular programs or activities which may be considered for rating points in the proposed R.I.F. rating sheet and the proposed weight to be given to each category of such programs or activities for discussion at the Board meeting at which the R.I.F. Plan is considered.

4. Service in District

Where cumulative scores on the rating sheet are equal between two or more licensed school instructors being considered for termination or discharge, tenured licensed school instructors shall be retained in preference to licensed school instructors who have been employed by the district for less than three consecutive school years of service.

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G7027 REDUCTION IN FORCE (R.I.F.)

- (a) Each licensed individual considered for termination or discharge shall be awarded one (1) point for each year of full-time service during the most recent period of uninterrupted service with the district, prior to the current year, excluding approved extended leaves of absence, up to a maximum of twenty (20) points.

5. Education

The amount of credit for education shall be determined based on degree and additional hours:

(1)	B.A.	1 point
(2)	B.A. + 15	2 points
(3)	B.A. + 45 or M.A.	4 points
(4)	M.A. + 15	6 points
(5)	M.A. + 45 and higher	8 points
(6)	Ed.D. and Ph.D.	10 points

6. Performance: [Optional - The School Superintendent shall determine whether this criterion shall be used at the time the R.I.F. Plan is approved.]

The current supervisor of each licensed school instructor considered for termination or each licensed person considered for discharge shall rate the relative performance of each such person on a rating form to be prepared by the Superintendent, or under his/her direction. Such rating form may be based on the District's standard evaluation form(s) rating teacher competencies but may include additional competencies identified by the Superintendent which reflect his or her judgment as to the attributes necessary for success in the particular program(s) affected by a R.I.F. The rating form shall include not more than a total of ten (10) standard and specific competency areas, shall specify the score for each performance category or attribute, and shall allow for a maximum score of twenty (20) points. The supervisor(s) may consult with the Superintendent concerning the implementation of the evaluation. The supervisor(s) shall complete the rating forms and return them to the Superintendent within the time specified for completion of the evaluations.

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G7027 REDUCTION IN FORCE (R.I.F.)

If different individuals considered for a R.I.F. have different supervisors, the supervisors may consult with each other and/or with the Superintendent to insure that the rating system is applied uniformly. There shall be no requirement of observation of performance by a supervisor specifically for the purpose of completing the rating form; however, each supervisor shall review prior evaluations of the individuals considered for a R.I.F. for a period of the three (3) years immediately prior to the R.I.F, if available. When a supervisor lacks familiarity with an individual's performance (*e.g.*, a new supervisor), the Superintendent may assign the evaluation to a present or past District administrator or supervisor who has greater familiarity with the individual's performance. The Superintendent may devise such other measures as he or she deems necessary to address with situations where implementation of the performance rating cannot occur in the normal manner, so long as such measures are rationally designed to award points to licensed personnel based on the employee's performance.

B. Selection Based on Scores

The Superintendent shall total the points allocated based on the criteria specified above. The person with the lowest score shall be the person who is released by termination or discharge unless such action would have a serious and detrimental effect on the total educational program. In such event, the Superintendent may select a higher scoring person for termination or discharge but shall prepare a written justification for such action in the best interests of the District, along with the rating sheets for such positions. The computations of the Superintendent, plus the rating forms on the persons considered for release, shall be available for review by the person released.

C. Transfers/Reassignment

If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person ("the affected person") is also licensed and qualified for another program(s) within the District, the person shall be considered for transfer or reassignment to such program(s). The fact that there are one or more other licensed employees within the program affected by the R.I.F. who scored higher than the affected person, and that such person(s) may be licensed and qualified to teach or administer in other programs in the District, shall not require that the higher scoring persons be transferred or reassigned to the other program or programs, even if there is a vacancy in the other program or programs.

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G7027 REDUCTION IN FORCE (R.I.F.)

The transfer/reassignment obligation shall not arise until after the selection of the person or persons to be released from the program affected by the R.I.F. and shall only apply to the person or persons selected for release. Consideration of transfer or reassignment of the affected person shall be governed by the following criteria:

1. Existing Vacancy. If, upon the effective date of the termination or discharge due to a R.I.F., there is an existing vacancy in another program for which the affected person is licensed and qualified, he or she shall be transferred or reassigned to that vacant position. There shall be no obligation to create a vacancy to accommodate such person.
2. No Existing Vacancy. Where the affected person is licensed and qualified for another program or programs in the District, but all such positions are currently filled, the selection criteria described above, subject to the modifications described below, shall be applied to determine whether the affected person will be transferred or reassigned to another program and another person, currently employed in the other program, shall be released.
 - (a) If the person is fully licensed for a position in another program or an administrative position but has not actually taught in such program or held such an administrative position during any part of the preceding five (5) school years, such person shall not be considered qualified for transfer or reassignment to the other position.
 - (b) If neither the Superintendent nor the current supervisor of the program has observed the person being considered for transfer or reassignment performing the duties of the other program, it is impractical for the relative performance of the person being considered for transfer or reassignment and the person or persons currently teaching or administering in the program to be rated based on direct observation. Under such circumstances, the Superintendent or his/her designee shall make a judgment as to the likely performance of the person being considered for transfer or reassignment and assign the performance score which may be used in the selection process in comparison to the person or persons currently employed in the other program.

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The Superintendent or designee shall consider the affected person's performance in other programs and his/her knowledge of all persons in the program in question in making the judgment, and may consult with other knowledgeable persons in making this determination.

Each licensed instructor or administrator discharged and each tenured teacher terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable statutes and regulations of the State Secretary of Education governing discharge of licensed school personnel or the termination of tenured teachers. The written decision of the Superintendent, to the extent required by statute and regulation, shall clearly specify that the termination or discharge resulted from a R.I.F. and not from any cause personal to the person released.

D. Non-Licensed Personnel

Seniority shall be the primary criterion in determining which non-certified personnel shall be recommended for complete or partial termination in order to implement the R.I.F. Plan. More senior non-certified personnel ordinarily shall be retained in preference to less senior non-certified personnel within the same job category. However, where multiple positions and programs are affected by the R.I.F., the School Administration may prepare a rating sheet which includes the following criteria in making the selection:

1. **Specialized Qualifications/Licenses:** Specialized training/certification or licensing directly related to the current job duties of the non-certified employee (*e.g.*, electrician's license held by maintenance employee) may be allocated up to, but no more than, five (5) points. This factor excludes credit for extra-curricular licensing referred to in the next section.
2. **Extra Curricular Licensing/Assignments/Experience:** Licensing/training in extra-curricular activities, such as coaching or training in athletic programs, which are to be retained as an integral part of the District's overall program for its students, may be considered as a qualification requirement in making selection of personnel to be released under this policy. Head coaches and trainers who possess current licensing as a coach or trainer may be allocated up to, but no more than, two (2) points for each head coaching or training assignment, up to a maximum of six (6) points for all current assignments.

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Licensed assistant coaches, or service in current extra-curricular assignments requiring specialized knowledge, training expertise, or significant time commitment, may be allocated up to, but no more than one (1) point for each assistant coaching assignment, up to a maximum of three (3) points for all current assignments.

3. **Service in District:** Each noncertified employee rated shall be awarded one (1) point for each complete school year of full-time service during the most recent period of uninterrupted service with the District, up to a maximum of twenty (20) points. Periods of extended leave of absence without pay shall not be included. Where cumulative scores are equal, tenured, noncertified individuals (those who have completed three (3) full consecutive years of service in the District) shall be retained over nontenured, noncertified individuals.
4. **Performance:** [Optional - To be used only if directed by School Superintendent]. If two or more individuals have equal ratings on the above criteria, the current supervisor of each person classified as support staff who is considered for termination shall rate the relative performance of such person on a rating form to be prepared by the Superintendent. Such rating form will be designed based on the District's performance evaluation form for non-certified employees. The rating form will allow for a maximum score of twenty (20) points. The forms will be returned to the Superintendent for tabulation.
5. **Selection Based on Scores:** The Superintendent shall total the points for service and performance. The person with the lowest score shall be the person who is released. The computations of the Superintendent, plus the rating forms on the persons considered for release, shall be available for review by the person released.
6. **Transfer/Reassignments:** If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person is tenured and qualified for another program within the District in which a vacancy exists, that person shall be considered for transfer/reassignment to the other program.

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G7027 REDUCTION IN FORCE (R.I.F.)

7. **Termination:** Each non-licensed employee terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable New Mexico statutes and regulations governing the termination of non-licensed personnel. The written decision of the Board, to the extent required by statute and regulation, shall clearly specify that the termination resulted from a R.I.F. and not from any cause personal to the person released.

E. Appeal

Appeals to an independent arbitrator from termination or discharge pursuant to this policy are governed by the provisions of NMSA 1978, Section 22-10A-25, NMSA 1978 22-10A-28, respectively, and any applicable regulations of the State Secretary of Education.

F. Recall of Released Staff

For a period of one (1) 1year after the effective date of the discharge or termination of any employee pursuant to this policy, the Superintendent shall offer to such person any position(s) which becomes available for which such person is licensed and qualified, provided that such person has complied with the requirements specified below.

1. Every person discharged or terminated under this policy who wishes to be considered for recall, in the event that an opening occurs, must file with the Superintendent, within thirty (30) days after the effective date of the discharge or termination, a written statement indicating a desire to be considered for recall and providing an address at which the person may be contacted. Such person must notify the Superintendent of any change in address within ten (10) days after changing residences in order to insure proper notification in the event of a recall.
2. In the event that more than one interested person who was discharged or terminated within the calendar year prior to recall is qualified for the position by experience, training, and/or licensure to which a person will be recalled, the selection criteria of this policy will be applied to determine which person is to be recalled. The points accrued for "Service in District" and "Performance" shall be the same as when the persons were discharged or terminated, but additional points for any additional education earned after the discharge or termination which is directly related to the District's educational program shall be credited and considered.

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G7027 REDUCTION IN FORCE (R.I.F.)

3. Any person selected for recall hereunder shall receive written notification of the recall, by certified mail, at the address provided. The recalled person must accept the position offered through recall in writing. Such acceptance must be received in the Superintendents office within fifteen (15) calendar days after mailing of the recall notice to the person. Rejection of the offer, in writing or by failure to timely respond, shall result in forfeiture by the recalled person of any further recall rights under this policy. Thereafter, an offer of recall will be made to the next person qualified to be recalled, or if there is none, the position will be filled by another qualified applicant.
4. Any person recalled pursuant to this policy shall have all accrued but unused sick leave restored and be given credit for all years of actual service in the District for salary purposes.
5. After the one (1)-year recall period has expired, any person discharged or terminated under this policy shall no longer have any right to be recalled. Such persons who wish to be reemployed thereafter shall file applications for employment and will be treated as would any other applicant for a vacant position.

In the event legislation is passed which requires the Superintendent to reduce licensed school personnel, for any reason, the Superintendent shall follow the legislative procedures, if any, in lieu of this policy.

In the event the State Secretary of Education orders are entered which have the effect of revising the District's boundaries to exclude school facilities previously operated by the District, reducing the District's enrollment, or reassigning licensed school personnel to another District, or other state board orders resulting from exercise of its legislative powers, then the procedures described in the State Secretary's order for transfer of school facilities, students, and personnel shall be followed in lieu of this policy. Unless a different procedure is mandated by law, the termination or discharge of school employees in compliance with a State Secretary order shall be governed by NMSA 1978, Statutes 22-10A-24, 22-10A-25, 22-10A-27, and 22-10A-28, if applicable.

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G7027 REDUCTION IN FORCE (R.I.F.)

Cross Ref.:

Legal Ref.:

First Reading	Adopted	Revised
	1991	
	October 14, 2008	September 11, 2008
	January 12, 2010	December 8, 2009

Fn: PersonnelPolicies/Reduction In Force PolicyR G7027P.doc

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Personnel Policies

G7028 ALCOHOL USE BY STAFF MEMBERS (Illegal Drugs)

The use, possession, or distribution of intoxicants, alcoholic beverages, mood-altering substances, or illegal drugs on school property or at school events is prohibited.

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

Staff members of the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school regulations.

A staff member who apparently has consumed alcoholic beverages or illegal drugs on or off school property and/or before a school activity will not be allowed to be on school property or participate in school activities. Staff members who violate this policy will be subject to the same penalties as for possession and/or consumption on school property.

An employee of the District who, pursuant to local conditions or an employment contract with the District, resides on District property or resides in District housing may possess and use alcohol at the employee's residence is subject to the following restrictions:

- The employee shall not possess (except for possession at said residence), sell, offer to sell, transfer, use, or be under the influence of alcohol while on duty.
- Any alcohol consumption that occurs on school property when the employee is not on duty shall be done in moderation and shall occur within the employee's residence.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Fn: PersonnelPolicies/Alcohol Use by Staff MembersG7028P.doc

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Personnel Policies

G7029 TOBACCO USE BY STAFF MEMBERS/SMOKING

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers is prohibited in the following locations:

- School grounds
- School buildings
- School parking lots
- School playing fields
- School buses and other District vehicles
- Off-campus school-sponsored events

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through 6.12.4.9. Notice of this policy shall be made by listing of prohibited items that will be included in a Tobacco, Drug and Alcohol Free School notice posted at the entrance to school buildings and athletic events.

The Superintendent may establish procedures necessary to implement this policy. Disciplinary penalties may be imposed in accord with policies of the District regarding employee conduct and disciplinary actions.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with New Mexico Revised Statute.

Cross Ref.:

Legal Ref. 24-6-3 et seq. NMSA Dee Johnson Clean Air Act
6.12.4.8 NMAC
[1994 Op. Att'y Gen. No. 94-03, 1994 N.M. AG LEXIS 4.](#)
[20 U.S.C. 6083](#) Pro-Children Act of 1994 (Environmental Tobacco Smoke).
[34 C.F.R. Part 85](#) Drug Free Workplace Act

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7030 SEXUAL HARASSMENT

G7030.1 General Statement of Policy

The Board of Education is committed to a policy of nondiscrimination within all District programs or activities on the basis of race, religion, sex, age, national origin or handicapping condition. In addition, it is the policy of Lake Arthur Municipal Schools to maintain a learning and working environment that is free from sexual harassment. The sexual harassment of employees is specifically prohibited as a form of illegal discrimination.

In Lake Arthur Schools, sexual harassment, whether verbal, physical, or visual is unacceptable and will not be tolerated, whether committed by fellow employees, supervisors, students, parents, community members or people who conduct business, with the schools.

It shall be a violation of this policy for any student or employee of Lake Arthur Municipal Schools to harass a student or an employee or another individual while acting in behalf or in the performance of duties and responsibilities as an employee of Lake Arthur Municipal Schools through conduct or communication of a sexual nature as defined by this policy and the student harassment policy contained in the student section of the Board Policy Manual.

The School District will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the School District. The Administration is authorized to take appropriate administrative action to prohibit sexual harassment when committed by parents, community members or people who conduct business with the school. It is the express policy of the Board to encourage victims of sexual harassment to report such claims through the Sexual Harassment Procedures.

G7030.2 Sexual Harassment Defined

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - 1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

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2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment. Any sexual harassment as defined when perpetrated on any student or employee will be treated as sexual harassment under this policy.

B. Sexual harassment may include but is not limited to:

1. Verbal harassment, such as derogatory comments, insults, slurs, sexually-orientated kidding, jokes, double entendres;
2. Subtle pressure for sexual activity;
3. Physical harassment, such as unnecessary, unwanted or offensive touching;
4. Visual harassment, such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures;
5. Demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. Demands for sexual favors, accompanied by implied or overt promises of preferential treatment, threats concerning an individual's employment condition/status, or educational status, such as in the case of a student, a favorable grade.
7. Any sexually motivated unwelcome touching;
8. Such conduct that is designed to, or has the effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

G7030.3 Reporting Procedures

Individuals who experience sexual harassment from colleagues or others should make it clear that such behavior is offensive to them whether or not such conduct was previously acceptable. Any person who believes he or she has been a victim of sexual harassment by a student or an employee of the School District, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate School District official as designated by this policy. A written complaint form should be used. This form is available at all work sites from the principal of each building, the department supervisor at each site, or the School District Superintendent's Office.

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- A. In Each School Building. The building principal or department supervisor is the person responsible for receiving oral or written reports of sexual harassment at the building or department level. Upon receipt of a report, the principal or department supervisor must notify the superintendent as the District's Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given verbally, the principal or department supervisor shall reduce it to written form within twenty-four (24) hours and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal or department supervisor, the complaint shall be filed directly with the District Human Rights Officer.
- B. District-Wide. The School Board hereby designates the superintendent as the School District Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals or department supervisors as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the President of the Board of Education. The School District shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number.
- C. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.
- D. Use of formal reporting forms is not mandatory, but strongly advised.

The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

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G7030.4 Investigation and Recommendation

By authority of the School District, the Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent of Schools. If the investigating party is being done by a third party then the written report is to be provided to the Superintendent of Schools as the Human Rights Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the Board President or the alternate individual as designated by the Board of Education.

In determining whether alleged conduct constitutes sexual harassment, the School District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and the others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

The superintendent as the school district's Human Rights Officer shall make a report to the Board of Education upon completion of the investigation.

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G7030.5 School District Action

- A. Upon receipt of a recommendation that the complaint is valid, the School District will take such action as appropriate based on the results of the investigation. Any employee who engages in sexual harassment shall be subject to warning, reprimand, suspension, termination or discharge. Supervisors who knowingly tolerate sexual harassment by others shall be subject to similar sanctions. As per the student harassment policy students who commit sexual harassment shall be subject to appropriate disciplinary action.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District. The report will document any disciplinary action taken as a result of the complaint.

G7030.6 Reprisal

The School District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

G4030.7 Non-Harassment

The School District recognizes that not every advance or consent of a sexual nature constitutes harassment. Sexual harassment does not refer to occasional compliments. It refers to behavior that is not welcomed, that is personally offensive, that debilitates morale, and that interferes with the work effectiveness of its victims and those around them.

Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations or sexual harassment can have a serious detrimental effect on innocent parties.

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G7030 SEXUAL HARASSMENT

G7030.8 Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the New Mexico Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law. This includes possible legal action against an individual who makes false harassment claims or charges against another individual.

G7030.9 Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse under New Mexico statutes.

G7030.10 Discipline

Any School District action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, New Mexico statutes and Lake Arthur Municipal School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual harassment and prevent its recurrence.

Cross Ref.:

Legal Ref.: Civil Rights Act, 1964, as amended in 1972, Title VII, Equal Employment Opportunity Act of 1972
Public Law 100-690
Drug-Free Workplace Act of 1988
Drug Free Schools and Communities Act, as amended in 1989

First Reading	Adopted	Revised
	August, 1991	
	October 14, 2008	September 11, 2008

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Personnel Policies

G7031 STAFF PERSONAL SECURITY AND SAFETY

Violence

Any employee who observes or has direct knowledge of an act of violence upon an employee during the performance of the employee duties or of an act of vandalism to school property shall file an incident report in accordance with procedures established by the New Mexico Secretary of Education.

Threats

The Superintendent shall establish procedures that provide for the protection of any employee who is threatened with harm by an individual or a group while carrying out assigned duties.

Cross Ref.:

Legal Ref. [22-10A-33 NMSA](#) (1978)
 [30-3-9 NMSA](#) (1978)
 [30-3-9.1 NMSA](#) (1978)
 [6.19.3.6 NMAC](#) *et seq.*

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7032 EMPLOYEE ASSISTANCE

All employees shall be covered by workers' compensation insurance for any accident while on assignment, including an accident on school property or while on official business off school property. An employee must report any such accident to the supervisor's office immediately, since a report on the time of the accident, persons involved, and how it happened is required.

Employees may be required by the Superintendent, for purposes of employment or retention, to submit to such tests or examinations as licensed physician deems appropriate.

When, in the opinion of the immediate supervisor and/or the Superintendent, the employee's physical or emotional condition warrants, the District may require a complete examination, at District expense, by a licensed physician selected by the District.

The Superintendent shall have procedures for complying with the requirements of the Occupational Safety and Health Administration (OSHA), including an exposure-control plan, methods of compliance, work-practice controls, post-exposure evaluation and follow-up, and administering vaccine to employees exposed to Hepatitis B virus.

All employees who as a result of their employment have had significant exposure to bloodborne pathogens (Hepatitis B/Human Immunodeficiency Virus) are required to report the details of the exposure in writing to the District and are required to follow post-exposure evaluation and follow-up activities in accordance with New Mexico and federal laws. An employee who chooses not to complete these reporting requirements will be at risk of losing any claim of rights.

Cross Ref.:

Legal Ref. 29 U.S.C. 653

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7033 EMPLOYEE ASSAULT POLICY

The Board of Education acknowledges the need for its employees to perform their duties in a safe, secure, and non-threatening atmosphere. The Board recognizes, however, the possibility of assault on an employee or another person on school property, or at school-sponsored events. The term “assault” as used in this policy shall mean not only a violent, physical or verbal attack, but shall also include the concepts of legal battery, legal assault, and intentional infliction of severe mental or emotional distress.

No employee shall, while on duty, physically or verbally assault any other person except as may be specifically allowed by regulation.

An on-duty employee will be permitted to use reasonable force to repel a physical assault upon him or herself or a physical assault on another person. No verbal statements justify use of force. If an on-duty employee is threatened with an assault upon him or herself or another person and has a reasonable method of restraining or causing the other to retreat so as to avoid the assault, the employee shall retreat or cause the other to retreat.

When assaults occur, the following procedures shall be utilized:

1. An employee shall immediately report to the immediate supervisor any assault at school or school-sponsored events.
2. The supervisor shall immediately get medical help where needed and notify the superintendent or designee.
3. A written report of the incident and actions taken shall be submitted by the supervisor to the superintendent or designee. The employee shall have the right to submit a written report on his/her version of the incident.
4. When warranted, the immediate supervisor will notify the policy of the assault. If requested by the employee, the district shall advise the employee on the manner of initiating a criminal complaint arising from a physical assault.
5. When reasonably necessary and with prior approval of the superintendent, leave with pay shall be granted to an employee for court appearances or for conducting business as a result of the assault while on duty, and which cannot reasonably be conducted on off-duty hours.

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G7033 EMPLOYEE ASSAULT POLICY

6. When absence from work is reasonably necessary to the full recovery of an employee, and with the prior approval of the superintendent, an employee may be granted leave with pay for up to twenty (20) days for injury, physical or mental, as a result of a physical attack while on duty or on-duty at school-sponsored events. After three days, the employee may be required to obtain a doctor's certificate attesting to the employee's injuries and resulting disability. The school district may also require the employee to be examined by a physician of the district's choice. Payment for the time away from work shall be made only in the amount of difference between:
 - a. The employee's regular wage or salary for the time absent, and
 - b. Workmen's compensation payments made to the employee, if any. Payment will be made only upon written application describing the assault and injury in reasonable detail. The purpose of this position is to insure that an employee need not use sick leave after incurring an injury due to a physical assault.
7. In every case involving an assault upon or by an on-duty employee, the Superintendent or his/her designee shall conduct such investigations and hold such hearings—upon at least two days notice to employees involved—as may be reasonably necessary to determine what led to the assault and what occurred during the assault. No particular formalities need be observed for hearings, but, in every assault case, both sides shall be allowed to confront the opposing witnesses, to explain fully their side of the conflict, and to present witnesses in support of their version of the facts. This hearing may be combined with any other hearing required because of the assault.
8. If after investigations and hearings have concluded, it is determined that the employee initiated the assault, or an assault by the employee was not reasonably necessary to repel a physical assault or to prevent a physical assault upon another person, provisions 5 and 6 shall not apply. In such cases, the employee shall be subject to additional discipline measures as provided by statute and regulation.
9. In the event any employee involved in the assault is dissatisfied with the result of the investigations and hearings, the employee may appeal the decision as in the cases of a grievance beginning, however, with "Step Two (2)", submission to the appropriate central office administrator. The decision of the Board of Education shall be final, unless it is combined with a decision to terminate employment. If it is combined with such a decision to terminate employment, the decision may be appealable as provided by law.

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G7033 EMPLOYEE ASSAULT POLICY

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

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G7034 STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Board recognizes the right of its employees, as citizens, to engage in political activity. However, school time may not be used for political purposes. Staff members who intend to engage in political activities shall be guided by the following:

- No employee shall engage in political activities upon property under the jurisdiction of the Board, unless permission has been granted for that purpose through the “Community Use of School Facilities” policy of the Board.
- Campaigning and other election activities must be done in off-duty hours, when not working in an official capacity for the District, and without the participation of District employees or students acting in the capacity of District or school representatives.
- Invitations to participate in election activities on a given campus, except when extended by groups leasing or using school facilities, shall be extended only when such invitations are extended to all candidates for the office.
- The use of District equipment, supplies, materials, buildings, or other resources to influence the outcome of any election is not permitted.
- Political circulars or petitions may not be posted or distributed in school.
- The collection of campaign funds and/or the solicitation of campaign workers is prohibited on school property.
- The use of students for writing or addressing material intended to influence the outcome of any election, or the distribution of such materials to or by students, is forbidden.
- Employees of the District may not use the authority of their positions to influence the vote or political activities of any subordinate employee.

District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under the leave policies of the Board.

The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, are not precluded under the provisions of this policy.

This policy shall apply only when an employee is serving as an agent of or work in an official capacity for the District.

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G7034 STAFF PARTICIPATION IN POLITICAL ACTIVITIES

Cross Ref.:

Legal Ref. 22-14-14 NMSA
6.60.9.8 NMAC

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7035 PERSONNEL RECORDS AND FILES

Professional employees are required to supply the District office with current and complete official transcripts of all college credits.

It is the duty and responsibility of each licenses employee to keep such license current.

The District will maintain a complete and current official personnel file for each District employee. Employees will be advised of, and will be permitted to review and comment on, all information of a derogatory nature to be placed in their respective personnel files. The employee may prepare a written reply to such information, and such reply, if any, will be appended to the information in the file.

All documents within a personnel file are confidential, and the District may create such subfiles within a personnel file as are appropriate to ensure confidentiality and efficient use of the file. Access to personnel files will be limited to authorized District officials and employees. Individual Board members shall access only when specifically authorized by the Board, as evidenced by action of a quorum of the Board in a legal meeting properly noticed. Employees may review their own files by making written requests to the Superintendent. Confidential information obtained prior to an employee's employment, such as recommendations, will not be available for review by the employee.

Specific information contained in the record, may be considered public information under the law and will be released in accordance with the Inspection of Public Records Act, Confidential Materials Act and Board policy and procedure relative to the disclosure of the District's public records.

Cross Ref.:

Legal Ref. 14-2-1 NMSA 1978

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7036 GRIEVANCE POLICY

Effective communication between District employees, the administrative staff, and the Board is essential for proper operation of the schools. The Board, therefore, authorizes the Superintendent to establish a grievance procedure for employees as the prescribed means of resolving grievances at the earliest date and the lowest possible administrative level.

Such procedure shall provide for Board review of any grievance that cannot be resolved at the administrative level. In such instances, the affected individual may request that the Board review the situation. Such request shall be in writing and shall contain the basis for the appeal, including the act or acts out of which the grievance arose, identification of the Board policies and/or administrative regulations involved, and the remedy sought. Within five (5) working days following notification of the Superintendent's decision, any written request for appeal shall be submitted to the Superintendent for transmittal to the Board. The Board, at a time of its choosing, shall review the grievance and issue a response within fifteen (15) working days following such review.

Limitations: The following situations are not covered by the grievance procedure:

- The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by the designated evaluator(s).
- A personnel decision made by the Superintendent including, but not limited to, a termination or discharge, a demotion, or Board action directly and adversely affecting an employee's employment that may be subject to redress through the provisions of State law and regulation.
- Situations in which the Superintendent and the Board are without authority to act or where the power to remedy the employee's concern resides exclusively with some person, agency or authority other than the Board.
- Situations as to which a different procedure for remedy has been provided by the Board, or where District procedure is prescribed by State or Federal authority.

The decision of the Board is final.

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G7036 GRIEVANCE POLICY

Cross Ref.:

Legal:

First Reading	Adopted	Revised
September 12, 2008	October 14, 2008	

Lake Arthur Municipal Schools

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G7037 CLASSIFIED/NON-EXEMPT EMPLOYEE WORK HOURS AND OVERTIME

A classified employee will be required and/or allowed to work additional hours beyond those normally scheduled work day hours provided prior written approval authorization has been obtained from the superintendent and/or the business manager through the employee's immediate supervisor. Employees are required to work overtime without notice if asked to do so.

Employees working overtime without approval will be subject to disciplinary action. Likewise, employees working overtime and not reporting it will be subject to disciplinary action.

Documentation verifying the additional work hours will be maintained by the employee on the weekly time card that is used with the district time clock and provided to the business department on the scheduled due date during each work week.

Non-exempt employees who are paid by the hour will be paid overtime or be granted compensatory time in accordance with the site or business entity's working practice and in compliance with applicable law.

An employee who has worked more hours than is allocated to a recognized position of Lake Arthur Municipal Schools, but less than forty (40) hours a week shall not be paid overtime or accrue compensatory time until the forty (40) hour work week threshold has been exceeded. The employee will receive the regular salary per hour pay up to the completion of forty (40) work hours. Paid time off, PTO, does not count as time worked in computing hours worked in a week. An example is if a non-exempt employee takes one PTO day and works more than 32 hours during the remainder of that week, he/she will not be entitled to any overtime pay that week, unless the actual work hours exceed 40.

Overtime pay is computed on a seven day time period. The seven day period begins at beginning Saturday at 12:01 and ending the following Saturday at 12:00 midnight. Employees must work a minimum of 40 hours within the standard work week at their base hourly rate to be eligible for overtime pay. PTO is not considered "hours worked" in calculating overtime. Company paid holidays, jury duty, and bereavement are considered towards eligibility for overtime pay.

Based on availability of funds an employee who has worked more than forty (40) hours in a week shall receive one of two options:

1. Payment for the additional hours work over forty (40) hours a week.
2. Compensatory time at the rate of one and one-half (1.5) hours for hour worked over forty (40) hours.

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G7037 CLASSIFIED/NON-EXEMPT EMPLOYEE WORK HOURS AND OVERTIME

Lake Arthur Municipal Schools will follow all requirements set forth in the Fair Labor Standards Act. The maximum compensatory time which may be accrued by any affected employee shall be ten (10) hours of actual overtime work or fifteen (15) hours of compensatory time) from year to year unless approved by the superintendent.

Cross Ref.:

Legal Ref: Fair Labor Standards Act, 29 USC 201 *et seq.*, 29 CFR Section 778.100

First Reading	Adopted	Revised
September 11, 2007	October 9, 2007	
	March 11, 2014	February 11, 2014

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Personnel Policies

G7038 EMPLOYMENT RECOMMENDATION

Board Findings

The Board of Education finds as follows:

- That under current New Mexico law, an employer and individual employees may be held liable for having provided incomplete or misleading employment references or recommendations in regard to the employer's current or former employees under certain circumstances;
- That individual employees of the District who wish to provide employment references or recommendations for current or former employees may not be in possession of all pertinent information regarding a current or former employee necessary to provide a complete and fair employment reference or recommendation;
- That under current law, an individual employee of the District who provides a recommendation or reference for a current or former employee of the District may be mistakenly perceived as providing such reference or recommendation on behalf of the District; and
- That limitations and conditions are required to prevent employment references for a current or former employee of the District may be mistakenly perceived as providing such reference or recommendation on behalf of the District; and
- That limitations and conditions are required to prevent employment references or recommendations by individual employees from being attributed to the District when such references or recommendations have not been authorized by the District.

Rules Regarding Employment References and Recommendations

In view of the foregoing, no employee of the District is authorized to issue a written or oral employment reference or recommendation for a current or former employee of the District except in compliance with the following:

- No employee may issue or provide an employment reference or recommendation in his or her capacity as an employee of the District for a current or former employee orally – all such references or recommendations shall be in writing only.

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G7038 EMPLOYMENT RECOMMENDATION

- No employee may issue or provide an employment reference or recommendation in his or her capacity as an employee of the District for a current or former employee of the District without first:
 - Providing a copy of the proposed reference or recommendation to the Superintendent for approval; and
 - Receiving the Superintendent's written authorization of the reference or recommendation provided.
- An employee who wishes to provide an employment reference or recommendation in his or personal capacity only for a current or former employee of the District, without the authorization or endorsement of the District, shall observe the following limitations and conditions:
 - No employee providing such personal reference or recommendation orally may do so during working hours, or while on District premises, or through the use of a telephone or other communications media owned by the District;
 - No employee providing such personal reference or recommendation in writing may do so during working hours or while on District premises, or using any District or school letterhead or any communications media owned by the District, or by other means that suggests District authorization or agreement; and
 - An employee providing any such oral or written reference or recommendation shall specify in providing the reference or recommendation that he or she is speaking for himself or herself, and not on behalf of Lake Arthur Municipal Schools.

Investigation and Record-Keeping

Upon receiving a copy of, or a request for, a proposed reference for a former employee, the Superintendent shall make appropriate inquiries about the former employee of building administrators at each building in which the former employee worked while employed by the District and shall compile a record of all information regarding the former employee's competency, turpitude, and proper performance of duties. In approving the issuance of a recommendation on behalf of the District, the Superintendent shall ensure that the recommendation fairly reflects all relevant and reliable information bearing upon the former employee's competency, turpitude, and proper performance of duties.

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G7038 EMPLOYMENT RECOMMENDATION

The Superintendent shall keep and maintain copies of all proposed references or recommendations submitted.

Penalties

Any violation of the provisions of this policy or any of its procedures by any employee shall subject such employee to discipline, including termination or discharge.

Cross Ref.:

Legal Ref. 14-2-1 NMSA 1978

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7039 SUBSTITUTE TEACHERS

The superintendent and/or his/her designee shall maintain an active accounting of persons approved by the Public Education Department's Licensure Bureau to act as substitute teachers.

The selection of a substitute teacher will be made by the principal only from a list of approved substitute teachers provided to each principal by the Superintendent. The Superintendent shall develop and implement administrative procedures necessary to effectively employ, assign, monitor, evaluate, compensate and retain highly qualified substitute teachers for the District.

Only persons approved for providing services to Lake Arthur Municipal Schools may be employed as substitutes.

As a condition of employment with the District as a substitute teacher, every applicant must initially submit to and be cleared of a fingerprint-based criminal history and background check pursuant to state law and regulation. No applicant for initial employment shall be employed by the District until a background check has been reviewed and cleared by the State Public Education Department.

Compensation. Substitute teachers will be compensated for the number of hours on duty at a rate, approved annually by the Board that is commensurate with the Substitute's level of licensure and experience in the District.

Exceptions. No person holding a valid New Mexico teaching or administrative license is required to obtain substitute teacher licensure in order to perform instructional services.

Cross Ref.:

Legal Ref. 22-10A-15 NMSA
6.63.10 NMAC

First Reading	Adopted	Revised
	June, 2000	
	May 12, 2009	April 14, 2009
	April 10, 2018	March 13, 2018

Lake Arthur Municipal Schools

Personnel

G7040 PROFESSIONAL STAFF HIRING POLICY

It shall be the policy of Lake Arthur Municipal Schools to employ and retain the best qualified personnel to meet the needs of the district to provide the programs of study required by the New Mexico Public Education Department and those determined to relevant to 21st century skills.

The Board of Education adopts the following general criteria, which shall be utilized in the selection process for initial employment:

There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.

A candidate for secondary school for should have a major, minor, or equivalent in the candidate's teaching field for the position that he/she is applying. An elementary school candidate should have a major or equivalent in elementary education for the position that he/she is applying. An elementary or secondary candidate who is applying for a position that has a special area of assignment must meet all certification and/or endorsements required of that position.

All candidates for all teaching positions shall be able to deliver quality instruction within the instructional frameworks of Lake Arthur Municipal Schools.

Each candidate shall provide evidence of meeting state requirements for certification by designated time frames set by administrative regulation.

Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.

A "background investigation" – consisting of communication with applicant's (or employee's) former employer and/or student teacher supervisor and supervising teacher that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment by Lake Arthur Municipal Schools – shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

Any employee's misstatement of fact that is material to qualifications for employment or determination of salary shall be considered by the Board of Education to constitute grounds for dismissal.

All offers of employment are contingent upon the satisfactory completion of background investigations.

Lake Arthur Municipal Schools

Personnel

G7040 PROFESSIONAL STAFF HIRING POLICY

A person not directly involved in the employment decision affecting the specific applicant shall not be permitted unauthorized access to criminal history record information or background information.

Cross Ref.:

Legal Ref.: 22-10A-5 NMSA (1978)
 22-1-2 NMSA *et seq.*

First Reading	Adopted	Revised
February 9, 2010	March 8, 2010	

Lake Arthur Municipal Schools

Personnel

G7041 CLASSIFIED STAFF HIRING POLICY

It shall be the policy of Lake Arthur Municipal Schools to employ and retain the best qualified personnel to meet the needs of the district to provide the support services needed and required by a New Mexico Public School District.

The Board of Education adopts the following general criteria, which shall be utilized in the selection process for initial employment:

There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.

A candidate for employment within the support service areas of Lake Arthur Municipal Schools shall have the requisite skills required by the position or be able to demonstrate the capacity to be trained for the position and its responsibilities.

All candidates for all support service positions shall be required to demonstrate that he/she meets the physical requirements of the support service position for which they are seeking employment and shall be able to deliver quality service within the support service customer service frameworks of Lake Arthur Municipal Schools.

Each candidate shall provide evidence of meeting state requirements for certification by designated time frames set by administrative regulation if such certification is required by state statute or regulation and/or board policy.

Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.

A “background investigation” – consisting of communication with applicant’s (or employee’s) former employer and/or supervisor involving education, training, experience, qualifications, and job performance for the purpose of evaluation for employment by Lake Arthur Municipal Schools – shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

Any employee’s misstatement of fact that is material to qualifications for employment or determination of salary shall be considered by the Board of Education to constitute grounds for dismissal.

All offers of employment are contingent upon the satisfactory completion of background investigations.

Lake Arthur Municipal Schools

Personnel

G7041 CLASSIFIED STAFF HIRING POLICY

A person not directly involved in the employment decision affecting the specific applicant shall not be permitted unauthorized access to criminal history record information or background information.

Cross Ref.:

Legal Ref.: 22-10A-5 NMSA (1978)
22-1-2 NMSA *et seq.*

First Reading	Adopted	Revised
October 13, 2015	November 10, 2015	

Lake Arthur Municipal Schools

Personnel Policies

G7042 TUTORING OF STUDENTS

The Board of Education believes that by maintaining an instructional staff of high quality and providing for a rich and varied curriculum the need for individual tutoring is minimized.

If tutoring of a student becomes necessary, the following guidelines are to be observed:

1. A teacher may not tutor any child enrolled to his or her class if the teacher is to receive a fee. In unusual circumstances, exceptions to this regulation may be made only with the expressed written permission of the superintendent or his/her designee.
2. Tutoring for which a teacher receives a fee will be prohibited in the school buildings.

Teachers who accept outside tutoring engagements shall make their own arrangements with the parents for the fees to be charged and the payments thereof.

The school district assumes no responsibility for any unauthorized non-school day or extended day tutoring activities, fees or payments.

Individual private tutoring shall be conducted only after the approved school day hours established at the beginning of each school year.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	June, 2000	
	May 12, 2009	April 14, 2009

Lake Arthur Municipal Schools

Personnel Policies

G7043 PROFESSIONAL STAFF POSITIONS

The District will attempt to activate a sufficient number of positions to accomplish the District's goals and objectives.

Before establishment of any new position, the Superintendent will present a job description for the position that specifies the qualifications, the performance responsibilities, the method by which the performance of such responsibilities will be evaluated and the budget implications for that position.

The Superintendent will maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system.

Cross Ref.:

Legal Ref. 22-5-14 NMSA
 6.20.2.12 NMAC
 6.60.9.8 NMAC

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7044 PROFESSIONAL STAFF CONTRACTS AND COMPENSATION

All employment contracts between local school boards and certificated school personnel and between governing authorities of state agencies and certificated school instructors shall be in writing on forms approved by the Secretary of Public Education. These forms shall contain and specify the term of service, the salary to be paid, the method of payment, the causes for termination of the contract and other provisions required by the regulations of the Secretary of Public Education.

All employment contracts between local school boards and certificated school personnel and between governing authorities of state agencies and certificated school instructors shall be for a period of one (1) school year except:

- Contracts for less than one (1) school year are permitted to fill personnel vacancies which occur during the school year;
- Contracts for the remainder of a school year are permitted to staff programs when the availability of funds for the programs is not known until after the beginning of the school year;
- Contracts for less than one (1) school year are permitted to staff summer school programs and to staff federally funded programs in which the federally approved programs are specified to be conducted for less than one (1) school year;
- Contracts not to exceed three (3) years are permitted for administrators in public schools who are engaged in administrative functions for more than one-half (1/2) of their employment time; and
- Contracts not to exceed three (3) years are permitted by recommendation of the Superintendent and approved by the Local School Board for Certificated School Instructors in Public Schools who have been employed in the School District for three (3) consecutive school years.

Except as provided in Section 22-10A-22 NMSA 1978, a person employed by contract pursuant to this section has no legitimate objective expectancy of reemployment, and no contract entered into pursuant to this section shall be construed as an implied promise of continued employment pursuant to a subsequent contract.

Salaries in the District will be differentiated in relationship to duties and responsibilities.

Lake Arthur Municipal Schools

Personnel Policies

G7044 PROFESSIONAL STAFF CONTRACTS AND COMPENSATION

The Superintendent will provide recommendations on salaries and fringe benefits.

After receipt of the Superintendent's recommendations, the Board will annually establish the salaries and benefits for all employees within the budgetary constraints of the District.

Cross Ref.:

Legal Ref. 22-10A-10 NMSA
 22-10A-21 NMSA
 22-10A-22 NMSA
 6.66.2.8 NMAC
 6.66.3.8 NMAC

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel

G7045 TRAVEL, PER DIEM AND MILEAGE REIMBURSEMENT

G7045.1 Reimbursement Guidelines

Travel expenses shall be paid to employees who are requested or required to travel to attend to and conduct the business of Lake Arthur Municipal Schools.

The superintendent or designee shall be responsible for determining the necessity for reimbursable travel by district employees. Out-of-state travel must receive prior approval of the Board of Education.

To attend meetings or conferences, licensed employees must obtain approval from the administration at least twenty (20) days prior to the meeting or conference dates (whenever such prior request is possible.)

The following guides will be used in granting released time and/or travel expense:

- Value of the meeting or conference.
- Funds available in the appropriate budgets.
- Availability of a substitute, if one is necessary.

The necessary forms and instructions for filing travel claims are available at the administration office.

Approved travel shall entitle the employee(s) payment by per diem or actual expenses as permitted in amounts approved by the superintendent or the board of education provided that the travel expense is documented by appropriate receipts, invoices, etc. Advanced payment by the district shall apply only to a direct expense payment made by the district through its purchase order process. Approved per diem or actual expense amounts are not to exceed the statutory reimbursement limits as identified by the NMAC 2.42.2 and HB 336.

Reimbursement shall be made for travel on public conveyance at the most economical rate available for the trip. All travel requests will be initiated within the use of a district vehicle. If a district vehicle is provided, the employee can elect to travel in a privately-owned vehicle but at the employee's expense. Travel in a privately-owned vehicle may be reimbursed to the owner of the vehicle at the rate authorized by administrative regulation as govern by board policy within the approved travel request but not to exceed statutory limits. Travel in a privately-owned vehicle may be approved by mileage rate or reimbursement of fuel expense as designated on approved travel request.

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G7045 TRAVEL, PER DIEM AND MILEAGE REIMBURSEMENT

G7045.2 Actual Expense Reimbursement Option

Where lodging expense exceeds the amount of approved per diem rate, reimbursement may be made upon proof of paid actual expenses from hotel, motel or similar accommodations. Prior planning is necessary prior to making hotel reservations and is the employee's responsibility in conjunction with the district's business office. For convenience and safety reasons school personnel are encouraged, where possible, to make room reservations at the hotel where the meetings and conferences are held.

Reimbursement for expenses on limited trips shall be in accordance with state partial day rates. The district will not reimburse for room service or intoxicating beverages (example: beer, wine, liquor, etc.) It is the responsibility of the individual employee taking the trip with or without other adults and/or students to secure receipts, invoices, and other appropriate documentation to present a claim in an approved format to the Business/Finance Officer.

G7045.3 Other Reimbursements

Upon proof and presentation of receipts, invoices, and other appropriate documentation airfare, and registration fees are reimbursed at 100%. A miscellaneous expense allowance of up to \$35.00 (without receipts, etc.), may be allowed at the discretion of the superintendent for the duration of the conference for tips, parking fees, taxi cab, shuttle or bus fare, etc. If car rental is necessary to get to the location of the conference, reimbursement will be made upon proof of expense for an economy model vehicle and only one vehicle per group.

G7045.4 Direct Expense Payment Made By the District

There will be occasions when the school district may directly pay for registration fees, room accommodations or meals via a purchase order, or a sponsoring organization reimburses an individual for expenses. In such cases, per diem must be claimed by individuals representing the district.

G7045.5 Travel Expenses Not Incurred

Under no circumstances shall a school employee or board member claim a double reimbursement through multiple agencies or receive reimbursement for travel expenses not incurred.

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G7045 TRAVEL, PER DIEM AND MILEAGE REIMBURSEMENT

Cross Ref.:

Legal: Title 2 Public Finance, Chapter 2 Travel and Per Diem, Part 2 Regulations Governing
The Per Diem and Mileage Act

First Reading	Adopted	Revised
August 9, 2005	September 13, 2005	July 7, 2009
		September 09, 2014
	October 14, 2014	

Lake Arthur Municipal Schools

Personnel

G7046 STAFF PROFESSIONAL DEVELOPMENT AND MATERIALS POLICY

All personnel are encouraged to pursue a program of continued growth. To assist employees in assuming this responsibility, the District will make efforts to provide Lake Arthur Municipal Schools' employees with staff development opportunities for adult learning experiences that contribute to the attainment of reaching the short term and long term goals of the district's strategic plan. The desired results for the individual employee are improved skills, increased knowledge, individual growth and enhancement of quality education for students.

G7046.1 Professional Development Expectations

The superintendent may establish local in-service training programs and courses for professional staff and other support staff to support district operations. Within the job description and employee evaluation process an evidence-based performance process will be used to document that the employee has pursued integrating the aspects of the professional development into the responsibilities of the position to which they are assigned to demonstrate satisfactory performance improvement.

For any professional development training, in-service, and/or workshop that is sponsored or financed by the district that the employee attends, the employee will be required to provide follow-up training for district/school processes and/or programs for total staff instruction/curriculum implementation by an administrative directed designated time and administratively approved training format.

G7046.2 Actual Course Expense Reimbursement Option:

When the board of education makes approved operational funding available, the employee may make a request for course reimbursement. This educational reimbursement request approval is an option that the board of education authorizes the administration to exercise on a case by case basis given the limitations of the provision, efforts made by the individual to secure other financial aid, and availability of funds at the time of the request.

To seek approval action for an employee desiring reimbursement for course tuition and books, the employee must meet the criteria described herein for educational reimbursement request. However, the criteria may change and are not limited to the following statements:

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G7046 STAFF PROFESSIONAL DEVELOPMENT AND MATERIALS POLICY

The proposed course follows a course of study degree or certification plan for advanced professional development. He/she must provide a course description and enrollment documentation to the district for the course or courses that he/she is taking. He/she must sign a repayment agreement contract, "promissory note," with Lake Arthur Municipal Schools. He/she must provide verification of successful completion of the course with an approved passing grade prior to any disbursement of district funds.

The board authorizes the superintendent to act as its representative to approve educational reimbursement requests and payment as per the guidelines of this policy.

G7046.3 Staff Professional Development Reference Materials

During the course of becoming an employee and during the time of being an employee under contract with the school district, the employee will be issued reference materials that pertain to their position and responsibilities with the school district.

The district business office will keep a record of those materials assigned to the employee. The initial issuance of the materials will be at no cost to the employee. At the end of each contract year and upon termination of employment the employee will be required to check-in all documented materials issued by the school district. Materials that were checked out to the employee that are lost or damaged shall be cause for the employee to be charged the replacement value of the materials.

This charge may either be paid by the employee directly to the business department or the payment may be secured by authorization of a payroll deduction by the employee.

Cross Ref.:

Legal:

First Reading	Adopted	Revised
July 24, 2007	July 24, 2007	
	June 11, 2013	May 7, 2013

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Personnel Policies

G7047 PROFESSIONAL STAFF SALARY SYSTEMS

Prior to the beginning of each school year, each superintendent shall file with the department the school district salary system, which salary system shall incorporate any salary increases or compensation measures specifically mandated by the legislature. Salaries for teachers and school administrators shall be aligned with the licensure framework provided for in the School Personnel Act [Chapter 22, Article 10A NMSA 1978]

A superintendent shall not reduce the school district salary system established above without the prior written approval of the Secretary of Education.

Other Provisions

Any person who does not work the full term as set up by salary system shall be paid on a prorated basis for the number of days to be worked for the remainder of the school year. This shall include the school days taught plus the number of days required for orientation.

Cross Ref.:

Legal Ref. 22-10A-10 NMSA
 22-10A-21 NMSA
 22-10A-22 NMSA
 6.66.2.8 NMAC
 6.66.3.8 NMAC

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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Personnel

G7047 STAFF CONFERENCES, MEETINGS, VISITATIONS AND WORKSHOPS POLICY

To attend conferences, meetings, visitations and workshops an employee must obtain approval from the administration through the leave regulations, procedures, forms process at least twenty (20) days prior to the conference, meeting visitation, workshop dates, whenever such prior request is possible.

The following guidelines will be used in granting released time and/or travel expense.

- Value of conference, meeting, visitation, or workshop.
- Funds available in appropriate budgets.
- Availability of a substitute, if one is necessary.

A per diem subsistence allowance and/or mileage for private automobiles may be paid as per provided by state law or board policies. The forms and instructions for filing travel claims are available in the administrative office.

Cross Ref.:

Legal:

First Reading	Adopted	Revised
May 7, 2013	June 11, 2013	

Lake Arthur Municipal Schools

Personnel

G7048 SOLICITING AND SELLING BY SCHOOL EMPLOYEES POLICY

Employees are prohibited from soliciting from children on school premises during school hours.

School employees are prohibited from conducting any business transactions for personal profit during school hours and on school premises.

School employees engaged in the sale of raffle tickets or other items for charity or other causes shall do so in a manner and time that will not interfere with the proper conduct of any school function or interfere with a school employee's effective performance of duties.

Cross Ref.:

Legal:

First Reading	Adopted	Revised
	May, 1993	

Lake Arthur Municipal Schools

Personnel

G7049 EMPLOYEE STANDARDS OF DRESS AND CONDUCT

Employees of the Lake Arthur Municipal Schools, LAMS, shall serve as positive role models for students and set good examples in conduct, manner, dress, and grooming. All Lake Arthur Schools personnel are required to use sound judgment in the manner in which they dress and conduct themselves. They are expected to be neat, clean, and appropriately dressed while representing the District.

Professional personnel are expected to dress in a manner that projects a professional image for the employee, department, school and District. Extremes in personal appearance or dress are not considered to be in good taste. In no case shall the District standard for employees be less than that described for students as published annually in the LAMS Student Handbook.

All administrators/supervisors have the responsibility to intervene when there is evidence that the appearance of an individual endangers the employee's health, interferes with his/her assigned duties, has a disruptive effect within the school or sets a poor example for students to follow. All administrators/supervisors are expected to counsel staff assigned to their location on appearance and conduct.

Upon the first violation of the employee standard of dress, the immediate principal/supervisor shall meet with the employee, cite the violation of the policy and counsel the employee to adhere to the provisions of the employee standards of dress and conduct during the performance of their responsibilities and in their role as a representative of the District.

Subsequent violations of the policy shall subject the employee to application of the District's progressive discipline procedures.

Cross Ref.:

Legal:

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel

G7050 SUPPORT SERVICE EMPLOYEE UNIFORM POLICY

The dress and grooming of the Lake Arthur Municipal Schools' support service employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

Availability of funding for the purchase of uniform clothing by the district shall be at the discretion of the district and within the means of funding options for each fiscal year's budget.

Any employee issued a uniform by the District is required to wear the uniform in the performance of their job tasks.

Cross Ref.:

Legal Ref.:

First Reading	Adopted	Revised
October 9, 2007	November 13, 2007	

Lake Arthur Municipal Schools

Personnel Policies

G7051 POLITICAL ACTIVITIES BY EMPLOYEES AND OTHERS

Employees seeking political office, as well as other candidates, are to conduct all of their campaign activities outside of regular working hours and away from the school premises. Under no circumstances will a candidate be permitted to use students during school hours in any campaign activity. Similarly, candidates are prohibited from using school machines or materials to produce campaign literature.

Those seeking to promote themselves or another candidate for election are to observe the following rules.

1. Candidates or their supporters may place materials in the teachers' lounges, but not in teacher's mail boxes.
2. Candidates, if invited by the faculty, will be permitted to address the group after school hours. Attendance for faculty members will not be mandatory. Otherwise, no campaigning will be allowed in the buildings. No visits to classrooms or lounges for campaigning purposes will be permitted.
3. Students are not to be asked to take home campaign literature for individual candidates.
4. School phones are to be left free for school business.
5. Sale of tickets for campaign fund raisers will not be permitted on school property.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	June, 2000	
	May 12, 2009	April 14, 2009

Lake Arthur Municipal Schools
Personnel Policies

G7052 PROFESSIONAL STAFF SUPPLEMENTARY PAY PLANS

(Extra-Duty Pay)

The Superintendent will recommend to the Board an extra-duty pay system for extra class activities each year for its review and action.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7053 PROFESSIONAL STAFF FRINGE BENEFITS

The Board will review professional staff fringe benefits each year during the budget process and may modify the benefits to meet the best interest of the District.

Minimum standards of eligibility for fringe benefits will be determined by the Board annually.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7054 CONFLICT OF INTEREST

Nepotism

A person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, of a member of the school board or the local superintendent may not be initially employed or approved for employment in any capacity in the District. The school board may waive the nepotism rule for family members of a local superintendent. (NMSA 22-5-6).

Nothing in this policy shall prohibit the continued employment of a person employed on or before March 1, 2003.

Prohibited Acts

In accordance with the Governmental Conduct Act a public officer or employee:

- Will not, while participating directly or indirectly in a district contracting process, also be the employee of a contractor seeking that contract.
- Shall treat any position with the district as a public trust and shall use the powers and resources of that position to advance the public interest and not to obtain personal benefits or pursue private interests.
- Shall maintain, at all times, the integrity and ethically high responsibilities of public service and discharge all duties in the same manner.
- Shall conduct all interactions in a manner that justifies the confidence placed in the office or position by the public.
- Shall fully disclose real or potential conflicts of interest and shall make reasonable efforts to avoid undue influence and abuse of the office or position.
- Shall not request or receive nor offer a legislator, public official, or public employee any money, thing of value, or promise thereof that is conditional upon or given in exchange for the promised performance of an official act.
- Shall not directly or indirectly coerce or attempt to coerce another public officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purpose.
- Shall not directly or indirectly coerce or attempt to coerce an employee by threatening, requiring, influencing or advising the employee regarding any political activity.
- Shall not violate the officer's or employee's duty not to use property of the district, or allow its use, for other than authorized purposes.

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Personnel Policies

G7054 CONFLICT OF INTEREST

- Shall not take an official act for the primary purpose of directly enhancing a personal financial interest or position
- Shall be disqualified from engaging in any official act affecting a personal financial interest except if that interest is proportionately less than the benefit to the general public.
- Shall not acquire a financial interest if it is believed the new interest will be directly affected by an official act.
- Shall not use or disclose confidential information acquired by virtue of the office or position with the district for personal gain or another's private gain.
- Will not disclose any employment outside of the School District in writing to the district and will not participate in any decision or action involving the business identified in this disclosure unless permitted to do so by the Governmental Conduct Act.

Vendor Relations

No employee of the District will accept gifts from any person, group, or entity doing, or desiring to do, business with the District. The acceptance of any business-related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.

This policy should not be construed to deem unacceptable inexpensive novelty advertising items of general distribution. Acceptance of business lunches and holiday gifts for general consumption are acceptable under this policy.

As specified by law, no school employee shall directly or indirectly sell or be a party to any transaction to sell instructional materials, equipment, insurance or school supplies to the school district. No employee of the district shall receive any commission or profit from the solicitation or sale of investment securities or insurance to any other employee under the employee's supervision. The provisions of this policy shall not apply to any employee making a sale in the regular course of the employee's business when the sale complies with all applicable provisions of the law.

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G7054 CONFLICT OF INTEREST

Cross Ref.:

Legal Ref. 10-16-1 et seq., NMSA
 22-5-6 NMSA
 6.10.6.8 NMAC

First Reading	Adopted	Revised
	June, 2000	
	May 12, 2009	April 14, 2009
	April 10, 2018	March 13, 2018

Lake Arthur Municipal Schools

Personnel Policies

G7055 PROFESSIONAL STAFF VACATIONS AND HOLIDAYS

Holidays

Holidays may be established by school calendar. The Superintendent shall select and recommend designated professional staff holidays based and identified on the annual school calendar.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7056 PROFESSIONAL STAFF SCHEDULES AND CALENDARS

All professional staff members shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave. The Superintendent may alter or extend the school day for meetings, special events, and activities.

Professional staff members are expected to be in their respective rooms or work areas as the schedule prescribes so that they may see students, parents, and/or attend to other duties as assigned. Family members are not allowed in teacher work areas during scheduled duty hours.

In order to ensure the safety of students and the security of school campuses, teachers may be assigned supervisory duty during the teaching day. These duty assignments shall be considered a regular part of a teacher's duties and shall be fulfilled accordingly.

Teachers will perform duties other than classroom teaching. Extra duty assignments will be made by the Superintendent and/or his/her designee.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7057 PROFESSIONAL STAFF MEETINGS

The Superintendent and/or his/her designee will arrange for and hold staff meetings as the need may arise. This authority may be delegated to the building principals, who may hold such building meetings on a regularly scheduled basis or as they may arise.

All teachers are required to attend any such meetings unless officially excused by the principal or the Superintendent prior to the meeting.

The Board and the administration recognize the value of and encourage grade-level staff meetings or departmental staff meetings. A minimum number of such meetings will be allowed during the regular school day, as long as the minimum number of classroom minutes for the grade level has been met. Arrangement for such meetings shall be made with the Superintendent through the building principals.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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Personnel Policies

G7058 PROFESSIONAL STAFF EXTRA DUTY

All extra-curricular or co-curricular activity sponsor and coaching assignments will be approved by the Superintendent.

All coaching schedules will be managed by the district athletic director in accordance with the New Mexico Activity Association (NMAA) guidelines.

Head coaches, assistants, volunteer coaches and activity sponsors supervising NMAA endorsed athletic and/or activities shall be licensed by the state of New Mexico

All club and/or activity event schedules will be managed by the activity sponsor through the approval of the building principal.

It is the responsibility of the employee to maintain a valid license and to obtain appropriate training for recertification.

Any staff who coaches or serves as an extra-curricular or co-curricular activity sponsor must be certified in CPR with recertification at intervals determined by the District.

Any staff who coaches or serves as an extra-curricular or co-curricular activity sponsor must be certified as an activity driver for operation of school vehicles other than a school bus with recertification at intervals determined by the District.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7059 PROFESSIONAL STAFF RESPONSIBILITY/PROHIBITION OF SECTARIAN INSTRUCTION

A licensed instructor and/or administrator shall not use sectarian or denominational books or teach any sectarian doctrines or conduct religious exercises in any format while on duty during the school day or when supervising a school sponsored activity.

Any person violating this prohibition by teaching sectarian doctrine in a public school shall be immediately suspended with discharge and/or termination from further employment with the school district.

Cross Ref.:

Legal Ref. 22-10A-27 NMSA
 22-10A-31 NMSA
 22-13-15 NMSA

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7060 PROFESSIONAL AND SUPPORT STAFF LEAVES OF ABSENCE WITH/WITHOUT PAY

The Board of Education provides authorized leaves from duty and delegates to the Superintendent or his/her designee the authority to determine appropriate types and conditions of leaves of absences.

A qualified employee desiring a leave of absence shall submit a written application to the Superintendent or his/her designee for approval or denial.

All leaves, with or without pay, require advanced approval except in emergency situations. Full contract-pay will be deducted from an employee's salary for each unauthorized absence or for any absence not meeting the criteria specified in the policy covering the leave for which the absence was authorized.

An employee granted a leave of absence will have the opportunity to return to the position held at the time the leave was granted. Extended leaves of absence may preclude the employee from returning to the position previously held, but the employee will have the opportunity to return to a position with the District for which they meet the certification or qualifications. However, if the position no longer exists, the rules, conditions, and procedures of the Reduction-In-Force, RIF, policy shall apply.

An extended leave of absence may be granted to any administrative, certified, and classified employee of the school system who has been in the employ of the Lake Arthur Municipal Schools for one full contract year. This may be waived based on the best interests of the District as per Leaves Without Pay Policy G7071. Employees who are granted extended leave of absence for a portion of the school year must notify the superintendent in writing of their desire to return to duty at least fifteen (15) working days prior to the date of return. Those granted leave for an entire year must notify the superintendent in writing their desire to return to duty no later than March 15 of the school year in which the leave was taken

Renewal of extended leaves will be made only with the understanding that there is no guarantee for return of employment.

Lake Arthur Municipal Schools

Personnel Policies

G7060 LEAVES OF ABSENCE

Recognized leaves of absence are as follows:

1. Annual Leave/Holidays
2. Bereavement Leave
3. Educational Leave
4. Family and Medical Leave (Family and Medical Leave Act, 1993)
5. Funeral Leave
6. Extended Illness Leave
7. Jury Duty/Subpoena Leave
8. Military Leave
9. Personnel Emergency Leave
10. Public Service/Political Leave
11. Professional Leave
12. Sick Leave
13. Leave Without Pay

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7061 PROFESSIONAL LEAVE

Leaves from duty without deduction may be granted by the administration for professional visitation and attendance to job-related meetings, conferences, and training sessions at least twenty (20) days prior to the meeting or conference dates (whenever such prior request is possible). Such leaves may or may not involve the reimbursement of released time, travel expenses, including substitutes, depending upon the mutually agreeable arrangements made prior to approve of professional leave.

Professional leaves are subject to the following conditions:

- Value of the meeting or conference.
- Funds available in related budgets.
- Availability of a substitute, if necessary.

An approved per diem allowance, and/or mileage, for private automobiles may be paid as provided by state law or Board policies. Request for professional leave must be made on district approved forms.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7062 SICK LEAVE

Sick leave shall be granted to employees for illness of self, spouse or dependent children. Sick leave may also be used with prior approval of the immediate supervisor for illness of an employee's relative who is dependent upon the employee for care.

Twelve month employees shall earn sick leave at the rate of one day per month, for a total of twelve days each year. All other employees shall earn one day per month (August-May) for a total of ten days per year, two days of which may be used as personal days for employees on a five day work week schedule.

Sick leave of any staff member who does not serve a full school year shall be prorated at a rate of one (1) day per month.

Sick leave may be accumulated to a total of 60 days. As accumulated sick leave days are used and drop below sixty (60) days, an eligible employee may again accumulate sick leave up to the maximum limit. Accumulative sick leave shall not be reduced or lost by the employee during officially-approved leaves of absence or while retired on temporary disability. All accumulative sick leave is forfeited upon termination from employment by the school district for any reason, with no payment in lieu thereof. Sick leave is not transferable.

When an employee exhausts all days of accumulated sick leave, an unpaid leave of absence must be requested pursuant to District policy.

At the beginning of each contract period, each employee shall be credited with the total number of sick leave days stipulated for the length of the contract. In all cases, should an employee terminate the employment contract during the time period the contract is in effect, the appropriate salary deduction will be made from the final paycheck for any used but unearned sick leave.

Sick leave is only for the purpose of recuperative activities involving medical care or treatment.

For periods of sick leave longer than three consecutive days, the superintendent may require a physician's statement attesting to the reason for the absence.

Lake Arthur Municipal Schools

Personnel Policies

G7062 SICK LEAVE

Sick leave benefits shall not be paid during any period for which an employee is eligible for worker's compensation payments unless the employee has elected in writing to assign or pay his/her worker's compensation payment to the district for the period during which the sick leave benefits are paid. In no event shall an employee be entitled to both sick leave benefits and worker's compensation payments during the same period. As used in this policy, "worker's compensation payments" refers only to wage replacement benefits under any worker's compensation act. In the event an employee receives both sick leave benefits and worker's compensation payments for the same period, the district will deduct the amount of sick leave benefits paid (in the event no election has been made) or the amount of worker's compensation payments received by an employee (in the event an election has been made) from the next amount due the employee from the district.

Any employee who can be shown to have willfully violated or misused the District's sick leave policy or misrepresented any statement or condition will be subject to discipline, which may include reprimand, suspension, discharge and/or termination.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
		October 14, 2008
	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7063 PERSONAL EMERGENCY LEAVE

Personal emergency leave may be granted by the superintendent to an employee to a maximum of three (3) days per year with each absence to be no less than one-half day. This leave is for personal legal business, household, educational or family matters, and not for recreational or personal pleasure purposes. Emergency leave shall be charged against sick leave.

Requests shall be acted upon in order of receipt, and availability of substitutes, if necessary, may limit the number of requests granted at any one (1) time.

Personal emergency leave is not cumulative.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
		October 14, 2008
	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7064 ANNUAL LEAVE

G7064.1 Professional Staff

Twelve month (full time) employees at the professional level or a classified administrator will be on duty from July 1 through June 30 as defined by their contract days and will be entitled to fifteen (12) days paid annual leave, to be earned at the rate of one (1) day of leave for each sixteen (20) work days upon the beginning of the job, but with the proviso that annual leave cannot be earned while the employee is on another leave without pay. Annual leave may be accumulated to a maximum of twenty (20) days including the current year. Upon termination, resignation, retirement or death any twelve month employee shall be entitled to and shall be paid for a maximum of twenty (20) days of earned and unused annual leave. Annual leave will not be granted in advance of the number of days earned by the employee at the time of leave. Authorization will be granted only for such times as will least interfere with the efficient operation of the schools.

G7064.2 Classified Staff

Classified employees who work full time are entitled to a period of annual leave ranging from twelve (12) per year depending upon the length of service with Lake Arthur Municipal Schools. Annual leave may accumulate to a total of 20 days including the current year. No annual or personal leave will be granted to classified employees during the first three (3) months of employment although employees will earn annual leave time during that period.

Upon termination, resignation, retirement or death any twelve month classified employee shall be entitled to and shall be paid for a maximum of twenty (20) days of earned and unused annual leave. No classified employee will be paid for annual leave upon termination, resignation, resignation, retirement, or death before completing three (3) months of employment.

Lake Arthur Municipal Schools

Personnel Policies

G7064 ANNUAL LEAVE

G7064.3 Annual Holidays

The Superintendent and the Board of Education will identify annually the holidays to be recognized per Lake Arthur Municipal Schools' position classification.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
		September 11, 2008
	October 14, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7065 JURY DUTY/COURT SUBPOENA LEAVE

The Board of Education recognizes that fact that its employees have citizenship responsibilities.

The Board recognizes that no employee is exempt from jury duty and leaves for such duty must be granted.

Legal absences will be granted when an employee is subpoenaed to appear in an official proceeding, if such proceeding does not involve nor concern the employee's own personal affairs.

Legal leave will be granted to any employee for appearance in court as a witness, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee.

Employees must notify their immediate supervisor of such leave as soon as possible prior to the date service must be rendered.

Only the regular salary may be received by an employee on jury duty.

- It is the responsibility of the employee to reimburse the District for jury duty when such payment is made directly to the employee. Failure to reimburse the District at the completion of the jury duty service will result in a full deduction equal to the number of contract days missed.
- An employee excused from jury duty after being summoned shall report for regular duty as soon as possible. Failure to report for duty will result in a deduction equal to that portion of a contract day missed.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
		October 14, 2008
	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7066 BEREAVEMENT LEAVE

In case of death in the immediate family during the time that an employee's contract period is in effect the employee shall be allowed leave with full pay for up to three (3) working days immediately following the date of such death. The immediate family is defined to include: husband, wife, child, grandchild, parents, grandparents, grandparents-in-law, sister, brother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law. If requested one (1) additional day leave with pay may be granted when travel out of town is required in excess of 400 miles but less than 800 miles and two (2) additional days if miles exceed 800 miles.

In extenuating circumstances, additional days may be granted by the superintendent, such days will be charged to earned sick leave.

Bereavement leave is not cumulative.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
		September 11, 2008
	October 14, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7067 FUNERAL LEAVE

Employees may be excused by the superintendent without loss of pay, for a period up to four hours, to attend funeral services of relatives other than those defined as immediate family in the bereavement leave and/or friends provided no substitute is required.

If a paid substitute is required, the employee may take a personal emergency leave day to attend the funeral.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7068 MILITARY LEAVE

Any employee who is a member of an organized unit of the National Guard, or a reserve unit of any of the military branches, shall be given military leave not to exceed fifteen (15) days annually when they're ordered to active duty training with such organized units. Such leave is to be in addition to other leave or vacation time to which such employees are otherwise entitled.

Such military leave will be granted with pay up to the amount of the difference between the employee's regular earnings and any amount of pay received from the military organization, not including reimbursement for travel and other allowances.

An employee who is a member of the uniformed service upon call to active duty may use any vacation leave or other accumulated paid time off during their service, or may take unpaid leave of absence.

The District must reemploy uniformed service members, as defined in 38 U.S.C. 4303, returning from a period of service, if the service member:

- Was employed by the District
- Gave the District notice that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable.
- Has a cumulative period of service in the uniformed services not exceeding five (5) years.
- Was not released from service under dishonorable or other punitive conditions.
- Has reported back to the District in a timely manner or has submitted a timely application for reemployment in accordance with the Uniformed Services Employment and Reemployment Rights Act.

Lake Arthur Municipal Schools

Personnel Policies

G7068 MILITARY LEAVE

Cross Ref.:

Legal Ref. 38 U.S.C. 4301 et seq., Uniformed Services Employment And Reemployment Act

First Reading	Adopted	Revised
	May, 1995	
		October 14, 2008

Lake Arthur Municipal Schools

Personnel Policies

G7070 PUBLIC SERVICE/POLITICAL LEAVE

District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under leave policies of the Board.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7071 PROFESSIONAL AND SUPPORT STAFF EXTENDED LEAVES OF ABSENCE WITHOUT PAY

The District recognizes that on occasion extenuating circumstances arise that may necessitate absence from duty that is not covered by other specific leave provisions of the District. To address such situations a leave of absence, without pay, may be granted a member of the certificated or support staff for not longer than one (1) year.

Leave of absence may be requested for, but not limited to, the following purposes:

- To provide for an unpaid leave in a situation where the employee will be absent from work because of (1) a reason that conforms to a policy currently in effect but the maximum number of days provided for in that policy will be exceeded, or (2) failure to report to work without prior notification to the Superintendent.
- For a leave of absence that benefits or is in the best interest of the District as determined by the Board upon review of the application. Such leaves may involve maternity leave, paternity leave, adoption leave, other absences not covered by leave policies, etc.

Application must be made to the Superintendent on District approved forms.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7072 PERSONAL LEAVE

Two days of personal leave may be granted to all employees on a 5-day schedule for personal business which cannot be handled except during working hours.

Personal leave will not be granted on the last work day prior to or the first work day following a holiday or on an in-service day, or during the first and last five days of the school year except in an emergency situation and prior approval has been granted. Use of personal leave requires advance approval by the superintendent, with exceptions only in case of emergencies.

Personal leave does not accumulate as such, but unused personal leave days each year will be credited to the employee's sick leave accumulation.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	May, 1995	
	September 8, 2009	August 11, 2009

Lake Arthur Municipal Schools

Personnel

G7073 Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

SCHOOL DISTRICT INFORMATION TECHNOLOGY CODE OF CONDUCT

Use of the School District's Information Technology Systems, including all computer hardware, computer software, communication devices, facilities, equipment, networks, passwords, licensing and attendant policy, manuals and guides, by students and staff of Lake Arthur Municipal Schools shall be in support of education and research that is consistent with the mission and curriculum of the School District. Internet use is limited to those persons who have been issued district approved accounts.

Use will be in accordance with the district's Acceptable Use Procedures and this Code of Conduct:

1. Keep confidential and protect all computer and Internet passwords, access codes or logon information from disclosure to others.
2. Respect the privacy of other users. Do not use other users' passwords. Unauthorized use of passwords, access codes or other confidential account information may subject the user(s) to discipline, and to both civil and criminal liability.
3. Be ethical and courteous. Do not send hate, harassing, or obscene mail, discriminatory remarks, or demonstrate other antisocial behaviors. State law prohibits the use of electronic communication facilities to send fraudulent, harassing, obscene, indecent, profane, intimidating or other unlawful messages. See NMSA 1978, § 30-45-1 et seq.
4. Maintain the integrity of files and data. Do not modify or copy files/data of other users without their consent.
5. Treat information created by others as the private property of the creator. Respect copyrights. Software protected by copyright shall not be copied except as licensed and stipulated by the copyright owner.
6. Use the network in a way that does not disrupt its use by others. Do not use the Internet for commercial purposes. Transmission of commercial or personal advertisements, solicitations, promotions, destructive programs or other unauthorized use unrelated to the mission or curriculum of the School District is prohibited.

Lake Arthur Municipal Schools

Personnel

G7073 Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

SCHOOL DISTRICT INFORMATION TECHNOLOGY CODE OF CONDUCT

7. Do not destroy, modify, or abuse the hardware, software, data of another user, internet or network service in any way. Users shall report any suspected abuse, damage to equipment or tampering with files to the School District system operators.
8. Do not develop or pass on programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system, such as viruses, worms, “chain” messages, global mailings, ResEdit, etc. Do not “hack” the system or use the system to “hack” into any other internal or external system. Attempts to gain unauthorized access to confidential information or private directories maintained by the School District or to circumvent privacy protections on internal files or non-public restricted files, accounts or directories of any external source is a violation of this code of conduct, and may subject the user to civil or criminal liability.
9. Do not use the Internet to view, access, download or process pornographic, obscene, indecent, profane or otherwise inappropriate material.
10. Use of the system to access games and use of computer time for game-playing shall be restricted solely to instances directed and monitored by instructional staff and is limited to games which address educational goals.

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

Lake Arthur Municipal Schools

Personnel

G7073 Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

Cross Ref.: Student Management Handbook
 Staff Handbook

Policy Ref.: Policy 476: Computer, E-mail, Internet, and Information Technology Acceptable Use

First Reading	Second Reading	Adopted	Revised
July 29, 2004	August 10, 2004	August 10, 2004	

Lake Arthur Municipal Schools

Personnel Policies

G7074 EDUCATIONAL LEAVES OF ABSENCE

Leaves of absence involving an individual's pursuit of education and/or training that is directly tied to and promotes the advancement of the district's Educational Plan for Student Success focus areas and/or district's on-going curricular or program goals may apply for educational leave.

Upon approval by the superintendent, such educational leave may be granted for a period of up to one year. This leave is unpaid.

Date of termination of a leave of absence is to be determined at the time that the leave is granted. Failure of a qualified employee to present himself/herself for duty upon the termination of a leave of absence relieves the District from its responsibility to rehire said qualified employee.

A qualified employee who has been granted a leave of absence shall report his/her intention to return to work in writing to the Superintendent by the date requested by the Superintendent in the original leave of absence request or by the date stated in the Leaves of Absence policy.

Cross Ref.: Leaves of Absence, Policy #G7074

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7075 EXTENDED ILLNESS LEAVE OF ABSENCE

- A. An employee who is unable to work because of personal illness or disability and who has exhausted all sick leave available may be granted, upon approval by the superintendent, leave without pay for the duration of such illness or disability up to the remainder of the school year. Said leave may be renewed one additional year upon the approval of the superintendent.
- B. The employee's written request for extended illness leave of absence must state the probable date of return. Before returning, the employee must submit a physician's release.
- C. See Leaves of Absence Policy, #G7060, for employee requirements applicable to an Extended Illness Leave of Absence.

Cross Ref.: Leaves of Absence, Policy #G7060

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel

G7076: Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

I. Definition

As used herein:

- A. “User” means all persons who are granted access to the School District’s computer resources.
- B. “Computer Resources” means all computer hardware, computer software, communication devices, facilities, equipment, networks, passwords, licensing and attendant policies, manuals, and guides.

II. No Expectation of Privacy

A. *No expectation of privacy.* The computers and accounts given to Users are to assist them in performance of their jobs. Users do not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the School for business and/or education program purposes.

B. *Waiver of privacy rights.* Users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any other computer network. Users consent to allowing personnel of the School to access and review all materials Users create, store, send, or receive on the computer or through the Internet or any other computer network. Users understand that the School may use human or automated means to monitor use of its computer resources.

III. Prohibited Activities

A. *Inappropriate or unlawful material.* Material that is fraudulent, harassing, embarrassing, lewd, sexually explicit, profane, obscene, intimidating, threatening or potentially violent, defamatory, racially offensively proselytizing inappropriate or otherwise unlawful, or in violation of School Board policy may not be sent by email or other forms of electronic communication (such as bulletin boards systems, newsgroups, chat groups) or displayed on or stored in computers. Users encountering or receiving this kind of material are to immediately report the incident to their supervisors.

Lake Arthur Municipal Schools

Personnel

G7076: Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

B. *Prohibited uses.* Without prior written permission from the District's administration and/or technology coordinator, computer resources may not be used for dissemination or storage of commercial or personal advertisements, promotions, destructive programs (including but not limited to self-replicating codes or viruses), political or religious material, receipt or distribution of inappropriate or unlawful material as defined above, participation in or accessing chat lines, chat groups or chat sites (unless directly related to the school curriculum and such access has been authorized in advance by the building supervisor and/or district technology coordinator), accessing any site which displays or distributes inappropriate or unlawful material as defined above, or any use which is unauthorized or in violation of School Board policy.

C. *Waste of computer resources.* Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending or forwarding mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, sending or forwarding jokes, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

D. *Misuse of software.* Without prior written authorization from the administration and/or the district's technology coordinator, Users may not do any of the following: (1) copy software for use on their home computers; (2) provide copies of software to any third person; (3) install software on any School workstations or servers; (4) download any software or run executable files from the Internet, email or other online service to any School's workstations or servers; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software. Users who become aware of any misuse of software or violation of copyright law must immediately report the incident to their supervisors.

E. *Communication of trade secrets.* Unless expressly authorized by the administration or the district's technology coordinator, sending, transmitting, or otherwise disseminating proprietary data, trade secrets, or other confidential information of the District and/or School is strictly prohibited. Unauthorized dissemination of this information may result in substantial civil liability as well as severe criminal penalties under the Economic Espionage Act of 1996.

Lake Arthur Municipal Schools

Personnel

G7076: Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

IV. Passwords

A. *Responsibility for passwords.* Users are responsible for safe-guarding their passwords for access to the computer system. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords. No User may access the computer with another User's password or account.

B. *Passwords do not imply privacy.* Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the computer system. The District and/or School have global passwords that permit it access to all material stored in its computer system-regardless of whether that material has been encoded with a particular User's password.

V. Security

A. *Accessing other User's file.* Users may not alter or copy a file belonging to another User without first obtaining permission from the owner of the file. Ability to read, alter, or copy a file belonging to another User does not imply permission to read, alter, or copy that file. Users may not use the computer system to "snoop" or pry into the affairs of other Users or District and/or School operating systems by unnecessarily reviewing their files and e-mail without authority.

B. *Accessing other computers and networks.* A User's ability to connect to other computer systems through the network or by a modem does not imply a right to access to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.

C. *Computer security.* Each User is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the District and/or School computer resources. This duty includes taking reasonable precautions to prevent intruders from accessing the District and/or School's networks via Internet connections or by leaving systems on and logged into the network without authorization and to prevent the introduction and spread of replicating codes or viruses.

Lake Arthur Municipal Schools

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G7076: Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

VI. Viruses

A. Virus detection. Viruses can cause substantial damage to computer systems. Each User is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into the District and/or School's networks. To that end, all material received on floppy disk or other magnetic or optical media and all material downloaded from the Internet or from computers or networks that do not belong to the District or School **MUST** be scanned for viruses and other destructive programs before being placed onto the computer system or network. Users should understand that their home computers, laptops and other media storage or exchange devices may contain viruses. All disks transferred from these computers to the District and/or School's network **MUST** be scanned for viruses.

VII. Encryption Software

A. Use of encryption software. Users may not install or use encryption software on any of the District and/or School's computers without first obtaining written permission from their supervisor. Users may not use passwords or encryption passwords that have not been provided to their supervisors.

B. Export restrictions. The federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without the prior written authorization from the administration and/or the district's technology coordinator.

VIII. Miscellaneous

A. Compliance with applicable laws and licenses. In their use of computer resources, Users must comply with all software licenses; copyrights; all other state, federal, and international laws governing intellectual property and online activities.

B. Other policies applicable. In their use of computer resources, Users must observe and comply with all other policies and guidelines of the District and/or School.

Lake Arthur Municipal Schools

Personnel

G7076: Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

C. *Computer configuration.* The following items are considered user configurable and may be changed by the operator; screen saver, mouse pointers, additions to the district's standardized word processing, database, spreadsheet software power bars that do not replace the office standard, views in mail that do not affect the district's standardized software configuration. Manipulating computer configuration items not in this list may be subject to disciplinary action if not authorized by the administration and/or the district technology coordinator.

D. *Amendments and revisions.* This policy may be amended or revised from time to time as the need arises. Users shall comply with all amendments and revisions once adopted by the Board of Education.

E. *No additional rights.* This Policy is not intended to, and does not grant, Users any contractual rights.

IX. Violation/Consequences

A. Students:

1. Students who violate this policy shall be subject to revocation of district and/or school system access up to and including permanent loss of privileges, and discipline up to and including expulsion.
2. Disciplinary action may be appealed by parents and/or students in accordance with existing district procedures for suspension or revocation of student privileges.

B. Staff:

1. Staff who violate this policy shall be subject to discipline, up to and including suspension, termination, or discharge, in accordance with Board policy, negotiated agreements and applicable law.

C. *Violations:* Violations of law by students or staff will be reported to law enforcement officials.

Lake Arthur Municipal Schools

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G7076: Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

SCHOOL DISTRICT INFORMATION TECHNOLOGY STAFF CODE OF CONDUCT

Use of the School District's Information Technology Systems, including all computer hardware, computer software, communication devices, facilities, equipment, networks, passwords, licensing and attendant policy, manuals and guides, by students and staff of Lake Arthur Municipal Schools shall be in support of education and research that is consistent with the mission and curriculum of the School District. Internet use is limited to those persons who have been issued district approved accounts.

Use will be in accordance with the district's Acceptable Use Procedures and this Code of Conduct:

11. Keep confidential and protect all computer and Internet passwords, access codes or logon information from disclosure to others.
12. Respect the privacy of other users. Do not use other users' passwords. Unauthorized use of passwords, access codes or other confidential account information may subject the user(s) to discipline, and to both civil and criminal liability.
13. Be ethical and courteous. Do not send hate, harassing, or obscene mail, discriminatory remarks, or demonstrate other antisocial behaviors. State law prohibits the use of electronic communication facilities to send fraudulent, harassing, obscene, indecent, profane, intimidating or other unlawful messages. See NMSA 1978, § 30-45-1 et seq.
14. Maintain the integrity of files and data. Do not modify or copy files/data of other users without their consent.
15. Treat information created by others as the private property of the creator. Respect copyrights. Software protected by copyright shall not be copied except as licensed and stipulated by the copyright owner.
16. Use the network in a way that does not disrupt its use by others. Do not use the Internet for commercial purposes. Transmission of commercial or personal advertisements, solicitations, promotions, destructive programs or other unauthorized use unrelated to the mission or curriculum of the School District is prohibited.

Lake Arthur Municipal Schools

Personnel

G7076 Computer, E-mail, Internet, and Information Technology Acceptable Use Policy

SCHOOL DISTRICT INFORMATION TECHNOLOGY STAFF CODE OF CONDUCT

17. Do not destroy, modify, or abuse the hardware, software, data of another user, internet or network service in any way. Users shall report any suspected abuse, damage to equipment or tampering with files to the School District system operators.
18. Do not develop or pass on programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system, such as viruses, worms, “chain” messages, global mailings, ResEdit, etc. Do not “hack” the system or use the system to “hack” into any other internal or external system. Attempts to gain unauthorized access to confidential information or private directories maintained by the School District or to circumvent privacy protections on internal files or non-public restricted files, accounts or directories of any external source is a violation of this code of conduct, and may subject the user to civil or criminal liability.
19. Do not use the Internet to view, access, download or process pornographic, obscene, indecent, profane or otherwise inappropriate material.
20. Use of the system to access games and use of computer time for game-playing shall be restricted solely to instances directed and monitored by instructional staff and is limited to games which address educational goals.

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

Cross Ref.: Student Management Handbook
 Staff Handbook

Legal Ref.: Children’s Internet Protection Act

First Reading	Second Reading	Adopted	Revised
July 29, 2004	August 10, 2004	August 10, 2004	

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G7077 Sick Leave-Sharing Plan-Voluntary Transfer of Annual or Sick Leave

I. Purpose

The District recognizes the existence of circumstances under which non-job-related seriously incapacitating, and extended illnesses and injury may exhaust accrued leave of employees. The purpose of the Sick Leave Bank is to provide a measure of relief through a limited mechanism based upon voluntary transfer of accrued annual or sick leave for a medical emergency. The definition of a ‘medical emergency’ will be as follows: “A medical condition of the employee or a family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.” Days may be requested from the Bank only after the member has exhausted all accumulated state and local leave days, vacation days, or other type of available leave.

II. Definitions

Full Time Employee: one who is in a position that is scheduled for the required number of days as per the standard contract for that position and working at least four (4) hours daily.

Qualifying “Medical Emergency:” Sick Leave Bank member who personally experiences “A medical condition of the employee or a family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.” **Note: Normal pregnancy and delivery does not qualify.**

Sick Leave Bank Donated Days: Days granted to a member of the Sick Leave Bank who through a medical condition of the employee or a family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.

III. Donations

- The donated leave will be limited to annual leave or sick leave (sick leave will be any paid leave that the district, by policy, allows to be used for that purpose.)
- Donations will be limited by organizational structure to prevent undue influence and conflict of interest issues.

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- Employees who are licensed (certificated) professional educators shall be limited to donating leave for use by those who are licensed (certificated) professional educators.
- Other employees (support staff) shall be limited to donating leave for use by other support staff.
- Central office and building level professional staff supervisory personnel may only donate to other professional staff supervisory employees.
- The person donating may only donate already accrued leave up to twenty (20) days and shall maintain in accrued leave at least twenty-eight (28) days of sick leave (or the equivalent) at the time of the donation.
- Donations will be by accrued days of leave, using either the donor's current daily wages or hourly wages earned for each donated day. The recipient shall receive the donation converted to the daily wages they currently earn.
- All donations shall be for the current contract year and shall not exceed that period based upon the current contract earnings of the person to whom the donation is made.
- All donations shall be on behalf of a specific recipient with the donation made to the district plan for transfer of leave based upon a medical emergency.
- All unused donated leave shall revert to the donating employees on a prorated basis.

IV. Notice and Receipt of Donations

- Notice of need of leave donations will be posted by need for licensed professional staff, central office and building level professional supervisory staff, and support staff including the name of the individual.
- Posting will be by placing the notice of need at the central office, and by the mailboxes used for staff members of the district.
- Forms will be provided on which employees may make their donations known to the district office.

V. Eligibility (For Use of Transferred Leave)

- All full-time employees of the Lake Arthur Municipal School District who are eligible for sick leave benefits and have been employed by the district for at least one year immediately prior to the first day of school within the designated school calendar or the first day of work starting within the designated fiscal year calendar are eligible for membership. Employees who work less than full-time shall be eligible only if they receive local sick leave benefits.

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- Participation is voluntary, but requires that the donor employee must maintain a twenty-eight (28) day personal sick and/or annual leave balance continually to make a donor contribution to the sick leave plan.
- The qualifying employee must have a “medical emergency” as defined in this policy.
- The qualifying employee must have exhausted all earned/accrued leave of any nature or kind including compensatory time and be eligible for an unpaid leave of absence.
- The qualifying employee must not be eligible at the time of the request for disability benefits, including but not limited to Social Security.
- The qualifying employee must be one whose return to duty is projected to occur no later than the beginning of their next contract year.
- An employee will lose the right to request transfer of leave if the employee is terminated by Lake Arthur Municipal Schools, suspended without pay during the period of suspension, being on approved leave of absence, or granted days for illnesses related to alcohol and/or other chemical substance dependency.
- The qualifying employee must submit an application, which shall be received by the District office at least ten (10) days prior to the beginning of the applicant’s unpaid leave status, when practicable.

VI. Determining Eligibility

- The Superintendent shall appoint an Sick Leave-Sharing Plan Advisory Committee consisting of at a minimum, one health education professional, one support staff member, one licensed teacher and one professional supervisory person to review the applications and make a recommendation to the Superintendent. Signature process will be required of the committee members on the recommendation to the Superintendent.
 - The term of committee appointment shall run from August 1 to May 31.
 - The Committee in a called meeting shall review all applications for Sick Leave-Sharing Plan days individually. A quorum shall consist of three members.
 - The Sick Leave-Sharing Plan applicant may be requested to appear before the Committee and/or the Superintendent to substantiate his/her application.
 - The Sick Leave-Sharing Plan Committee may recommend the number of days approved up to thirty (30) during a given school year and reserves the right to approve, disapprove, or modify the days requested. No more than ten (10) continuous working day benefits will be awarded per request.
 - The Sick Leave-Sharing Plan Committee shall review and forward to the Superintendent its recommendation on each written request to draw days from the Sick Leave-Sharing Plan within five (5) working days after the request is received.
 - The Sick Leave-Sharing Plan Committee may refuse to consider an application that does not contain the required information.

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G7077 Sick Leave-Sharing Plan-Voluntary Transfer of Annual or Sick Leave

- The Superintendent shall receive the applications and make the final determination of eligibility using the criterion of eligibility and in consideration of the recommendation of the advisory committee.
- No continuing rights are established by this policy. In compliance with established procedure, the Board of Education reserves the right to modify, change, or delete any policy in accord with its own guidelines. An appeal of the decision of the Superintendent may only be taken using the Staff Grievance Policy, G7036P.

VII. Superintendent Final Recommendation

1. Use of the Sick Leave-Sharing Plan will be limited to the number of days authorized by the Superintendent and within the working parameters of this policy.
2. Conditions known to exist by the employee on or before the date of joining the Sick Leave-Sharing Plan will not be covered under provision of the Sick Leave-Sharing Plan until one year from the date of the employee's initial enrollment.
3. A member requesting use of the Sick Leave-Sharing Plan will sign a statement attesting to the fact that the condition, which necessitated the request for days from the Sick Leave-Sharing Plan, was unknown to the employee at the time he/she became a member of the Sick Leave-Sharing Plan. A physician's verification will also be required.
4. The maximum number of duty days that can be granted in any one contract year will be thirty (30) days. The minimum request will be five (5) days. Sick Leave-Sharing Plan days shall be granted only for absences from working days and will not be granted for holidays, vacation days or other such days for which the member is not paid.
5. **Members must use all available sick leave, personal leave, and accrued vacation leave (if applicable), or any other type of available leave before receiving sick leave bank days from the Sick Leave-Sharing Plan.**
6. If a Sick Leave-Sharing Plan member does not use all of the days granted from the Sick Leave-Sharing Plan, the unused Sick Leave Bank days will be returned to the Sick Leave-Sharing Plan.
8. Leave from the Sick Leave-Sharing Plan may not be used for disabilities that qualify the member for Worker's Compensation benefits.

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9. A severe “medical emergency” may require intermittent usage of the Sick Leave-Sharing Plan. Each separate application for a grant from the Sick Leave-Sharing Plan must include a new physician’s statement on the appropriate Sick Leave-Sharing Plan form.

10. Applicants may submit requests for extension of the Sick Leave-Sharing Plan leave grants before their prior grants expire. (Use the regular Sick Leave Bank Request Form accompanied by the signed Physician’s Statement Form.)

11. In making this request, the employee requesting to draw Sick Leave-Sharing Plan days authorizes the committee to access leave record information related to the employee’s past use of sick leave.

12. Pregnancy leave days will not be covered under this Sick Leave-Sharing Plan policy.

13. All requests to draw upon the Sick Leave-Sharing Plan must be made upon a Sick Leave-Sharing Plan Request Form and submitted to the Committee within thirty (30) calendar days of the date first eligible for a grant.

14. All requests to draw upon the Sick Leave-Sharing Plan must be accompanied by the Sick Leave-Sharing Plan Physician’s Statement confirming the cause of illness or confinement and certifying the existence of a disability to perform assigned duties. **The employee’s physician must personally sign the form.** The Committee will not honor any physician’s statement unless it is on the official Sick Leave-Sharing Plan Physician’s Statement Form.

15. The Superintendent reserves the right to ask the applicant to undergo a medical review by a second opinion physician. This physician’s report is to be sent directly to the Superintendent for action.

16. In case a contributor’s incapacity is of such a nature that he/she cannot personally apply for a grant, his/her application may be submitted by his/her agent or member of his/her family on his/her behalf.

VI. Forms and Record Keeping

1. All forms (Sick Leave-Sharing Plan Request Form, and Sick Leave-Sharing Plan Physician’s Statement Form) shall be available in the office of the Superintendent and shall be sent to any employee at his/her request.

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2. Copies of all completed forms shall be kept on file in the District files of the Sick Leave-Sharing Plan in the office of the Superintendent.
- a. The Superintendent will notify members who request a grant from the Sick Leave-Sharing Plan of approval or denial.
 - b. The Superintendent shall maintain all records regarding operation of the Bank and will function as the Committee representative. A report on the status of the Sick Leave Bank will be made at any time at the request of the Committee.

No continuing rights are established by this policy. In compliance with established procedure, the Board of Education reserves the right to modify, change, or delete any policy in accord with its own guidelines. An appeal of the decision of the Superintendent may only be taken using the Staff Grievance Policy,

Cross Ref.: Staff Grievance Policy
 Professional/Support Staff Leaves and Absences

Legal:

First Reading	Adopted	Revised
November 12, 2002	December 10, 2002	
	April 8, 2008	March 11, 2008
	August 11, 2015	July 21, 2015

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Personnel Policies

G7078 PROFESSIONAL AND SUPPORT STAFF ABSENT WITHOUT LEAVE

An employee shall be deemed “absent without leave” when absent from work because of:

- A reason that conforms to a policy currently in effect but the maximum days provided for in that policy will be exceeded; or
- A reason that does not conform to any policy currently in effect; or
- Failure to report work without prior notification to the Superintendent.

In no case shall an employee be compensated for time lost due to being absent without leave.

An employee who is absent from work without prior approval is subject to disciplinary action, as is one who was unable to obtain prior approval due to unusual circumstances and such approval is denied upon the employee’s return.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

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G7080 POLICY ON INTELLECTUAL PROPERTY

The Board of Education (the Board) is dedicated to teaching, research, and extension of knowledge to the public. The District recognizes its responsibility to produce and disseminate knowledge. Inherent in this responsibility is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other intellectual property, some of which may have potential commercial value. These activities contribute to the professional development of the individuals involved, enhance the reputation of the District in which they work, provide additional educational opportunities for participating students, and promote the public welfare.

Intellectual property that has commercial potential may be protected under a variety of mechanisms including copyrights, patents, trade secrets, trademarks, and plant variety protection. The rights and privileges, as well as the incentive, of the creators of intellectual property must be preserved so that their abilities and the abilities of others are encouraged and stimulated. The Board must promote the appropriate development and marketing of the Board's intellectual property for the public good.

A. Purpose statement

The Board encourages employees, including faculty, staff, administrators, student employees, visiting faculty and researchers paid by the Board (collectively "employees") to undertake and receive recognition for, and share in the revenue resulting from their creative endeavors. Federal and state law provide for Board ownership of intellectual property created by District employees. The Board will use benefits derived from this intellectual property to further the teaching or academic research program of the District in areas of intellectual property.

The District may patent, register, market, and license intellectual property using its own resources or through one or more intellectual property management organizations. The net income derived by the District will be shared with the creator of the intellectual property in accordance with this policy, and the remainder will be used in support of research, investigation, research programs, or other activities relevant to the generation of intellectual property in the District.

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The Board permits cooperation between the District and industry to enable District to comply with any current or future state policy or legislation encouraging technology transfer, and to support collaborative agreements between the District and industry which could bring additional resources to the District. This policy provides the Board the discretion to retain ownership in intellectual property, or to enter into agreements with industry sponsors to grant exclusive or non-exclusive licenses, or, when appropriate, to assign title to intellectual property.

B. Categories of Intellectual Property

This policy covers all forms of legally recognized "Intellectual Property" which is created in the District, including, but not limited to the following:

1. Patents (as defined in 35 US Code) which includes but is not limited to inventions and discoveries (e.g., devices, processes, improvements, and patentable software)
2. Copyrights (as defined in 17 US Code) which includes but is not limited to:
 - a. scholarly works (e.g., textbooks, class notes, research monographs and articles, publications, instructional materials, and research materials);
 - b. creative/artistic -works (e.g., music, art, dance, architecture, sculpture, poetry, fiction, and film);
 - C. copyrightable software (commercial as well as academic or research);
 - d. other developing areas, including but not limited to multimedia works, and various other forms of electronic communications, including media used for distance learning; and
 - e. mask works.
3. Trademarks. (As recognized by federal and state laws)
4. Trade secrets. (As defined by the Uniform Trade Secrets Act; Note, however, that the District does not maintain trade secrets, unless belonging to and disclosed by, an outside sponsor.)

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5. Data. All data are considered to be subject to this policy, as intellectual property is often present in data that are generated during research at the District. Data shall include, but not be limited to:
 - a. lab notes, results of analyses, etc.;
 - b. research notes, research data reports, and research notebooks, etc.

This policy will cover any new, forms of Intellectual Property that may be added to the above categories during the time this policy is in effect. By way of illustration, in the event databases are given protection under the copyright laws in the future, databases will be covered under this policy.

C. Intellectual Property Creation and Ownership

Ownership in intellectual property will be determined in accordance with the following categories of creation:

1 . Sponsor-Supported Projects

A "Sponsored Project" is research that has a defined scope of work and is funded by one or more non-District entities ("Sponsor(s)") pursuant to a "Sponsored Project Agreement". Initially, federal and state law defining authorship and inventorship will determine ownership (and all associated rights) relevant to intellectual property developed during the course of work on projects funded by Sponsored Project Agreements. The Board may agree to give the Sponsor an exclusive option for a limited period of time for the right of first negotiation for a license to intellectual property owned by the Board arising from a Sponsored Project (hereinafter "District Contract IP"). The option period will not exceed one year from formal disclosure to the Sponsor of the District Contract IP, or six months from the date of expiration of the Sponsored Project, whichever is earlier in time. The Board may also agree to assign title to the Sponsor in any District Contract IP. The agreement or license will be negotiated on behalf of the Board by, or under, the authority of, the Superintendent. The Superintendent shall use his or her best efforts to consult with the creator(s) and principal investigator(s) during the negotiation process. The Superintendent shall provide the creator(s) (including inventor(s)) and principal investigator(s) currently employed by the District with a copy of the negotiated agreement prior to its final execution.

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In the event the creator(s) or principal investigator(s) do not agree with the negotiated terms, he or she shall have the right to appeal the Superintendent's position before the agreement is executed, in accordance with Section I of this policy. The Agreement shall be reviewed by District's counsel prior to recommendation by the Superintendent.

While the value of intellectual property cannot be predetermined, the Board requires the Superintendent to determine a minimum amount of financial support (which will be based on the total cost to the District of development of the applicable intellectual property), on a case-by-case basis, below which an assignment of title to District Contract IP will not be considered. In some cases it may not be possible to calculate the total costs of development until after the intellectual property has been developed and disclosed.

If the Board wishes to assign the title or to license the District Contract IP, the Sponsored Project Agreement will include the following provisions:

- a. In cases of assignment of title:
 - (1) A provision for monetary support, which must take the form of one of the following two options:
 - (a) The Sponsor will pay an assignment fee of at least fifty percent of the District's total cost of research and development, including all contract modifications or extensions. The Sponsor will pay the assignment fee after the District Contract IP has been created, reported to the Sponsor, and at the time the assignment of title is made; or
 - (b) The Sponsor will pay all costs of research, including salaries, materials, other direct costs, and the District's fully-burdened overhead.

If possible, the District will calculate such amounts and include them in the Sponsored Project Agreement.

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- (2) Due-diligence Milestones negotiated on a case-by-case basis to include a "Reassignment Right" exercisable by the Board if the Sponsor has not made a good-faith attempt to meet the negotiated Due-diligence Milestones. "Due-diligence Milestones" shall mean objectively measurable goals which a Sponsor will in good faith pursue in order to bring to the public the benefits of the District Contract IP. Due-diligence Milestones may include, by way of example and without limitation commercialization of District Contract IP, use of District Contract IP to produce products, and licensing or disclosure of District Contract IP to third parties.
 - (3) "Reassignment Right" will include, but not be limited to, one or more of the following, as negotiated by the parties at the time of negotiating the Due-diligence Milestones:
 - (a) Right of the Board to license other parties, either exclusively or non-exclusively;
 - (b) Right of the District to collect a periodic "maintenance fee" from Sponsor until such time as Due-diligence Milestones are met, or Sponsor determines it will not commercialize the intellectual property and voluntarily grants its rights to the District Contract IP back to the District.
 - (4) A windfall provision, in which an appropriate payment or payment schedule is specified based on some mutually agreed upon threshold or event. The parameters of this provision, such as the windfall threshold and the amount of any payments, will be determined on a case-by-case basis.
- b. In cases of licensing:
- (1) Due-diligence Milestones negotiated on a case-by-case basis, to include, in the case of an exclusive license, "March-in-Rights" if the Sponsor has not made a good-faith attempt to meet the negotiated Due-diligence Milestones. "March-in-Rights" will include, but not be limited to, one or more of the following, as negotiated by the parties at the time of negotiating the Due-diligence Milestones:

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- (a) Right of the Board to license other parties, either exclusively or non-exclusively;
 - (b) Right of the Board to collect a periodic "maintenance fee" from Sponsor until such time as Due-diligence Milestones are met, or Sponsor determines it will not commercialize the intellectual property and voluntarily terminates its license rights to the District Contract IP.
 - (2) A provision for reasonable and customary, but unspecified, royalties, since the value of prospective intellectual property cannot be pre-determined.
 - c. in cases of either licensing or assignment of title:
 - (1) The right of the Board to retain a royalty-free license for its own internal use of the District Contract IP for research and educational purposes, and a provision that the District has the right to use the District Contract IP in any and all subsequent sponsored research in the District. This provision does not require the District to retain a right to sublicense such District Contract IP to third parties.
 - (2) The right of the District to make public through publication or presentation any District Contract IP developed under the agreement. The Sponsor may be given up to ninety days to review the manuscript and secure appropriate intellectual property protection (to include the right to remove any Sponsor trade secrets or proprietary information from such manuscripts) prior to actual publication or presentation.
 - (3) The obligation of the Sponsor to pay patent costs. If the District is filing the patents, such costs to the Sponsor may be capped at reasonable and customary fee amounts.
2. District-Assigned Projects

The Board owns Intellectual Property developed as a result of employee work performed in the course and scope of employment. "Course and scope of Employment" shall include any activity that is listed or described in the employee's job description or is within the employee's field of employment, including research, instruction, or other activities assigned to the employee that involve the creation of Intellectual Property.

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Copyrightable works created by an employee in the Course and Scope of Employment are considered to be works made for hire under U.S. Copyright Law, with ownership vested in the Board. The employee must cooperate fully with the Board and will execute all documentation necessary to assign ownership and, if necessary, to secure protection of intellectual property owned by the Board.

3. District-Assisted Projects

The Board owns Intellectual Property developed by District employees through an effort which makes significant use of District resources. The employee must cooperate fully with the District and will execute all documentation necessary to assign ownership and, if necessary, to secure protection of this intellectual property. The Board construes the use of office space, library resources, personal workstations, or personal computers as constituting significant use of District resources. Significant use of District resources also includes but is not limited to: Use of research funding; use of funding allocated for asynchronous or distance learning programs; use of District-paid time within the employment period; assistance of support staff; use of telecommunication services; use of District central computing resources; use of instructional design or media production services; access to and use of research equipment and facilities, or production facilities.

4. Employee-Excluded Works

The Board releases to the creator all ownership of Intellectual Property in the following categories of work, subject to contractual rights of Sponsors. However, the Board retains a paid-up, nonexclusive license to use this intellectual property for education, research, and public service.

- a. Traditional publications in academia, including scholarly works, and course notes
- b. Artistic works (music, art, dance, film, etc.)
- c. Academic software (not for commercial application)

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- d. Student works (the student owns his/her own works, unless the student is a District employee and the work is part of his/her employment, or the student makes significant use of District resources, or the student's work is part of a Sponsor-supported project. Student works are not subject to revenue sharing described above.
- e. Electronic publications, including on-line courses will be reviewed on a case-by-case basis.

5. Outside Consulting

Consulting for outside organizations may be performed by District employees pursuant to applicable Board policies, including policies on consulting, conflict of interest, and this Intellectual Property Policy. If the employee's obligations under this Intellectual Property Policy conflict with the employee's obligations to the consulting entity, the obligations under this Intellectual Property Policy will take precedence.

6. Individual Projects

The Board owns Intellectual Property developed by District employees, unless the creator of the intellectual property can demonstrate that it was not developed as a 'Sponsor-Supported Project,' a "District-Assigned Project," or a "District-Assisted Project," as defined above.

7. Visiting Faculty, Researchers, and Scientists

The Board owns Intellectual Property created by visiting faculty, researchers, and scientists. However, the Superintendent may make exceptions on a case-by-case basis, consistent with this policy.

D. Administrative Responsibilities

1. Responsibilities of the Creator(s) of Intellectual Property

Each employee (including visiting faculty, researchers, and scientists) must disclose any Intellectual Property made by that person, or resulting from work carried on under his/her direction, in which the Board or a Sponsor may have an interest.

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Intellectual Property created as a result of outside consulting must be disclosed to the District only to the extent that the creation of the intellectual property would fall within the above categories under which the Board claims ownership, or as required by other District or Board policies or state laws.

The creator must disclose Intellectual Property promptly to the his or her principal or the Superintendent on those forms used by the District. The principal will, as appropriate, indicate his/her opinion concerning the scientific, technical, and economic merit of the discovery, the likelihood and desirability of obtaining intellectual property protection, and an estimate of the commercial possibilities of this intellectual property, and transmit that statement to the Superintendent.

The creator must cooperate fully with the District and will execute all documentation necessary to assign ownership, and, if necessary, to secure protection of intellectual property owned by the Board.

2. Responsibilities of the Superintendent as Intellectual Property Official for the Board

The Superintendent, or his/her designee, will administer all intellectual property disclosed in accordance with the requirements of this policy as follows (not necessarily listed in order of preference):

- a. Released to the creator if the Superintendent determines within a reasonable time that the interests of the Board are better served by releasing ownership to the creator under conditions to be specified by the District to include, but not be limited to, the following:
 - (1) the Board retains a paid-up, non-exclusive license to use this intellectual property for education, research, and public service;
 - (2) provision for a minimal royalty to District in the event a profit is made from commercialization of the intellectual property; and
 - (3) the faculty creator may not use District facilities to improve upon the invention. If the inventor wishes to continue work on the invention using District managed funds and/or facilities, they will need to do so under an arm's length relationship (i.e., full Board disclosure and license).

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- b. Licensed to the creator, at the District's discretion, subject to compliance with other applicable policies and approvals;
- c. Assigned to one or more intellectual property management organizations for commercial development in accordance with Board policy on technology transfer consistent with all applicable requirements of this policy;
- d. Licensed or assigned to the research sponsor under which the intellectual property was created if license or assignment is required by the contract with the sponsor and is permitted or is required by law;
- e. Patented, or otherwise protected, by the District appropriately marketed, and either licensed or assigned to another organization for commercialization consistent with this Section regarding Sponsor-Supported Projects of this Policy;
- f. Archived by the District with notification to the creator.

3. Responsibilities of the District

The Superintendent, will require that:

- a. The District or its nominee or licensee will pay all costs involved in obtaining and maintaining domestic and/or foreign protection for intellectual property for which the Board holds an interest.
- b. The District may establish and administer a fund for the promotion of research and development of intellectual property consistent with all applicable state laws and State Board of Education regulations regarding such funds. The fund may include monies received by the District from intellectual property created by its employees. The Superintendent, or a designee, will administer this fund according to policies and procedures established by the District and consistent with all applicable state laws and State Board of Education regulations regarding such funds.
- c. An intellectual property committee of faculty and staff will be appointed by the Superintendent. The intellectual property committee will review proposed changes in the Intellectual Property Policy and make its recommendations to the Superintendent. The intellectual property committee will also operate as a review committee in accordance with this Policy.

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E. Publication Rights/Responsibilities for the Protection of Intellectual Property

Early peer-reviewed publication of results is a major objective of academic research. The Board does not intend for this policy to impede a District employee's ability to publish. Public disclosure of a patentable invention prior to filing for a patent application will, however, preclude the availability of patent protection in most countries. "Public disclosure" includes any non-confidential written or oral disclosure that describes the invention (e.g., at a scientific meeting, in a journal, or even in an informal discussion with outside colleagues). However, limited disclosure of intellectual property internally within the District will not interfere with the ability to protect the intellectual property. District employees should consider delaying public disclosure of intellectual property until the internal evaluation process is completed by the Superintendent or his/her Intellectual Property Official designee. The District will make every effort to expedite the evaluation process when an employee indicates a compelling need for rapid publication.

The foregoing provision does not apply to a Sponsor's proprietary information disclosed to the District pursuant to a non-disclosure agreement. In the case of Sponsor-supported projects, the Sponsored Project agreement may provide for delay of publication to allow the Sponsor to adequately protect its own intellectual property.

F. Revenue Sharing

The District will pay the creator a share of the net income received by the District from any intellectual property licensed or assigned in accordance with this policy. "Net income" is defined as gross revenues resulting from any given intellectual property, less a District administrative fee of not to exceed _____ less all unreimbursed costs incurred by the District or its nominee in protecting, licensing, and maintaining the intellectual property. The Superintendent or his/her designated Intellectual Property Official will determine the percentage to be paid to the creator, ensuring that it is in accordance with the District's revenue sharing policy, subject, however, to the following minimum:

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G7080 POLICY ON INTELLECTUAL PROPERTY

The employee who creates intellectual property as the result of work for which he/she is paid by the District and where he/she uses District facilities and resources will receive a minimum of 50% of the first net \$10,000 received by the District and a minimum of 25% of the net amount received by the District in excess of the first net \$10,000. This royalty revenue sharing is not to be construed as wages or salary compensation to the employee from the District, but rather as separate income derived from commercialization of intellectual property. In addition, an employee's rights which have accrued to this royalty revenue sharing shall continue beyond such employee's employment with the District.

G. Faculty Owned or Affiliated Companies Based on the Board's Intellectual Property

With respect to District employees holding interest in private organizations which are based on intellectual property owned by the Board, the creator of the intellectual property which is of interest to that private organization must comply with administrative responsibilities detailed above.

The Superintendent or his/her designated Intellectual Property Official will use his/her best efforts to negotiate an appropriate agreement with the private organization whenever one or more District employee(s):

1. Holds a substantial interest in that organization;
2. Is a creator of District intellectual property related to the business of the organization; and
3. Continues his or her District employment in an area related to the business of the organization.

A license or assignment or option agreement between the District and any organization in which an employee owns a substantial interest will be individually evaluated and negotiated for each technology or improvement for which the organization wishes to acquire rights from the District. Such agreements shall be subject to customary terms and conditions consistent with the section on Sponsor-Supported Projects of this policy.

Lake Arthur Municipal Schools

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G7080 POLICY ON INTELLECTUAL PROPERTY

If the company in which a District employee holds a substantial interest is given more favorable royalty terms than is usually granted in comparable cases in its license with the District, then the Superintendent or his/her designated Intellectual Property Official will determine whether that District employee, who holds a substantial interest in the company licensing District technology developed by that District employee, should receive a personal share of the licensing income received by the District from that company in addition to that employee's equity or other financial interest in that company. If the Superintendent or his/her designated Intellectual Property Official determines that the affected employee should not receive his/her personal share of District licensing income, then the share of licensing income that would otherwise be disbursed to the employee personally will be distributed among the other District accounts designated in the District's income distribution policy.

For purposes of this Section, the interest owned by the District employee at the time of Board approval of the employee's relationship with the company will be the interest used in determining whether the employee has a "substantial interest."

H. Conflict of Interest

A grant, contract, or any other form of agreement between the District and any organization containing a provision assigning title or granting an exclusive license is subject to final approval by the Board if a District employee has a substantial or material interest in the contracting organization or any entity engaged in a business relationship with the contracting organization. All agreements are subject to federal and state law and Board policy regarding conflict of interest and technology transfer.

Approval by the Board for either the creation of any organization or any substantial interest in an organization under applicable New Mexico law does not exempt any agreement between that District and the organization from the provisions of this Section.

I. Interpretation, Decisions, Appeals (Disputes)

If the employee does not agree with any interpretation or decision made by the Superintendent or his/her designated Intellectual Property Official, the employee may ask the Intellectual Property Committee to review that decision.

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Personnel

G7080 POLICY ON INTELLECTUAL PROPERTY

The Intellectual Property Committee will review all relevant information submitted to it and will make its recommendation concerning the disputed decision to the Board, who will make the final decision.

The final decision of the Board is subject to judicial review only pursuant to **NM STATUTE OR REGULATION REGARDING APPEAL OF ADMINISTRATIVE DECISIONS**. Failure to complete the above review procedures will constitute a failure to exhaust administrative remedies.

First Reading	Adopted	Revised
August 12, 2008	September 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7081 WORKMEN'S COMPENSATION POLICY

The Board of Education sponsors Workmen's Compensation Insurance as specified by law. The employee will not be compensated for both sick leave and Workmen's Compensation benefits at the same time.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

Fn:

Lake Arthur Municipal Schools

Personnel Policies

G7082 EMPLOYEE DRUG AND ALCOHOL ABUSE POLICY

I. Substance Abuse Prohibited

- A. The school district forbids any employee from possessing, using, selling, distributing, or being under the influence of alcohol or drugs, and from possessing, using, selling, or distributing drug paraphernalia, while on school district property or while involved in school district activities.
 - 1. Any employee properly using any prescription or non-prescription drug that may affect or impair such employee's performance of his or her duties (for instance, by causing drowsiness) shall report such use. It shall be reported to his/her supervisor on the first day of such use. Such reported use shall not constitute a violation of this policy.

II. Definition

- A. The terms used in this policy are defined as follows:
 - 1. Alcohol: Any liquor, wine, beer, or other beverage containing alcohol.
 - 2. Alcohol Paraphernalia: Equipment or apparatus designed for or used for the purpose of measuring, packaging, distributing, or facilitating the use of drugs.
 - 3. Drugs: Any drug, including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes, and counterfeit (look-alike) substances.
 - 4. Drug Paraphernalia: Equipment or apparatus designed for or used for the purpose of measuring, packaging, distributing, or facilitating the use of drugs.
 - 5. Substance Abuse: The use of drugs or alcohol in violation of state or federal law or in violation of school district policy.

III. Enforcement of Policy

- A. The school district reserves the right to search an employee's person, personal effects, vehicle, and a resident employee's room, and to require any employee to provide a specimen for urinalysis, when there is reasonable suspicion that such employee has violated these regulations. An employee's refusal to cooperate in any such enforcement procedures may be grounds for discipline, including discharge.

Lake Arthur Municipal Schools

Personnel Policies

G7082 EMPLOYEE DRUG AND ALCOHOL ABUSE POLICY

1. Personal Searches
 - a. An employee's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school official has reasonable suspicion to believe that the employee is in possession of illegal or unauthorized materials.
 - b. A pat-down search of any employee may be conducted in private by a school official of the same sex, with a witness of the same sex present.
2. Lockers, desks, and similar facilities are school district property and remain at all times under the control of the school district; however, employees are expected to assume responsibility for the security of their lockers, desks, and similar facilities. Periodic general inspections of lockers, desks and similar facilities may be conducted by authorized school officials for any reason, at any time, without notice, without consent, and without a search warrant.
3. Employees are permitted to park on school district premises as a matter of privilege, not of right. The school district retains the authority to conduct routine patrols of school district parking lots and inspections of the exteriors of vehicles on school district property. The interiors of the vehicles on school district property may be inspected whenever an authorized school official has reasonable suspicion to believe that illegal or unauthorized materials may be contained inside. Such patrols and inspections may be conducted without notice, without consent and with a search warrant.
4. In any of the searches mentioned in this policy, the school district administration is authorized to utilize dogs whose reliability and accuracy for sniffing contraband has been established to aide in the search for contraband on school district property, including residence halls, and vehicles parked on school district property. The dogs will be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions. An indication by the dog that contraband is present on school district property or in a vehicle on school district property shall be reasonable cause for a further search by school officials.

IV. Penalties of Violations

Employees found to have been in violation of this policy may be subject to discipline, including suspension, discharge, or non-renewal of employment.

Lake Arthur Municipal Schools

Personnel Policies

G7082 EMPLOYEE DRUG AND ALCOHOL ABUSE POLICY

V. Drug Free Work Place Policy Counseling Application

In accordance with the district's drug free workplace policy pertaining to the federal Drug-Free Workplace Act of 1988, an employee may be afforded an opportunity for a one-time self-referral for treatment at the employee's cost prior to discovery of use or being under the influence of a controlled substance. This personal act to seek assistance for a controlled substance affliction does not apply if at any time the employee pursued exerting inappropriate influence on fellow employees and/or district students, jeopardizing the health and safety of students, and/or jeopardizing personal health or safety while performing employee assigned job tasks.

VI. Execution of Acknowledgement Form

Each employee of the school district in the receipt of the staff handbook and its list of signature certified policies shall have executed acknowledgement and consent to comply with Drug Free Work Place Policy and the Employee Drug and Alcohol Abuse Policy.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
	June, 2000	
	May 12, 2009	April 14, 2009

Lake Arthur Municipal Schools

Personnel

G7083 EMPLOYEE ASSISTANCE PROGRAM, EAP, DRUG AND ALCOHOL POLICY

- I. Lake Arthur Municipal Schools, herein known as school district, recognizes that a wide range of personal problems can have an effect on employee's job performance. Normal supervisory assistance will serve either as motivation or as guidance to resolve such problems so the employee's job performance will return to district performance standards. In some cases, the employee's problem may persist, therefore, the superintendent shall establish rules for implementing an employee's service which deals with such persistent problems.
- II. Lake Arthur Municipal Schools realize the value of healthy employees and cares for their personal well being. Therefore, the school district has established the Employee Assistance Program, EAP.
 - A. The EAP deals in an organized and confidential way with troubled employees. The central focus of an EAP is the employee's job performance, not to diagnose or counsel. Problems of physical, mental, emotional, social, financial, marital or family distress, substance abuse, legal problems, or other concerns may be treated successfully, if appropriate referral is made early.
 - B. An employee who has a problem, which he/she feels may affect work performance, is encouraged to voluntarily seek assistance and information on a confidential basis by contacting an employee advisor. (Refer to Item II-D-2)
 - C. A referral to EAP is warranted when an employee's job performance or attendance is unsatisfactory and the employee is unable or unwilling to correct the situation, either alone or with normal supervisory assistance.
 - D. Steps to be taken by the supervisor when making a referral are:
 1. Observe, evaluate, and document the incident that indicates job impairment.
 2. Confront the employee, privately and confidentially, with the inappropriate work record. At this step, an employee is encouraged to make self-referral to the EAP advisor.

Lake Arthur Municipal Schools

Personnel

G7083 EMPLOYEE ASSISTANCE PROGRAM, EAP, DRUG AND ALCOHOL POLICY

3. Refer the employee to the EAP advisor.
 4. Follow up with the EAP advisor.
- E. When an employee is referred by a supervisor or the employee self-refers, the EAP advisor will:
1. Discuss the problem with the employee.
 2. Evaluate and list possible options available to the employee.
 3. Refer to appropriate person or agency.
 4. Prepare confidential report of progress or plan of action to employer/supervisor when the referral was made by the supervisor.
- F. The employee's job, future, and reputation will not be jeopardized by utilizing this employee service. All records concerning EAP will be confidential and accessible to the employee.
- G. As a condition of continued employment, an employee referred through the EAP by their supervisor may be required by the school district to secure adequate medical counseling or other services as may be necessary to resolve the problems. The employee is expected to follow through with the recommendations of this service.
- H. In instances where it is necessary, sick leave may be granted for treatment or rehabilitation on the same basis as is granted for ordinary health problems. Consideration could be given for the use of annual leave or leave without pay.

Lake Arthur Municipal Schools

Personnel

G7083 EMPLOYEE ASSISTANCE PROGRAM, EAP, DRUG AND ALCOHOL POLICY

I. The three member (EAP) committee will be appointed by the Superintendent of Schools from a pool of trained applicants. These EAP advisors will:

1. a school nurse;
2. a school counselor or a school administrator who is not the employee's immediate supervisor;
3. a school teacher.

Cross Ref.: Drug Free Work Place Policy,

Legal:

First Reading	Adopted	Revised
	November 13, 1990	
	December 12, 2007	November 13, 2007

Lake Arthur Municipal Schools

Personnel

G7084 OVERTIME COMPENSATION FOR SUPPORT STAFF, FAIR LABOR STANDARDS ACT POLICY

Subject to the limitations and exceptions set forth below, overtime at the rate of time and one-half will be earned by any employee who is required to work more than forty (40) hours during the work week. Any full-time employee whose regular work week is less than 40 hours per week may be assigned work up to 40 hours before he/she becomes eligible for overtime compensation.

All overtime must have prior approval of the superintendent or the superintendent's designee(s).

Compensation for overtime shall be made granting compensatory time off at a rate of one and one-half hours for each hour of overtime worked. Compensatory time off shall be taken during the pay period following the week in which it was earned unless the use of compensatory time off would unduly disrupt the operations of the district. In the event the superintendent determines compensatory time off during the pay period following the week it is earned would be unduly disruptive to the operations of the district, such compensatory time off may be taken as soon as is reasonable possible thereafter. Compensatory time off shall not be accrued in excess of forty (40) hours.

In the event the school district is a party to a negotiated collective bargaining agreement, the school district may provide compensatory time only pursuant to:

1. Applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other agreement between the school district and representatives of such employees; or
2. in the case of employees not covered by paragraph (1) above, an agreement or understanding arrived at between the school district and employee before the performance of the work.

An employee who has accrued compensatory time off as provided in this policy shall, upon termination of employment, be paid for the unused compensatory time off at a rate of compensation not less than:

1. The average regular rate received by such employee during the last three years of the employee's employment, or
2. the final regular rate received by such employee, whichever is higher.

Lake Arthur Municipal Schools

Personnel

G7084 OVERTIME COMPENSATION FOR SUPPORT STAFF, FAIR LABOR STANDARDS ACT POLICY

The hours worked by an employee who, at his or her option engages in part time occasional or sporadic employment for the district in a different capacity other than his or her primary employment, shall be excluded from the calculation of hours for which the employee is entitled to overtime compensation.

Any employee who has accrued 40 hours of compensatory time off may work additional overtime hours only with approval of the superintendent. Such employee who has accrued 40 hours of compensatory time off shall, for all additional overtime hours of work approved by the superintendent and/or his/her designee, be paid overtime compensation.

If an employee, solely at his option and with the approval of the superintendent or the superintendent designees, agrees to substitute during the scheduled work hours for another employee who is employed in the same capacity, the hours worked as a substitute shall be excluded by the district in the calculation of hours for which the employee is entitled to overtime compensation.

This overtime compensation plan does not apply to executive, administrative, professional or certified teacher employees, or to volunteers, or independent contractors.

Cross Ref.:

Legal Ref.:

First Reading	Adopted	Revised
October 14, 2008	November 11, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7085 PROFESSIONAL STAFF ASSIGNMENT POLICY

- VI. Licensed professional staff assignments shall be made by the Superintendent. All assignments will be based on the needs of the district. No right to school, grade, or subject assignment shall be inferred from the standard teacher's contract.
- VII. Employees are required to sign and comply with all aspects of their job description.
- VIII. Each employee shall abide by the terms of the district's policies concerning drug free/alcohol free; tobacco free work place; sexual harassment; and child abuse reporting.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

Lake Arthur Municipal Schools

Personnel Policies

G7086 SUPPORT STAFF ASSIGNMENT POLICY

- IX. Support staff assignments shall be made by the Superintendent. All assignments will be based on the needs of the district. No right to said position is inferred through the standard contract issued by the district. However, candidates for all positions shall be able to perform the duties and responsibilities of the position's job description.
- X. Employees are required to sign and comply with all aspects of their job description.
- XI. Each employee shall abide by the terms of the district's policies concerning drug free/alcohol free; tobacco free work place; sexual harassment; and child abuse reporting.

Cross Ref.:

Legal Ref. 22-10A-5 NMSA 1978
28-1-2 NMSA *et seq.*

First Reading	Adopted	Revised
November 11, 2008	December 9, 2008	

Lake Arthur Municipal Schools

Personnel

G7087 PROFESSIONAL STAFF CONTRACTS AND COMPENSATION POLICY

All employment contracts between local school boards and certificated school personnel and between governing authorities of state agencies and certificated school instructors shall be in writing on forms approved by the Secretary of Public Education. These forms shall contain and specify the term of service, the salary to be paid, the method of payment, the causes for termination of the contract and other provisions required by the regulations of the Secretary of Education.

All employment contracts between local school boards and certificated school personnel and between governing authorities of state agencies and certificated school instructors shall be for a period of one (1) school year except:

- Contracts for less than one (1) school year are permitted to fill personnel vacancies which occur during the school year;
- Contracts for the remainder of a school year are permitted to staff programs when the availability of funds for the programs is not known until after the beginning of the school year;
- Contracts for less than one (1) school year are permitted to staff summer school programs and to staff federally funded programs in which the federally approved programs are specified to be conducted for less than one (1) school year;
- Contracts not to exceed three (3) years are permitted for administrators in public schools who are engaged in administrative functions for more than one-half (1/2) of their employment time; and
- Contracts not to exceed three (3) years are permitted at the discretion of the Local School Board for Certificated School Instructors in Public Schools who have been employed in the School District for three (3) consecutive school years.

Except as provided in Section 22-10-12 NMSA 1978, a person employed by contract pursuant to this section has no legitimate objective expectancy of reemployment, and no contract entered into pursuant to this section shall be construed as an implied promise of continued employment pursuant to a subsequent contract.

Salaries in the District will be differentiated in relationship to duties and responsibilities.

The Superintendent will provide recommendations on salaries and fringe benefits to the Board each year. The Superintendent will establish regulations for placement of staff on salary schedules within the constraints of funding, public education department's regulations New Mexico statutes and district policy.

Lake Arthur Municipal Schools

Personnel

G7087 PROFESSIONAL STAFF CONTRACTS AND COMPENSATION POLICY

After receipt of the Superintendent's recommendations, the Board will annually establish the salaries and benefits for all employees within the budgetary constraints of the District.

Cross Ref.:

Legal Ref.: 22-10A-10 NMSA (1978)
 22-10A-21 NMSA (1978)
 22-10A-22 NMSA (1978)

First Reading	Adopted	Revised
July 19, 2011	August 8, 2011	

Lake Arthur Municipal Schools

Personnel Policies

G7087 NONSCHOOL EMPLOYMENT BY PROFESSIONAL STAFF MEMBERS

A regular full-time employee's position in the District shall be given precedence over any type of outside work or self-employment. Employees are free to carry on individual work or self-employment projects as long as no District facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees' performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the District.
- Raise a question of conflict of interest – for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

Therefore, an employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7088 SUPPORT STAFF POSITIONS

The District will attempt to activate a sufficient number of positions to accomplish the District's support services goals and objectives.

Before establishment of any new position, the Superintendent will present a job description for the position that specifies the qualifications, the performance responsibilities, the method by which the performance of such responsibilities will be evaluated and the budget implications for that position.

The Superintendent will maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system.

Cross Ref.:

Legal Ref. 22-5-14 NMSA

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7089 SUPPORT STAFF CONTRACTS AND COMPENSATION

Support staff members are all employees of the District who are not required by state law or by a District policy, regulation, or job description to possess a *teaching license* from the New Mexico Public Education Department for the purpose of performing their jobs, unless they are expressly designated as professional staff members in notices of employment or contracts executed by the Board.

Compensation

The Superintendent will provide to the Board recommendations on the salaries and benefits of support staff employees in conjunction with the development of the District's annual budget. The Board will determine salaries and benefits of support staff employees annually, differentiated on the basis of duties and responsibilities.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7090 SUPPORT STAFF SALARY SCHEDULES

Initial Placement on Salary Schedule

The initial placement on the salary schedule for all new support staff personnel and for all currently employed personnel selected for another position in the District will be determined by the Superintendent based on the budget approved by the Board at the time of employment. The placement will be based on consideration of the candidate's qualifications, relevant job experience and years of District employment, if applicable.

Salary Advancement

Salary advancements for regular twelve (12) month employees are granted only at the beginning of each fiscal year.

An employee must work one (1) day more than one-half (1/2) of the year to receive a step advancement in salary.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7091 ESSENTIAL PERSONNEL, DEFINED

I. Essential Personnel, Defined In Case of Campus Emergency

In the case of a campus emergency involving students or the public during which the campus was open or supporting an event, there is a core of essential personnel who are to remain on campus.

Essential personnel at school sites shall be defined as:

- The Principal and the Assistant Principals
- The Instructional Staff
- The Athletic Director
- The Activity Supervisor
- The Custodians
- The Food Service Staff

Essential personnel at Central Office shall be defined as:

- The Superintendent
- The Business Manager
- The District Technology Services Coordinator/Technician
- The Maintenance/Custodial Staff
- The Administrative Clerical staff

II. Essential Management

All essential personnel identified above or designated at the time of a campus emergency are considered “essential personnel” until a decision is made about which services will be closed. Dismissal of classes does not mean necessarily that the campus shuts down completely and all students leave. Once a determination is made as to what, if any, services are to remain open to students, appropriate staffing is to be maintained until such time that there has been a determination by the school official in charge that the emergency situation may permit a decrease in degree of service or supervision or that the emergency situation has passed and services or supervision is not required.

Thus, services such as the library, financial aid, recreation facilities, food services may be considered essential if the intention is to keep services open to students even though classes are cancelled.

Lake Arthur Municipal Schools

Personnel Policies

G7091 ESSENTIAL PERSONNEL, DEFINED

In the case of personal circumstances that may necessitate department from the workplace, e.g. child care issues, staff may seek permission to leave from the school official in charge. However, it is important to note that personal emergency care situation planning is to be the responsibility of the staff member who has been designated an “essential personnel staff member.”

III. Essential Personnel, Defined During School Closure

In emergency situations which require the closure of one or more schools, some school district personnel may be dismissed from duty for the day(s) that the schools are closed, while others—defined as “essential personnel”—may be required to report for regular duty. The purpose for requiring essential personnel to report is protect property from damage or further damage; to repair damage to property; to continue business operations which are critical to the school district and its stakeholders; or act within the scope of emergency response situations that involved the school district.

In the case of personal circumstances that may restrict the reporting of the employee to the workplace, e.g. child care issues, staff members are to have previously notified their supervisor of this possibility and provide input into an agreed upon procedure for this type of emergency situation that is approved by their supervisor. However, it is important to note that personal emergency care situation planning is to be the responsibility of a staff member who has been designated an “essential personnel staff member.”

Essential personnel at school sites shall be defined as:

- The Principal and the Assistant Principals
- The School Nurse
- The Custodians
- The Head Cook

Essential personnel at Central Office shall be defined as:

- The Superintendent
- The Business Manager
- The District Technology Services Coordinator/Technician
- The Maintenance/Custodial Staff
- The Administrative clerical staff

Lake Arthur Municipal Schools

Personnel Policies

G7091 ESSENTIAL PERSONNEL, DEFINED

To the extent permitted by the Office of Homeland Security and Emergency Preparedness, some essential personnel shall receive identification cards which identify them as first responders in a disaster. The purpose of these identification cards is to assist the school district personnel in gaining access to district properties in an emergency situation when emergency response officials may bar access to the general public.

IV. Job Descriptions

Job descriptions for all employees defined as essential personnel shall be revised to indicate such so that employees clearly know that they are to report when the school district issues a message that “all essential personnel shall report.”

V. Other “Stand-By Employees”

There may be times when employees not defined as essential personnel are called to report to work during an emergency in order to accomplish a specific task. These employees, defined as “stand-by employees” are:

Business Department
Food Services Department
Athletic Director

VI. Levels of Closure

Levels of closure shall determine the structure of retaining or releasing non-essential personnel. It is based on the increasing levels of urgency. The determination of the level of urgency shall be according to the school official in charge or the Emergency Preparedness Director as he/she evaluates the nature of the emergency, what services are to continue, and who is then essential to the continued operation of the campus.

VII. Compensation

When all schools in the school district are closed because of an emergency, essential personnel and standby employees who are non-exempt shall be governed by the Overtime Compensation Policy. Compensation shall begin when the employee clocks in at work. In the absence of a time clock, compensation shall begin when the employee reports to a supervisor that he/she has arrived at work and is ready to perform needed services. Travel time shall not be included as time for which the employee is compensated.

Lake Arthur Municipal Schools

Personnel Policies

G7091 ESSENTIAL PERSONNEL, DEFINED

Cross Ref.: Emergency Preparedness Plan
 Overtime Compensation Policy, G7084

Legal Ref.

First Reading	Adopted	Revised
June 9, 2009	July 14, 2009	

Lake Arthur Municipal Schools

Personnel Policies

G7092 SUPPORT STAFF FRINGE BENEFITS

The Board will review support staff fringe benefits each year during the budget process and may modify the benefits to meet the best interest of the District.

Minimum standards of eligibility for fringe benefits will be determined by the Board annually.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7093 SUPPORT STAFF CONFERENCES/VISITATIONS/WORKSHOPS

To attend meetings or conferences, support staff employees must obtain approval from the Superintendent and/or his/her designee at least twenty (20) days prior to the meeting or conference dates (whenever such prior request is possible)

The following guides will be used in granting released time and/or travel expense.

- Value of the meeting or conference to the operations of the District.
- Funds available in the appropriate budgets.
- Availability of a substitute, if one is necessary

District travel and reimbursement policy and regulations will apply on approved travel for support service staff conferences, visitations, and workshops.

The required travel and reimbursement forms must be completed correctly for approval of travel and reimbursement.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7093 SUPPORT STAFF CONFERENCES/VISITATIONS/WORKSHOPS

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The required travel and reimbursement forms must be completed correctly for approval of travel and reimbursement.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel

G7095 Social Media Policy for Employees, Guests and Associated Persons

I. PURPOSE:

The Lake Arthur Municipal School District recognizes the value of teacher inquiry, investigation and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.

The purpose of this policy is to provide regulations and guidelines for social media and social media networks for communications between employees, students, parents and other associated persons; to prevent unauthorized access and other unlawful activities by District users online; to prevent unauthorized disclosure of or access to sensitive information, and to comply with the Children's Internet Protection Act (CIPA). While the District recognizes that during non-work hours employees and students may participate in online social media, blogs, and other online tools. District employees and associated persons should keep in mind that information produced, shared and retrieved by them may be subject to District policies and is a reflection of the school community.

II. GENERAL STATEMENT OF POLICY

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District recognizes that District educational social media and commercial social media exist for Users to utilize. Therefore, social media could be used either as part of the School District's educational mission or for business purposes, or as part of the Users personal commercial online presence. The District provides password-protected social media tools and District-approved technologies for e-learning and encourages the use of District tools for collaboration by employees.

However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without prior authorization of the Superintendent, or designee and parental consent for student participation on social networks. The District may use these tools and other communication technologies in fulfilling its responsibility for effectively communicating with the general public.

Lake Arthur Municipal Schools

Personnel

G7095 Social Media Policy for Employees, Guests and Associated Persons

Even though social media has many benefits, when social media postings violate the law or District policies or create a substantial disruption to the school community and/or work environment, the District has through its administrative responsibilities the obligation to respond and take appropriate action, including but not limited to investigation and possible discipline.

Within a social media context the line between professional and personal relationships is blurred. When employees choose to join or engage with District students, families or fellow employees in a social media context that exists outside those approved by the District, they are advised to maintain their professionalism as District employees and have the responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting.

Under certain circumstances, the District has jurisdiction to discipline employees who violate rules of appropriate conduct, which includes but is not limited to, the use of social networking sites during or outside of work hours. Additionally, the District may not be able to protect or represent an employee who incurs legal action from a second party in response to the employee's behavior on a social networking site.

The Lake Arthur School District is committed to providing a safe and secure learning and working environment for its students, employees, and associated persons. The Lake Arthur School District encourages positive relationships between students, employees, and associated persons. There is however, a distinction between being supportive of students and the real or perceived breach of confidentiality or misconduct. Employees and all associated persons who work with or have contact with students are to follow all District policies including Acceptable Use Policy, Internet Safety Act Policy, Certified and Classified Staff Professional Code of Ethics Policy, and Employee Student Relations Policy when using social media as a form of communication.

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III. AUTHORITY

The School District has the right, but not the duty, to inspect, review, or retain electronic communication created, sent, displayed, received or stored on and over the School District's Technology Systems and to monitor, record, check, track, log, access, or otherwise inspect its Technology Systems.

In addition, in accordance with the law, the School District has the right, but not the duty, to inspect, review, or retain electronic communication created, sent, displayed, received, or stored on User's personal computers, electronic devices, networks, Internet, electronic communication systems, and in databases, files, software, and media that contain School District information and data.

Also, in accordance with the law, the School District has the right, but not the duty, to inspect, review or retain electronic communication created, sent, displayed, received, or stored on another entity's computer or electronic device when Users bring and use another entity's computer or electronic device to a School District location, event, or connect it to the School District network and/or systems, and/or that contains School District programs, or School District data or information.

The above applies no matter where the use occurs whether brought onto School District property, to School District events, or connected to the School District network, or when using mobile commuting equipment and telecommunications facilities in protected or unprotected areas or environments, directly from home, or indirectly through another social media or internet service provider, as well as by other means. All actions must be conducted in accordance with the law, assist in the protection of the School District's resources, insure compliance with this policy, its administrative regulations, or other School District policies, regulations, rules, and procedures, social media and internet service providers terms, or local, state and federal laws.

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The School District will cooperate to the extent legally required with social media sites, internet service providers, local, state, and federal officials in investigations or with other legal requests, whether criminal or civil actions.

IV. GUIDELINES: DEFINITIONS

Associated Persons: include, but are not limited to, parents, parent-elected leaders of school committees, representatives and volunteers, consultants, contracted employees, walk-on coaches, child-care/enrichment program providers, vendors, and after-school youth services providers.

Guests: include, but are not limited to, visitors, workshop attendees, volunteers, adult education staff and students, school board members and other agency personnel.

Social Media: includes communication, collaborative sharing, and reaching students, employees associative persons, and guests for educational purposes School District provided websites, platforms, resources or documents. Examples include but are not limited to Google Apps, Ning, Teacher Tube, Moodle, Gaggle, and DropBox. Social media includes websites that incorporate one or more of the following:

Blogs: web logs or personal journals that are up-dated with textual, audio, or video content with reflections, comments, and often hyperlinks provided by the writer intended for public viewing. Some blogs permit others to post comments on their blogs. Websites enable individuals to create free-standing blogs or special interest websites use blog tools and message forums to engage users.

Digital Publishing Site: Media sharing site is an internet personal publishing service that provides products and services for consumers to preserve their digital photos or films, such as Shuuterfly, Flickr, Picasa, Google Video or YouTube.

Podcasts: Podcasts are audio broadcasts that have been converted to MP3 or other audio file format for playback in a digital music player.

Social Media also referred to as Social Networking: Social media is a form of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.

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Social Networking Websites: are websites where users can create and customize their own profiles with photos, videos, and information, such as Facebook, Google+, Habbbo, My Space, LinkedIn and other social networking sites.

Tags (Tagging): Tags are keywords assigned to a webpage for the purpose of easy identification, organization, aggregation, and searching. Most social media sites allow users to tag the content they share online such as articles, photos, videos or blog posts. Tags help users find content they are looking for through social media sites and other online platforms.

Wikis: Wikis are websites that allow the creation and editing of any number of interlinked web pages via a browser using a simplified markup language or a text editor.

Virtual Worlds: Web or software-based platforms that allow users to create avatars or representations of themselves, and through these avatars to meet, socialize, and transact with other users. Second Life and other virtual worlds are used for social purposes and e-commerce, non-profit fundraising and videoconferencing.

II. SOCIAL MEDIA GUIDELINES FOR EMPLOYEES, GUESTS AND ASSOCIATED PERSONS

All employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, the District requires employees to observe the following regulations when referring to the District, its schools, students, programs, activities, employees, volunteers, and communities on any social media network:

In addition schools, offices, and departments may have their own websites and social media networks that enable staff to share school/work-related information. Confidential or privileged information about students or personnel (e.g. grades, attendance records, or other pupil\personnel record information) may be shared only on District approved secured connections by authorized individuals.

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All existing policies and behavior guidelines that cover employee conduct on the school premises and at school-related activities similarly apply to the online environment in those same venues.

1. An employee's use of any social media network and an employee's postings, displays, or communications on any social media network must comply with all state and federal laws and any applicable District policies.

Employees must be respectful and professional in all communications (by word, image or other means). Employees shall not use obscene, profane, or vulgar language on any social media network or engage in communications or conduct that is harassing, threatening, bullying, libelous, or defamatory or that discusses or encourages any illegal activity or the inappropriate use of alcohol, use of illegal drugs, sexual behavior, sexual harassment, or bullying.

2. Keep personal social network accounts separate from work related accounts. When a student or minor wishes to link to an employee's personal social networking site, redirect them to the school approved website. Accepting invitations to non-school related social networking sites from parents, students or alumni under the age of 18 is strongly discouraged, and on a case-by-case basis, may be prohibited by the site administrator. (Acceptable Use Policy, Internet Safety Act Policy, Certified and Classified Staff Professional Code of Ethics Policy, and Employee Student Relations Policy)
3. Any employee or associated person engaging in inappropriate conduct including the inappropriate use of social media sites during or after school hours may be subject to discipline.
4. Never post any identifying student information including names, videos and photographs on any school-based, personal, or professional online forum or social networking website, without the written, informed consent of the child's parent/legal guardian and the principal.

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5. Never share confidential or privileged information about students or personnel (e.g. grades, attendance records, or other pupil/personnel record information.
6. Users should have no expectation of privacy regarding their use of District property, network, and/or Internet access to files, including email. The District reserves the right to monitor users' online activities and to access, review, copy, and store or delete any electronic communication or files and/or disclose them to others as it deems necessary. (Acceptable Use Policy)
7. Posting inappropriate threatening, harassing, racist, biased, derogatory, disparaging, or bullying comments toward or about any student, employee, or associated person on any website is prohibited and may be subject to discipline.
8. Threats are taken seriously and are subject to law enforcement intervention, including but not limited to formal threat assessments. (Workplace Violence, Bullying and Threats Policy)
9. District employees and associated persons are responsible for the information they post, share, or respond to online. Employees should utilize privacy settings to control access to personal networks, webpages, profiles, posts, digital media, forums, fan pages, etc. However, be aware that privacy settings bring a false sense of security. Anything posted on the Internet may be subject to public viewing and republication by third parties without your knowledge.
10. If you identify yourself online as a school employee or associated person, ensure that your profile and related content are consistent with how you wish to present yourself to colleagues, parents, and students. Employees must make clear that any views expressed are the employee's alone and do not necessarily reflect the views of the District. Conduct yourself online according to the same code of ethics and standards set forth in the Acceptable Use Policy.

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It is recommended that you post a disclaimer on your social media pages stating “The views on this page are personal and do not reflect the views of Lake Arthur Municipal Schools.” Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or the Superintendent’s designee. When authorized as a spokesperson for the District, employees must disclose their employment relationship with the District.

11. The District recognizes that student groups or members of the public may create social media representing students or groups within the District. When employees, including coaches/advisors, choose to join or engage with these social networking groups, they do so as an employee of the District. Employees have responsibility for maintaining appropriate employee-student relationships at all times and have responsibility for addressing inappropriate behavior or activity on these networks. This includes acting to protect the safety of minors online. Employees shall annually disclose to the District the existence of and their participation in such networks.
12. Use the district name “Lake Arthur Municipal Schools” or use the District logos or images on one’s personal social networking sites is prohibited. If you wish to promote a specific LAMS activity or event, you may do so in accordance with the Superintendent direction and approval.
 - a. Employees may not post images on any social network of co-workers without the co-workers’ consent.
 - b. Employees may not post any nonpublic images of the District premises and property, including floor plans.
13. Misrepresenting oneself by using someone else’s identity may be identity theft. It is advisable to periodically check that one’s identity has not been compromised.

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14. During an emergency situation that impacts the employee's work site, the employee may post a general statement of well-being to their social network account if doing so does not interfere with their assigned emergency duties.

III. RESPONSIBILITIES OF DISTRICT EMPLOYEES AND ASSOCIATED PERSONS

All District employees and associated persons are expected to:

- Adhere to the Social Media Policy for Employees and Associated Persons.

An employee who is responsible for a social media network posting that fails to comply with this policy and the rules and guidelines set forth in this policy may be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of confidential or private information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media network.

Anything posted on an employee's Web site or Web log or other Internet content for which the employee is responsible will be subject to all District policies, rules, regulations, and guidelines. The District is free to view and monitor an employee's Web site or Web log at any time without consent or previous approval. Where applicable, employees may be asked to disclose to the District the existence of and to provide the District access to an employee's Web site or Web log or other personal social media network as part of an employment selection, promotion, or disciplinary process.

- Be familiar with and follow the guidelines and the provisions of this policy. Users may not use their personal computers, devices, services, systems, and networks during the time they are required to be fulfilling their work, learning, school responsibilities, or volunteer assignments. Users may not use commercial social media during their work, school and volunteer responsibilities unless approval has been granted by the Superintendent and/or his/her designee and the commercial social media has been opened for that person(s) and the stated designated purpose(s) only.

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- Users must immediately report any violations or suspicious activities to the Superintendent, and/or designee. Conduct otherwise will result in actions stated in the section: Adhere to the Social Media Policy for Employees and Associated Persons. If the User believes there is a conflict in the requirements they are to comply with they must bring the matter to the attention of their supervisor, teacher, or administrator who will in turn assist the User.

It is the responsibility of all Users to carefully consider their behavior and what they place online when communicating with or “friending” any individual. An administrator and/or his/her designee is authorized to access Users’ postings on public locations and on School District servers, hard drives, systems and networks under the direction of the Superintendent and/or designee, law enforcement, a court order, a subpoena or other legal action or authority. Users may not coerce others into providing passwords, login, or other security access information to them so that they may access social media or locations that they have no authorization to access. Users should note that information that they place in social media and designate as private can be accessed in litigation, can be distributed by their friends, and can be accessed in other various legal ways.

Additional Responsibilities include:

A. Superintendent/Designee is to:

1. Distribute and communicate this Social Media Policy for Employees and Associated Persons Policy to all employees and associated persons.
2. Create additional administrative regulations, procedures, and rules to carry out the purpose of this Social Media Policy and is granted the authority for these functions by the Board of Education.
3. Investigate reported incidents of employee or associated adult misconduct or violations of appropriate conduct. (Acceptable Use Policy and Code of Conduct with Students and other related District policies.)

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4. Postings of a serious nature may warrant additional reporting to Superintendent and the appropriate reporting agency:
 - a. Threats
 - b. Inappropriate or sexualized images of minors (Law Enforcement)
 - c. Child pornography (Law Enforcement)
 - d. Raise a reasonable suspicion of child abuse (Children Youth and Families Department, CYFD)
5. Inappropriate postings may be documented by taking and printing screen shots or downloading them onto a flashdrive. Evidence should be collected with the permission of the site administrator for the sole purpose of the investigative process and stored in a secured location. This evidence may be used in conference with the employee(s) or associated person(s) in question. *Caution: **do not** download or print images of minors or any content that may be considered child pornography. Law enforcement should gather evidence of child pornography, not a District employee.*
6. Document all incidents.
7. The target of online harassment can request removal of objectionable postings by reporting the abuse to the Internet service provider or webmaster. Most social networking sites have the capacity to flag objectionable postings with “report abuse” button. The target should document the postings prior to their removal.
8. Monitor and follow-up to ensure that the inappropriate online behavior has stopped.

IV. GENERAL PROTOCOL FOR RESPONDING TO COMPLAINTS

The following are general procedures for the administrator/supervisor to respond to any complaints.

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- A. Secure campus/office safety.
- B. Assure involved parties that allegations and complaints are taken seriously.
- C. Investigate and document investigation steps and information secured during investigation.
- D. Take action to stop behavior.
- E. Request a factual written statement from the involved parties, to include witnesses if available.
- F. Consult district officials as appropriate.
- G. Document actions taken.
- H. Implement disciplinary action as needed.
- I. If appropriate, the victim may file a criminal complaint with law enforcement.
- J. Continue to monitor and address inappropriate behaviors.
- K. Information about allegations of misconduct or investigations should be handled within the confines of the District's reporting procedures and investigative process. The District will not tolerate retaliation against anyone for filing a complaint or participating in the complaint investigation process.

If the allegation is against one's administrator or supervisor, that person's supervisor shall respond to the complaint in connection to District Policy.

Cross Ref.:

Harassment
FERPA
Media Relations
Acceptable Use
Internet Safety
Instructional Materials Review and Selection
Certified Ethics
Classified Ethics

Legal Ref.:

First Reading	Second Reading	Adopted	Revised
August 14, 2012	September 11, 2012	October 09, 2012	

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Personnel Policies

G7096 SUPPORT STAFF CERTIFICATION AND CREDENTIALING REQUIREMENTS

An applicant offered employment and a contractor or contractor's employee, or a volunteer who will have unsupervised access to students shall be required to provide fingerprint cards or electronic fingerprints and shall be required to pay the cost of obtaining criminal history records.

The candidate's fingerprints shall be submitted, along with the fingerprint form required immediately upon being selected as a finalist for possible employment. The fingerprint form shall be considered a part of the application for employment. Convictions of felonies or misdemeanor involving moral turpitude if directly related to employment which are contained in the criminal history investigation record shall be used to deny, suspend, or revoke employment in accordance with the Criminal Offender Employment Act. However, if the conviction does not directly relate to employment, completion of probation, or parole supervision or expiration of a period of three years after final discharge or release from imprisonment without subsequent conviction shall create a presumption of sufficient rehabilitation. Other information contained in the investigation record, if supported by independent evidence, may also form the basis for the employment decisions for good and just cause. A candidate's conviction of trafficking in controlled substances, criminal sexual penetration or related sexual offenses or child abuse regardless of rehabilitation shall warrant denial, suspension or revocation of employment. Records of arrest not followed by conviction or misdemeanors NOT involving more turpitude may not be used, distributed or disseminated regarding public employment.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

Reasons for a decision not to employ an individual based upon conviction of any indicated crime or misdemeanor involving moral turpitude shall be provide to the candidate. An appeal of denial, suspension or revocation of employment based upon the Criminal Offender Employment Act may be requested in accord with the grievance procedure provided in policy.

The administration may also conduct a background investigation of current employees if it becomes aware of facts, circumstances, or conduct that indicate(s) an individualized reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue in employment with the District.

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G7096 SUPPORT STAFF CERTIFICATION AND CREDENTIALING REQUIREMENTS

A person not directly involved in the employment decision affecting the specific applicant shall not be permitted unauthorized access to criminal history record information or background information. All fingerprint or criminal history records are to be confidential records and are to be maintained as personnel records in accord with the “Rights to inspect public records, exception”.

Cross Ref.:

Legal Ref. 14.2.1 NMSA
 22.10A.5 NMSA
 28.2.1 et seq., NMSA
 6.60.8.7 NMAC
 6.60.8.8 NMAC
 6.60.8.9 NMAC

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7097 SUPPORT STAFF PART-TIME AND SUBSTITUTE EMPLOYMENT

The Superintendent may employ, when conditions warrant, temporary or part-time personnel on a per diem or time card basis. This authority is subject to the following conditions:

- Continued employment of any such person shall be subject to confirmation of budgeted funds available; however, employment shall not be offered prior to satisfactory completion of any pending fingerprint check.
- The employee shall be hired on a per diem basis and shall be compensated in accordance with the requirements and limitations of existing contracts that cover similar positions or employees.

Cross Ref.:

Legal Ref. 22-5-4 NMSA

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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Personnel Policies

G7098 SUPPORT STAFF ORIENTATION AND TRAINING

The Superintendent will establish a program to provide orientation for all new District employees. At a minimum, this program will cover the following items:

- Goals, objectives, and programs of the District
- Personnel policies and regulations
- Terms of Employment
- General disciplinary rules and procedures
- Salary and fringe benefit plans.
- Self-improvement opportunities
- Evaluation process and supervisor(s)
- Federal, State, and Local required training programs

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

Lake Arthur Municipal Schools

Personnel Policies

G7099 SUPPORT STAFF SCHEDULES AND CALENDARS

All support staff employees shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7100 SUPPORT STAFF MEETINGS

The Superintendent will arrange for and hold staff meetings as the need may arise. This authority may be delegated to the building principals and/or supervisor(s), who may hold such meetings on a regularly scheduled basis or as the need arises.

All appropriate staff members are required to attend any such meeting(s) unless officially excused by the Superintendent or designated supervisor.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7102 SUPERVISION OF SUPPORT STAFF MEMBERS

The supervisor(s) of the various departments or divisions shall be responsible for the supervision of personnel assigned to these areas and shall provide the necessary orientation to new employees and in-service training for all employees under their supervision.

All other support staff employees shall be under the supervision of the administrative heads of the units or the building principal to which the employees are assigned. The administrative head or building principal shall be responsible for the necessary orientation of new employees and shall provide in-service training as needed.

Supervision shall include evaluation of the employee through the district employee evaluation system.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7103 EVALUTION OF SUPPORT STAFF MEMBERS

All support personnel shall be evaluation by the appropriate supervisor or administrator. A written evaluation of effectiveness of each support staff member shall be completed annually. At least once each year thereafter, an performance evaluation will be conducted and a written evaluation completed. The evaluation will be used to increase job proficiency and for recommending continued employment.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7104 RESIGNATION OF SUPPORT STAFF MEMBERS

Employees voluntarily terminating their service with the District are expected to give advance notice of not less than ten (10) working days. This notice should be submitted to the supervisor in writing and should specify both the last day of work and the reason for terminating employment.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	

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G7105 NONSCHOOL EMPLOYMENT BY SUPPORT STAFF MEMBERS

A regular full-time employee's position in the District shall be given precedence over any type of outside work or self-employment. Employees are free to carry on individual work or self-employment projects as long as no District facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees' performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the District.
- Raise a question of conflict of interest – for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

Therefore, an employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Cross Ref.:

Legal Ref.

First Reading	Adopted	Revised
March 13, 2018	April 10, 2018	