

Disaster can strike at any time and cause wide-spread damage and injury.

Such disasters can be created by humans or the result of natural causes and can occur with little, if any, warning. Thus, it is the intent of the Board to create a systematic means to minimize the negative impact of any disaster on students, employees, visitors and others while on District property or at school-sponsored events. To this end, the Superintendent, with staff and community input, shall develop a tactical emergency response plan which will include, but not be limited to the threat of:

- Chemical, biological and nuclear incidents.
- Bomb threats.
- Building collapse.
- Hostage situations.
- Conditions of nature.
- Arson.
- Civil disturbances.
- Explosions.
- Vehicular accidents.
- Active Shooter

A tactical emergency response plan is a safe school plan that details risk assessments and establishes the plans or procedures to manage an emergency event after it has occurred and includes, but is not limited to, emergency routes and staff assignments as they relate to immediate actions, delayed actions, mitigation actions, facility evacuations and facility reentry. The plan shall clearly outline the requirements and discretion afforded each school with regard to the administration of the plan. The plans will also designate specific emergency drills to be conducted. The plan shall be presented to the Board for approval but shall not be released to the public due to the student wellness and safety issues related to the information.

Adopted: date of manual adoption

LEGAL REF.: 22-13-14 NMSA
59A-52-1 NMSA
6.12.6.7 NMAC
6.12.6.8 NMAC
6.29.1.9 NMAC

CROSS REF.: JL- Student Wellness

REGULATION**REGULATION****EMERGENCIES****(Emergency Drills)**

Emergency drills will be scheduled and conducted at least once each week during the first four (4) weeks of the school year. During the first four weeks of the school year, each school shall conduct one shelter in place drill that includes preparation to respond to an active shooter, one evacuation drill and two fire drills. During the rest of the school year, each school shall conduct at least four more emergency drills, at least two of which shall be fire drills. The purpose of a drill is to train students, under staff direction, to move safely, quickly, and quietly from any location within the building to a designated position or location.

Types of Drills

- Fire Drills – All students, staff and visitors leave the building to designated areas on the campus.
- Shelter-in-Place Drill – All students and staff remain in classrooms (or offices) with doors locked; classroom activities continue as appropriate.
- Lock-Down Drill – All doors are locked with lights off; students and staff move to a place where they are not visible from windows.
- Evacuation Drill – Plans are in place for *all* students and staff to completely evacuate the campus in an actual emergency but only designated staff and designated students are actually moved to an off-campus site during a drill.

The following rules and procedures will be complied with in all schools:

- Evacuation routes will be posted in each room. These routes will indicate the primary and alternate exits and the evacuation area to which the student should proceed upon leaving the building. During the first week of the school year, rules for emergency evacuation will be discussed with each class using the room.
- A distinct alarm signal will be used for emergency drills only; another signal will be established by the principal for return to class.
- No student or staff member is to remain in the building during emergency drills.
- All persons should exit according to their posted evacuation routes and proceed to assigned locations a safe distance away from the building.
- It is each student's responsibility to move quickly, quietly, and in an orderly manner through the assigned exit to the assigned evacuation area.
- The teacher will be responsible for:

- Maintaining order during the evacuation.
- Taking the grade book and checking roll when the class is in the assigned evacuation area. The name of any student not accounted for will be reported immediately to the principal, who shall promptly notify the Superintendent.
- A report stating the date and time that the drill was conducted, and the time required to complete the evacuation will be made.

The fire department (if one [1] is maintained within the District boundaries) shall be requested to attend for instruction and constructive criticism.

PROFESSIONAL STAFF POSITIONS

An employee must be a licensed school employee to be considered a professional staff member.

Licensed school employee means teachers, school administrators and instructional support providers – a person who is employed to support the instructional program of a public school, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, marriage and family therapist, interpreter for the deaf and diagnostician. Educational assistants are licensed school employees but are regarded as district support staff.

This definition of professional staff does not apply to a person performing the functions of a practice teacher or teaching intern.

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

Before establishment of any new position, the Superintendent will present a job description for the position that specifies the qualifications and the performance responsibilities.

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

Adopted: date of manual adoption

LEGAL REF.: 22-5-14 NMSA
6.20.2.12 NMAC
6.60.9.8 NMAC

CROSS REF.: CCB - Line and Staff Relations

REGULATION**REGULATION****EVALUATION OF PROFESSIONAL
STAFF MEMBERS****Purpose**

The purpose of evaluation shall be the improvement of performance. Such a process, to achieve the greater measure of success, shall be predicated on the assumption that the evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

- Evaluations determine how well the objectives held by the school are being carried out. The success of the educational program is dependent upon the quality of classroom instruction, supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting personnel to be aware of their strengths and weaknesses in order to improve.
- Evaluations provide a basis for planning in-service training and supervisory activities. Such activities can be most effective when they are based upon clear evidence of need as shown by evaluation studies.
- Evaluations provide the basis for administrative decisions. Such decisions may include the employment of personnel, their assignment, promotion, demotion, or termination.
- Evaluations aid in determining satisfactory or unsatisfactory performance.

Evaluators

The Superintendent shall designate the evaluators. The evaluator shall be responsible for the final written and official statement of evaluation, which shall be in writing, and a copy shall be transmitted to the certificated teacher within five (5) days after completion of the evaluation.

The District is responsible for an in-service training program for evaluators. This program shall incorporate classroom observation techniques, conference skills, and growth planning. Evaluators shall attend a training program to improve their evaluation, administrative and instructional leadership skills at least every two (2) years.

Licensed Teacher Evaluation

Classroom visitations by evaluator. Formal observations shall be spaced and of sufficient duration (minimum of *thirty [30]* uninterrupted minutes) so as to ensure that the evaluators have an opportunity to grasp an overall concept of a person's performance over a full schedule.

Formal observations are prearranged through initiation by either the observer or the teacher. Formal observations shall be defined as those that are written and provide an opportunity for a pre-observation conference and follow-up conference.

Informal observations may be made at the discretion of the administrator.

Procedural steps in the process of evaluation:

- At the beginning of the school year, the principal shall assign a mentor for all Level one teachers whose responsibilities shall be defined in a program established by the District in accord with statute and submitted to the Public Education Department as required.
- At the beginning of the school year, the principal shall meet with the school's faculty for the purpose of orienting the teachers to the total evaluation plan. A teacher's use of personal leave and up to ten days' sick leave shall not affect that teacher's performance evaluation if used in accord with district policy. A low attendance score may be reflected in the evaluation if the teacher is determined to have used sick leave inconsistently with district policy.
- A professional development plan shall be devised by each teacher and provided to the evaluator on a schedule as determined by the evaluator.
- Observations in the classroom shall be completed.
- An opportunity for a conference shall precede and follow each formal observation-visitation.
- A written record shall be made of each formal observation, with a copy to the observed.
- The official evaluation, consisting of a minimum of two (2) formal observations, shall be reduced to writing and signed by both the teacher and the evaluator. The teacher's signature shall not mean concurrence. The teacher shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.
- A copy of the written evaluation shall be transmitted to the teacher within five (5) days after completion of the evaluation, and a copy shall be retained for the principal's file. A third copy shall be placed in the teacher's personnel file and made available to authorized District officers and employees.
- All evaluations shall remain confidential.

Frequency of written evaluations. Evaluations shall be made at least two (2) times per year for Level one (1) teachers, and at least once per year for Level two (2) and three (3) teachers.

Evaluation schedule:

- *Level one (1) licensing:*

- During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
 - Prior to January 10, the first evaluation, including observations, written evaluation, and conference shall be completed. If unsatisfactory work performance is indicated pursuant to the evaluation a conference will be conducted and a plan prepared to allow correction of the work performance. Such information will be recorded in writing, signed by all parties present and provided to the person evaluated.
 - Prior to April 15, a second evaluation shall be completed. If unsatisfactory work performance is indicated pursuant to the evaluation a conference will be conducted and a plan prepared specifying the areas for correction of the work performance, while noting any areas of improvement if improvement is required. An employee whose performance continues to be unsatisfactory shall be given a notice of unsatisfactory performance. The notice shall specify the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for the charge of inadequacy of work performance.
 - Prior to the last day of the school year, the Board shall authorize, as necessary, and send notice to employees who will be terminated. A copy of any evaluation(s) pertinent to the charges not to reemploy will be included in the written notice of intention not to reemploy.
 - This written notice of termination shall be delivered personally or sent by registered or certified mail with delivery by a time certain at least fourteen (14) days prior to the last day of the school year, to the teacher's place of residence, as recorded in the District's records. Within ten (10) days of a request from the employee, the Superintendent shall provide the reason(s) for the decision to terminate.
- *Level two (2) and three (3) licensing:*
 - Level two (2) and three (3) licensed employees shall be evaluated at least once each year. During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
 - Prior to March 15, the evaluation shall be completed. If less than satisfactory work performance and competency is indicated pursuant to the evaluation a conference will be conducted and a plan prepared specifying the areas for correction of the work performance, while noting any areas of improvement if improvement is required. An employee whose performance continues to be unsatisfactory shall be given a notice of unsatisfactory performance. A second conference shall be held at the time the notice is given. The notice shall specify the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for the

charge of inadequacy of work performance.

- The principal shall establish a mentoring and peer intervention program as is seen necessary. Persons used for mentoring or intervention may be trained as evaluators. If the employee is unable to demonstrate satisfactory performance and competency by the end of a period of sixty (60) calendar days, the peer interveners may make a recommendation to the supervising administrator which may be termination. If the teacher does not demonstrate essential competency in a given school year, the School District shall provide the teacher with additional professional development and peer intervention during the following school year. If by the end of that school year the teacher fails to demonstrate essential competency, the District may choose not to contract with the teacher to teach in the classroom (terminate).
- At least fourteen (14) days prior to the last day of the school year, the Board shall authorize, as necessary, and send notice to employees who will be terminated. A copy of any evaluation(s) pertinent to the charges not to reemploy will be included in the written notice of termination.
- This written notice of termination shall be delivered personally or sent by registered or certified mail with delivery by a time certain prior to the last day of the school year, to the teacher's place of residence, as recorded in the District's records.
- Subject to the provisions of NMSA the Superintendent shall offer to each Level two (2) and Level three (3) teacher under contract of employment with the District for the current year a contract renewal for the next ensuing school year unless the Local School Board gives notice to the teacher of the intent not to offer a contract and to terminate the teacher as provided in NMSA.
- All provisions of the New Mexico Revised Statutes shall be complied with in the dismissal of continuing teachers.

Evaluation program. The specific format for the teacher evaluation system will be developed in compliance with Policy GCO, this regulation, NMSA, and NMAC under the leadership of the Superintendent.

Compliance with Public Education Department (PED) Regulation 6.69.4, Performance Evaluation System Requirements for Teachers, will be completed as specified in the teacher performance evaluation for three (3)-tiered licensure.

Evaluation of Licensed Administrators and Other Licensed Non-Teaching Employees

Continuous evaluation of all aspects of the total educational program, including student progress, personnel, curriculum, and facilities, will include a formal process of evaluating all administrators and licensed non-teaching employees. The purpose of this evaluation shall be the improvement of the quality of the educational program in the District and improvement of the performance of each employee. The evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

GADSDEN INDEPENDENT SCHOOL DISTRICT

11/21/2019

The following statements give more specific purposes for evaluation:

- Evaluations determine how well the objectives held by the school and District are being carried out. The success of the educational program is dependent upon many factors, which include the quality supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting administrative personnel to be aware of strengths and weaknesses in order to improve the operation of the District's programs.

Procedural steps in the process of evaluation:

The specific format for the evaluation system for licensed administrators and licensed non-teaching employees will be developed under the leadership of the Superintendent and shall involve all principals and supervisors of principals in the development of evaluation criteria and data collection procedures. One (1) component of the evaluation tool for school administrators shall be evaluation by other school employees.

- At the beginning of the school year, the licensed administrators and licensed non-teaching employees will be oriented to the total evaluation plan.
- A professional development plan shall be devised by each employee and provided to the evaluator on a schedule as determined by the evaluator.
- Observations and data gathering shall be completed.
- The official evaluation shall be reduced to writing and signed by both the employee and the evaluator. The employee's signature shall not mean concurrence. The employee shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.
- A copy of the written evaluation shall be transmitted to the administrator within five (5) days after completion of the evaluation, and a copy shall be retained for the employee's file. A third copy shall be placed in the employee's personnel file and made available to authorized District officers and employees.
- All evaluations shall remain confidential.

DISCIPLINE, SUSPENSION, TERMINATION AND DISCHARGE OF PROFESSIONAL STAFF MEMBERS

Unless limited by the provisions of a collective bargaining agreement or by other statutory provision, a public employer may:

- direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees;
- determine qualifications for employment and the nature and content of personnel examinations;
- take actions as may be necessary to carry out the mission of the public employer in emergencies; and
- retain all rights not specifically limited by a collective bargaining agreement or by the Public Employee Bargaining Act.

For purposes of this policy:

- "Discharge" means the act of severing the employment relationship with a licensed school employee prior to the expiration of the current employment contract.
- "Terminate" means, in the case of a licensed school employee, the act of not reemploying an employee for the ensuing school year.
- "Working day" means every school calendar day, excluding Saturday, Sunday or legal holiday.
- "Just cause" means a reason that is rationally related to an employee's competence or turpitude or the proper performance of assigned duties and that is not in violation of the employee's civil or constitutional rights.
- "Administrative leave" means the assignment of an employee to the employee's home to await further instructions pending the outcome of an investigation or inquiry into the actions of the employee in order to avoid interference in the inquiry. The use of "administrative leave" is not a disciplinary action.

Categories of Misconduct

Licensed staff members may be disciplined for infractions that include, but are not limited to, the following categories:

- Engaging in unprofessional conduct.

- Committing fraud in securing appointment.
- Exhibiting incompetency in their work.
- Exhibiting inefficiency in their work.
- Exhibiting improper attitudes.
- Neglecting their duties.
- Engaging in acts of insubordination.
- Engaging in acts of child abuse or child molestation.
- Engaging in acts of dishonesty.
- Being under the influence of alcohol while on duty.
- Engaging in the use, possession, or distribution of narcotics or habit-forming drugs.
- Being absent without leave.
- Engaging in discourteous treatment of the public.
- Engaging in improper political activity.
- Engaging in willful disobedience.
- Being involved in misuse or unauthorized use of school property.
- Being involved in excessive absenteeism.
- Possessing alcohol on school-owned property.
- Carrying or possessing a weapon on school grounds unless they have obtained specific authorization from the appropriate school administrator.
- Engaging in ethical misconduct by inappropriate touching, sexual harassment, discrimination or intended behavior to induce a child into engaging in illegal, immoral or other prohibited behavior.

General Provisions for Discipline

General provisions for discipline are as follows:

- *Informal consultation.* Nothing contained herein will limit a supervising administrator's prerogative to engage in informal consultation with a licensed employee to discuss matters of concern related to the employee's performance, conduct, et cetera.

- *Persons authorized to impose discipline.* Any supervising licensed administrator who is the immediate or primary supervisor of a staff member is authorized to impose a penalty or penalties, short of termination.
- *Administrative discretion.* In adopting these policies/procedures, it is the intention of the District that they be interpreted and applied in a reasonable fashion. The policies are not intended to restrict or eliminate the discretion traditionally afforded to supervising administrators to determine whether discipline is appropriate. Administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged violation merits discipline.
- *Right not to impose discipline.* The District reserves the right not to discipline a staff member for conduct that violates this policy.
- *Additional reasons for discipline.* A staff member may be disciplined for conduct that has occurred but that, at or near the time of misconduct, was not the subject of or identified as a reason for a specific proceeding under this policy.
- *Amendments.* The District reserves the right to amend this policy in any way at any time. Any amendment shall have prospective application only.
- *Severability.* If any provision of this policy is held to be invalid for any reason, such action shall not invalidate the remainder of this policy. If any provision of this policy conflicts with any provisions in any other policies adopted by the District, the provisions of this policy shall prevail.

Minor Discipline

Minor disciplinary action includes, without limitation thereto, removal from grounds, written warning, written reprimand, or suspension. Minor disciplinary action shall be imposed by the staff member's administrative supervisor upon informing the employee of any violations of state or federal statutes, policies, rules or the New Mexico code of ethics and offering a minimum due process hearing and opportunity to express the employee's side of the issue before implementing the disciplinary action. The disciplinary action shall be confirmed in writing to the employee. The discipline may only be appealed to the next level of administration. The hearing procedure shall be as follows.

Step 1 - Notice:

- Upon the supervising administrator's determination of the existence of cause to impose discipline, the supervising administrator shall notify the staff member of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:
 - The conduct or omission on the part of the staff member that constitutes the reason for discipline.

- A scheduled meeting time between the supervising administrator and the staff member. Such meeting shall be scheduled not more than ten (10) working days after the date the licensed staff member receives the notice.
- A statement of the disciplinary action the supervising administrator intends to impose.
- Copies of any available relevant documentation, at the discretion of the supervising administrator.

Step 2 - Hearing:

- At the hearing, the supervising administrator shall discuss with the staff member the conduct that warrants disciplinary action and shall provide the staff member with any appropriate evidence and a copy of relevant documentation if not previously provided.
- The supervising administrator shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.
- A record of the hearing shall be made by electronic recordation.

Step 3 - Decision (in writing):

- At the hearing, or within seven (7) working days following the hearing, the supervising administrator shall, in writing, inform the licensed staff member of the decision. If the decision is to impose discipline, written notice of the discipline shall be enclosed.

Appeal of Minor Discipline

A staff member who wishes to object to a minor disciplinary action shall submit a written complaint to the supervisor's superior within five (5) work days of receiving notice of the disciplinary action. Failure to request the hearing in the time frame indicated will be considered acceptance of the discipline imposed. The appeal shall specifically describe the part of the determination with which the staff member disagrees, such as:

- Determination was founded upon error of construction or application of any pertinent regulations or policies.
- Determination was unsupported by any evidence as disclosed by the entire record.
- Determination was materially affected by unlawful procedure.
- Determination was based on violation of any statutory or constitutional right.
- Determination was arbitrary and capricious.
- The penalty was excessive.

The appeal shall be based on the record of the hearing. The supervising administrator, the Superintendent, or, when appropriate, the governing authority may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the staff member within a reasonable amount of time following the appeal, not to exceed seven

(7) working days. The decision upon appeal is final for all minor disciplinary actions.

Termination Pursuant to 22-10A-24 NMSA (1978)

The following procedures will be used to impose any termination permitted under 22-10A-24 NMSA (1978) except that it does not apply to:

- A licensed school employee employed to fill the position of a licensed school employee entering military service;
- A licensed school administrator who is employed as a licensed school administrator;
- An non-licensed school employee employed to perform primarily District-wide management- functions; or
- A person who does not hold a valid license or has not submitted a complete application for licensure within the first three months from beginning employment duties.

Step 1 - Notice:

- Upon the Superintendent's determination of the existence of cause to terminate, and on or before fifteen (15) working days prior to the last day of the school year, the Superintendent shall notify the staff member of intent to terminate. The notice shall be in writing and shall be delivered in person or by first-class mail to the last address provided for personnel records. The notice shall include the following:
 - The statement that the employee has the right to request written reasons for the decision to terminate and such reasons shall be provided within ten working days of such request.
- The reasons shall not be publicly disclosed by the administration or governing authority. *For a licensed employee who has not been offered and accepted a third-year contract for services and licensed educational assistants with less than one year of employment the decision to terminate is not contestable under the School Personnel Act.*
 - For licensed employees who have been offered and accepted a third-year contract for service and licensed educational assistants employed for more than one year the following appeal procedure shall apply.

Step 2 4 - Appeal Requirements and Content:

GADSDEN INDEPENDENT SCHOOL DISTRICT

10/24/2019

- Termination may be appealed to the governing authority by a professional staff employee who has been employed for more than two consecutive years and licensed educational assistants employed for more than one year by making a request to the Superintendent within five (5) working days of the date of receipt of the notice of termination requesting a meeting with the governing authority.
 - The appeal shall be granted if the employee responds to the Superintendent in writing within ten (10) working days of receiving the reasons for termination with the following information:
 - ⤴ A statement of contention that the employee believes the decision is without just cause.
 - ⤴ A brief statement of the reason(s) why the staff member believes the decision is without just cause.
 - ⤴ A statement of the facts that the employee believes support this contention.

Step 5 - Appeal Procedure:

- The governing authority shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after receipt of the statement.
- The hearing shall be conducted informally in accordance with the provisions of the Open Meeting Act.
 - Hearing Procedure:
 - ⤴ The employee and the Superintendent may each be accompanied by a person of their choice.
 - ⤴ The Superintendent shall present the factual basis for determination that just cause exists for the termination, limited to the reasons provided to the employee.
 - ⤴ The employee shall present contentions, limited to the reason(s) why the licensed staff member believes the decision is without just cause.
 - ⤴ Rebuttal to the employee's presentation may be presented as deemed relevant by the governing authority.
 - ⤴ Witnesses called may be questioned by the governing authority the Superintendent or an appointed representative, and the employee or an appointed representative.
 - ⤴ The governing authority may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable.
 - ⤴ No record shall be made of the hearing.

- The governing authority shall take such action as is necessary in accordance with the Open Meeting Act to uphold or deny the recommendation to terminate.
- The governing authority shall notify the employee and the Superintendent of its decision in writing within five (5) working days from the conclusion of the meeting.

Termination - Arbitration Appeal Pursuant to 22-10A-25 NMSA (1978)

An employee still aggrieved by a decision of the governing authority may appeal the decision to an arbitrator by doing the following:

- Submitting a written appeal to the Superintendent within five (5) working days from receipt of the governing authority's written decision or refusal to grant a hearing on the issue of termination.
- Accompanying the written appeal shall be a statement of particulars specifying the grounds on which it is contended that the decision was impermissible pursuant to subsection E of Section 22-10A-24 NMSA (1978).
- Including in the contentions a statement of facts supporting the contentions.

Failure of the employee to submit a timely appeal or a statement of particulars with the appeal shall disqualify the employee for any appeal and render the governing authority's decision on termination final.

If the arbitration appeal is timely and complete, the governing authority and the employee shall meet within ten (10) working days from the receipt of the request for an appeal and select an independent arbitrator, qualified in accord with the applicable statute, to conduct the appeal. If the parties fail to agree on an arbitrator, they shall request the presiding judge in the judicial district in which the employee's public school is located to select an independent arbitrator within five (5) working days of the date of the request.

A de novo (new) hearing shall be conducted within thirty (30) working days of selection of the independent arbitrator. The arbitrator shall give written notice of the date, time and place of the hearing, sending such notice to the employee and governing authority.

The parties shall be provided a copy of the relevant portion of this policy which shall include:

- Discovery shall be limited to depositions and requests for production of documents on a time schedule to be established by the arbitrator.
- The arbitrator may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths. Subpoenas issued shall be served and enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action or in the manner provided by the American Arbitration Association's

voluntary labor arbitration rules if that entity is used by the parties.

- The governing authority shall be required to prove by a preponderance of the evidence that just cause to discharge the licensed employee existed at the time of the notice of intent to discharge the employee by the administration.
- Hearing Procedure:
 - The employee and the governing authority may each be accompanied by counsel.
 - The governing authority shall present the basis for determination that just cause exists for the discharge.
 - The employee shall present reason(s) why the recommendation is without just cause.
 - Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - Witnesses called may be questioned by the governing authority or a representative, and the employee or a representative.
 - Technical rules of evidence shall not apply, but, in ruling on the admissibility of evidence, the independent arbitrator may require reasonable substantiation of the statements or records tendered, the accuracy of truth of which is in reasonable doubt.
 - A record shall be made of the hearing and each party may order the record at the expense of the party.
- The arbitrator shall notify the employee and the governing authority of the decision in writing within ten (10) working days from the conclusion of the arbitration hearing. The decision shall contain findings of fact and conclusions of law affirming or reversing the action of the governing authority.

The parties shall be guided by the statute and arbitrator as to the conduct of the hearing, each party bearing its own costs. The arbiter's fees and other expenses in the conduct of the arbitration shall be assigned at the discretion of the independent arbitrator.

No official record shall be made of the proceeding but the party desiring a record may arrange for a record, paying the expense.

Discharge per 22-10A-27 NMSA (1978)

A licensed school employee may be discharged only for just cause following procedures as indicated below:

Notice:

- Upon the Superintendent's determination of the existence of cause to discharge, the

GADSDEN INDEPENDENT SCHOOL DISTRICT

10/24/2019

Superintendent shall notify the licensed staff member of intent to recommend discharge. The notice shall state the cause for the recommendation and shall advise the employee of a right to a discharge hearing before the governing authority.

- The notice shall be in writing and shall be provided in accordance with the law for service of process in civil actions.
- If the licensed school employee does not exercise that right to hearing, the Superintendent shall discharge the licensed school employee.

Employee's Request for Hearing:

- An employee who receives notice of intent to recommend discharge may exercise the right to a hearing before the governing authority by giving the Superintendent written notice of that election within ten (10) working days of receipt of the notice of intent to recommend discharge.
- The governing authority shall hold a discharge hearing no less than twenty (20) and no more than forty (40) working days after the receipt of the staff member's election of a hearing.

Preliminary Information

- At least ten (10) days written notice of the date, time and place of the discharge hearing shall be provided to the employee with such notice in the same form as used in civil proceedings. The notice shall indicate the following:
 - Both the Superintendent and the licensed school employee may be accompanied by a person of their choice.
 - Each party is to complete and respond to discovery by deposition and production of documents prior to the hearing date established.
 - The governing authority may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths.
 - The Superintendent shall be required to prove by preponderance of the evidence that just cause to discharge the licensed school employee existed at the time of the notice of intent to discharge.
 - Procedure for the conduct of the hearing shall be as follows:
 - ▲ The Superintendent shall present the factual basis for determination that just cause exists for the termination based upon information available at the time the employee was given notice of the intent to discharge.
 - ▲ The employee shall present reason(s) why the recommendation is without just cause.

- ⤴ Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - ⤴ Witnesses called may be questioned by the Superintendent or an appointed representative, and the employee or an appointed representative.
 - ⤴ The governing authority may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable.
 - ⤴ A record shall be made of the hearing and each party may have one (1) copy of the record at the expense of the governing authority.
- The governing authority shall notify the employee and the Superintendent of its decision in writing within twenty (20) days from the conclusion of the hearing. The governing authority shall take such action as is necessary in accordance with the Open Meeting Act.

Discharge -Arbitration Appeal Pursuant to 22-10A-27 NMSA (1978)

An employee aggrieved by a decision of the governing authority to discharge may appeal the decision to an arbitrator by doing the following: Submitting a written appeal to the governing authority within ten (10) working days from receipt of the written decision of the governing authority.

The governing authority may delegate responsibility for the arbitration to the Superintendent.

If the arbitration appeal is timely the governing authority (or Superintendent as delegee) and the employee shall meet within ten (10) working days from the receipt of the request for an appeal and select an independent arbitrator, qualified in accord with the applicable statute, to conduct the appeal. If the parties fail to agree on an arbitrator, they shall request the presiding judge in the judicial district in which the public school is located to select an independent arbitrator within five (5) working days of from the date of the request.

The hearing shall be conducted within thirty (30) working days of selection of the independent arbitrator. The arbitrator shall give written notice of the date, time and place of the hearing, sending such notice to the employee and governing authority.

The parties shall be provided a copy of the relevant portion of this policy which shall include:

- Discovery shall be limited to depositions and requests for production of documents on a time schedule to be established by the arbitrator.
- The arbitrator may issue subpoenas for the attendance of witnesses and to produce

books, records, documents and other evidence at the request of either party and has the power to administer oaths. Subpoenas issued shall be served and enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action or in the manner provided by the American Arbitration Association's voluntary labor arbitration rules if that entity is used by the parties.

- The governing authority shall be required to prove by preponderance of the evidence that just cause to discharge the certificated employee existed at the time of the notice of intent to discharge the employee by the administration.
- Hearing Procedure:
 - The employee and the governing authority may each be accompanied by counsel.
 - The governing authority shall present the basis for determination that just cause exists for the discharge.
 - The employee shall present reason(s) why the recommendation is without just cause.
 - Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - Witnesses called may be questioned by the governing authority or a representative, and the employee or a representative.
 - Technical rules of evidence shall not apply, but, in ruling on the admissibility of evidence, the independent arbitrator may require reasonable substantiation of the statements or records tendered, the accuracy of truth of which is in reasonable doubt.
 - A record shall be made of the hearing and each party may order the record at the expense of the party.
- The arbitrator shall notify the employee and the governing authority of the decision in writing within thirty (30) working days from the conclusion of the arbitration hearing. The decision shall contain findings of fact and conclusions of law affirming or reversing the action of the governing authority.

Each party shall bear its own costs and expenses.

Additional Provisions and Conditions

During the pendency of any hearing, neither the licensed staff member nor the supervising administrator shall contact the Superintendent or a governing authority member to discuss the merits of the supervising administrator's recommendation except as provided by this policy.

This policy addresses only discipline, termination or discharge and has no application to any of the following:

GADSDEN INDEPENDENT SCHOOL DISTRICT

10/24/2019

- Letters or memorandums directed to a licensed staff member containing directives or instructions for future conduct.
- Counseling of a licensed staff member concerning expectations of future conduct.
- Placing an employee on administrative leave with pay and assignment of the employee to home during work hours in order to conclude a review of the employee's actions or activities pending an administrative recommendation.

The governing authority shall file annually a record with the Secretary of Education of all terminations and discharges and all actions arising from terminations.

Adopted: October 24, 2019

LEGAL REF.: 10-7E-1 to 10-7E-26 NMSA (1978) Public Employee Bargaining Act
 10-15-1 NMSA (1978) Open Meeting Act
 22-10A-5 NMSA (1978)
 22-10A-24 NMSA (1978)
 22-10A-25 NMSA (1978)
 22-10A-26 NMSA (1978)
 22-10A-27 NMSA (1978) Discharge hearing; procedures
 22-10A-28 NMSA (1978) Appeals; independent arbitrator; qualifications; procedure; binding decision
 22-10A-29 NMSA (1978) Compensation payments to discharged personnel
 22-10A-30 NMSA (1978) Supervision and correction procedures
 22-10A-31 NMSA (1978) Denial, suspension and revocation of licenses
 22-10A-32 NMSA (1978) Licensed school employees; required training program
 6.60.9.9 NMAC Standards of Professional Conduct
 6.60.9.12 NMAC Reporting Requirements
 6.67.2.8 NMAC Notice of reemployment or termination of licensed personnel

CROSS REF.: DKA - Payroll Procedures/Schedules
 GBEB - Staff Conduct
 GCA - Professional Staff Positions

DISCIPLINE, SUSPENSION, TERMINATION AND DISCHARGE OF SUPPORT STAFF MEMBERS

Unless limited by the provisions of a collective bargaining agreement or by other statutory provision, a public employer may:

- direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees;
- determine qualifications for employment and the nature and content of personnel examinations;
- take actions as may be necessary to carry out the mission of the public employer in emergencies; and
- retain all rights not specifically limited by a collective bargaining agreement or by the Public Employee Bargaining Act.

For purposes of this policy:

- "Terminate" means, in the case of a non-certificated school employee, the act of severing the employment relationship with the employee.
- "Working day" means every calendar day, excluding Saturday, Sunday or legal holiday.
- "Administrative leave" means the assignment of an employee to the employee's home to await further instructions pending the outcome of an investigation or inquiry into the actions of the employee in order to avoid interference in the inquiry. The use of "administrative leave" is not a disciplinary action.

Categories of Misconduct

Staff members may be disciplined for infractions that include, but are not limited to, the following categories:

- | | |
|---|--|
| • Absence without leave | • Insubordination |
| • Abuse of leave | • Neglect of duty |
| • Alcohol or drug impairment | • Unauthorized possession of a
weapon on school grounds |
| • Child abuse or molestation | • Unauthorized use of school
property |
| • Discourteous treatment of the
public | • Unlawful conduct |
| • Dishonesty | • Use of illegal drugs |
| • Excessive absenteeism | • Violation of a directive of a
supervisor |
| • Fraud in securing employment | • Violation of a District policy
or regulation |
| • Improper attitude | |
| • Incompetence or inefficiency | |

General Provisions for Discipline are as follows:

- *Informal consultation.* Nothing contained herein will limit a supervising administrator's prerogative to engage in informal consultation with an employee to discuss matters of concern related to the employee's performance, conduct, etc.
- *Persons authorized to impose discipline.* Any supervising licensed administrator who is the immediate or primary supervisor of a staff member is authorized to impose a penalty or penalties, short of termination.
- *Administrative discretion.* In adopting these policies/procedures, it is the intention of the District that they be interpreted and applied in a reasonable fashion. The policies are not intended to restrict or eliminate the discretion traditionally afforded to supervising administrators to determine whether discipline is appropriate. Administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged violation merits discipline.
- *Right not to impose discipline.* The District reserves the right not to discipline a staff member for conduct that violates this policy.
- *Additional reasons for discipline.* A staff member may be disciplined for conduct that has occurred but that, at or near the time of misconduct, was not the subject of or identified as a reason for a specific proceeding under this policy.
- *Amendments.* The District reserves the right to amend this policy in any way at any time. Any amendment shall have prospective application only.
- *Severability.* If any provision of this policy is held to be invalid for any reason, such action shall not invalidate the remainder of this policy. If any provision of this policy conflicts with any provisions in any other policies adopted by the District, the provisions of this policy shall prevail.

Minor Discipline

Minor disciplinary action includes, without limitation thereto, removal from the grounds, written warning, written reprimand, or suspension. Minor disciplinary action shall be imposed by the staff member's administrative supervisor upon informing the employee of any violations of state or federal statutes, policies, rules or the New Mexico code of ethics and offering a hearing and opportunity to express the employee's side of the issue before implementing the disciplinary action. The disciplinary action shall be confirmed in writing to the employee. The discipline may only be appealed to the next level of administration. The hearing procedure shall be as follows.

Step 1 - Notice and Hearing:

- Upon the supervising administrator's determination of the existence of cause to impose discipline, the supervising administrator shall notify the staff member of intent to impose discipline, the conduct or omission on the part of the staff member that constitutes the reason for discipline, and provide the employee an opportunity to explain the employee's side of the issue. A reasonable effort to determine the circumstances of the incident will be made. The discipline may be imposed immediately or following any further investigation.

Step 2- Decision (in writing):

- At the hearing, or within seven (7) working days following the hearing, the supervising administrator shall inform the employee in writing of the disciplinary action, if imposed and summarize the discussion at the hearing.

Appeal of Minor Discipline

A staff member who wishes to object to a minor disciplinary action shall submit a written appeal request to the supervisor's superior within five (5) work days of receiving notice of the disciplinary action. Failure to request the appeal in the time frame indicated will be considered acceptance of the discipline imposed. The discipline shall be suspended if the appeal is timely made. The appeal shall specifically describe the part of the determination with which the staff member disagrees, such as:

- Determination was founded upon error of construction or application of any pertinent regulations or policies.
- Determination was unsupported by any evidence as disclosed by the entire record.
- Determination was materially affected by unlawful procedure.
- Determination was based on violation of any statutory or constitutional right.
- Determination was arbitrary and capricious.
- The penalty was excessive.

The appeal shall be based on the staff member's submission as listed above and the summary of the hearing made by the supervisor. The supervising administrator, the Superintendent, or, when appropriate, the governing authority may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the staff member within a reasonable amount of time following the appeal, not to exceed seven (7) working days. The decision upon appeal is final for all minor disciplinary actions.

Termination Pursuant to 22-10A-24 NMSA (1978)

The following procedures will be used to impose any termination permitted under 22-10A-24 NMSA (1978) except that it does not apply to:

- A non-certificated school employee employed to perform primarily District-wide management. (22-10A-26 NMSA)



Step 1 - Notice:



- Upon the Superintendent's determination of the existence of cause to terminate, the Superintendent shall notify the staff member of intent to terminate. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:
 - The statement that the employee has the right to request written reasons for the decision to terminate and such reasons shall be provided within five (5) working days of such request.
- The reasons shall not be publicly disclosed by the administration or governing authority. *A governing authority may terminate a non-licensed school employee with less than one (1) years of employment for any reason it deems sufficient.*
 - For a non-licensed school employee who has been employed for more than one year the following appeal procedure shall apply.



Step 2-3 Appeal Requirements and Content:

(5) Termination may be appealed to the governing authority by a non-licensed school employee who has been employed for more than one (1) year by making a request to the Superintendent within five (5) working days of the date of receipt of the notice of termination requesting reasons for the termination decision and a meeting with the governing authority.

- The appeal shall be granted if the employee responds to the Superintendent in writing within ten (10) working days of receiving the reasons for termination with the following information:

  A statement of contention that the employee believes the decision is without just cause.

  A brief statement of the reason(s) why the staff member believes the decision is without just cause.

  A statement of the facts that the employee believes support ~~this~~ contention.

Step 4 - Appeal Procedure:

- The governing authority shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after receipt of the statement.
- The hearing shall be conducted informally in accordance with the provisions of the Open Meeting Act.
 - Hearing Procedure:

- ☞☞☞ The employee and the Superintendent may each be accompanied by a person of their choice.
- ☞☞☞ The Superintendent shall present the factual basis for determination that just cause exists for the termination, limited to the reasons provided to the employee.
- ☞☞☞ The employee shall present contentions, limited to the reason(s) why the staff member believes the decision is without just cause.
- ☞☞☞ Rebuttal to the employee's presentation may be presented as deemed relevant by the Board.
- ☞☞☞ Witnesses called may be questioned by the governing authority, the Superintendent or an appointed representative, and the employee or an appointed representative.
- ☞☞☞ The governing authority, may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable.
- ☞☞☞ No record shall be made of the hearing.

- The governing authority shall take such action as is necessary in accordance with the Open Meeting Act to uphold or deny the recommendation to terminate. The governing authority shall notify the employee and the Superintendent of its decision in writing within five (5) working days from the conclusion of the meeting.

Termination - Arbitration Appeal Pursuant to 22-10A-25 NMSA (1978)

An employee still aggrieved by a decision of the governing authority may appeal the decision to an arbitrator by doing the following:

- Submitting a written appeal to the Superintendent within five (5) working days from receipt of the governing authority's written decision or refusal to grant a hearing on the issue of termination.
- Accompanying the written appeal shall be a statement of particulars specifying the grounds on which it is contended that the decision was impermissible pursuant to subsection E of Section 22-10A-24 NMSA (1978).
- Including in the contentions a statement of facts supporting the contentions.

Failure of the employee to submit a timely appeal or a statement of particulars with the appeal shall disqualify the employee for any appeal and render the governing authority's decision on termination final.

If the arbitration appeal request is timely and complete, the governing authority and the

employee shall meet within ten (10) working days from the receipt of the request for an appeal and select an independent arbitrator, qualified in accord with the applicable statute, to conduct the appeal. If the parties fail to agree on an arbitrator, they shall request the presiding judge in the judicial district in which the employee's public school is located to select an independent arbitrator within five (5) working days of the date of the request.

A de novo (new) hearing shall be conducted within thirty (30) working days of selection of the independent arbitrator. The arbitrator shall give written notice of the date, time and place of the hearing, sending such notice to the employee and governing authority.

The parties shall be provided a copy of the relevant portion of this policy which shall include:

- Discovery shall be limited to depositions and requests for production of documents on a time schedule to be established by the arbitrator.
- The arbitrator may issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and has the power to administer oaths. Subpoenas issued shall be served and enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action or in the manner provided by the American Arbitration Association's voluntary labor arbitration rules if that entity is used by the parties.
- The governing authority shall be required to prove by a preponderance of the evidence that just cause to discharge the employee existed at the time of the notice of intent to discharge the employee by the administration.
- Hearing Procedure:
 - The employee and the governing authority may each be accompanied by counsel.
 - The governing authority shall present the basis for determination that just cause exists for the discharge.
 - The employee shall present reason(s) why the recommendation is without just cause.
 - Either party shall be permitted to call witnesses and to introduce documentary evidence.
 - Witnesses called may be questioned by, the governing authority or a representative, and the employee or a representative.
 - Technical rules of evidence shall not apply, but, in ruling on the admissibility of evidence, the independent arbitrator may require reasonable substantiation of the statements or records tendered, the accuracy of truth of which is in reasonable doubt.

- A record shall be made of the hearing and each party may order the record at the expense of the party.
- The arbitrator shall notify the employee and the governing authority of the decision in writing within ten (10) working days from the conclusion of the arbitration hearing. The decision shall contain findings of fact and conclusions of law affirming or reversing the action of the governing authority.

The parties shall be guided by the statute and arbitrator as to the conduct of the hearing, each bearing their own costs. The arbiter's fees and other expenses in the conduct of the arbitration shall be assigned at the discretion of the independent arbitrator.

Adopted: October 24, 2019

LEGAL REF.: 22-10A-24 NMSA (1978)
22-10A-25 NMSA (1978)
22-10A-26 NMSA (1978)

CROSS REF.: DKA - Payroll Procedures/Schedules

GRADUATION REQUIREMENTS

Regular Education

Ninth grade class of 2009-2010 and after. A minimum of twenty six (26) units of credit aligned to the state academic content and performance standards as listed below are required for graduation for those beginning with the ninth grade class of 2009-2010. A student may receive a high school diploma of excellence after having demonstrated accomplishment of the standards or a portfolio of standards based indicators in mathematics, reading and language arts, writing, social studies, and science adopted by the Secretary of Public Education. A student may also receive the Seal of Bilingual-Biliteracy on the diploma of excellence and have it noted on the school transcripts by studying and attaining proficiency in a language other than English. If a student exits from the school system at the end of grade twelve (12) without having satisfied the above requirements, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five (5) years after a student exits from the school system, the student satisfies the requirements listed, the student may receive a high school diploma of excellence. Graduation requirements shall not be changed for a student entering the ninth grade from the requirements specified in law at the time the student enrolled in the ninth (9th) grade.

Graduation requirements may be met as follows:

- By successful completion of subject area course requirements.
- By mastery of the standards or a portfolio of standards based indicators adopted by the Secretary of Public Education in accordance with *6.19.7 NMAC and other competency requirements for the subject as determined by the Board.

*6.19.7 NMAC, Demonstration of Competency for High School Graduation, became effective on July 24, 2018, for the graduating class of 2022 and any graduating class thereafter. (*This rule does not apply to students in the graduating classes of 2019, 2020, and 2021.*) The rule defines how students may demonstrate competency in each of the five core content areas. Under the new rule, students may demonstrate competency by: (1) earning passing scores on the primary demonstrations of competency; (2) earning passing scores on PED-approved alternative assessments; or (3) completing the requirements for a competency-based alternative. The New Mexico High School Graduation Manual for the Class of 2022 (available on the PED website) includes a detailed overview of how students may demonstrate competency in each of the five core content areas, the list of approved alternative assessments and competency-based alternatives, options for students with individualized graduation goals established in their Individualized Education Program, and rubrics and checklists for the use of standards-based portfolios.

- By earning credits through correspondence courses that meet graduation requirements and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board.

Graduation requirements are:

For students entering as ninth graders in 2009-2010 at least one (1) unit of the following twenty-four six (26) units must be earned in an advanced placement or honors program, a dual-credit course or distance learning course.

**English (grammar, nonfiction writing and literature emphasis).....	4.0 units
* **Math (one [1] equal to algebra II or higher unless parents sign off and a financial literacy course may meet one of the required units).....	4.0 units
* **Science (two [2] with a laboratory component).....	3.0 units
United States History and Geography, World History and Geography, and Government and Economics, and New Mexico History and Geography.....	3.5 units
Physical Education.....	1.0 unit
Health Education.....	0.5 unit
Career cluster course/workplace readiness OR a third Foreign Language unit.....	1.0 unit
Foreign Language (ASL and Braille).....	2.0 units
*Electives including student service learning.....	7.0 units
Total.....	26.0 units

*For students entering the ninth (9th) grade in the 2017-18 school year and after, a course in computer science may satisfy either a unit of mathematics or science, but not both, if taken after competency is determined in the subject for which the unit is applied.

**A department-approved worked-based training or career and technical education course that meets state academic content and performance standards in English, mathematics, or science shall qualify as one of the requirements needed for graduation in each of these areas.

A student shall develop and file an updated final next-step plan during the senior year and prior to graduation that conforms with the requirements for a student curriculum plan pursuant to 22-13-1.1 NMSA 1978. The plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent or guardian and the student's guidance counselor or other school official charged with coursework planning for the student. An individualized education program (IEP) filed with the principal that meets the applicable transition and procedural requirements of the federal Individuals with Disabilities in Education Act for qualified students shall satisfy the next-step requirements for that student.

Final examinations shall be administered to all students in all classes offered for credit.

Parents are to be notified in writing not later than the conclusion of the third (3rd) nine weeks grading period of their student's senior year if the student is at risk of not meeting all graduation requirements. Progress reports are to be provided to parents and students at each grading period.

A high school student required to transfer to an out-of-state school by the transfer of the student's parents, who are members of the New Mexico National Guard or the armed forces of the United States, may request that a diploma be issued by the New Mexico high school of transfer. The student must meet the guidelines and comply with the requirements of the New Mexico Statutes Annotated regarding military dependent transfers and their courses and grades must meet or exceed New Mexico's requirements for graduation as determined by the School District.

Special Education

For students with disabilities, the Individualized Educational Program (IEP) team is responsible for determining whether a student with disabilities has completed a planned program of study making him/her eligible to receive a diploma. Graduation plans must be part of all IEP's beginning with the eight (8th) grade IEP. Upon completion of a planned program of study the student will be awarded a diploma or, after July 1, 2010, a New Mexico diploma of excellence. A student may be awarded a diploma using any of the following programs of study:

Standard Program of Study

A standard program of study is based upon meeting or surpassing all requirements for graduation based upon New Mexico Standards for Excellence with or without reasonable modification of delivery and assessment methods. In addition, a student shall pass all sections of the current state graduation examination(s) under standard administration or with state-approved accommodations, and shall meet all other standard graduation requirements of the District.

Career Readiness Program

A career readiness program of study is based upon meeting the State Board of Education's Career Readiness Standards with Benchmarks as defined in the IEP with or without reasonable modifications of delivery and assessment methods. In addition, the student shall take the current state graduation examination(s) under standard administration or with state-approved accommodations, and achieve a level of competency (LOC) predetermined by the student's IEP team. The student shall earn at least the minimum number of credits required by the District for graduation through standard or alternative courses that address the employability and career development standards with benchmarks and performance standards, as determined by the IEP team. Course work shall include a minimum of four (4) credits of career development opportunities and learning experiences that may include any of the following: career readiness and vocational course work, work experience, community-based instruction, student service learning, job shadowing, mentoring or entrepreneurship related to the student's occupational choices.

Ability Program of Study

An ability program of study was developed for students who have a significant cognitive, disability or severe mental health issues. The IEP goals and functional curriculum course work shall be based on the New Mexico standards with benchmarks and performance standards and employability and career development standards with benchmarks and performance standards. Students in this program of study shall earn the minimum number of credits or be provided equivalent educational opportunities required by the District, with course work individualized to meet the unique needs of the student through support of the IEP. In addition, a student shall take either the current state graduation examination(s) under standard administration or with state-approved accommodations, or the state-approved alternate assessment. The student shall achieve a level of competency pre-determined by the student's IEP team in the current graduation examination or the state-approved alternate assessment, and meet all other graduation requirements established by the IEP team.

The IEP team is responsible for determining whether the student has completed a planned program of study based on the student's strengths, interests, preferences, identified educational and functional needs and long-term educational or occupational goals, making the student eligible to receive either a diploma or a conditional certificate of transition. The District shall provide each student, who has an IEP and who graduates or reaches the maximum age for special education services, a summary of the student's academic achievement and functional needs and long-term educational; or occupational goals, making the student eligible to receive either a diploma or conditional certificate of transition. The District shall provide each student, who has an IEP and who graduates or reach maximum age for special education services, a summary the student's academic achievement and functional performance (SOP), which shall include recommendations on how to assist the student in meeting post-secondary goals.

Conditional Certificate of Transition

Conditional certificate of transition. A student who receives special education services may be granted a conditional certificate of transition (CCT) in the form of a continuing or transition IEP when:

- The IEP team provides sufficient documentation and justification that the issuance of a conditional certificate of a transition for an individual student is warranted;
- Prior to the student's projected graduation date, the IEP team provides prior written notice stating that the student will receive a conditional certificate of transition;
- The District ensures that a conditional certificate of transition is not a program of study and does not end the student's right to FAPE;
- The District ensures that a conditional certificate of transition entitles a student who has attended four (4) years or more of high school to participate in graduation activities, and requires that the student continue receiving special education supports and services needed to obtain the high school diploma;
- The District ensures that, prior to receiving a conditional certificate of transition, the

student has a continuing (C) or transition (T) IEP;

- The student's continuing or transition IEP outlines measures, resources and specific responsibilities for both the student and the district to ensure that the student receives a diploma.

A student who does not return to complete the program of study as outlined in the continuing or transition IEP will be considered as a dropout. A student who receives a conditional certificate of transition is eligible to continue receiving special education services until receipt of a diploma or until the end of the academic year in which the student becomes twenty-two (22) years of age.

Adopted: October 10, 2019

LEGAL REF.: 22-13-1.1 NMSA (1978)
22-13-1.4 NMSA (1978)
6.29.1.9 NMAC

CROSS REF.: IGD - Curriculum Adoption
IGE - Curriculum Guides and Course Outlines
IHA - Basic Instructional Program
IIE - Student Schedules and Course Loads
IKA - Grading/Assessment Systems
JFABC - Admission of Transfer Students
JG - Assignment of Students to Classes

STUDENT ATTENDANCE

Any parent, guardian or person having custody and control of a “school-age person” is responsible for the school attendance of that person until that person has reached at least eighteen years of age unless the person has graduated from high school, received a school equivalency credential or withdrawn on a hardship waiver. The school-age person has the right to attend public school within the school district of residence. The school-age person shall attend school for at least the length of time of the school year that is established in the school district in which the child is a resident or enrolled. A “school-age person” means a person is at least five (5) years of age prior to 12:01 a.m. on September 1 of the then current school year.

Pregnant and parenting students must have the same educational opportunities as their peers.

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to illness, injury, bereavement of a family member, other family emergencies, and observance of major religious holidays of the family’s faith or religious instruction and tribal obligations. For religious instruction and tribal obligations written consent of a parent and approval of the principal are required. A student may be excused for authorized reasons and time shall be provided for the student to make up the work.

An unexcused absence means an absence from a class or school day (half of the student’s approved program) for which the student does not have an allowable excuse.

Absent means not in attendance for a class or school day for any reasons, excused or not except for interscholastic extracurricular activities.

In the event of a necessary absence known in advance, the parent is expected to inform the school. If the absence is caused by emergency, such as illness, or injury the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence.

GADSDEN INDEPENDENT SCHOOL DISTRICT

02/13/2020

The district shall provide interventions for students who are missing school, depending on the number of absences.

Intervention is called for if a student misses 5% or more of classes or days of school.

A public school shall provide interventions to students who are absent or chronically absent, which may include:

- Assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
- Making referrals to health care and social service providers;
- Collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
- Recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family;
- Establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;
- Identifying and coordinating age-appropriate resources for students in need of:
 - Counseling, training and placement for employment;
 - Drug and alcohol abuse counseling;
 - Family crisis counseling; and
 - Mental health counseling;
- Promoting family support and parent education programs; and
- Seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.

The attendance team may be convened to establish:

- A specific intervention plan for the student;

- Weekly progress monitoring, and
- A contract for attendance.

If the students misses 20% or more of the classes or days of school, the attendance team shall:

- Notify the parent in writing by mail or personal service;
- Provide the date, time and place for a meeting to be held with the parent, principal of the school and the attendance team for the purpose of:
 - Establishing nonpunitive consequences for the student at the school level;
 - Identifying appropriate specialized supports needed to help the student address the underlying causes of excessive absenteeism; and
 - Apprising the student and the parent of the consequences of further absences.

Student-teacher incompatibility, if alleged, will require consultation with the teacher and a meeting initiated by the principal with the student, parent and teacher.

If a student does not respond to intensive support as implemented above but continues displaying excessive absenteeism, the school board shall consult with the superintendent in executive session on the issue and shall cause the student to be reported to the probation services office of the appropriate judicial district for the purpose of an investigation as to whether the student should be considered a neglected child or a child in a family in need of family services, subjecting the child to provisions of the Children's Code.

The records supporting such action shall be provided to the juvenile probation services office by the Superintendent within ten (10) days of the identification of the student excessively absent._

Consequences shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of student in the educational setting.

Only after exhaustion of intervention strategies may the District consider withdrawal of the student from membership in the school. Consulting with the juvenile probation services office or the caseworker for child services should be accomplished before such action.

Upon a written request by a parent for attendance data the school shall provide the following information within five (95) days:

- Absence data;
- Preventive measures;
- Resources to address the causes; and
- A corrective action plan and interventions including follow-up procedures.

Adopted: date of manual adoption

LEGAL REF.: 22-12A-1 NMSA (1978) *et seq.*
6.10.4.9 NMAC
6.10.8.7 NMAC
6.10.8.8 NMAC
6.10.8.9 NMAC
6.10.8.10 NMAC
6.11.2.9 NMAC
42 USC 11301, McKinney-Vento Homeless Assistance Act of 2001,
as amended by the Every Student Succeeds Act (ESSA) of 2015
New Mexico Activities Association Handbook, Sec. 6

CROSS REF.: IHBCA – Programs for Pregnant/Parenting Students
IKEA – Make-Up Opportunities
JE – Student Attendance
JEA – Compulsory Attendance Ages
JFAA – Admission of Resident Students
JFAB – Tuition/ Admission of Nonresident Students
JFC – Student Withdrawal from School/Dropouts
JH – Student Absences and Excuses
JHB – Truancy/Chronic Absence
JHBC – Released Time for Religious Instruction
JJJ – Extracurricular Activity Eligibility
LF – Relations with State Education Agencies