

JA	Introduction
JAA	Equal Education Opportunities
JB	Attendance
JBA	Compulsory Attendance Ages
JBB	Entrance Age
JBC	School Admissions
	Resident Student
	Non-Resident Student
	Out-of-State Tuition
	School Zones
	Grade Level / Classification
	Over-Aged Student
	Advancement of Student
	Student Classification
JBCA	Placement of Home School Students
JBCB	Re-Admissions
JBD	Withdrawals
JBE	Released Time
JC	Rights and Responsibilities
JCA	Due Process
	Hearing Procedure
	Appeal
	Admission of Misconduct
	Hearing Authority
JCAA	Cooperation Between Law Enforcement Agencies & Public Schools
JCAB	Hobbs Municipal School District Search and Seizure
JCAC	First Amendment Restraints
JCAD	Equal Access
JCB	Policies and Rules Development Involvement
JCD	Student Behavior
	Criminal Acts / Unacceptable Behavior
	Dress and Appearance
	Off-Campus Events
	Refusal to Identify Self
	Smoking
	Mind-Altering Substances
JCDA	Weapons In School and Threats to Employees
	Definitions
	Violations
	Enforcement
JCDAB	Gang Activity
JCDAC	Sexual Harassment of Students by Students
JCDAD	Anti-Bullying

JCDB	Appearance Standard Elementary Secondary
JCE	Complaints and Grievances
JD	Student Discipline Procedure for Disciplinary Actions Use of Reasonable Force by Staff Student Activities Discipline Detention Immediate Removal Suspension Expulsion Corporal Punishment
JDA	Drug and/or Alcohol Testing
JE	Guidance Program
JF	Reporting Report Cards Student Conferences Parent / Legal Guardian Conferences
JFA	Grading Policies Promotion, Advancement and Retention Policies
JG	Student Welfare Communicable Diseases Immunization of School Children Exemptions From Immunization
JGA	Student Safety
JGAA	Emergency Drills
JGAB	Supervision of Students / Release or Access Student Release Student Access
JGAC	Student Medication Elementary School Medication Policy Secondary School Medication Policy
JGB	Student Transportation
JGC	Nutritional Services
JGD	Restraint Policy
JGE	Special Education
JH	Student Activities Approved Performances Limitations

	Expense of Chaperones
	Observance of District Regulations
	Contests and Competition
JHA	Student Activity Fees
JHB	Student Activity Funds
JHC	Student Organizations
	Student Clubs
	Secret Societies
	Student Government
	Student Publications
JHD	Student Social Activities
JHE	Student Performances
JI	Student Volunteers
JJ	Student Employment
JK	Solicitations
JM	Alternate Learning Programs
JN	Awards and Scholarships
JQ	Foreign Student Exchange
JR	Student Records
	Custodian of Student Records
	Classification and Maintenance
	Rights of Parents
	Hearing to Correct the Inaccuracies
	Disclosure
	Annual Notification
	Requests
	Special Education Records
JS	Student Fees, Fines and Charges

INTRODUCTION

The Hobbs Municipal Schools Board of Education, through the Effective Schools Concept, will provide a planned education program that affords the opportunity for each student to realize maximum development as an individual as well as a contributing member of the community and of our democratic society.

EQUAL EDUCATION OPPORTUNITIES

It is the policy of the Hobbs Municipal Schools Board of Education to offer equal educational opportunities to all children which are consistent with the provisions of the Constitution and laws of the State of New Mexico and of the United States, and policies and regulations established by the State Board of Education.

All programs, activities and policies shall be carefully planned and developed to ensure non-discrimination on the basis of race, culture, ancestry, color, national origin, sex, age, religion or disability.

ATTENDANCE

Each student will attend school a full school year (180 days) unless extenuating circumstances exist, or the student has a reasonable excuse to be absent from school. Students are subject to attendance laws as mandated by the State Department of Education.

HOBBS MUNICIPAL SCHOOLS ATTENDANCE POLICY

The Hobbs Municipal Schools Board of Education directs the Superintendent / designee to provide school attendance policies. These policies will be published in student handbooks which will be reviewed and approved annually by the Board of Education.

Each school unit will require parents / legal guardians to inform the school of all absences. Each school unit will keep parents / legal guardians informed of absences. The school may require a written excuse for absences.

COMPULSORY ATTENDANCE AGES

Any qualified student or any person who because of his/her age is eligible to become a qualified student....until attaining the age of majority, shall attend a public school, a private school or a state institution. A person shall be excused from this requirement if the person is at least sixteen years of age and has been excused by the local school board or its authorized representative – and the parent / legal guardian, or other persons having custody and control consent. This shall be the authority unless the person:

- A. is specifically exempted by law;
- B. has graduated from a high school approved by the Public Education Department and furnishes evidence to verify this fact;
- C. has passed the General Education Development Test and furnishes the required document to authenticate this fact;
- D. is judged, based on standards and procedures adopted by the State Board of Education, to be unable to benefit from instruction because of mental, physical or emotional conditions.

(ref. NMSA 22-12-2)

Those students receiving “home instruction” are subject to rules and regulations as outlined by Public Education Commission.

Local education agencies are required to establish services for exceptional children from the legal entry age for school through the school year in which the student completes his/her twenty-first (21st) year of age, as established in the Public School Code Section 22-8-2, NMSA, 1978, as amended, or until the completion of a planned course of study, whichever occurs first.

When a child’s disabilities are so severe that the Individual Education Plan Team has recommended that a public school setting is inappropriate for a child’s particular needs, the local education agency shall make appropriate alternative arrangements for the child’s educational programming.

ENTRANCE AGE

Any person attaining five years of age prior to September 1, of a school year is eligible to be enrolled in a public school or a private school maintaining courses of instruction approved by the State Board of Education or a program of instruction approved by a state institution. If the person is judged, based on standards and procedures adopted by the State Board, to be unable to benefit from instruction because of mental, physical, or emotional conditions, the Board of Education will adhere to the State Standards for Special Education.

Children must reach the age of six prior to September 1, the year of enrollment to be eligible for entrance into the first grade.

Early advancement of a kindergarten student to the first grade is subject to the student meeting the below listed qualifications:

- A. Recommendation of a parent / legal guardian.
- B. Recommendation of the building principal.
- C. Appropriate post test evaluation by District.

SCHOOL ADMISSIONS

All students residing within the boundaries of the School District will be admitted if admittance requirements as established by Board policy are met and if direct action has not been taken by school officials or the Board of Education to bar such entrance.

Resident Student

Resident students are those whose legal residence falls within the boundary of the School District and who have met all other admission requirements.

Students new to the District may enter the school program immediately if all other entrance requirements are met.

Non-Resident Student

Non-resident students are those whose legal residence is outside the School District boundaries. Such students may enter the school program provided the resident School District does not object, all other admission requirements are met and school buses do not cross District boundaries to transport non-resident students.

Out-of-State Tuition

Tuition will be charged by the School District for students who do not reside in the State of New Mexico. The rate of the non-resident tuition will not exceed the average cost per capita for each year of public school education within the School District, based upon the average daily membership in the public schools of the School District for the preceding school year.

School Zones

The Board of Education shall establish school zones for each school unit in the System in order to maintain a balance in class size. Zones may be changed as necessary to maintain this balance.

All students, grades kindergarten through twelve, will attend the school in their home zone, the school designated by their zone annex, or by their school bus route assignment.

A student wishing to attend school out of their home zone or a student moving to another location during a school year must make application with the Superintendent / designee.

Grade Level / Classification

A. Elementary – Grades One through Six

Regular Student – A student applying for admission to grades one through six on the basis of prior schooling outside the District will be placed initially in the grade level the student has reached elsewhere. The principal will determine subsequently whether any change is needed in the grade placement.

Over Aged Student – A student who is thirteen years of age or older can be directed to the junior high school for consideration. The elementary and junior high principals will decide on the student's grade placement. If the two principals cannot reach agreement on the student's grade placement, the Superintendent / designee will make the final decision.

Advancement of Student – For a student in grades one through six to be advanced without completion of the prior grade, the following criteria must be observed:

- 1) Recommendation of the parent/legal guardians.
- 2) Recommendation of the teacher(s).
- 3) Recommendation of the principal.

B. Junior High - Grades Seven through Eight

Regular Student – A student applying for admission to grades seven through eight on the basis of prior schooling outside the District will be placed in the grade level the student has reached elsewhere. The principal will determine subsequently whether there should be any change in the grade placement of the student.

Over Aged Student – A student who is sixteen years of age or older can be directed to the high school for enrollment. The junior high and high school principals will decide on the proper placement for the student. If the junior high and high school principals cannot reach agreement on the student's placement, the Superintendent/designee will make the final decision.

Advancement of Student – For a student in grades seven or eight to be advanced without completion of the prior grade, the following criteria must be observed:

- 1) Recommendation of the parent/legal guardian.
- 2) Recommendation of the teacher(s).
- 3) Recommendation of the principal.

C. Freshman High and Senior High – Grades Nine through Twelve

Regular Student – A student applying for admission to grades nine through twelve will be placed in the grade level indicated by earned credits as reported on an official transcript.

Over Aged Student – A student who is over eighteen years of age may, upon approval of the principal, enroll in high school. The student will be admitted on a probationary basis for each nine weeks. The student will be satisfactory in attendance, dress, behavior, and citizenship.

Special Education Student – A student may complete the current school year if the student is not more than 21 years of age prior to September 1 or complete a four-year Individualized Education Program, whichever occurs first.

Student Classification – For a student to be classified as a tenth grader the student must have earned five (5) credits. Eleven (11) credits are required to be in grade eleven and seventeen (17) required to be in grade twelve. A student who is deficient in required credits/courses can attend summer school and/or night school.

PLACEMENT OF HOME SCHOOL STUDENTS

The Hobbs Municipal Schools will accept students who have been schooled in the Hobbs School setting. This enrollment will be consistent with the rules and regulations established by the state and local authorities. The Board of Education directs the Superintendent/designee to develop the criteria for placement of these students.

RE-ADMISSIONS

A student who has been withdrawn from school during the existing school year will be re-admitted if the student meets existing requirements as established by Board policy and if direct action has not been taken by the school officials of Board of Education to bar such entrance.

WITHDRAWALS

A student of compulsory school age may withdraw or be withdrawn from regular school attendance for the following reasons:

- 1) to transfer to another school;
- 2) granted a work release permit by the Superintendent/designee in hardship cases;
- 3) due to illness on a doctor's recommendation;
- 4) granted an exemption by the Superintendent/designee;
- 5) accumulating ten (10) consecutive school days of non-attendance; or
- 6) upon long-term suspension following due-process procedures.

RELEASED TIME

Students may be released from certain segments of the daily school routine to participate in other specialized education programs. Such release is to be agreed upon by the parents/legal guardians and approved by the principal of the school unit involved.

RIGHTS AND RESPONSIBILITIES

The rights and responsibilities of public schools and public school students are assured through state and federal law and regulations. The Hobbs Schools Board of Education will ensure that the rights and responsibilities of public schools and public school students are upheld as outlined by state and federal governments.

Rules of Conduct for New Mexico Public Schools

Students of New Mexico are prohibited from displaying the acts specified in Subsections A and B of State Board of Education Regulation No. 81-3, entitle, "Rights and Responsibilities of the Public Schools and Public School Students". Within legal limits as defined in Subsection B, local school boards have discretion to develop rules of conduct governing all other areas of student and school activity. (ref. 22-2-1, 22-2-2)

DUE PROCESS

The constitutional rights of individuals assure the protection of due process.

Since the hallmark of administrative authority shall be fairness, every effort shall be made at the building level by administrators and faculty members to resolve problems through effective utilization of School District resources in cooperation with the student and the student's parent/legal guardian. The provisions established in SBE Regulations 81-3 will be followed.

Hearing Procedure

In cases of long-term suspension or expulsion the student must be given an opportunity for a hearing. (Ref. JD)

The parent/legal guardian will be notified in writing of the following information regarding the administrative hearing:

1. Allegations
2. Date, time and place
3. Right to be represented by legal council, parent/legal guardian
4. Name, address, and phone number of the contact person
5. Opportunity to waive the hearing and agree to the proposed disciplinary action.

The student will be suspended for a period of ten (10) school days. The hearing will be scheduled no sooner than five (5) school days nor later than ten (10) school days from the date of the receipt by the parent/legal guardian of notification.

The following procedural guidelines will govern the hearing:

- A. The school shall have the burden of proof.
- B. The hearing shall be conducted to afford the student due process, and shall provide:
 1. an opportunity for the student and his/her parent/legal guardian to respond at the hearing;
 2. the right to present evidence;

3. the right to confront adverse witnesses;
 4. the right to cross-examination;
 5. the right to have a decision based solely on the applicable legal rules and the evidence presented at the hearing; and,
 6. the right to be represented by legal counsel.
- C. The hearing authority shall impose the requested sanction or other appropriate measure if he/she finds there to be a preponderance of the evidence that the allegations are correct.
- D. A tape recording or minutes of the proceedings shall be kept by the administrative authority, but a verbatim transcript or transcript setting forth the substance of the evidence presented is not required.
- E. Within five (5) school days of the hearing, the hearing authority shall prepare and mail to the student, through his/her parent/legal guardian, a written decision and the reasons therefore.
- F. If the hearing authority decides in favor of the student, the matter shall be closed. If the hearing authority decides against the student, the student shall be suspended or expelled from school five (5) school days from the date of mailing of the decision.

Appeal

The student has the right to appeal the decision of the hearing authority to the Superintendent of Schools. This appeal is available if the student and/or parent/legal guardian has made a written request to the Superintendent of Schools within five (5) days of notification of findings by the hearing authority. Such appeal shall be a review of the procedure and the findings of the hearing authority, and shall not be set aside unless it is established, by a preponderance of the evidence presented, that insufficient cause exists for the decision. The student has the right to appeal the decision of the Superintendent to the Hobbs Municipal Schools Board of Education. This appeal is available if the request to the Superintendent is within five (5) full days of notification of findings by the Superintendent. In such an appeal, the Hobbs Municipal Schools Board shall review procedure followed during the process.

Admission of Misconduct

A student who admits misconduct to the administrative authority and accepts the penalty is not required to have a disciplinary hearing.

Hearing Authority

The hearing authority will be so designated by the Superintendent. The building principal/designee is the person authorized to suspend a student.

COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND PUBLIC SCHOOLS

INTRODUCTION

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

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

I. OFFICIAL CONTACT WITH STUDENTS IN SCHOOLS

A. Administrative Authorization Required

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

B. Verification, Documentation, and Parental Notification Procedures

Prior to any student being produced by a school principal for **any** contact with officers, the principal or his or her designee shall:

1. Write down the name, badge number, and agency of the officer(s), together with the date and time of appearance;
2. Confirm by telephone with the agency that employs the officer(s) their identity and authorization in seeking contact with the student, and record the name and position of the person confirming such information and the time of such confirmation; and,

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

C. Administrative Monitoring of Contact with Students

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

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

II. POLICE CONTACTS

A. Investigation and Assistance

1. Police Investigations at the Request of School Authorities: A school principal may exercise his or her discretion in determining whether to request assistance of police in investigating any crime contrary to the laws of the State of New Mexico or of the United States, or any allegation of such crimes, including crimes committed at school or on school grounds during school hours, or during school sponsored activities.
2. Police Investigation Without Request of School Authorities: It should not ordinarily be necessary for police officers to interview students at school during school hours for criminal activity not committed at school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has **not** been requested by the principal.
 - a. If the police have determined that exigent circumstances exist to interview students at school regarding such crimes, the law enforcement agency shall first contact the school principal regarding the planned visit and shall give the principal the reason for conducting the investigation during school hours, school-sponsored activities, or on school property and shall obtain his or her approval.

- b. The principal shall approve and cooperate with the police during the investigation unless the principal determines that the investigation is being conducted for the purpose of harassment or for reasons not related to a criminal investigation. In the event that the principal declines to approve the interview he/she shall immediately report his/her opposition to the Superintendent of Schools, who shall notify and discuss the opposition with the appropriate police supervisor. Approval shall not be unreasonably withheld.
- c. A principal shall not, in any event, prevent the appropriate law enforcement agency from serving or executing court process (i.e. summonses, warrants, subpoenas) or court orders upon school grounds during school time, **provided** that the procedures set forth in Section I are first observed.
- d. A principal may also designate a reasonable time and place for law enforcement contact with students, including for service of process upon students under his/her control, in order to ensure that the educational process is not disrupted.

3. Requests for Police Assistance

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

B. Interrogation of Student Suspects in School

1. By or for Police: If law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities, and if criminal prosecution is anticipated by the law enforcement officers or the school principal, no interrogation shall commence unless:
 - a. A parent or guardian is present to counsel the student; or
 - b. The student suspect has been advised of his basic rights and, understanding those rights, has knowingly and voluntarily waived those rights as follows:
 - (i) Before interrogation, the police officer shall:
 - Advise the student of the nature of the crime for which he or she is a suspect,
 - Advise the student that he or she has the right to remain silent, that anything he or she says may be used against him or her in criminal or juvenile court and that he or she has the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and the student or parent(s) / legal guardian(s) may stop the interrogation at any time, in order to obtain an attorney and have him or her present at further interrogations.
 - c. The school principal or designee cannot waive these rights on behalf of the student, nor may he or she compel the student to submit to an interview or interrogation.
 - d. The school principal shall use his or her discretion and his or her knowledge of a student's age and mental or physical condition and shall not permit interrogation in an instance in which a parent is not present and the principal does not believe that the student can knowingly, intelligently, and voluntarily waive his or her rights.

- e. It is not the responsibility of the school principal to advise the student suspect of his basic rights as set forth in the Children's Code, NMSA 1978 §32A-1-16 and 32A-2-14.
 - f. The school principal shall not permit a student suspect age thirteen or under to be photographed or fingerprinted at school unless the law enforcement officer presents a court order authorizing it. See NMSA, §32A-2-14(I).
2. By School Personnel at Request of Police: If a student is being interviewed by a school administrator at the request or instigation of the police for law enforcement purposes, the interrogation may be conducted only if:
- a. The student is advised of his or her constitutional rights;
 - b. The student knowingly, intelligently, and voluntarily waives his or her constitutional rights; and
 - c. A reasonable attempt to notify his or her parent(s) or legal guardian(s) is made before the interrogation takes place.

C. Arrests of Students in Schools

- 1. General Policy: It should not ordinarily be necessary for police officers to arrest students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has **not** been requested by the principal.
- 2. Arrests with Advance Notice: In cases where a law enforcement agency deems it necessary to arrest a student during school hours or activities at school, the agency should notify the principal of the intended arrest prior to dispatching officers to the school, and the principal should request that a non-uniformed officer make the arrest if possible or that the services of school security officers be used if available.

3. Arrests in Emergency Circumstances: In emergency situations, where the immediate arrest of a student is deemed necessary by the police, including instances where the commission of a felony or serious breach of the peace has been witnessed by a police officer or if the police officer is in “hot pursuit” of the student for such crime, the police shall be entitled to take action to arrest the student on school property without a warrant.

- a. In cases in which an arrest of a student has been made in an emergency situation in which the police have taken custody of a student without providing school authorities the opportunity to conduct the Verification, Documentation, and Parental Notification procedures outlined in Section I.B., school authorities shall make every reasonable effort to have the arresting officer(s) comply with the Verification, Documentation, and Parental Notification Procedures **before** removing the student from school grounds.
- b. If the student has been removed from school grounds by law enforcement officers prior to compliance with the Verification, Documentation, and Parental Notification Procedures, school authorities shall contact the arresting agency and complete the Verification, Documentation, and Parental Notification Procedures as soon as possible after learning of the removal.

D. Search and Seizure by Police

1. On Request of School Authorities

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

2. Without Request of School Authorities

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

III. CHILD PROTECTIVE AGENCY CONTACTS

A. Duty to Report Suspected Child Abuse and Neglect

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

B. Investigations of Child Abuse and Neglect

1. Verification, Documentation, and Parental Notification Requirements

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

- a. In observing the Verification, Documentation, and Parental Notification Procedures, the school principal or designee shall determine from the investigator whether it is appropriate to notify the parent(s) or guardian(s) of the requested interview or the removal of the student from the school;
- b. In the event the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the principal shall record such direction as part of the Verification, Documentation, and Parental Notification Procedures.

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

HOBBS MUNICIPAL SCHOOL DISTRICT SEARCH AND SEIZURE

All teachers, administrators, school bus drivers, or security personnel (hereafter school employees) may conduct a search of a student's person or school property assigned to that student if they have a reasonable suspicion that a crime is being or has been committed, or they have reasonable suspicion that a violation of School Board policies or student disciplinary rules or codes of conduct has occurred and a search is necessary to help maintain school discipline and/or safety.

1. Notice of the schools' policy on searches and seizures shall be distributed to each student at the beginning of the term, or in the case of transfer students, upon enrollment.
2. Classrooms, lockers, desks, similar storage facilities, and school buses are school property and remain at all times under the control of the school; however, persons using such facilities are expected to assume full responsibility for the security of their possessions located in lockers and desks and similar facilities. Periodic general inspections of classrooms, lockers, desks and similar facilities or school buses may be conducted by school officials for any reason, at any time, without notice and without consent.
3. Definitions:
 - A. As used in this policy "contraband" means any substance, material or object prohibited from school pursuant to school policy or state or federal law, including drugs, alcohol, fireworks, or weapons.
 - B. A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in the presence of a witness of the same sex. Strip searches are not permitted.
 - C. Persons are permitted to park on school premises as a matter of privilege, not of right. The District retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent.

The interiors of vehicles on school property may be inspected whenever a school official has a reasonable suspicion that contraband is within such a vehicle.

- D. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established.
- 4. Searches of a student's person or vehicle on school property may also be conducted where there is reasonable individualized suspicion to believe that a crime or breach of the disciplinary code is being or has been committed.
- 5. If the search of a student, his/her locker, or possessions disclose contraband material whose possession violates the law, school employees should notify the appropriate law enforcement authorities.
- 6. Contraband which poses a threat to the safety or security of others may be seized and turned over to appropriate law enforcement authorities.
- 7. Items which are used or may be used to disrupt or interfere with the educational process may be removed from student possession.

(Ref. New Mexico State Board of Education Regulation No. 81-3, revised May, 1981)

FIRST AMENDMENT RESTRAINTS

Students are within the protection of the First Amendment, although their rights are not co-extensive with those of adults. Therefore, administrative authorities may exercise reasonable prior restraint upon the exercise of students' First Amendment rights, including standards of decency.

Freedom of Speech Assembly

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

Freedom to Publish, Distribute or Post

- A. Student publications must not contain libel, obscenity or attacks of a personal nature.
- B. Unauthorized solicitation will not be allowed on school property at any time. An exception to this rule will be sale of non-school-sponsored student newspapers published by students of the School District which distribution shall be at times and in places as designated by the school authorities.
- C. Material to be considered for distribution or posting must be submitted to the principal for review and approval at least three (3) days before such contemplated disruption or posting.
- D. The principal must notify the requestor of his/her decision by 4:00 p.m. the day previous to the contemplated distribution or posting.
- E. Failure to make such notification on the part of the principal will be interpreted to mean approval is granted for such distribution or posting.
- F. If the principal disapproves the distribution or posting of materials, the requestor may appeal the decision to the Superintendent of Schools and finally to the Board of Education.

EQUAL ACCESS

The Board of Education hereby requires that each school in the District create a limited open forum so that student groups may meet on school premises during non-instruction time regardless of whether or not such student groups are curriculum related. Student-initiated religious, political, and philosophical groups shall have the right, guaranteed by the Equal Access Act of 1984, to meet on the same basis and are subject to the same controls as any other student-initiated groups. Subject to reasonable control of the time, place, and manner of the speech, the secondary schools shall not use the content of student speech to discriminate against those students requesting access to the limited open forum.

The principal of each secondary school shall have the authority to determine other requirements for access to the limited open forum which satisfy the spirit and letter of the Equal Access Act and also satisfy minimum standards of fairness. In satisfying the secondary school's obligations under the Equal Access Act, where a limited open forum is provided, school employees shall not:

1. Influence the content of any prayer or other religious activity in the school;
2. Require any person to participate in prayer or other religious activity in the school;
3. Provide any public funding of any religious activity other than the cost incidental to the space for the student meetings;
4. Compel school employees to attend any meeting if content of the speech at the meeting is contrary to the beliefs of the employees;
5. Sanction meetings which would otherwise be unlawful;
6. Sponsor such religious meetings;
7. Attend such religious meetings other than in a non-participatory capacity
8. Allow meetings which materially and substantially interfere with the orderly conduct of educational activity with the school;
9. Allow non-school persons to direct, conduct, control, or regularly attend activities of such religious meetings;

10. Limit the authority of the school to maintain order and discipline on school premises to protect the well being of students and faculty, to assure that attendance at such religious meetings is voluntary, and to make such regulations as required by considerations of space, safety, and the common good.
11. Limit the access to the forum if the requesting students are not of a minimum specified numerical size.

POLICIES AND RULES DEVELOPMENT INVOLVEMENT

The Board of Education views student participation in school affairs as an extension of the educational process. This District will encourage students to participate through planned programs and procedures in the government of the school.

STUDENT BEHAVIOR

The Hobbs Municipal Schools Board of Education believes that the behavior of students is the joint responsibility of the individual, home, school and community.

Although school attendance is required by law, the privilege of attending school carries with it the responsibility for being a good citizen.

Students will be disciplined or suspended for unacceptable behavior and/or crimes identified below. This is not intended to be an all inclusive list, therefore, any other crime or ordinance violation not specifically mentioned will also be subject to disciplinary procedures. (Refer to Student Handbook for disciplinary actions in response to behaviors).

The commission of or participation in such activities in a school building, on school property, or at school-sponsored events is prohibited. Disciplinary action will be taken by the school regardless of whether criminal charges result.

Criminal Acts / Unacceptable Behavior

The following activities are among those defined as criminal under the laws of the State of New Mexico.

- A. Arson – the intentional setting of fire.
- B. Assault – physical threats or violence to persons.
- C. Burglary – stealing of school or personal property.
- D. Criminal Libel
- E. Explosives – possession of explosives is not permitted on school property or at school sponsored events.
- F. Extortion, Blackmail or Coercion – obtaining money or property by violence or threat of violence or forcing someone to do something against their will by force or threat of force.
- G. Firearms – possession of firearms is prohibited on school property or at school sponsored events.
- H. Larceny – theft.

- I. Malicious Mischief – property damage.
- J. Robbery – stealing from an individual by force or threat of force.
- K. Sale, use or possession of alcoholic beverages or illegal drugs.
- L. Use of telephone to terrify, intimidate, threaten, harass, annoy or offend.
- M. Trespassing – being present in an unauthorized place or refusing to leave when ordered to do so.
- N. Unlawful Interference with School Authorities – interfering with administrators or teachers by force or violence.
- O. Unlawful Intimidation of School Authorities – interfering with administrators or teachers by intimidation with threat of force or violence.
- P. Failure to comply with state school laws governing transportation, attendance, immunization and vaccination.
- Q. Stealing any property belonging to the School System, school employees or another student.
- R. Damaging any property belonging to the School System, school employees or another student.
- S. Interference with another student’s opportunity to learn, making disrespectful or obscene gestures, verbal insults, or physically assaulting another student.
- T. Any deliberate interference with the function of a school, disrupting the work of a classroom, refusing to obey, talking back to school employees, verbally insulting, threatening or making a disrespectful gesture to a school employee.
- U. Any willful misconduct or continued disobedience; neglect in regard to personal appearance, cleanliness or dress; immorality; willful absence (truancy) or tardiness without proper excuse; use of alcohol, tobacco, or narcotics on school premises; misconduct in school buses; misconduct while on school-sponsored trips, or failure to observe any school system policy, rule or regulation.

- V. Battery – the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent, or angry manner.
- W. Public Affray – consists of two or more persons voluntarily or by agreement engaging in any fight or using blows or violence toward each other in an angry and quarrelsome manner in any school, school campus, to the disturbance of others.
- X. Unlawful Assembly – consists of three or more persons assembling together with intent to do any unlawful act with force or violence against the person or property of another, and who shall make any overt act to carry out such unlawful purpose.
- Y. Sexual Harassment – refer to student handbook.

Dress and Appearance

Dress and appearance must not present health or safety problems or cause disruption. (Ref. JCDB)

Off-Campus Events

Students at school-sponsored events shall be governed by School District rules and regulations and are subject to the authority of School District officials. Failure to obey the rules and regulations and/or failure to obey the lawful instructions of School District officials may result in loss of eligibility to attend school-sponsored, off-campus events.

Refusal to Identify Self

All persons must, upon request, identify themselves to proper school authorities in the school building, on school grounds or at school-sponsored events.

Smoking

Smoking is prohibited on all school premises, on school buses and at school-sponsored activities.

Mind-Altering Substances (Alcohol, Illicit Drugs, etc.)

Alcohol, illicit drugs and/or mind-altering substances are prohibited on school premises, on school buses, and/or at school-sponsored activities. (Disciplinary Procedures – JD Discipline).

WEAPONS IN SCHOOL AND THREATS TO EMPLOYEES

The Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools.

Accordingly, it is the policy of the Board of Education that no student shall bring a weapon onto school property, nor carry or keep any weapon on school property or while attending or participating in any school activity, including during transportation to or from such activity. Nor shall any student threaten personnel either with or without a weapon.

The Board of Education hereby adopts a “zero tolerance” position as to any such activities. Further, the prohibitions on NMSA 1978, Section 30-3-9 (Assault and Battery of School Personnel); 30-7-2.1 (Unlawful Carrying of a Deadly Weapon on School Premises); and 30-20-13 (Interference with Public Officials) are incorporated herein by reference. Violation of such provisions shall be considered grounds for discipline hereunder.

Definition

For purposes of this policy, a weapon is any firearm, knife, explosive, or other object, even if manufactured for a non-violent purpose, that has a potentially violent use, or any “look-alike” object that resembles an object that has a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

Violations

Any student found to be in violation of this policy shall be subject to discipline in accordance with local and state policy and regulation. Nothing in this or other Board policies shall be construed to prevent the Board of Education from seeking to expel any student who brings a weapon to school for the first or any offense, and any policy which is inconsistent with this policy statement is hereby superseded.

All incidents of violation of this policy shall also be reported to appropriate law enforcement agencies for prosecution to the fullest extent of the law.

Enforcement

This policy shall be enforced according to the Board of Education's student search and seizure and student discipline policies. In compliance with the Federal Gun Free School Act, any student found to be in violation of this policy due to possession of a firearm shall, as a minimum, be long-term suspended from school for a period of not less than one calendar year.

GANG ACTIVITY

The Board of Education recognizes that the harm done by the presence and activities of gangs in the public schools exceeds the immediate consequences of such activities such as violence and destruction of property. Gang activities also create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive of the process of education and school activities. The Board of Education hereby adopts a “zero tolerance” position as to any such activities.

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

- A. Definition: For purposes of this policy, a “gang” is any group of two or more persons whose purposes include the commission of illegal acts or acts in violation of disciplinary rules of the Hobbs Municipal Schools.

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

- e. soliciting any person to engage in physical violence against any other person.

C. Application

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

D. Violations of Policy

Students who violate this policy shall be subject to the full range of school disciplinary measures, up to and including expulsion, in addition to applicable criminal and civil penalties.

SEXUAL HARASSMENT OF STUDENTS BY STUDENTS

Introductory Statement of Policy

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

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

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

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

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

When a student has made reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual harassment for the other student to continue to make such requests or give such attention. In other words, you do have to take “No” for an answer.

Nor shall this policy be construed to authorize students to engage in overt sexual activity on school property, even if consensual. Such conduct is addressed in the student handbook or conduct code.

DETAILED SPECIFICATION OF POLICY

A. Definitions and Standards of Conduct

Between students, sexual harassment is ***unwelcome*** conduct of a sexual nature. Specific definitions follow:

1. Conduct of a Sexual Nature

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

- a. verbal or physical sexual advances, including subtle pressure for sexual activity;
- b. verbal descriptions of sexual activity or soliciting or encouraging such description from students;
- c. repeated or persistent requests for dates, meetings, and other social interactions;
- d. initiating or repeating rumors, gossip or speculation about a student's sexuality, sexual activity, sexual preference or orientation;
- e. sexually-oriented touching, pinching, patting, staring, pulling at or attempting to look under clothing, or intentionally brushing against another;
- f. showing or giving sexual pictures, photographs, illustrations, messages, or notes;
- g. using physical proximity or closeness as a physical or sexual advance;

- h. writing graffiti of a sexual nature on school property;
 - i. comments or name-calling of a sexual nature to or about a student regarding alleged physical or personal characteristics, appearance, clothing or sexual preference or orientation;
 - j. creating or circulating written material which is vulgar, derogatory or offensive, directed to a particular student or students such as “slam books” or the like;
 - k. sexually-oriented kidding, teasing, “double-entendres”, and jokes; and expressions or gestures to convey sexual messages;
 - l. any harassing conduct to which a student is subjected because of or regarding the student’s sex.
2. Standard of Conduct for Students: Unwelcome Conduct of a Sexual Nature
- a. Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the allegedly harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.
 - b. A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcomed in order for any such subsequent conduct to be deemed unwelcome.

B. Reporting, Investigation and Sanctions

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

- a. Reporting of Sexual Harassment by a Student or Students:
 - (i) Any student who believes he or she has been sexually harassed by another student or other students, may tell a teacher, counselor, or principal or assistant principal.
 - (ii) If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) or legal guardian(s) about the problem, and ask for the parent(s) or legal guardian(s) help in reporting the sexual harassment to appropriate school personnel.
 - b. Reporting by Employees Mandatory:
 - (i) Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, or who himself or herself observes instances of sexual harassment must notify his or her immediate supervisor or the Superintendent, regardless of whether the employee receiving the report or observing the instance considers the matter credible or significant.
2. Investigation: All reports of sexual harassment of students will be appropriately and promptly investigated by the Superintendent or his or her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.
 3. Sanctions: Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

ANTI-BULLYING

PURPOSE

The effective education of our students requires a school environment in which all students feel safe and secure. The Board of Education is committed to maintaining an environment conducive to learning in which all students are safe from bullying, violence, threats, name-calling, intimidation, and unlawful harassment.

The Board forbids discrimination against any student on the basis of race, color, religion, national origin, gender, age, or disability (referred to herein as “protected characteristics”), on school premises, at any school sponsored activities, or during any school supplied transportation, by any students, employees, non-employee volunteers, or any other persons who are subject to the control of school authorities.

The Board of Education finds that practices known under the term “hazing” are dangerous to the physical and psychological welfare of students, and are prohibited in connection with all school activities.

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

Further, the Hobbs Municipal Schools reserves the right to respond to conduct prohibited by this policy when committed by persons not directly subject to the authority of the School District (e.g. parents, school patrons, community members, vendors, etc.) by reporting such conduct to local law enforcement because it is disruptive to the functions of the School and may violate NMSA 1978 Section 30-20-13.

DEFINITIONS

Bullying – means any repeated or pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to, or does, cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, at school activities or sanctioned events. Bullying includes, but is not limited to hazing, harassment, intimidation or menacing acts of a student, which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, gender, religion, disability, age or sexual orientation.

ADOPTED: 12-17-07

AMENDED:

1 of 6

Name-Calling – means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student’s actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature.

Harassment Based on Protected Characteristics– means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, national origin, gender, religion, disability, age or sexual orientation, and that:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive work and/or learning environment;
- b. Has the purpose or effect of unreasonably interfering with the student’s ability to benefit from any educational program or service provided by the District; and
- c. Is so offensive or pervasive as to adversely effect the educational performance of the student.

Sexual Harassment Of Students By Students – is further addressed by a separate policy of the Board. (See Policy No. JCDAC)

Hazing – includes, but is not limited to:

- a. Engaging in any offensive or dangerous physical contact, restraint, abduction, or isolation of a student, or
- b. Requiring or encouraging a student to perform any dangerous, painful, offensive, or demeaning physical or verbal act, including but not limited to the ingestion of any substance, exposure to the elements, deprivation of sleep or rest, or extensive isolation, or
- c. Subjecting a student to any dangerous, painful, harmful, offensive, or demeaning conduct, or to conduct reasonably likely to create extreme mental distress, as a condition of membership in, or initiation into, any class, team, group, or organization sponsored by, or permitted to operate under, the auspices of, a school of the District, or for similar or related purposes, *provided*, that such

conduct shall not be considered hazing when it is a recognized and integral part of the particular sport or activity.

PROHIBITIONS

Bullying (Intimidation, and Hostile or Offensive Conduct)

1. It is the policy of the Board of Education to prohibit violence, threats, name-calling, bullying, unlawful harassment, harassment based on prohibited characteristics, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile, or offensive environment for students, regardless of motive or reason. The Board and Superintendent will not tolerate such victim-based misconduct by students or staff.
2. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this policy.
3. No employee or student may knowingly give false reports or information under this policy.
4. Such conduct committed by employees toward students, other employees or school patrons or by non-school persons (i.e. parents, volunteers, community members, visitors, or vendors, etc.) shall be reported and investigated as specified below.

Hazing

1. Hazing is prohibited in all schools of the District, in connection with any school-sponsored event, function or activity, whether on or off school property, and whether during or outside school hours.
2. School officials, employees, and volunteers:
 - a. Shall not permit or tolerate hazing, and
 - b. Shall intervene to stop hazing that is threatened, found, or reasonably known or suspected to be occurring, and

- c. Shall report known or suspected hazing to the school principal or the Superintendent.

REPORTING PROCEDURES

1. It is the express policy of the Board to encourage students who are victims of such physical or verbal misconduct, harassment on the basis of protected characteristics, or hazing to report such claims and/or conduct to the principal, assistant principal, or to the Superintendent.
2. Students or their parents may report such conduct to the school principal, assistant principal, or to the Superintendent.
3. Any employee who, as a result of personal observation or a report, has reason to believe that a student is a victim of conduct prohibited by this policy, whether the conduct is by another student, another employee, or other person subject to the authority of the District, shall notify his or her principal, assistant principal, or the Superintendent, of such observation or report in writing within twenty-four (24) hours.
5. No person shall knowingly make a false charge, or give false information in the investigation, of a possible violation of this policy.

INVESTIGATION

1. All reports of conduct in violation of this policy shall be promptly investigated by the school principal or his/her designee. Where violations of criminal law may have occurred, the principal, in consultation with the Superintendent or his/her designee, shall report the matter to the appropriate law enforcement agency.
2. Principals who receive complaints of violation of this policy shall investigate such complaints, and shall report the complaints, the scope and elements of their investigations, the findings of their investigations, and actions they propose to take, if any, to the Superintendent for approval within ten (10) school days of receipt of such complaints. The Superintendent will respond to such submissions within five (5) school days, approving the proposal or directing further or different action.
3. In assessing the existences of a violation of this policy and the appropriate discipline, the principal or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the

alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

CONFIDENTIALITY

The identities of those reporting violations of this policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with

the requirements of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.

SANCTIONS

1. Any employee who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this policy, shall be subject to discipline, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.
2. Any student who is found to have engaged in conduct prohibited by this policy, shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.
3. Any non-school person (parent, volunteer, school patron, community member, visitor, vendor or other person present on school property or at any school function, activity or event) who is found to have engaged in conduct prohibited by this policy shall be subject to restriction or prohibition from school property, functions, activities or events, and reported to law enforcement in accordance with NMSA 1978 Section 30-20-13.

PUBLICATION

This policy shall be published in the Board's policies manual and on the District's website. A summary of this policy shall be published each year in all student and employee handbooks.

HEALTH EDUCATION

The anti-bullying policy is required to be included as part of the health curriculum as set forth in 6.30.2.19 NMAC (content standards – health education).

The Superintendent or his/her designee shall ensure that District health education programs address bullying and related issues encompassed by this policy.

HOBBS MUNICIPAL SCHOOLS APPEARANCE STANDARD

It is the aim of the Hobbs Municipal Schools to have displayed to the public, at all times, a standard of morals, conduct, dress, attitudes, courtesy and friendliness on the part of students which will be above reproach or criticism.

The public will judge our schools on the basis of any or all of these characteristics as found, or not found, in each student at all times. Therefore, in keeping with the above aim, the following appearance standards have been adopted for the Hobbs Municipal Schools.

ELEMENTARY APPEARANCE STANDARDS K-6Students

- A. Must wear shoes.
- B. Hemline of all garments must be hemmed, can be no shorter than approximately four (4) inches above the knee and cannot drag the ground.
- C. Hair must be kept neat, clean, and well-groomed, with **NO** hair painting.
- D. Coverall straps must be fastened over the shoulder.
- E. Shirts or blouses shall be long enough and will be tucked in at the waist.

Are not to wear the following to school:

- A. bare midriff garments; halters; tops with low necklines, spaghetti straps or low armpit openings; or tank-tops.
- B. Coarse knit, transparent, torn, and/or "see through" garments.
- C. "Cut-offs" or spandex garments (i.e. biker shorts) and soccer shorts.
- D. Any clothing or accessories that advertise or depict: tobacco products; alcoholic beverages; drugs; lewd, offensive, vulgar, or obscene writings and pictures; or death and dismemberment; gangs, satanic groups and/or cults.
- E. Flip-flops, backless shoes or shoes with cleats.

- F. Pants that are saggy or baggy.
- G. Oversized pants legs (no wider than 10") or pants with oversized pockets (no larger than 6" wide and 7" deep), camouflage or para-military fatigues.
- H. Temporary or permanent tattoos or stamps on the skin that are exposed to public view.
- I. Rings or jewelry in pierced locations on the student's body other than the earlobe. Students may wear a single earring or item of jewelry no larger than one (1) inch in either or both earlobes.
- J. Make-up during school or school sponsored activities unless prior authorization from the principal has been obtained for specific events or purposes.

SECONDARY APPEARANCE STANDARDS

Students

- A. Are prohibited from coming barefoot to school.
- B. Are not to wear the following to school:
 - 1. Flip-flops;
 - 2. Bare midriff garments or halters;
 - 3. Tube tops, tank tops, shirts with straps less than 2 inches wide, sleeveless shirts with low armpit openings, coarse knit, transparent, and/or "see through" garments;
 - 4. "Cut-offs", biker shorts, spandex shorts, boxer shorts, or other shorts considered to be inappropriate;
 - 5. Mini-skirts;
 - 6. Clothing or accessories, symbols, or jewelry that advertise or depict association with gangs, satanic groups, or cults, tobacco products, alcoholic beverages, drugs; lewd, offensive, vulgar, or obscene writings and pictures shall not be brought to school, worn to school, or in any way be present at any school related event;
 - 7. Clothing issued by the school.

- C. Are not to wear camouflage/para-military attire (fatigues).
- D. Are not to wear or bring headbands, hats/caps/head coverings, chains, lanyards, or similar items.
- E. All outer garments must be at a length of no more than four (4) inches above the knee.
- F. All outer garments must be hemmed.
- G. Leggings may be worn under any legal length outer garment; leggings may not be worn as pants.
- H. Are to be clean shaven at all times and side burns are not to extend past the ear lobe.
- I. Oversized or baggy pants are not permitted. Pant legs may not be wider than 13 inches and will not drag the floor.
- J. All pants are to be worn at the waist. "Sagging" is not permitted. All shirts or blouses if of sufficient length to be tucked in, will be tucked in.
- K. The neck opening on any type shirt or blouse may not exceed the equivalent of the second button below the collar of a dress shirt or blouse.
- L. Tattoos or skin stamps will not be exposed to public view.
- M. Body piercing will not be allowed other than in the earlobes.

The schools reserve the right at all times to regulate all students' appearances that creates disruption, is a distraction to learning, is of questionable decency, and/or creates a health or safety hazard.

The appearance standard is under constant consideration by students, parents, and staff members. Should a change in the standard be made, students will be informed of the change well before it goes into effect.

COMPLAINTS AND GRIEVANCES

Every effort shall be made by administrators and faculty members to resolve problems through effective utilization of School District resources in cooperation with the student and parent(s) / legal guardian(s).

In the event that a problem is not resolved, the following complaint procedure will be followed by the student and parent(s) / legal guardian(s).

- A. Teacher
- B. Principal
- C. Superintendent's Designee
- D. Superintendent
- E. Board of Education
- F. Complaints and grievances concerning compliance with Title IX and its rules and regulations shall be referred to the Assistant Superintendent for Personnel and/or the Assistant Superintendent for Instruction.

STUDENT DISCIPLINE

Consequences for inappropriate behavior may be imposed to reinforce the teaching of student self-discipline. Such discipline and/or penalty may include detention, in-school suspension, suspension, expulsion or corporal punishment. (Refer to Student Handbook for disciplinary actions in response to behaviors).

Procedure for Disciplinary Actions

The authority possessed by the State to prescribe and enforce standards of conduct in its schools must be exercised consistently with constitutional safeguards and student's legitimate entitlement to a public education as a property interest which may not be taken away for misconduct without adherence to the minimum procedures required by due process. All disciplinary actions are subject to regulations imposed by the State of New Mexico and/or the State Department of Education. (Ref. New Mexico State Board of Education, Regulation 6.11.2.12,).

Use of Reasonable Force by Staff

Nothing herein is intended to prevent staff from touching students to guide or move them or get their attention, from using reasonable force for self-protection, to restrain a student who exhibits actual or potential violence or disruption, or otherwise to maintain discipline.

Student Activities Discipline

A student in violation of any of the adopted disciplinary rules while on a school activity will be subject to the regular school discipline as identified in this policy and administered by the building principal. Additional disciplinary action may be taken by the coach, sponsor or teacher with the approval of the building principal.

Detention

Detention may be used as a disciplinary measure. Detentions are to be under responsible supervision and with adequate notification to the parent(s) / legal guardian(s).

Immediate Removal

“Immediate Removal” means the removal of a student from the class and/or school for a period of one day or less.

Regardless of what other disciplinary action also may be considered appropriate, or what other disciplinary actions are implemented, students whose presence poses a danger to persons or property or a threat of disrupting the educational process may be immediately removed from school or school-sponsored events.

- A. Oral or written notice of the allegations against the student and a rudimentary hearing shall follow as soon as practicable.
- B. Parent(s) / legal guardian(s) shall be given oral or written notice of the allegations against students as soon as possible.

Suspension

“Temporary Suspension” means the removal of a student from class or school for a specified period of ten (10) school days or less.

“On-Campus Suspension” means the student is removed from a classroom and placed under supervision to perform that student’s work for a specified period of ten (10) school days or less.

Where it is anticipated that a student will be subject to temporary suspension or on-campus suspension, the due process clause requires that the student be given oral or written notice of the allegations against that student. If the student denies these allegations, an explanation of the evidence the administrative authorities have will be given. The student will have an opportunity to present his/her side of the story.

“Long-Term Suspension” means the removal of a student from school for a specified period of time exceeding ten (10) school days.

Temporary and long-term suspension may be used when appropriate. When the need for suspension is immediate, temporary suspension will be invoked while complying with the procedures for activating long-term suspension. (Ref. Due Process Policy JCA)

Expulsion

A student may be expelled only by the Board of Education. "Expel" is defined as the dismissal of a public school pupil for breach of rule, regulation or requirement of the school authorities. The procedure is established in Section JCA hereof and shall be followed in all cases of expulsion of public school students unless rendered impossible by the student or unless expressly waived by the student's parent(s) / legal guardian(s). (Ref. NM 81-3)

Corporal Punishment

Corporal punishment (the spanking of a student on the buttocks with a paddle) is not forbidden and is administered in the school system in cases where it is believed it will achieve the desired results, and in keeping with the following established guidelines.

Subject to the terms of this policy, corporal punishment is authorized as a disciplinary tool in the School District.

- A. Corporal punishment will not typically be administered until other forms of discipline have been tried and only as a last resort short of suspension or expulsion from school.
- B. Corporal punishment may be administered only by the principal or assistant principal (hereafter referred to as "The Disciplinarian") as outlined by policy. Where a person authorized to administer corporal punishment is involved in the event necessitating corporal punishment, that person should not administer corporal punishment nor serve as a witness to corporal punishment. Corporal punishment shall be administered in a calm manner – never in anger.
- C. Prior to determining that corporal punishment should be administered, the disciplinarian should conduct an informal give-and-take with the student at which the disciplinarian informs the student of the evidence indicating that the student committed the infraction, and permits the student to tell his/her side of the story. The disciplinarian may interview other persons or conduct an additional investigation if he/she believes the circumstances warrant it, but is not required to do so.

- D. Corporal punishment may be administered in any case where the disciplinarian believes it would be effective and appropriate as a disciplinary tool for that student and reasonably believes that the student is physically and emotionally able to withstand reasonable corporal punishment. However, the administration of corporal punishment is subject to Subsection A of this policy, and may not be administered unless a current parent/legal guardian permission slip is on file, and only if all policy procedures have been followed.
- E. Before administering corporal punishment for a particular incident, the disciplinarian shall make reasonable efforts to contact a student's parent/legal guardian to obtain their concurrence in the administration of corporal punishment. A reasonable effort will be made to encourage and afford parents/legal guardians the opportunity to attend the administration of corporal punishment.
- F. Corporal punishment can be administered to students in grades Kindergarten through twelve.
- G. Corporal punishment may be administered to a special education student only if permitted by the student's Individual Education Plan and pursuant to the terms of the IEP.
- H. Corporal punishment may only be administered by a wooden paddle which is smoothly sanded and has no cracks or holes and which has the following maximum dimensions: twenty inches in length, three and one half inches in width, and not to exceed three quarters of an inch in thickness.
- I. The corporal punishment policy is to be administered solely as per the direction of the Superintendent of Schools.

STUDENT DISCIPLINE

The following disciplinary action will be taken if a student is found to be in possession of, using, and/or under the influence of alcohol, illicit drugs, and/or any mind-altering substance on school premises and/or any school-related environment or activity.

First Offense

- A. Parent(s) / legal guardian(s) will be notified.
- B. Proper legal authorities will be notified.
- C. The student will be suspended. The length of such suspension will depend upon the severity of the incident and will be at the discretion of the principal.
- D. Before a student is permitted to re-enter school, it may be necessary for the student to provide proof of involvement in a social service and/or related rehabilitation program.

Second Offense

- A. Parent(s) / legal guardian(s) will be notified.
- B. Proper legal authorities will be notified.
- C. Student will be long-term suspended or expelled from Hobbs Municipal Schools.

Mind-Altering Substances (Sale and/or Distribution Of)

The following disciplinary action will result upon discovery that a student is involved in the sale and/or distribution of alcohol, illicit drugs, and/or any mind-altering substances on school premises and/or any school-related environment or activity.

- A. Parent(s) legal guardian(s) will be notified.
- B. Proper legal authorities will be notified.
- C. Student will be long-term suspended or expelled from Hobbs Municipal Schools.

EXTRA-CURRICULAR ACTIVITY DRUG AND ALCOHOL TESTING POLICY

- I. Purpose of Drug and/or Alcohol Testing for School-Sponsored Extra-Curricular Activities
 - A. Recognizing an increase in the use of drugs and alcohol by Hobbs School's students, a program will be instituted as a pro-active approach to a truly drug and alcohol free school. Evidence of a problem in Hobbs has come to our attention by way of information about increased referrals through the Hobbs Police Department, Secondary Discipline Reports and the HMS Violence and Vandalism Report.
 - B. Through their participation in school sponsored, extra-curricular activities and athletics, students using drugs and alcohol pose a threat not only to themselves, but to the health and safety of all students. This program was adopted in the interest of the health and safety of all students.
 - C. To undermine the effect of peer pressure by providing an additional legitimate reason for students to refuse to use drugs and alcohol.
 - D. To encourage students who use drugs and alcohol to participate in drug and alcohol treatment programs. It is designed to create a safe, drug-free environment for students that participate in extra-curricular activities and assist them in getting help when needed.
- II. Objectives
 - A. To provide a deterrent to the use of drugs and/alcohol by students participating on athletic teams or school sponsored activities.
 - B. To give students an additional legitimate reason to resist peer pressure to use drugs and alcohol.
 - C. To protect the health and safety of our students from the use and abuse of drugs and alcohol.
 - D. To provide any student found to be using or abusing drugs and/or alcohol with assistance in overcoming this use or abuse.

- E. To ensure that students involved in extra-curricular activities set an appropriate example for their fellow students, for whom they are often role models.

III. Testing Procedures

Students in grades 8 – 12 who participate in any school-sponsored, extra-curricular activities and athletics will be subject to random drug testing. The Hobbs Municipal Schools athletic program is sponsored by the NMAA (New Mexico Activities Association) and sanctioned by the Hobbs Municipal Schools Board of Education. All Hobbs High School activities are sanctioned by the Hobbs Municipal Schools Board of Education.

No student shall be allowed to practice or participate in any extra-curricular program until the student has returned a properly signed Extra-Curricular Activity Drug and/or Alcohol Testing Consent Form. Refusal to cooperate with the requirements of this policy including failure to provide a urine and/or breath sample will be treated as a resignation from all extra-curricular activities for one calendar year beginning from the date of refusal.

IV. Violation Procedure

A parent / legal guardian, coach or sponsor, program director and site administrator conference will be required when a student commits a first violation.

SUBSTANCE VIOLATIONS

First Violation

1. The student will be suspended from participating for fifteen (15) consecutive school days beginning from the date of verification of the first violation.
2. The student will miss a minimum of 20% from games, contests and / or performances. (*See Chart)
3. The student will be required to attend their extra-curricular activities scheduled at home (sit with group, not in uniform). The student will not be allowed to attend out-of-town events.

4. Following a first violation, the student will be immediately suspended from attending after-school practices, rehearsals or meetings of their activity. This suspension will last for the duration of their suspension from their activity. However, the student will continue to attend practices, rehearsals or meetings of their activity which take place during the school day for which they receive credit.
5. As a condition of continued participation in extra-curricular activities, the student must attend a mandatory drug and alcohol education program or drug and alcohol counseling at the student's expense. The counseling or drug education program must last a minimum of four (4) weeks and the student must attend the program a minimum of one (1) hour per week. Students are required to submit verification of attendance before resuming participation in extra-curricular activities.
6. As a condition of continued participation in extra-curricular activities, upon the student's reinstatement to their activity, the student will submit to bi-weekly drug and/or alcohol tests on random days for the next four (4) weeks. A positive result that does not show a drop in drug levels, compared to the original test, will be considered a second violation. Bi-weekly submissions will be provided at the expense of the Hobbs Municipal School District.
7. Following a first violation, the student will sign an acknowledgement of the consequences of a second offense.

Second Violation

1. Following a second violation, the student will be suspended from all extra-curricular activities for one (1) calendar year.
2. As a condition of continued participation in extra-curricular activities, the student must successfully complete a drug and alcohol education or drug and alcohol counseling program at the student's expense. This program must be approved by the Superintendent or designee.
3. As a condition of continued participation in extra-curricular activities, the student must provide, at the student's expense, results of drug and/or alcohol use tests on a monthly basis. A positive result will be considered a third violation.
4. Following a second violation, the student will sign an acknowledgment of the consequences of a third offense.

Third Violation

1. The student will be suspended from participation in all school-sponsored extra-curricular activities and athletics for as long as he / she attends the Hobbs Municipal Schools.

Appeals

A student may appeal a suspension under this policy to the Superintendent by filing a written notice within five (5) days of the positive report of drug and/or alcohol use. The student will remain suspended from their activity pending an appeal. The Superintendent shall conduct an investigation to determine whether or not the original finding and suspension from their activity were justified. The Superintendent's decision may be appealed in accordance with the existing school policy.

*Game Suspension Table

Number of Regular Season Games, Contests, & Performances	20%
9 or less	1
10 – 14	2
15 – 19	3
20 – 23	4
24 – 26	5

SELF REFERRAL POLICY

Purpose

Students who voluntarily come forward to ask for help with drug or alcohol problems should be given help. Coaches and sponsors occupy special roles in the lives of their students. Often a student will choose to talk about a personal problem with his or her coach or director while at the same time that student may feel uncomfortable discussing the same problem with a parent or other important adult in their life. Our coaches, sponsors and directors want to maintain this position so that students feel free to come to them if there is a drug or alcohol problem. This policy allows the student to voluntarily come forward to ask for help.

Informing Athletes About the "Self Referral Policy"

The coach or sponsor will advise the students at the beginning of the season that if they have a problem with drugs or alcohol, they should talk with a coach or sponsor. The coach or sponsor will also let the students know that there are others they can talk to about drug or alcohol related problems such as the athletic trainer, athletic director, school nurse or any other administrator. The students will also be given a copy of the self referral policy at the first meeting or practice or the activity.

Participation in the Self Referral Program

The coach or sponsor will first meet with the student to discuss the problem. With the consent of the student, the coach / sponsor will meet with the parent or guardian. Together, they will arrange drug and alcohol education or drug and alcohol counseling. A list of agencies will be provided to the family. They will select an agency and begin the program. The student must submit to a drug and alcohol test, at the District's expense, to begin participation in the self referral program. A positive result for drug or alcohol use **WILL NOT** be considered a violation of the Extra-Curricular Activity Drug and/or Alcohol Testing Policy.

The student will be required to attend a minimum of four (4) hours of drug and alcohol education or counseling. If the student discontinues their participation in the drug and alcohol education or counseling program prior to attending four (4) hours of the program, the student must submit to a drug and/or alcohol use test. A positive result for drugs and/or alcohol use **WILL** be considered a violation of the Extra-Curricular Activity Drug and/or Alcohol Testing Policy. If all other requirements have been completed, a

negative result will be considered successful completion of the self-referral program. The student will then return to the random testing pool.

A student may only self refer one (1) time while they are enrolled in the Hobbs Municipal School District. A student may not self refer on the day of random drug and/or alcohol testing.

GUIDANCE PROGRAM

The Board of Education directs the Superintendent/designee to provide the appropriate guidance and counseling services in support of the instructional program.

Educational Guidance

Counselors will provide educational guidance at all levels of the School System. Counselors will administer and interpret the student testing program. Guidance and counseling will include pre-enrollment advice, course selection and the designing of a four-year course plan for grades nine through twelve.

Personal and Vocational Guidance

Counselors will provide personal and vocational guidance to students. Such guidance can be initiated by the student, parent(s)/ legal guardian(s), appropriate staff member or the counselor.

Discretion will be exercised by the counselor in the utilization of information obtained from a student if it could be interpreted to be confidential in nature. However, counselors must report information to proper authorities where bound by law.

REPORTING

Report Cards

A report on the academic performance of a student will be made to the parent(s)/legal guardian(s) by the professional staff on a periodic basis. The form will be by subject on a regular report card except in such instances requiring the use of a different form to clarify or enlarge upon student progress.

- A. Report cards will be issued to each student at the end of each nine-week period.
- B. The calendar of events will indicate the date report cards are to be issued.
- C. Report cards will be issued to students who attend the Hobbs Municipal Schools thirty (30) days during the nine-week period. If a student fails to receive a report card, a note of explanation will be sent to the home containing the reason or reasons for withholding grades. Such reasons as failures to pay school fees, damage to textbooks or school property, or less than thirty (30) days attendance may be the reasons for not sending the report card home.
- D. Each teacher will devote some time with the students prior to issuance of report cards, with an explanation of the system of grading, plus the points graded upon.
- E. Any pertinent information on the card other than subject matter grades, should be included, such as work habits or citizenship or number of times tardy, etc.
- F. In every instance where a student is not performing to ability, the teacher will make an effort to contact the parent(s)/legal guardian(s).
- G. Progress reports will be sent home at the end of each four one-half (4 ½) week grading period.

Student Conferences

Classroom teachers will assume counseling as a professional responsibility and will conduct student conferences as are practical and possible.

Parent(s) / Legal Guardian(s) Conferences

Conferences with parent(s) / legal guardian(s) will be scheduled by the professional staff to achieve maximum understanding and communication between the home and the school. These conferences may be requested by the school, the principal, and/or the parent(s) / legal guardian(s). Documentation will be made of all conferences and contacts with parent(s) / legal guardian(s).

GRADING POLICIES

Grading

A. Subject Grade

1. The subject grade will be based upon the students' mastery of the content of the course.
2. Mastery of the course will be measured by numerical percentages. The following scale will be utilized:

A	90 – 100
B	80 – 89
C	70 – 79
D	60 – 69
F	59 – Below

3. The student will be given a thorough explanation of the grading system, i.e., the content on which the grade for the course depends, the weight attached to various phases of the material, the manner in which the numerical grade is devised, and the meaning of the final grade which is sent home as a report to the parent(s) / legal guardian(s). (Ref. JF)
4. Grades on subjects will not be affected by disciplinary problems while the student is present in the classroom.
5. A student is to be graded on the basis of achievement in the curriculum level in which the student is working. Thus, a student who is actually working at a higher or lower grade level than assigned will be graded on the basis of achievement at that grade level curriculum, and this information must be so designated on the students' report card. The parent(s) / legal guardian(s) will be made aware that the student is not working at this actual grade level but rather is working on a different grade level.

B. Report Cards and Records

1. A minimum of eighteen grades per grading period will be kept in the teacher's grade book for all numerically graded subjects. An average grade for the nine-weeks also will be recorded in the grade book.
2. Grade reports to the parent(s) / legal guardian(s) are made on a nine-weeks basis. Report cards include an explanation of the grading scale used.
3. No grades are given in the first grade for the first nine-weeks period. Instead, comments are written for that period. Teachers should state on the report card that this is a readiness period.
4. Report cards are sent home according to a schedule which is developed at the beginning of the school year.
5. Numerical grades are given in the following elementary subjects:

Grade One	Reading Arithmetic
Grade Two	Reading Arithmetic Spelling
Grade Three	Reading English Arithmetic Spelling
Grade Four to Six	Reading English Arithmetic Social Studies Science and Health Spelling

6. Grades of S, I, or U are used for grading the following subjects at the elementary level (S – Satisfactory, I – Needs Improvement, U – Unsatisfactory)

Art	Work Habits
Music	English (Grade 2)
Penmanship	Instrumental Music
Physical Education	Social Studies (Grade 3)
Conduct	Science & Health (Grades 2 & 3)

7. Kindergarten will be graded S, I and U, (Satisfactory, Needs Improvement, Unsatisfactory) in the areas of Social Skills, Language and Reading Readiness, Mathematics and Motor Development. The first nine-weeks period is a readiness period in which no grades are given.

8. Numerical grades are given in the following subjects at the secondary level:

Language Arts	Mathematics
Social Studies	Science
Special Education	Technology
Vocational/Business	Foreign Language
Physical Education	Fine Arts

9. Grades S, I, and U are given in the following subjects at the secondary level:

Teacher's Assistant	Office Assistant
Library Assistant	Physical Fitness (Athletics)

Promotion, Advancement and Retention Policies

Mastery of skills should be first in considering a student for promotion, remediation or retention. Factors such as age, social maturity, psychological factors, family attitude toward promotion, remediation and retention will also be considered in determining status of the student. A student will not be retained in the same grade more than once. (Ref. IG)

- A. "Promotion" is defined as progression to the next higher grade based on the established grading scale.
- | | |
|--------|---|
| K - | Based on passing Reading and Mathematics. |
| 1 – 3 | Based on passing Reading and Mathematics. |
| 4 – 6 | Based on the cumulative averages of all graded subjects. |
| 7 – 8 | Based on the cumulative average of the 5 required subjects. |
| 9 – 12 | Based on credits earned towards graduation. |
- B. "Promotion with A Plan" is defined as progression to the next higher grade on the basis of age, social maturity, psychological factors and family attitude. It will be understood in cases of promotion with a plan, that achievement in the curriculum of the grade level (elementary) or subject level (secondary) being reported upon has been unsatisfactory therefore failing. All cases in which the student has been advanced in grade (elementary) or classification (secondary) must include an explanation in the student's permanent record and noted on the report card. In all cases of advancement proper procedures outlined by the State Department of Education must be followed. (Ref. IG – 2 of 10 & 3 of 10).
- C. "Retention" is defined as repeating the same grade (K-8) a second year. If there is a possibility of the student being retained, then it is required that the teacher hold a conference with the parent(s) / legal guardian(s) no later than the fourth week of the second semester. If retention is recommended the parent(s) / legal guardian(s) must be informed six weeks before the end of school. The final decision to "retain" the student will be made at the end of the school year.
- D. "Classification" of students in grades nine through twelve will be according to the cumulative number of credits that each student has earned.

STUDENT WELFARE

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

- A. The local Board of Education recognizes that the health and safety of the students of this District are primary concerns and that it is necessary, in order to protect student health and safety, to adopt a policy governing the manner in which the Board of Education and its administration will protect the health and safety of all students when any current or potential student is infected with a communicable disease. This policy is adopted in order to protect the legitimate interests and rights of students with communicable diseases or who are carriers of communicable diseases, while also protecting the health and safety of the remaining students in the District.
- B. No student, otherwise qualified to attend the schools of this District, shall be denied admission, suspended, expelled, segregated, restricted from curricular or extracurricular activities, have his or her education program changed nor otherwise be denied the benefits of the educational program a result of the student being a carrier of or having any communicable disease, unless the procedures specified herein have been followed.
- C. The District will not require mandatory testing or screening of students for communicable disease as a condition precedent to registration or admission to school, either initially or annually. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease, such student may be required to submit an appropriate medical examination, at the expense of the District.
- D. For the purposes of this policy, "communicable diseases" are defined as diseases which can be transmitted from person to person and include, but are not limited to, the following:
- | | | |
|----|-------------------------------|--|
| 1. | Vaccine-Preventable Diseases | Student may not return to school. |
| a. | Measles (Rubeola) | Until 4 days after rash begins. |
| b. | German Measles (Rubella) | Until 7 days after rash begins. |
| c. | Whooping Cough
(Pertussis) | Until patient has been on antibiotics for at least 5 days or |

4 weeks after onset of cough of infected child if not treated.

- d. Mumps
Until 9 days after glands swell.
- e. Diphtheria
Until therapy is complete and student has had verification by medical statement that they are free of infection.
- f. Haemophilus Influenzae
Until on antibiotics for 24 hours.
- g. Polio
Until at least one week
After onset of symptoms.

2. Other Communicable Diseases

- a. Chicken Pox (Varicella)
Until lesions are crusted;
at least 5 - 7 days.
- b. Diarrhea due to Shigella or Campylobacter
Until diarrhea & fever are absent.
- c. Diarrhea due to Salmonella Typhi (Typhoid Fever)
Until fever, vomiting and diarrhea have ceased and 3 consecutive negative stool
- d. Acute Hepatitis A
Until 7 days after jaundice begins. May attend school unless otherwise directed by Department of Public Health.
- e. Fifth Disease
No exclusion; notify pregnant staff members of outbreaks.

f. Acute Conjunctivitis Exclusion from school not necessary, prevention education is encouraged.

3. Chronic Communicable Diseases

a. Tuberculosis (Active) Exclusion from school until cleared by Department of Health Tuberculosis Control Program.

b. Human Immunodeficiency Virus (HIV) Infection (including AIDS) No exclusion.

c. Hepatitis B carrier (Only Carriers are of concern) No exclusion.

E. Parent(s) / legal guardian(s) of students attending or enrolling in the schools of the District have an obligation to disclose, to the appropriate administrator, the fact that the student is a carrier of or is infected with either a chronic or an acute communicable disease as soon as the parent(s) / legal guardian(s) becomes aware of the condition.

F. For acute communicable diseases, parent(s) / legal guardian(s) shall absent their children from school during the contagious period. Parent(s) / legal guardian(s) may voluntarily choose to absent their children from school, without compliance with the procedures of paragraphs **H** through **M** hereof, for any period during which the student's condition is infectious, provided that such absence is supported by a statement to that effect prepared by a medical doctor or other competent medical professional. In the event that the parent(s) / legal guardian(s) refuse to voluntarily absent the infectious student from school, the principal shall suspend the student for up to ten (10) school days, following procedures governing short-term suspensions.

A determination as to whether alternative instruction will be provided during such absences will be made on a case-by-case basis, based upon other policies of the local Board of Education, the length of the absence, the severity of the condition, and other factors considered relevant by school authorities.

- G. Any decision affecting the educational program or attendance of a student who is a carrier of or who has a chronic communicable disease will be based upon competent medical advice and will balance the rights of the infected student against the legitimate interest of the District on protecting the health and safety of the remaining students.
- H. Decisions concerning the educational program and placement setting for those students who have or are carriers of chronic communicable diseases will be made by a committee (hereinafter "the Committee") composed of the following: 1) the student's physician; 2) the student's parent(s) / legal guardian(s); 3) the Superintendent/designee; 4) the District health officer as defined in Section 24-1-4, NMSA 1978; and, 5) any other person, to be appointed by the Committee.
- I. In determining the educational program and placement setting for any student who has or is a carrier of a chronic communicable disease, the following factors will be evaluated: 1) the nature of the disease; 2) the age of the student; 3) the behavior of the student; 4) the neurological development of the student; 5) the physical condition of the student; 6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; 7) the degree to which other individuals may be exposed to infectious organisms; 8) the hygienic practices of the student; 9) the risk of transmission of the disease from the student to those individuals with whom he or she will interact; and, 10) any other pertinent factor reasonably related to the decision.
- J. An unrestricted educational program and placement setting will be the primary goal for any student who has or is a carrier of a chronic communicable disease. Restrictions upon a student's educational program and/or placement will be imposed only when the Committee determines that the risk of an unrestricted program and placement outweigh the benefits which the student may receive from an unrestricted program.
- K. The educational program and/or placement setting established by the Committee for any student who has or is a carrier of a chronic communicable disease will be re-evaluated and modified, if necessary, as often as the circumstances require, but, in no event will the educational program and/or the placement setting continue without re-evaluation at least once per school year. Any re-evaluation will be done by the Committee taking into account those factors listed in paragraph I.

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

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

IMMUNIZATION OF SCHOOL CHILDREN

A. Authority

This regulation is promulgated pursuant to Section 24-5-2, NMSA 1978 Comp., and Section 24-5-3, NMSA 1978 Comp., and SBE Regulation No. 6.1.6.181-6.12.2.

B. Limitations on Enrollment

No student shall be enrolled in the public, private, home, or parochial schools in the state unless:

1. The person has been immunized in accordance with the immunization schedule of the Public Health Division, Department of Health, and the student can present satisfactory evidence to the administrative authority that the immunizations have been completed; or,

2. The student seeking enrollment can produce satisfactory evidence that he or she has begun the process of immunization pursuant to the immunization schedule; or,
3. The student is exempt from immunization pursuant to Paragraph D of this Regulation.

C. Immunization

New Mexico law requires all students be currently immunized before entrance into school. The school or District nurse will instruct the designee in the procedure of recording immunizations on the Cumulative Health record (HE-04).

The schools are responsible for maintaining a record of the immunization status of each student enrolled and reporting to the State Health Agency the names of parents or guardians who fail to comply with the law. The schools are responsible for preventing the continued school attendance of any child whose parents fail to comply with this law. The school nurse or designee will review immunization records and notify the principal of those students who are not currently immunized. The principal or designee will inform parents if a child cannot be enrolled because of non-current immunizations and of where the immunizations may be obtained.

D. Exemptions

Official records for medical exemptions from immunizations must be submitted annually to schools by parents and must be signed by the students' physician. Exemptions signed by chiropractors are not acceptable. Medical exemptions are granted by the State Health & Environment Department, and the physician's statement will be attached to the school health record.

Parents who have an objection to immunization of their children based upon a religious belief must submit a formal request for exemption through the Superintendent to the director of State Health and Environment Department. Within sixty (60) days the parents and the school will be notified if the exemption was approved or disapproved. Students may be conditionally enrolled pending the decision.

If the student is a member of a religious organization which does not believe in immunization, exemption forms are usually available through that church or organization and may be signed by the minister or practitioner. Students who are not formally affiliated with such a group may have a conscientious objection statement submitted.

Immunization records are to be brought to the school where they will be copied onto the student's school record and returned to the parent or guardian. The principal will designate the person(s) in his/her school to receive and copy records at times when a nurse or health aide is not available.

Immunizations may be obtained from a private physician, clinic, family health center, or one of the State Health Clinics.

E. Disenrollment

If satisfactory evidence of commencement of an completion of immunization or an exemption from immunization in accordance with 6.12.2.9 NMAC is subsequently determined to be invalid for any reasons and the student is unable to provide either valid satisfactory evidence of commencement of and completion of immunization or a valid exemption from immunization in accordance with 6.12.2.9 NMAC, the administrative authority shall commence disenrollment proceedings. (6.12.2.10 NMAC)

F. Administrative Authority's Duty to Report

It is the duty of each school superintendent, whether of a public, private or parochial school, to cause to be prepared a record showing the required immunization status of every child enrolled in or attending a school under his/her jurisdiction.

These records must be kept current and available to public health authorities.

The name of any parent or guardian who neglects or refuses to permit his/her child to be immunized against diseases as required by rules and regulations promulgated by the Public Health Division shall be reported by the school Superintendent to the Director of the Public Health Division within a reasonable time after such facts become known to the Superintendent. (6.12.2.11 NMAC)

STUDENT SAFETY

Accidents

The Hobbs Board of Education directs the Superintendent/designee to have in place the procedures to be followed if a student has an accident. (Reference School Health Manual)

EMERGENCY DRILLS

Students will be given verbal and written instructions concerning when emergency drills are to take place. These emergency drills will be performed in such a manner to be in compliance with local, state, and federal regulations. The Hobbs Municipal School Administrative Handbook contains specific procedures to be followed.

SUPERVISION OF STUDENTS / RELEASE OR ACCESS

The following procedures are to be in place for students to be removed from school for specific purposes:

Student Release

The person who removes a student from school must sign the appropriate form and provide picture identification upon request. The parent(s) / legal guardian(s) must designate who their student may be released to when the parent(s) / legal guardian(s) are not available. A formal record of date, time, reason, destination and relationship must be kept for each student who leaves the building during school hours.

Student Access

The parent(s) / legal guardian(s) must identify who may visit their student during school hours.

STUDENT MEDICATION

During school hours, the Hobbs Municipal Schools **will only administer licensed health care provider prescribed medications** when absolutely necessary for a student to remain in school and enable them to succeed in their academic endeavors.

A parent/guardian may visit the school to dispense medication to his/her child.

The following steps must be taken to assure that prescribed medication given at school is administered properly and safely.

Elementary School Medication Policy

- A. Each medication to be given at school must have a completed **Physician Order and Medication Authorization Form** on file at the school. The form includes the child's name, name of medication, dosage, time of administration, symptoms of adverse reactions, duration of administration and any special instructions. A section is available for licensed health care provider to order and address individual student need in regard to asthma inhalers. A separate form, **Physician Order for Blood Glucose Monitoring**, will be used to address the specific needs of the diabetic student.
1. A licensed health care provider must complete the **Physician's Order** section and the parent must complete the **Parent/Guardian Statement**.
 2. Each individual medication to be given must have a completed form. If two medications are needed, there must be two (2) **Physician Order and Medication Authorization Forms**.
 3. A new **Physician Order and Medication Authorization Form** is required for **ANY CHANGE** in the medication, dosage, administration time, administration route, or special instructions regarding the medication. Verbal changes in the dosage or time of administration will not be accepted.
- B. Parent(s) / Guardian(s) must deliver prescribed medications to the school Nurse, the principal or principal designee for safekeeping. All controlled

substances will be counted upon receipt by two (2) witnesses and documented on the **Medication Count Sheet**. The parent/guardian is responsible for picking up any medication which needs to go home. To ensure the safety of all students, students are not permitted to deliver their medication(s) to the school nor return them home.

- C. If a licensed health care provider assesses and orders the student to carry and administer his/her inhaler for severe asthma or insulin for diabetes, the parent/guardian must bring the **Physician Order and Medication Authorization Form or the Physician Order for Blood Glucose Monitoring** to the school nurse. Students will not be permitted to carry inhalers or insulin without a physician order. When the parent presents such an order, the school nurse will initiate an Individual Health Plan (IHP) for the student to ensure the health and well being of the student while in school.
- D. Dispensing of medication at school will adhere to the following procedures:
 - 1. **ALL** prescription medication (including samples from the physician) require labeling by a pharmacist or licensed health care provider to include the student's name, name of prescribing licensed health care provider, name of medication, dosage, time of administration, and any special instructions.
 - 2. ALL medication refills require the same labeled containers. (Baggies are not acceptable).
 - 3. Medications will be stored in a locked cabinet. Access to such is limited to the school nurses, the principal or his/her designee.
 - 4. A medication chart will be kept in the locked cabinet with the medications. Medication charts will be filed in the student's health record at the conclusion of the school year or the transfer of the student.
 - a. Each medication requires an individual medication recording chart.
 - b. The chart will include the student's name, name of medication, and time of administration, dosage, medication allergies, and comments.

- c. Any change in medication, time of administration, or dosage requires a new medication recording chart in order to avoid errors or confusion in current orders. Note the reason for discontinuing the medication sheet in the comment section. (i.e. change in dosage, 9/14/03)
 5. Medication will be given by the school nurse. In the absence of the school nurse, the principal will delegate a trained person to supervise the self-administration of the medication.
 6. It is the student's responsibility to report for his/her medication at the time it is to be administered.
 7. When the student comes to take the medication:
 - a. Address the student by name; verify the name of his/her medication, the amount to be taken, and the purpose of the medication.
 - b. Check the medication chart to confirm that the medication has not already been given.
 - c. Prior to administration, check the medication container label with the medication chart to ascertain that the correct medication and correct dosage is being given to the correct student. If they do not match do not give the medication.
 - d. Record the time that the medication was given in the appropriate space on the medication chart and initial the time. Sign signature and initial in appropriate box on the bottom of each medication chart.
- E. Emergency medications for possible life threatening conditions or severe allergic reactions (i.e. bee sting), require the same **Physician Order and Medication Authorization Form** with specific emergency response instructions in the school setting. It is the responsibility of the parent to provide such orders, emergency medications and/or equipment. The school nurse in cooperation with the parent will establish an Individual Health Plan/Emergency Plan for the student. In addition, the school nurse will train appropriate school personnel to respond in an emergency situation.

Secondary School Medication Policy

- A. Secondary students may carry and administer their own medications under most circumstances.
- B. If this presents a problem or the student is incapable of this task, the school nurse will follow the medication procedures outlined in the Elementary School Medication Policy.
- C. The school nurse should be advised of any long-term prescribed medication or controlled medications.
- D. The student should carry only the daily amount needed.
- E. Students are allowed to carry over-the-counter (OTC) medications for complaint of headache, colds, allergies, etc. neither the school nor the school nurse is authorized to dispense such medications.

School personnel cannot be held responsible if the medication is not taken on time, or not at all, or if the child suffers any adverse reaction(s).

A notice will be sent to parents two (2) weeks prior to the last day of school to pick-up all unused medications. Medications not picked up by parents will be destroyed by the school nurse and a witness. Such action will be documented on the Medication Count Sheet.

STUDENT TRANSPORTATION

The Hobbs Board of Education directs the Superintendent/designee to develop a unified transportation system for all eligible students who reside in the Hobbs Municipal School District. This system will fulfill all regulations identified by state statute regulations 95-1 and the state transportation compliance manual. (Ref. District Transportation Handbook).

Student Safety Patrols

Students will not be used for safety patrols at school crossings.

Student Use of Vehicles (Bicycles, Motorcycles, Motorized Vehicles)

In order to develop and include sound safety practices for the individual student to follow, the administration shall develop rules and regulations on the control and use of personal vehicles used by the student for transportation to and from school. Personal vehicles that may be used by students at the following levels are:

- A. Elementary – bicycles only.
- B. Junior High – bicycles or motorcycles (use of motorcycles prohibited at noon recess).
- C. Freshman School – bicycles, motorcycles, or motorized vehicles.
- D. Senior High – bicycles, motorcycles, or motorized vehicles.

NUTRITIONAL SERVICES

The Hobbs Board of Education directs the Superintendent/designee to establish nutritional programs for the benefit of all students in attendance during the regular school year. The nutritional programs are not available during summer school.

Nutritional programs shall be operated under the direction of the Nutritional Services Department in accordance with all Federal, State or Board regulations and/or policies applicable to these programs.

RESTRAINT POLICY

PURPOSE

The purpose of this policy is to provide for the appropriate use of restraints and to protect students from harming themselves, other students, staff or property in a manner that protects the student's dignity and well-being.

DEFINITION

A restraint is a method used to physically and involuntarily restrict a person's movement or physical activity.

POLICY

Physical restraint should only be used in emergency situations, after less intrusive alternatives have failed or been deemed inappropriate, and with caution. School personnel should use physical restraint with two (2) goals in mind:

- a) to administer physical restraint only when needed to protect the student, other students and/or a staff member from imminent harm; and
- b) to prevent or minimize any harm to the student as a result of the physical restraint.

Only those individuals who have been properly trained in physical restraint will use physical restraint on a student, except in those situations in which a trained person is unavailable and there is a threat of imminent harm to the student, others or property. In these instances extreme caution is warranted to insure the safety of all concerned. Whenever possible, the administration of a restraint will be witnessed by at least one (1) adult who is not participating in the restraint. When restraint is a component of a student's behavior program, training as required by individual programs will be provided to maintain certification in that program. Students who have known medical or psychological limitations on restraint will be restrained only in cases of imminent danger to self or others and only with caution.

The principal of each school is charged with the oversight and implementation of this restraint policy. Each incident should be reported to the principal and any restraint on a student with medical or psychological limitations will also be reported to the school nurse for case review and/or comment, as appropriate. The report should include the names of the school staff involved, the name of the student involved and a description

of the incident leading up to the restraint and the procedures used in the restraint along with information regarding whether any additional actions are required by the school. Following the release from a restraint the participants will implement follow-up procedures. These procedures will include reviewing the incident with the student to address the behavior that precipitated the restraint, review of the incident with the person who administered the restraint to discuss whether proper procedures were followed and follow-up to determine if any discussion needs to occur with those who witnessed the incident.

SPECIAL EDUCATION

Child Find / Interventions

It is the policy of the Hobbs Municipal Schools to ensure that all children with disabilities residing in Hobbs, New Mexico, including children with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

It is the policy of the Hobbs Municipal Schools to ensure that a free appropriate public education (FAPE) is available to all children with disabilities from birth through the school year in which the student reaches 21 years of age, including children who have been suspended or expelled from school.

Procedural Safeguards

It is the policy of the Hobbs Municipal Schools to ensure that children with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its federal and state implementing regulations) including with respect to the confidentiality of records and personally identifiable information.

Full and Individual Evaluation

It is the policy of the Hobbs Municipal Schools to ensure that children with disabilities are evaluated in accordance with the IDEA (and its federal and state implementing regulations), including by having in place procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities are selected and administered so as to not be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining whether a child is a child with a disability or for determining an appropriate education program for a child with a disability.

Disabilities – Exceptionalities

It is the policy of the Hobbs Municipal Schools to ensure that children are assessed in all areas of suspected disability / exceptionality under the IDEA (and its federal and state implementing regulations), and that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the IDEA (and its federal and state implementing regulations), a group of qualified professionals and the parent of the child determine if the child is a child with a disability under state and federal standards.

Individualized Education Program (IEP)

It is the policy of the Hobbs Municipal Schools to ensure that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with the IDEA (and its federal and state implementing regulations).

Least Restrictive Environment

It is the policy of the Hobbs Municipal Schools to ensure that to the maximum extent appropriate, children with disabilities, including children in public and non-public institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Discipline / Behavior

It is the policy of the Hobbs Municipal Schools to ensure that children with disabilities (including a child not yet eligible if the school had knowledge prior to the disciplinary conduct that the child was a child with a disability under the IDEA and meets the standards for receiving protection under the IDEA) are disciplined for a violation of the student code of conduct in accordance with the IDEA (and its federal and state implementing regulations), including with respect to any disciplinary removal from the current educational placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion.

GENERAL ADMINISTRATION

It is the goal of the Hobbs Municipal Schools to provide a full educational opportunity for all children with disabilities consistent with the state's full educational opportunity goal including having a comprehensive system of personnel development, a curriculum that meets the New Mexico Standards of Excellence, an accountability system that complies with state standards including the Student Teacher Accountability and Reporting System (STARS) and the Special Education Accountability System (SEAS), collaboration with other agencies, a funding system that complies with state standards, and a program for gifted children that complies with state standards.

Procedures

It is the policy of the Hobbs Municipal Schools to have in effect procedures and programs to implement this policy governing special education that are consistent with the IDEA (and its federal and state implementing regulations).

The Superintendent of Schools shall develop procedures to implement this policy governing special education that are localized for the Hobbs Municipal Schools and conform to the standards of the New Mexico Special Education Policies and Procedures manual developed by the New Mexico Public Education Department.

The purpose of these procedures shall be to implement the IDEA (and its federal and state implementing regulations), and therefore, shall be interpreted consistent with the IDEA. The procedures shall not be for the purpose of creating a requirement that is not otherwise imposed by the IDEA (and its federal and state implementing regulations), and shall not be read to create a higher standard. This handbook of procedures developed by the Superintendent shall be posted on the Hobbs Municipal Schools' website or otherwise made accessible to the general public.

STUDENT ACTIVITIES

The administration and supervision of all school-sponsored activities shall be delegated by the Board of Education to the Superintendent/designee. All such activities shall be provided with qualified sponsors who are employees of the School District. Other sponsors must meet the established Hobbs Municipal Schools Volunteer Policy. Each sponsored activity shall serve valid educational purposes.

STUDENT ACTIVITIES: PERFORMANCES

Approved Performances

Hobbs High School groups invited to perform at non-school functions which require travel in excess of 500 miles one way, may do so under the following conditions:

1. The trip has the prior approval of the principal, Superintendent, and the Board of Education.
2. The group is a uniformed group that shall perform in the name of the school and the District, including but not limited to band, choir, or other appropriate groups. Only performing members of the group approved by the sponsor or director may go on the trip.
3. Chaperones for the trip include one administrator, the sponsor or director of the group, and an assistant, if any, and enough adults to make a 1-15 chaperone-student ratio.
4. Travel shall be restricted to the approved destination.
5. Trip insurance, including liability coverage for any non-school individuals, shall be purchased by the group or sponsoring organization.
6. Costs will be the responsibility of the activity, the student, and/or the parent(s) / legal guardian(s). Other costs may be borne by the District by approval of the Superintendent or his/her designee.

Limitations

Groups may participate in only one such trip per three-year cycle.

Expense of Chaperones

Expenses for District employees and chaperones shall be paid from the organization's activity fund.

Observance of District Regulations

Students participating in such trips shall observe at all times District policies and regulations governing student dress and conduct. Students and parent(s) / legal guardian(s) shall sign a list of such regulations in order for students to participate in the trip. Failure to obey District rules of conduct may result in disciplinary action, including immediate return home from the trip.

STUDENT ACTIVITIES: CONTESTS AND COMPETITION

The Superintendent/designee will establish guidelines for school personnel to follow when considering student participation in contests sponsored by outside organizations.

Expenses for National Competitions

Senior high students and the associated school organization will pay all expenses involved in participating in a national competition. These expenses include travel, room, meals, and trip insurance. Fund-raising or solicitation of donations to cover such expenses is optional with prior approval of the principal.

STUDENT ACTIVITY FEES

The Superintendent/designee will designate funds to finance student activities. Such support may be partially provided for in the annual operational budget and the remainder will be provided by the students through fees or by administratively approved fund raisers.

STUDENT ACTIVITY FUNDS

Student Activity Funds shall include all student funds collected by District organizations including parent-school organizations and booster clubs. The following policy will therefore apply to each.

- A. Student Activity Funds, including parent-school organizations and booster clubs, will be under the supervision of the Superintendent/designee and subject to audit in like manner as public funds.
- B. All funds will be appropriately managed to assure protection for all parties concerned. All offices, schools, and individuals are subject to audit at the discretion of the Board of Education, Superintendent/designee.
- C. Management and accounting of funds raised by students as part of a school sponsored activity or fund raiser is the responsibility of the Superintendent/designee.
- D. The Superintendent/designee will develop a plan to assure the immediate safe keeping of all funds collected.

STUDENT ORGANIZATIONS

The Hobbs Municipal Schools provide opportunities for student participation in a variety of activities including special interest clubs, physical activities, student government, and cultural affairs.

Membership in activities shall be governed by principles and policies that encourage wide participation. The activities program shall provide a means for increasing student leadership abilities, encouraging special student interests and skills, and providing opportunities for giving students to have a voice in school affairs.

Student Clubs

Student clubs must be approved by the principal and be sponsored by a certified school employee. The objectives and procedures of student clubs will be in keeping with all school policies.

Secret Societies

There will be no secret societies recognized or sanctioned by Hobbs Municipal Schools.

Student Government

The Superintendent/designee will design a program of student government at the secondary level. (Ref. Secondary Student Handbook).

Student Publications

The Superintendent/designee will design guidelines for student publications. (Ref. HMS Administrative Handbook).

STUDENT SOCIAL ACTIVITIES

The Superintendent/designee will establish rules and regulations to govern student social activities within the following guidelines:

- A. Student activities will be held to a minimum and may involve seasonal class parties, school plays, and intra-district activities.
- B. Student school social activities will center around activities that will meet the approval of the building principal.
- C. Social activities will be held in approved facilities.
- D. Social activities will be supervised by school personnel.
- E. Social activities at the secondary levels will be regulate by the guidelines identified in the Secondary Student Handbook.

STUDENT PERFORMANCES

- A. Public performances of the activity groups are to be supervised by the school in order to provide for the proper expenditure of time and effort by students.
- B. The Superintendent/designee will approve all groups which participate in out-of-town performances.

STUDENT VOLUNTEERS

The Board of Education encourages students to volunteer for service to the School System or the community. School personnel will encourage students in such endeavors and establish effective guidelines for student volunteer service.

School Service

Student volunteer service will be utilized as available and as appropriate in the School System.

Public Service

Student volunteer service to the public will not infringe on class time and will comply with all school rules and regulations.

STUDENT EMPLOYMENT

Any student completing the sophomore year and attaining the age of sixteen (16) may be gainfully employed while enrolled in school. The appropriate certificate of employment will be issued by the Superintendent/designee for the School District in which the student is enrolled. The certificate of employment shall only be issued upon satisfactory assurance to the Superintendent/designee that the student meets all required eligibility. If necessary the student may be permitted to attend school on a part-time basis so as to be employed. All necessary approvals must be obtained prior to being released from full-time attendance.

SOLICITATIONS

Solicitations of any type are discouraged by the Board of Education, however, there will be occasions when solicitations for a specific cause can be justified. The Superintendent will outline directions for implementing a solicitations project. Solicitations for Student Activity Funds defined under Section JHB, are included within this section.

Solicitation of Students

Non-school organizations must receive permission from the Superintendent/designee prior to soliciting funds from students.

Solicitations by Students

Solicitations for Student Activity Funds, goods, or materials in the name of the Hobbs Municipal Schools or any related organization, activity, or club shall not occur unless specifically approved to do so by the Superintendent/designee.

Distribution of Materials to Students

Distribution of materials for any purpose other than those which, in the judgment of the Superintendent/designee, are in the best interests of the students is not permissible.

ALTERNATE LEARNING PROGRAMS

The Board of Education may provide Alternate Learning Programs for the students of this School District. The Superintendent/designee will provide the necessary guidelines for the administration of these programs. These programs may include, but will not be limited to individual studies, alternate learning centers, community support groups, community service expectations, and home bound educational services.

AWARDS AND SCHOLARSHIPS

School personnel will provide opportunities for students to receive recognition for achievement. Awards and scholarships will not jeopardize a student's standing with the New Mexico Activities Association or as an amateur.

Proposals for the recognition of student achievement by agencies and individuals outside the school system must be submitted to the Superintendent/designee or approval.

The Superintendent/designee will be responsible for developing administrative guidelines for awards and scholarship proposals.

FOREIGN STUDENT EXCHANGE

Hobbs Municipal Schools continue to support and accept the enrollment of students who are being sponsored by legitimate Foreign Exchange Student Organizations.

These students will be allowed the same opportunities given to regular students. Foreign Exchange Students shall abide by all rules as set forth by the School Board Policy graduation requirements, the New Mexico Activities Association for extra-curricular activities and the student handbook.

STUDENT RECORDS

Custodian of Student Records

The Superintendent/designee is the designated custodian of student records. He/she shall be responsible for ensuring that the procedure for the administration of student records is in accordance with state and federal statute.

Classification and Maintenance

The Hobbs Municipal School District shall maintain a cumulative folder for each student attending its schools. The cumulative folder shall contain all the written records directly related to a student that are kept by the District except (1) records kept by teachers, counselors, or supervisory or administrative personnel that are in the sole possession of the maker and are not relevant to any other person except a substitute; (2) employment records of student employees if those records relate exclusively to the student in his/her capacity as an employee and are not made available for any other use.

Cumulative record folders shall be kept in the office of the principal of the school that the student attends. The principal of each school is responsible for maintaining cumulative record folders of students attending his/he school.

Rights of Parent(s) / Legal Guardian(s) to Review and Inspect Records

Those who have the right to inspect and review the cumulative record folder kept about the student include: (1) parent(s) / legal guardian(s) of students who are under 18 years of age, (2) parent(s) / legal guardian(s) who claim students who are at least 18 and dependents under Section 152 of the Internal Revenue Code, and (3) students who are at least 18.

Parent(s) / legal guardian(s) or eligible student(s) who wish to inspect and review the cumulative record folder shall submit a request in writing to the principal of the student's school. When he/she receives a written request for review of the records from a parent(s) / legal guardian(s) or a student who has a right to inspect the records, the principal shall schedule the review. The appointment date should be as early as possible but never later than forty-five (45) days after the request was made. The inspection and review shall be made in the office of the principal or at another place designated by him/her.

Hearing to Correct the Inaccuracies

Parent(s) / legal guardian(s) of a student who has not yet reached the age of 18 and an eligible student have the right to challenge the content of records. A parent(s) / legal guardian(s) or student who believes that information contained in the student's cumulative record folder is inaccurate or misleading or otherwise violates the student's rights, may request, in writing, that the records be amended by the principal of the school where the records are kept. The principal shall make a decision regarding the request based upon a review of the records and in accordance with the rights and responsibilities of public school students. It shall be the aim of the District to afford parent(s) / legal guardian(s) and students all rights in accordance with the Family Educational Rights and Privacy Act.

Disclosure to Person Other Than Parent(s) / Legal Guardian(s) or Student(s)

- A. Persons Authorized to Have Access: Schools may, without the consent of either the student or his/her parent(s) / legal guardian(s), disclose information kept in the student's cumulative record folder to the following persons:
1. School officials who have a legitimate educational interest in examining the information.
 2. Authorized representatives of the Comptroller General of the United States, the Secretary of the United States Department of Education or officials of the New Mexico State Department of Education.
 3. Accrediting organizations that seek the information to carry out their accrediting functions.
 4. Persons or organizations conducting studies for, or on behalf of, the District or another educational agency.
 5. Persons who seek the information in connection with a student's application for or receipt of financial aid.
 6. Officials of another school in which the student seeks or intends to enroll.
 7. Persons who seek information in connection with a health or safety emergency that may threaten the health or safety of students or other persons.

B. Directory Information

The District may disclose directory information about a student without the consent as outlined by the Family Educational Rights and Privacy Act; however, directory information will not be released to any person and/or business desiring the information for solicitation purposes.

C. Inspection Log

The principal shall maintain in each cumulative record folder an inspection log. The inspection log shall include the name and the reason for inspection of each person who requests access to the records, but shall not include disclosure to the parent(s) / legal guardian(s), the student, school officials, or persons who have student or parental consent, or disclosure of directory information.

Annual Notification

When a new student enrolls in Hobbs Municipal Schools, the parent(s) / legal guardian(s) shall be notified in writing about their rights regarding the student's education records. The notification given to parent(s) / legal guardian(s) shall include at least the following:

1. A description of the kinds of student records that are maintained, what they are used for and who has access to the content, when and how they are released, and where they are secured.
2. A list of publications and reports prepared by the school in which basic identifying student information is disclosed and the procedures for requesting it not be disclosed.
3. The title of the individual designated as responsible for maintaining the records.
4. An explanation of their record review rights, their right to challenge the content of their student's records, and the procedures for requesting a hearing.

5. An explanation of the procedures for releasing student record information to parties requesting all or some of the content and the notification to parent(s) / legal guardian(s) of the request made for student information.
6. A notice of the right to file a complaint with the U.S. Office of Education regarding alleged violations of the "Family Educational Rights and Privacy Act", and information on where to obtain a copy of the policy.

Request For Basic Student Information From Parent(s) / Legal Guardian(s)

When a new student enrolls in school, the principal of the receiving school shall initiate a request for information to the parent(s) / legal guardian(S) of the student or to the eligible student. In the case of a handicapped student, the request shall be made by the principal and the special services coordinator.

Request of Education Records From Student's Previous School of Attendance

1. When a new student enrolls and the education records are not available from the parent(s) / legal guardian(s), the principal shall send a written request for the student's records to the previous school of attendance.
2. The request sent to a student's previous school of attendance shall include an assurance statement from Hobbs Municipal Schools that the student information received will not be disclosed to a third party without parent(s) / legal guardian(s) permission.
3. The request for student information made of a student's previous school of attendance shall always be for at least Level A information. When a handicapped student, or a student suspected of being handicapped is involved, Levels A and B shall always be requested.
4. The request for information from a student's previous school of attendance shall ask for Level C information when that type of information would be critical to programming for a student's needs, particularly for a handicapped student, or one suspected of being handicapped.

Special Education Records

Administration, maintenance, and destruction of special education records shall be done in accordance with guidelines governing special education students. (Ref. District Special Education Handbook, Education of the Handicapped Act, State Department of Education Compliance Manual).

Federal Statutory Reference for This Section J

Family Educational Rights and Privacy Act of 1974, P.S. 93-380, Title IV, Sec. 438 as amended by P.L. 93-588.

Education of the Handicapped Act, Part B, as amended by P.O. 94-142.

Cuddy, Kennedy, Albetta & Ives – Attorneys at Law.

STUDENT FEES, FINES AND CHARGES

The Board of Education, in endorsing the assessment and collection of student fees, fines, and charges does not intend for the policy to hamper, impede, or deprive any student in the pursuit of public school education.

- A. Students shall be assessed the replacement cost for lost or vandalized school property.
- B. Fees will not be assessed for required courses.
- C. Students who enroll in elective courses which produce student projects as a part of the requirements of the course will be assessed the cost of materials utilized to produce the project. The project will become the property of the student upon payment for the cost of the materials and the completion of the projects.
- D. Students who enroll in elective courses which utilize consumable supplies and materials may be assessed a reasonable fee for such supplies and materials.
- E. The Superintendent/designee may set a fee for students who must remediate a course.
- F. The Superintendent/designee will formulate and administer rules and regulations which will make it possible for charges and assessments to be waived. (Ref. Policy JH Activities Fees)
- G. All student fees will be reviewed annually by the administrative staff.