

Artesia Public Schools

Employee Handbook



2021-2022

**“Superior Quality Education
for All Students”**

We believe the needs of our students take priority over all else.

We believe the teacher is the most influential factor in the classroom.

We believe in developing each student's self-reliance instilling a belief that he or she can make a worthy contribution to society.

We believe we are responsible for teaching standards which prepare students for College and Career.

We believe, in partnership with families and community members, in assisting students to acquire and display admirable qualities and values.

CONTENTS

SECTION I	Preface
SECTION II	Philosophy of Education
SECTION III	Educational Goals, Board of Education Priorities
SECTION IV	Board of Education Administrative Staff Administration Office Staff School Principals Department Heads Instructional Coaches
SECTION V	General Policies Accidents Administering Punishment American Disabilities Act Bus Students Child Abuse Community Organizations Drug-Free Schools Drug-Free Workplace E-Mail Emergency Care and Illness of Pupils Evaluation Process Fair Labor Standards Act—Support Staff Grievance In-Service Instructional Supplies Membership in Professional Associations Noon Duty Professional Growth Problems or Concerns—Procedure Pupil Records Purchasing Safe Schools Videos Safety Policy Safety of Students Schedules School Board Policies Sexual Harassment Social Networking Sites Special Instructional Programs/Section 504 Speech Rights of Public Employees Students Leaving School

Student Absences
Student Promotion Policy
Substitute Teacher Procedures
Supervision of Students
Technology
Title IX
Valuables, ID Badges, Keys
Workers' Compensation Insurance

C O N T E N T S (CONTINUED)

SECTION VI

Legal Policies

Your Legal Name
Employee Certification & Qualifications
Transcripts or Credits

SECTION VII

Insurance Policies/Payroll Information

Liability on Buildings & Grounds
Liability Insurance on Personnel
Payroll Review
Family Medical Leave Act
Families First Coronavirus Response Act

SECTION VIII

Code of Ethics

Code of Ethics
Standards of Professional Conduct
Failure to Comply with this Code
Dissemination of this Code

SECTION IX

COVID-19 Supplement

Reentry Procedures and Protocols
Reentry Instructional Plan
Mandatory Daily Health Screening
School Staff and Student Decision Tree
Mandatory Face Coverings
Surveillance Testing
COVID Leave

PREFACE

This handbook is intended to familiarize you with general policies of the Artesia Public Schools. It should facilitate you in finding answers to questions which frequently arise.

The principal is responsible for carrying out the policies and programs in the school under his or her jurisdiction. If problems or questions arise, refer them to the principal first. Other personnel, including the administrative staff, are available to assist you in any way possible. The teacher's primary function is to help each student gain the maximum from his/her educational opportunity. All other personnel function fulfill the powerful role of supporting the classroom teacher in this task.

PHILOSOPHY OF EDUCATION

Our democratic philosophy of education aims toward the fullest development of the potentialities of all children to enable them to establish self-reliance in a modern world and to make a worthy contribution to society.

All educational experiences should constitute a continuous challenge to students with various interests and at various levels of maturity so that fundamental desires to learn and to grow will be encouraged and satisfied.

EDUCATIONAL GOALS

Implement a steady, planned progression, grades K-12, toward fulfilling the New Mexico Common Core State Standards in Language Arts and Math and the New Mexico Standards and Benchmarks in all other subject areas. Students will meet the requirements established by the New Mexico State Board of Education. Curriculum maps and evidence notebooks are available from principals and department heads. A link to "Deconstructed" Common Core Standards are available on our website under the Staff Resources tab. The password to access the documents is "artesia".

Promote an awareness of our multi-ethnic culture and a respect for people and their varied backgrounds.

Develop the skills of reading, writing, speaking, and listening so that each child may effectively communicate with others.

Demonstrate the basic mathematical processes with a sequential progression of skills ranging from consumer needs to advanced math.

Learn the ideals of our democratic society with emphasis on our state and nation. Show respect for the democratic way of life through an acquisition of historical facts and the precepts of democratic government.

Develop creative talents to broaden interests, provide worthwhile use of time, and appreciate the contributions of others.

Understand the application of science and how science can improve the quality of life. A sequential pattern, grades K-12, will be utilized in which a student may continue to acquire more answers to the questions about our world and may apply this knowledge to better understand the more complex processes of our world.

Appreciate the contributions of those in our society who are involved in the workforce.

A gradual acquisition of skills and a knowledge of various occupational opportunities which will enable a more promising future after completion of public school.

Develop the human body and health habits which include the mental, physical, and emotional well-being of the individual.

Develop an awareness of the need for the conservation of human and material resources.

Realize that these basic principles must be emphasized and included in the curriculum: (1) Our world constantly changes and all students must learn to cope with change; (2) Each child is different in many ways; (3) Each child has a right to develop his academic skills to the fullest extent with support and encouragement from the instructional staff; (4) A positive attitude toward the learning process is a vital need for each child as education is a life-long activity; (5) A tolerance and acceptance of all human beings regardless of economic status, race, national origin, religion, age, sex, marital status, sexual orientation, or handicap; (6) The family is a basic strength of our society, and we must do all we can do to preserve the influence of the family.

Achieve a balance between "academics" and extra-curricular activities, with the knowledge that

activities are vital ingredients in the learning process. It is our goal that quality student activities will be offered to students at the appropriate grade levels. It is our goal to enrich the basic curriculum with student activities. The proper care must be taken to ensure that activities complement rather than detract from the basic curricular areas.

ARTESIA PUBLIC SCHOOLS
BOARD OF EDUCATION PRIORITIES

I. School Safety

Safety of students, staff, and visitors is of utmost importance. We strive to provide the most effective means of prevention, intervention, and response through collaboration with local law enforcement agencies, the department of health, regular training activities, sensible construction of buildings, and the effective use of technology.

II. Student Achievement

Our educational system will meet the social, emotional, and academic needs of ALL students.

Standards-based teaching and learning are expected at all levels. Available assessments will be utilized to determine student levels, plan instruction, and monitor progress resulting in continuous improvement.

Priority is placed on providing students with an education balancing required core subjects with participation in activities, athletics, electives, and courses offering dual credit, advanced placement, and career readiness.

III. Support of Staff

The teacher is the most influential factor in the education of students. The mission of all other staff members is to support the efforts of the teacher. All staff members will be provided the environment, resources, and training necessary to excel in their respective roles.

IV. Community Relations

A mutually beneficial relationship has been established between the community of Artesia and the Artesia Public Schools. We realize our dependence on one another to assist students in acquiring and displaying admirable qualities and values. Our valuable partnerships with local foundations, industries, and city government enable us to provide valuable educational experiences for students that would otherwise not be possible. Together we are the City of Champions.

V. Capital Improvements

Safe, inviting, and practical classrooms and facilities are essential for student and staff success. We take great pride in the care and maintenance of existing facilities, and new construction projects are completed according to the highest standards. Projects will be addressed according to the District Capital Improvements Priority List established by the current Facilities Master Plan.

BOARD OF EDUCATION

Lowell M. Irby, President
Jeff Bowman, Vice President
Cherie Widmayer, Secretary
David Conklin, Member
Luis Florez, Member

ADMINISTRATIVE STAFF—301 Bulldog Boulevard, 746-3585

John Ross Null	Superintendent
Danny Parker	Assistant Supt./Secondary Education
Thad Phipps	Assistant Supt./Operations
Mike Worley	Assistant Supt./Elementary Ed. & Fed. Prgms.
	Director of Special Education
Janet Grice	Director of Finance
Scotty Stall	Director of Technology
Scott Simer	Director of Maintenance
Cooper Henderson	Director of Athletics
Aaron Caldera	Food Services

ADMINISTRATION OFFICE STAFF

Liz Calderon	Receptionist/Federal Programs Secretary
Joy Conklin	Assistant Business Manager
Katrina Beverage	Accounts Payable
Vana Conner	Human Resources
Audrey Sanchez	Human Resources/Digital Learning
Mykol Horner	Superintendent's Secretary
Pearl Valles	Business Office Specialist
Esther Earl	Payroll
Anna Bilberry	Payroll
Julie Sedillos	Cafeteria/Transportation
Monica Reyes	STARS/PowerSchool
Wandean Herrera	Medicaid Coordinator
Naomi Perkins	Student Services Secretary
Lourdes Lopez	Athletics Secretary

SCHOOL PRINCIPALS

Eric Greer	High School
Mark McAlister	High School, Assistant
Halee Goff	High School, Assistant

Chanda Crandall	Junior High School
Matthew Conn	Junior High School, Assistant
Darian Jaramillo	Intermediate School
Scott Neel	Intermediate School, Assistant
Lynn Worley	Yeso Elementary
Kaci Whitmire	Yeso Elementary, Assistant
Tammy Davis	Central Elementary
Mitzi McCaleb	Grand Heights
Cody Skinner	Hermosa Elementary
Tami Elkins	Penasco School
Leslie Catano	Roselawn Elementary
Brian Taylor	Yucca Elementary

K-12 DEPARTMENT HEADS

Amy Mathis (AHS ext. 1516)	Math
Alysia Tutak (AHS ext. 1527)	Language Arts
Melissa Burnett (AHS ext. 1541)	Science
Jesse Wright (AHS ext. 1538)	Social Studies
Murry Avery (AHS exts. 1547/1572)	Vocational
Tim Trentham (AHS ext. 1552)	Art
Susie Parker (AHS ext. 1520)	Music
	World Languages
Kate DeHoyos (Hermosa ext. 5033)	P. E.—Elementary
Eric McCaleb (AIS ext. 2035/36/37)	P. E.—Secondary
Julie Horner (AIS ext. 2002, Central 4021)	Elem. Math Coach

GENERAL POLICIES

ACCIDENTS

Any accident occurring on the way to or returning from school, at school, or at home, involving a child or teacher should be reported to the principal as soon as possible. Since accidents may result in litigation, the principal, nurse, or employee involved should fill out the Notice of Accident or Occupational Disease (Workmen’s Compensation) form for employees or the NMPSIA Claim Form for student injuries. Student accident forms should be submitted to the Assistant Superintendent of Operations on the day of the accident. The Notice of Accident or Occupational Disease (Workmen’s Compensation) must be submitted to Vana Conner in Human Resources (see policy below). A work order should be submitted by the building principal to the maintenance director, if applicable.

ADMINISTERING PUNISHMENT

Do not under any circumstances shake, slap, or otherwise handle any student. Do not put students in the hall or confined areas for punishment. See School Board Policy Manual (Section J) for detailed explanation of discipline policies.

AMERICAN DISABILITIES ACT

The Artesia Schools is in an ongoing process to be in complete compliance with the American Disabilities Act.

The Artesia Public School District is an equal opportunity employer and does not discriminate on the basis of race, national origin, religion, age, sex, marital status, sexual orientation, or handicap in compliance with Federal and State Laws.

BUS STUDENTS

Since some buses have long distances to travel and some make connections with other buses, bus children must not be retained after school or permitted to loiter in the rooms. In the primary grades, teachers should accompany children to the bus until all children are able to distinguish their bus from the others. All teachers should regularly stress bus courtesy, safety and bus regulations. Transportation Handbooks are available at each school site.

CHILD ABUSE

All School District personnel, school employees, school volunteers, contractors and contractors' employees shall be required to complete training in the detection and reporting of child abuse and neglect, ethical misconduct, professional responsibilities, sexual abuse and assault, and substance abuse. This requirement shall be completed within the School District employee's, school employee's, school volunteer's, contractors and contractors' employees first year of employment. The training information shall be available through the department of education and/or Safe Schools platform (see page 16).

Every person, including any school employee licensed or unlicensed, who has information that is not privileged as a matter of law, who *knows or has a reasonable suspicion* that a child is an abused or a neglected child shall report the matter immediately to:

New Mexico Child Abuse Hotline (1-855-333-SAFE or #SAFE from a cell phone [#SAFE = #7233]);
a local law enforcement agency;
the department office in the county where the child resides; or
a tribal law enforcement or social services agency for any Indian child residing in Indian country.

The report shall contain the following information:

The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.

The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.

Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

The school administrator should be informed following the immediate report abuse, and the "Agency Referral Form and Procedure" should be used in order to have documentation and follow up (form available at bulldogs.org—search policy JLF-E. See School Board Policies—page 18.)

A school administrator and/or their designee may permit a member of a law enforcement agency or an employee of the Human Services Department to interview the child with respect to a report without the permission of the child's parent, guardian or custodian.

A person who fails to report abuse as provided in 30-6-4 NMSA 1978 is guilty of a misdemeanor.

COMMUNITY ORGANIZATIONS

Faculty members are sometimes called upon to attend meetings or contribute programs for community organizations on school time. We desire to cooperate with all these organizations, if possible. Attendance at these functions must be planned with the principal in advance.

DRUG-FREE SCHOOLS

The Artesia Board of Education has adopted a Substance Abuse Policy. Refer to the Board Policy Manual section G-GBEC for a complete explanation of the policy and procedures.

DRUG-FREE WORKPLACE

The Artesia Public School District certifies it will provide a drug-free workplace.

E-MAIL

Your bulldogs.org e-mail account must be used for all school related e-mail correspondence. Any problems with your account should be directed to Mr. Scotty Stall at srstall@bulldogs.org.

EMERGENCY CARE AND ILLNESS OF PUPILS

Parents have the first responsibility in arranging to have children taken home. If parents are not available by telephone, then the principal assumes the responsibility of seeing that the child is taken care of. The teacher should become acquainted with Care of Emergency Sickness or Injury found in the New Mexico School Health Manual available at www.nmschoolhealthmanual.org. Medication may only be administered to pupils by school personnel according to district policy outlined in the Artesia Public Schools Board Manual Section JLCD.

EVALUATION PROCESS

New Mexico's evaluation system for certified staff has been revised and will now be called "Elevate NM". It was developed from recommendations made by the Teacher Evaluation Task Force during the 2019-2020 school year. Elevate NM will be a system that provides feedback to teachers through their Professional Development Plans, classroom observations by administrators, and feedback from family and student surveys. Elevate NM was "test driven" by New Mexico schools during the 2020-2021 school year, and will be formally implemented in 2021-2022. Watch for opportunities to provide the district and the PED feedback on the new system. More information can be found here:

<https://webnew.ped.state.nm.us/bureaus/educator-growth-development/elevatenm/>.

All certified and support staff will be evaluated annually by their immediate supervisors using the appropriate district evaluation documents. Evaluation documents are available from building principals.

FAIR LABOR STANDARDS ACT—Support Staff Workload

Nonexempt employees, those noncertificated employees subject to the minimum wages and overtime provisions of the Fair Labor and Standard Acts, will be required to complete an individual timesheet showing the daily hours worked.

Timesheets shall cover one (1) pay period (two weeks) and shall be completed at the close of each work day.

Nonexempt employees shall record their starting time, time out for lunch, time in from lunch, quitting time, and total hours worked for each work day.

Nonexempt employees are not permitted to sign in or commence work more than fifteen (15) minutes before their normal starting or to sign out or stop work later than fifteen (15) minutes after their normal quitting time without the prior approval of the building administrator/supervisor.

All employees are required to take a lunch or meal break. Exceptions may be made for lunch periods per a voluntarily signed and written agreement between the employee and administrator.

All nonexempt employee time records shall be verified and signed by the building administrator/supervisor.

Reporting another nonexempt employee's time or falsifying one's own time is prohibited and may be grounds for disciplinary action including termination.

Nonexempt employees who physically work more than forty (40) hours per week shall be awarded "compensatory time" at the rate of one and one-half (1 1/2) hours for each hour of overtime work. In cases of emergency, when the employee cannot be immediately released for this time and one-half compensation, the Superintendent will make the decision as to paying the employee at the rate of time and one-half or having the employee take the time off at a future date. The hours must be approved by the immediate supervisor before an employee works overtime or, in the case of an emergency, immediately upon completion of the work or as soon thereafter as possible.

Compensatory time off shall be taken during the following pay period or workweek in which it was earned unless the use of compensatory time off would unduly disrupt the operations of the District. In the event the supervisor determines compensatory time off during the week following the week it is earned would be unduly disruptive to the operations of the District, such compensatory time off may be taken as soon as is reasonably possible thereafter.

This overtime compensation plan does not apply to exempt employees or to volunteers.

GRIEVANCE

An instructor should verbally report any grievance to his immediate supervisor (Principal or Assistant Principal). If the instructor is not satisfied with the Principal's solution, he or she should submit the grievance in writing to the appropriate Assistant Superintendent of Instruction (Elementary or Secondary). If the Assistant Superintendent's remedy is not to the satisfaction of the employee, a written grievance should be submitted to the Superintendent. If the Superintendent's solution does not meet the satisfaction of the instructor, a written statement to each local school board member should be submitted. The policy is outlined in the Board Manual in section GBK.

IN-SERVICE

Several in-service training opportunities are offered during the school year. Presenters in different curriculum areas are brought to the Artesia school site to keep teachers informed of trends, innovations, and new information. Virtul trainings are also provided regularly. Additionally, optional training opportunities will be held on Workshop Wednesdays in the Bulldog Training Center. The trainings will be provided by our own district and building level administrators as well as lead teachers. A schedule of trainings to be offered will be provided.

INSTRUCTIONAL SUPPLIES

School supplies are limited by the budget. However, the school will try to meet reasonable needs. When in need of supplies not available in the principal's office, discuss your needs with the principal and if warranted, they will be requisitioned for you. All purchases must follow district purchasing procedures. Purchases made without following procedures place no obligation on the school, and the one making the purchase is personally liable.

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS

All teachers are encouraged to become members of professional organizations.

NOON DUTY

All school principals will remain on the campus during the lunch period; this includes lunch as well as noon recess. Teachers are to have a 30-minute duty free lunch. Teachers filling duty roles during that time will be compensated.

PROFESSIONAL GROWTH

Teachers are urged to continue their education. The teacher salary schedule provides for salary increases commensurate with additional educational hours. Teachers may receive per diem or reimbursement according to local Board policy (Section G: PER DIEM MILEAGE REGULATIONS) for applicable Superintendent-approved travel. Travel Request and Travel Voucher forms are available from the principals or the administration office.

PROBLEMS OR CONCERNS--PROCEDURE

If you encounter a problem that requires advice or help from a supervisor, the first step is to discuss it with the building principal and/or department head. If the building principal and department head are unable to solve the problem, the appropriate Assistant Superintendent should be asked for assistance. In the event that these administrators are unable to resolve the problem, then the Superintendent of Schools should be asked for assistance. The Superintendent will determine if the Board of Education should be advised. The district Staff Grievance Policy is located in section GBK of the Board of Education policy manual.

PUPIL RECORDS

Cumulative records will be kept on the individual pupil, and the progress of pupils will be reported to parents on report cards and with progress reports at the fifth week of every nine week period or more frequently as determined by individual schools. PowerSchool is the management system for

attendance and grading. The principals and secretaries will give specific instructions on how to keep these records and utilize the program.

PURCHASING

Purchasing should be completed through department heads, building administrators, or activity sponsors. Procedures are outlined in the Internal Controls and Procedures Manual available in the principal's office, from the school secretary, or online at this link—

https://tb2cdn.schoolwebmasters.com/acct_23643/site_23644/Documents/Internal-Controls-Manual.pdf. Procedures should be strictly adhered to.

SAFE SCHOOLS VIDEOS

There are a number of trainings for public school staff that are required by state statute or recommended by Poms & Associates Risk Services. Poms is the liability insurance carrier for public schools in New Mexico. The following videos are assigned to staff on the Safe Schools platform and shall be viewed by September 30, 2021. Staff will receive an e-mail notification from the Safe Schools platform with links to the various trainings.:

MANDATORY FOR ALL STAFF

Bloodborne Pathogens	23 Minutes
Sexual Harassment	32 Minutes
Staff to Student Sexual Misconduct	37 Minutes
Diabetes Awareness	13 Minutes

ADDITIONAL FOR LICENSED PERSONNEL

(Teachers, Certified Support Staff, Educational Assistants, Substitutes)

Boundary Invasion (includes Child Abuse Reporting)	25 Minutes
Bullying: Recognition and Response	52 Minutes
Cyberbullying	24 Minutes

ADDITIONAL FOR LICENSED PERSONNEL AND OFFICE STAFF

FERPA	18 Minutes
-------	------------

SAFETY POLICY

The safety and health of our employees and students are primary considerations in the operation of our school. The School Board is committed to providing a safe and healthful environment in all our school buildings and operations. In addition, we expect our supervisors to take a personal interest in the prevention of accidents and illness adhering to school-site safety plans outlining measures for prevention, intervention, and response. Please see the COVID-19 Supplement at the back of the Employee Handbook for specific guidance relating to COVID-19.

SAFETY OF STUDENTS

Safety of students should be our utmost concern. Creating a safe environment is the responsibility of all APS employees. Any concerns regarding the safety of students should be brought to the attention of a supervisor immediately.

Fire drills and crisis drills are required as student safety instruction.

Please see the COVID-19 Supplement at the back of the Employee Handbook for COVID-19 specific safe practices.

SCHEDULES

Certified employees will report to work by 8:00 a.m. They will remain on duty until 3:30 p.m. Certified employees are entitled to 30-minutes of duty free lunch. Custodial schedules are set by the building principal in conjunction with the director of maintenance with the work week consisting of 40 hours. Educational assistants work 7 hours per day with the typical schedule being 8:00 a.m.-3:30 p.m. with a thirty minute lunch break. The Educational Assistant schedule may vary depending upon the needs of the students at each campus. Cafeteria worker schedules are set by the Director of Food Services. Every effort should be made by all employees to maintain the schedules established by the administration.

On bad weather days, the district may follow a delayed schedule. The delayed times are for buses, students, and staff other than administrators, maintenance, and custodians. If the weather warrants cancelling classes, administrators, maintenance, and custodians will report to school but teachers are not required to do so. Decisions regarding delays or cancellations will be announced on the local radio station KSVP—AM 990 and local television networks

between 6:00 a.m. and 7:30 a.m., sent via text through Remind, and e-mailed to your bulldogs.org e-mail address.

Please see the addendum to the 2021-2022 Employee Handbook for COVID-19 related schedule adjustments and work expectations.

SCHOOL BOARD POLICIES

Employees should become familiar with the general policies of the Artesia School Board. A copy of the School Board Policy Manual is available on line at www.bulldogs.org and in the Administration Office.

To access the online manual:

- Visit www.bulldogs.org
- Under the About Us tab, select **Our Governing Board**
- Select **NMSBA Policy Services on the left-hand side of the page**
- Click on the box next to **Artesia Policy Manual**
- Click on **Artesia Policy Manual**
- Select a section and use the **Previous Doc/Next Doc buttons at the top of the page to go from page to page**
- Or utilize the **Search Bar at the top of the page**

Please pay particular attention to Section G—Personnel. This section includes but is not limited to policies pertaining to Equal Employment Opportunities, Conflict of Interest, Staff Conduct, Drug-Free Workplace, Use of Drugs or Alcohol, Tobacco Use, Security and Safety, Workers’ Compensation, Personnel Records, Grievances, Drug and Alcohol Testing of Employees, Staff Leaves and Absences, Leave Donation, Discipline, Suspension, Termination, and Discharge, and Title IX.

SEXUAL HARASSMENT

Sexual harassment of employees or students is strictly forbidden by the Artesia Schools. If sexual harassment is reported, it will be dealt with in a professional manner as set forth in the Sexual Harassment Policy of the Board Policy Manual in Section A-ACA and according to new Title IX requirements. The APS Athletics Director and Title IX coordinator is Cooper Henderson. Questions may be directed to him at the district administration office, ext. 1104 or chenderson@bulldogs.org.

SOCIAL NETWORKING SITES

Since a school district employee's interactions or dialogue with students on a social networking website could be viewed as a representation of the school district by viewers and since communications on such websites are not subject to the same levels of supervision, structure, or formality as the school or classroom environment, the school district strongly discourages its employees' use of social networking websites as a means of conducting school district business or communicating with students.

State statutes and regulations and school board adopted ethical and professional policies and standards require that professional educators and school district employees establish strict, appropriate, and professional boundaries in their conduct and communications with students. To that end, school district employees shall not use social networking websites as a means of communication with any school district student for purposes unrelated to the school curriculum or school programs.

Employees communicating on social networking sites on matters personal to them or personal to their individual employment on matters which are inappropriate and inconsistent with their ethical responsibilities and not of public concern or with intent to communicate personally with students outside of the district's approved instruction and supervision is prohibited. Employees should utilize the extensive policies and procedures already existing to communicate with the school district's administration on matters affecting their employment or the education of students whom they serve.

SPECIAL INSTRUCTIONAL PROGRAMS/SECTION 504

Each qualified student within the district who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the district.

For more information regarding Special Education services, please contact:

Cari Jowers—Director of Special Education

301 Bulldog Blvd.

575-746-3585

cjowers@bulldogs.org

For more information regarding Section 504 of the Rehabilitation Act of 1973, please contact:

Cody Skinner—Assistant Superintendent of Elementary Education

301 Bulldog Blvd.

575-746-3585

cskinner@bulldogs.org

Danny Parker

Assistant Superintendent of Secondary Education

301 Bulldog Blvd.

575-746-3585

SPEECH RIGHTS OF PUBLIC EMPLOYEES

*adapted from PED memo dated October 22, 2020 from Secretary of Education, Ryan Stewart

Free Speech Protections

Public employees in New Mexico find free speech protections in both the [First Amendment \(U.S. Const. amend. I\)](#) to the United States Constitution and in [Article II Section 17](#) of the New Mexico Constitution (N.M. Const. art. II, § 17). Both Constitutions allow public employees — including public school staff — to express their ideas and opinions without fear of adverse actions by their employers for those expressions, with some conditions (see below).

The definition of “speech,” for the purposes of free speech protections, includes written and spoken verbal expressions, as well as non-verbal expressions or “symbolic speech”. Symbolic speech can include things like wearing a black armband to communicate objection to war, as was addressed in the 1969 U.S. Supreme Court case, [Tinker v. Des Moines Independent Community School District \(393 U.S. 503 \(1969\)\)](#).

Protected speech also includes speech relating to matters of “politics, nationalism, religion, or other matters of opinion” as explained in the 1943 U.S. Supreme Court case, [West Virginia State Board of Education v. Barnette \(319 U.S. 624 \(1943\)\)](#). The Barnette case established that *not* speaking or making a particular expression, such as saluting a flag, is also constitutionally protected.

The [National Labor Relations Act \(29 U.S.C. §§ 151-169\)](#), protects both union and non-union employees' rights to engage in concerted activities for the purposes of mutual aid and protection, such as working to improve the terms or conditions of employment.

Anti-discrimination and civil rights laws could also apply if an employee's political speech or expression relates to gender, sex, race, religion, disabilities, age or other protected characteristics. Title VII of the federal Civil Rights Act of 1964, the federal Age Discrimination in Employment Act, the federal Americans with Disabilities Act, and New Mexico's Human Rights Act all provide protections from discrimination against persons based on enumerated classes. Action taken by a public employer against an employee who engages in speech related to a protected class could subject the employer to a claim of discrimination or harassment, in violation of one of those laws. Further, an employer may have an obligation to stop or prevent certain political speech if that speech creates a hostile environment for employees who belong to a protected class.

When is Speech Protected?

A public employer may be prohibited from disciplining (e.g. firing, demoting, suspending or substantially changing employment terms and conditions) an employee based on the employee's speech, if the speech is protected. The U.S. Supreme Court has provided a test in [Garcetti v. Ceballos \(547 U.S. 410 \(2006\)\)](#) to determine whether a public employee's speech is protected. The questions include:

1. *Did the employee speak as a private citizen?*

The employee's speech was not made as a part of the employee's job.

2. *Was the speech/expression about a matter of public concern?*

If the speech/expression was related to a social, political, or community issue, it is likely a matter of public concern. The U.S. Supreme Court in [Connick v. Myers \(461 U.S. 138 \(1983\)\)](#) stated that determining whether a statement is a matter of public concern requires an examination of the "content, form and context of a given statement."

3. *Is the employer's interest in efficiently fulfilling its public services greater than the employee's interest in speaking freely?*

On this issue, among other things, courts look at whether the speech/expression interferes with an employee's work responsibilities, with harmony in the workplace, or with loyalty and confidence required of other employees. Additionally, in [Duke v. Hamil \(997 F.Supp.2d 1291 \(2014\)\)](#), the court ruled that a public employee's speech is protected so long as such speech is not "capable of impeding the government's ability to perform its duties effectively."

At times, it may be appropriate for school staff to address controversial issues as part of a curricular exercise (e.g. social studies, debate, etc.). As long as the content supports the curriculum and instruction, and in so much as it does not violate the pedagogical expectations of the school, such speech shall be protected.

Also, the U.S. Office of Special Counsel recently ruled in favor of federal employees supporting Black Lives Matter, including displaying the phrase or materials, while on duty. The opinion states that, "[t]he Hatch Act generally allows employees to engage in BLM-related activity while on duty or in the workplace." While the opinion focuses on Hatch Act violations, there are other issues to consider, such as whether local laws or rules are relevant for public school employees. However, it is important to note that the opinion is rooted in the notion that Black Lives Matter is a movement concerned with eradicating racism, which is a non-partisan issue.

While the case law is varied around what some may deem to be controversial speech in a pedagogical setting, rulings such as the one referenced above support a legal interpretation that statements that acknowledge the historical oppression of particular racial and ethnic groups and the continuing impediments to equality they face are appropriate expressions of free speech. In a state populated with the rich histories diversity of New Mexico, these statements reflect a shared humanity necessary to uphold our society and democracy.

When is Speech Not Protected?

Not all speech is protected. Speech made as part of an employee's job duties and/or speech that does not address a matter of public concern would not pass the test above and would not be protected. For public school employees, this means it is critical to distinguish speech that is made in one's personal capacity (e.g. in a private social media account with restricted access by family and friends only) from that which is made in one's professional capacity (e.g. in the classroom, while delivering instruction, representing the school community in a public forum, on a public access social media account, etc.). In addition, the U.S. Supreme Court in [Chaplinsky v. State of New Hampshire](#) said that "fighting words... those which by their very utterance inflict injury or tend to incite an immediate breach of the peace," along with certain other types of speech that have little or no social value, are not protected.

Endorsement of Candidates for Public Office While at Work

PED rule requires any individual issued a license or certificate by the PED "to assume full political and citizenship responsibilities, but refrain from exploiting the institutional privilege of [their]

professional positions to promote political candidates or partisan activities.” (Emphasis added.) See NMAC 6.60.9.8(B)(5). PED has statutory authority to deny, suspend or revoke a department-issued license for other good and just cause which may include violation of this principle. See §22-10A-31 NMSA 1978.

As educators, we must remember that our mission is to teach students how to think and make choices on their own. We also must be cognizant of our status as role models for students. To preserve the integrity of the teaching and learning process and to honor students’ individuality, employees must refrain from displaying paraphernalia endorsing a particular political candidate while in the conduct of their official duties. This includes not displaying signs, bumper stickers, or other similar materials in classrooms, administrative offices, on school or district vehicles, in school-related online video conferences, or on other district property.

It is also important for school leaders to be aware of New Mexico’s Governmental Conduct Act, which addresses certain conduct in which a salaried public employee, including teachers and administrators, may not engage in connection with political activities. Section 10-16-3.1 NMSA 1978 states:

A public officer or employee is prohibited from:

A. directly or indirectly coercing or attempting to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose;

B. threatening to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities;
or

C. violating the officer's or employee's duty not to use property belonging to a state agency or local government agency, or allow its use, for other than authorized purposes.

Regarding Social Media

There are plenty of news stories about teachers who are disciplined or terminated due to information posted online. Unlike most areas of the law involving social-media issues, there are several reported opinions and administrative and arbitration decisions on this question.¹

Generally, guidance may be offered to school staff that – when posting from personal accounts – they be mindful of inclusive language such as “we” or “our” that could imply one is speaking on behalf of the public institution, rather than as a private citizen. Generally, the act of “liking” something on Facebook or elsewhere is allowable, as long as the content is not considered hostile

toward a protected class, or otherwise inciting violence or promoting illegal behaviors. Districts and state chartered charter schools in New Mexico have the autonomy to craft their own social media policies for school staff, within the boundaries of the guidance articulated in this memo and the law.

Public Employers' Rights

While public employees enjoy broad protections of their expressions, public employers also have an important interest in maintaining efficient operations of their workplaces. The U.S. Supreme Court in [Pickering v. Board of Education of Township High School District 205, Will County, Illinois](#) said that “[t]he problem in any case is to arrive at a balance between the interests of the teacher, as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.” In a situation involving expressions by a public employee that are said to interfere with a public employer’s operations or to justify adverse action against the employee, a court will examine the interests of both parties to determine whether the expressions should be protected under the First Amendment.

A public employer is not prohibited from taking adverse employment action against an employee who has engaged in protected speech if the employer’s action is based on a legitimate reason; however, the employer will be required to show that it would have taken the same action if the employee had not engaged in the protected speech.

STUDENTS LEAVING SCHOOL

Since students are under our jurisdiction during the time they are in school, it is our responsibility to see that none of them leave the school during school hours, voluntarily or involuntarily, in the company of any adult other than a parent, guardian, emergency contact, or a member of the school personnel. Under no circumstance should school personnel transport students in a personal vehicle. Information regarding becoming certified to transport students in school vehicles is available from principals and from the Assistant Superintendent of Operations at the administration office.

NOTE: Attorney General's opinion (9-21-60) is that school officials cannot prevent law enforcement officers in performance of their duties, from taking a student from school. School Board Policy states that law enforcement must check students out of school through the school office. Forms are available in

the principals' administrator handbook for law enforcement officers to use in checking out these students.

STUDENT ABSENCES

Policy developed pursuant to the Attendance for Success Act is followed in regard to student attendance. Teachers, nurses, and principals should maintain close supervision of pupils' school attendance. If there is reason to suspect just cause for concern regarding a pupil's absence, the principal should be notified. Some students are absent from school several days each year without apparent justifiable cause. In many of these cases, the parents are lax in accepting the responsibility of keeping their children in school. Administrators will ensure that notices of absence are sent after the third, fifth, and 10th unexcused absences to these parents and students to impress upon them the value of education and necessity of complying with the Attendance for Success Act. Additional parent contact will be made when a student misses 5%, 10%, and 20% of school days. The district attendance policy may be found in all student handbooks and in board policy JH-R. Variations from the regular taking of attendance due to COVID-19 restrictions will be communicated by district and building administrators.

STUDENT PROMOTION POLICY

Promotion from one grade to another or retention in a grade shall be done according to the best interest of the individual student and in accordance with the State of New Mexico Promotion/Retention Regulation. Promotion and retention shall be accomplished in conferences which include the parent, teacher, principal, counselor, and the school SAT Team. Students who need to be placed with students of their own age for their best educational interests may skip a grade. However, students will not skip grades 5, 7 or 9. Students skipping grades must have the approval of the Assistant Superintendent of Personnel and Student Services.

If a student is to be promoted in grades 6, 7, and 8, he/she must have passed a minimum number of core subjects or have approval of the Principal and Assistant Superintendent Personnel and Student Services or designee. Students in grades 9-12 are promoted or recommended for graduation based on credits earned.

All promotions in grades one through five must be recommended by a majority of the teachers involved and the school principal.

If a student is being considered for retention, a conference must occur with the parents, teacher or teachers, and the principal involved. If there is disagreement among the parents, teacher or teachers, and the principal regarding the retention, a conference will occur with the Assistant Superintendent of Personnel and Student Services or designee present. The Assistant Superintendent will consider the information available and make the final decision.

SUBSTITUTE TEACHER PROCEDURES

The Artesia Public Schools utilize an automated substitute calling system by E-School Solutions called Smartfind Express. The site can be accessed from our district website at www.bulldogs.org. The link is in the bottom right hand corner of our webpage. The system can also be accessed by phone at 575-308-5210.

***All teachers who may require a substitute teacher must register in the system.**

General Instructions:

1. Returning teachers can access the site with the same login credentials used in 2020-2021 (your employee ID# and the PIN# you set-up). New teachers for 2021-2022 will activate their accounts using their employee ID# as both the Access ID# and Initial PIN#.
2. Activating an account (new teachers)—Dial 575-308-5210. Follow the prompts to activate your account. Make sure you have your employee ID# which will be used as your Access ID# and Initial PIN#. You will be prompted to change your PIN# to whatever you choose.
3. After activating your account, you can login to the site to create an absence (absences can also be created by phone) and review absences. The “Help” tab in the top right hand corner of the Smartfind Express site can provide assistance.
4. For Advanced Notices of Absence (medical appointments, funerals, personal days, etc.), notify your school administrator and/or secretary using the district’s blue Advanced Notice of Absence form available at your school site. Your administrator or secretary will arrange your substitute or have you enter it in the online system at their discretion. For unplanned absences (sudden illness of you or a family member or other emergency or urgent situations), you should create an absence using the Smartfind system—either by phone at 575-308-5210 or on the website. This can be done the night before the absence or in the early morning hours of the absence. The system will call substitutes between the hours of 5:30 and 8:00 a.m. and 5:00 and 10:00 p.m. to fill jobs.

5. Mykol Horner, Audrey Sanchez, and John Ross Null at the administration office are all administrators of the system. If you have any questions, problems, or concerns, please notify one of them for assistance.

SUPERVISION OF STUDENTS

All teachers are expected to remain with their students at all times unless students are under the supervision of another teacher.

TECHNOLOGY

The Artesia Public Schools strive to offer the most advanced technology possible to all students and staff K-12 including access to classroom computers, computer labs, mobile lab stations, and smart board technology. We believe that appropriate technology will equip the students for future success in the world of higher education, business, and leisure and enable staff to enhance their teaching strategies making learning more relevant for students. It is our goal that each student be “technology literate” when he or she graduates from Artesia High School. Our district website address is www.bulldogs.org.

Contact Scotty Stall, District Technology Director, at 746-3585 or srstall@bulldogs.org for information regarding the various types of technology available for your use.

TITLE IX

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail to the Title IX Coordinator, Superintendent, or supervisor of their work site as indicated in board policy ACA. See School Board Policies section on page 17 of this handbook.

Title IX Coordinator

Cooper Henderson, chenderson@bulldogs.org, 575-746-3585, ext. 1104

VALUABLES, ID BADGES, AND KEYS

Do not leave keys/id badges or valuables accessible to students. Initial ID badges will be issued free of charge, but replacements will cost the employee \$10.00. Duplicate ID badges may be obtained at the administration office.

WORKERS' COMPENSATION INSURANCE

All employees are covered under Workers' Compensation Insurance and are advised that a small Workers' Compensation fee will be deducted from their salary on a quarterly basis. This coverage includes injuries resulting from a work-related accident or illness. **All employees are required to immediately report the accident or illness to his/her supervisor. The "Notice of Accident or Occupational Disease" form must be completed and submitted to the Human Resources Department immediately.** Failure to report Workers' Compensation claims within the proper time frame will result in fines to the district.

LEGAL POLICIES

YOUR LEGAL NAME

Please use your legal name as it appears on your social security card for all payroll-related documents.

EMPLOYEE CERTIFICATION AND QUALIFICATIONS

Each employee in a position requiring a New Mexico Public Education Department issued license must file with the Superintendent's Office a valid NMPED Certificate before receiving any salary. All new staff and those whose certificates expired July 1st should attend to this immediately. Please contact Vana Conner at the administration office for assistance.

The Artesia Board of Education has established the following minimum standard qualifications of teachers employed:

All teachers shall possess a minimum professional preparation of a Bachelor's Degree earned in an institution accredited by the State Board of Education or by a regional accrediting association recognized by the State Board of Education.

New Mexico Public Education issued certificates of licensure should be displayed in your classroom or workspace.

TRANSCRIPTS OR CREDITS

The New Mexico Public Education Department requires the filing of transcripts of college credits with the school office. If you have attended school during the past summer or gained credits by correspondence or extension, ask the registrar to forward a statement of credits earned. Your adjustment in salary cannot be made unless your transcript is on file at the Administration Office. September 15th is the deadline for transcripts to affect salary changes. No salary adjustment will be made for transcripts received after September 15th. Undergraduate hours must be approved in writing by the Superintendent for credit on the salary schedule.

INSURANCE POLICIES/PAYROLL INFORMATION

LIABILITY INSURANCE ON BUILDINGS AND GROUNDS

The Board of Education carries liability insurance against injuries that might occur in the buildings or on the school grounds as a protection to the Board and the School District. Although such injuries should be reported, the only recourse injured persons have is through settlement with the insurance company or through the courts. Please see the Workmen's Compensation section on page 12 for information regarding employees injured on school grounds or while performing job-related duties.

LIABILITY INSURANCE ON PERSONNEL

The Board of Education carries insurance on all school personnel to protect them against any lawsuit which might arise from any lawful action taken by an employee while performing his regular duties. An instructor is covered if they have followed Board Policy. Please refer to page 15 for instructions on accessing Board Policies.

PAYROLL REVIEW

The following is a review of information regarding payroll and payroll deductions.

THE FINAL DATE TO MAKE CHANGES IN YOUR PAYROLL DEDUCTIONS FOR THE SEPTEMBER PAYROLL IS THE LAST WORKING DAY OF AUGUST , THEREAFTER THE LAST DAY FOR PAYROLL CHANGES WILL GENERALLY BE THE LAST WORKING DAY OF THE MONTH.

PAYROLL IS THE 7th and the 22nd OF EACH MONTH, unless the 7th or the 22nd falls on a Saturday, Sunday, or school holiday, in which case, payroll is the Friday before those designated days.

DIRECT DEPOSIT of your paycheck is available. Forms for direct deposit authorization are available in the Business Office. It is not necessary to renew your direct deposit each year. Use of direct deposit is highly recommended in order to assure that you receive payment in a timely manner, especially during summer months.

ANNUITY: Annuity payroll changes are allowed all year long. The following agents may be visiting your school or be at the Administration Office during the first two weeks of school to explain their annuity plans. Enrollments received by the Third Party Administrators after the last working day of August will be effective with the October paycheck.

ANNUITY CONTACT INFORMATION

Chris Simons	Harvey & Simons	212 W. Main Artesia	575-746-9897	Tax Deferred Annuities	ASP
Steve Willard	Investment Centers of America, Inc.	609 W. Main Artesia	575-746-9211	Tax Deferred Annuities	Symetra/Safeco
Jim Johnson	Primerica	410 S. 13 th Artesia	575-746-9492	Tax Deferred Annuities	Primerica
Brady Barham	Burba Insurance Services	1096 Mechem Dr., Ste. 22 Ruidoso	1-800-894-9990	Tax Deferred Annuities	ING/Legend/Oppenheimer

CAFETERIA PLAN: A Cafeteria Plan with Burba Insurance Services is available. Election to participate is available once a year in the fall. This plan allows you to save tax dollars by subtracting your insurance premiums from taxable income. For example: If you are in the Cafeteria Plan and your gross income is \$41,250 annually and your covered insurance premium is \$1,000 annually, then your taxable income is \$40,250. Covered insurances would include health, dental, cancer, life, and vision. Voluntary Life and Disability are not eligible. It is very important to remember that once you are in the Cafeteria Plan, you may not make changes with regard to any of the covered insurances you have unless your status changes. Status changes are: marriage, divorce, death, birth or adoption of a child, a dependent child who no longer qualifies as a dependent, or change in employment status.

FLEXIBLE SPENDING ACCOUNTS: Artesia Public Schools offers Flexible Spending Accounts through National Benefits Services (NBS). Flexible spending accounts allow Participants to use pre-tax dollars to pay for out-of-pocket medical expenses and dependent care expenses. The amounts deducted from a participant's salary to pay for these expenses are called elections. Because these expenses are paid with pre-tax dollars, participants are taxed on a lower gross salary, thereby saving money that

would otherwise be spent on federal, state, and FICA taxes. NBS maintains these funds in an account until reimbursement is requested. Any unused funds following the close of the Plan Year are not refundable to the Participant and are returned to the Employer.

INSURANCE: Artesia Public Schools offers medical, dental, and voluntary life coverages through the New Mexico Public Schools Insurance Authority (NMPSIA). \$25,000 Basic Life Insurance is also offered, for which the Board of Education will pay 100% of the premium. Medical, dental, and voluntary life coverages are available to all employees who work a minimum of 20 hrs./week or are at least a .50 FTE. The Basic Life coverage is available to any employee who works 15 hours a week or more. As per State Legislature mandates, the Board of Education pays 60% to 75% of the insurance premiums for medical and dental coverages, based on an individual's annual salary amount. You may obtain additional information regarding the NMPSIA coverages through the Business Office.

Under the COBRA Law of 1986, eligible employees and their eligible dependents who are covered under group insurance may have the opportunity for a continuation of those benefits where coverage under the plan would otherwise end. Contact the Business Office for further information.

Employees may opt to participate in the life, disability, vision, cancer, and 403(b) plans in September of each year. Participation in any of these plans does not necessarily preclude participation in the Cafeteria Plan.

FEDERAL TAX: Federal tax is withheld according to current tax tables, salary, marital status, and dependents. Retirement contributions are not subject to federal tax. Taxes will be paid on these contributions at the time they are received as a retirement pension or a lump sum payment. Federal tax add-ons may be made by contacting the Business Office.

STATE TAX: State tax is withheld according to current tax tables, salary, marital status, and dependents. Retirement contributions are not subject to state tax until they are received as a retirement pension or lump sum payment. State tax add-ons may be made by contacting the Business Office.

FICA: Taxable wages for 2021: 6.2% on wages up to \$132,900. The Board matches this contribution at 6.2%.

MEDICARE: Medicare deductions are 1.45% on all wages; the Board matches this contribution at 1.45%. This is merely a reporting change. Prior to 1-1-91, Medicare was reported as Social Security Tax.

RETIREMENT: All Artesia Public School Employees whose full-time equivalency (FTE) is more than .25 must participate in the New Mexico Educational Retirement Association. This is not an optional benefit. Effective July 1, 2021 employees who gross more than \$24,000 annually will contribute 10.70% of gross wages, and the Board will contribute 15.15%. Employees who gross \$24,000 or less will contribute 7.90% and the Board will contribute 15.15%. Any employee who has retired and returned back to work under the guidelines of the Retirement Board will contribute their 10.70% and is not entitled to refund of contributions paid under this program.

RETIREE HEALTH CARE: As mandated by the Legislature, we will withhold 1.0% of your gross earnings, and the School Board will pay 2.0% of gross to go toward funding the Retiree Health Care Fund. Participation requirements are the same as that for retirement.

PROFESSIONAL DUES: Deduction amounts are made according to the instructions of your AEA President, usually deducted in 18 equal payments, beginning with the October paycheck and running through the June paycheck.

WORKMEN'S COMPENSATION FEE: This is a quarterly fee of \$2 per employee. This fee is mandated by state law, and is matched by the district at \$2.30 per employee. The fee is withheld from employee's first check of each quarter. The cost is \$ 8 per employee annually. An additional \$ 9.20 is contributed by the district.

CREDIT UNION: The Artesia Credit Union is a non-profit organization for the convenience and benefit of the Artesia Public Schools Employees and their families. The Credit Union provides an opportunity for members to save systematically, receive income on their investment in the form of dividends, provides the opportunity for members to borrow money at a low rate of interest, and offers life savings insurance as well as loan protection insurance.

Ronnie Johnston is the Credit Union Manager. The office is located at 210 N. 5th, and the phone number is 748-9779.

Employees must work at least four (4) hours per day to qualify for the following payroll deductions: insurance or dues.

PERSONAL LEAVE: Employees who qualify for Personal Leave will be docked pay as follows:

Certified Staff: 3 days per year at \$40 per day. Thereafter, personal leave is deducted at the employee's daily rate of pay.

Non-Certified Staff: 3 days per year at \$15 per day. Thereafter, personal leave is deducted at the employee's daily rate of pay.

Pay deductions over \$200 for non-certified and \$400 for certified will be divided among the employee's remaining monthly checks. **However, pay deductions of \$200/\$400 or less will be made in one lump sum deduction.**

SICK LEAVE: Employees receive either 10 or 12 days a year depending on whether they are a 10 or 12 month employee. Up to 120 days of sick leave may be accumulated. If you should exhaust your sick leave, your pay will be deducted at your daily rate of pay. Pay deductions over \$200 for non-certified and \$400 for certified will be divided among your remaining monthly checks. **However, pay deductions of \$200/\$400 or less will be made in one lump sum deduction.**

The district's Advanced Notice of Absence form should be used for all notice of leave. Forms are available at each school site. Immediate supervisors will provide guidance on the use of the Advanced Notice of Absence forms. Please note the addition this year of new information on the back of the Advanced Notice of Absence forms. The new information provides staff the opportunity to request leave pursuant to the Families First Coronavirus Response Act (FFCRA). The details of FFCRA can be found on page 32 of this handbook.

VACATION: After a full time twelve (12) month employee has been with the Artesia Public Schools for a period of at least six months, the employee is entitled to a five (5) days paid vacation; after twelve months employment, the employee is entitled to a ten (10) days paid vacation. Vacation may accumulate to a maximum of twenty (20) days, at which time no more vacation can be earned. As accumulated vacation days are used and drop below twenty (20) days, an eligible employee may again accumulate vacation up to the maximum limit. Vacation is to be scheduled at an appropriate time and approved by the supervisor. If an employee is discharged the employee shall receive commensurate vacation pay.

After a full time twelve (12) month employee has been with the Artesia Public Schools for a period of twenty-five (25) years, the employee is entitled to fifteen (15) days paid vacation. Vacation may accumulate to a maximum of thirty (30) days, at which time no more vacation can be earned. As accumulated vacation days are used and drop below thirty (30), an eligible employee may again accumulate vacation up to the maximum limit. After twenty-six (26) years, a full-time twelve (12) month employee may accrue one additional vacation day for each full year of service and those days may accumulate to a maximum of twice the number of days earned. As accumulated vacation days are used and drop below the accumulated total, an eligible employee may again accumulate vacation up to the maximum limit. Vacation is to be scheduled at an appropriate time and approved by the supervisor. If an employee is discharged the employee shall receive commensurate vacation pay.

Employees shall be entitled to all legal holidays during the school year as announced by the Superintendent and in conformance with New Mexico Revised Statutes. Uncompensated days off will be established by the school calendar.

LEAVE DONATION POLICY: The District recognizes the existence of circumstances under which non-job-related, seriously incapacitating, and extended illnesses and injury may exhaust accrued leave of employees. To provide some measure of relief in such situations, a limited mechanism, based upon voluntary transfer of accrued annual or sick leave, is established. The mechanism will be termed transfer of accrued annual or sick leave for a medical emergency. The definition of a “medical emergency” will be as follows: A medical condition of the employee or a family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan. Applications are available from building principals or at the administration office. Applications shall be submitted to the district office at least 10 days prior to the beginning of the applicant’s unpaid leave status, when practicable.

FAMILY MEDICAL LEAVE ACT:

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;

- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

- (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*;
- or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.**

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and

responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor Wage and Hour Division/WHD Publication 1420 · Revised February 2013

FAMILIES FIRST CORONAVIRUS RESPONSE ACT:

(1) The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through June 30, 2022.

(2) Generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant*

to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

- *Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

(3) **Covered Employers:** The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.^[1] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

(4) Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

(5) **Eligible Employees:** *All employees* of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.^[2]

(6) **Notice:** Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

(7) **Qualifying Reasons for Leave:**

(8) Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

(9) Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

(10) **Duration of Leave:**

(11) **For reasons (1)-(4) and (6):** A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

(12) **For reason (5):** A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

(13) **Calculation of Pay:**[\[3\]](#)

(14) **For leave reasons (1), (2), or (3):** employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

(15) **For leave reasons (4) or (6):** employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

(16) **For leave reason (5):** employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period). [\[4\]](#)

(17) [\[1\]](#) Certain provisions may not apply to certain employers with fewer than 50 employees. *See* Department FFCRA regulations (expected April 2020).

(18) [2] Under the Act, special rules apply for Health Care Providers and Emergency Responders.

(19) [3] Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

(20) [4] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

CODE OF ETHICS

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

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

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

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

****Any School District personnel, school employee, school volunteer, contractor or contractor's employee who knows or has reasonable suspicion that a child or student has been subject to ethical misconduct by any School District personnel, school employee, school volunteer, contractor or contractor's employee shall report the matter to the Superintendent or New Mexico Department of Education.***

6.60.9.8 CODE OF ETHICS:

We, professional educators of New Mexico, affirm our belief in the worth and dignity of humanity. We recognize the supreme importance of the pursuit of truth, the encouragement of scholarship, and the promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn and to teach with the guarantee of equal educational opportunity for all. We affirm and accept our responsibility to practice our profession according to the highest ethical standards. We acknowledge the magnitude of the profession we have chosen, and engage ourselves, individually and collectively, to judge our colleagues and to be judged in accordance with the applicable provisions of this code.

A. Principle I: Commitment to the Student. We measure success by the progress of each student toward achievement of his/her maximum potential. We therefore work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. We recognize the importance of cooperative relationships with other community institutions, especially the home. In fulfilling our obligation to the student, we:

- (1) Deal justly and considerately with each student.
- (2) Encourage the student to study and express varying points of view and respect his/her right to form his/her own judgement.
- (3) Conduct conferences with or concerning students in an appropriate place and manner.
- (4) Seek constantly to improve learning facilities and opportunities.

B. Principle II: Commitment to the Community. We believe that patriotism in its highest form requires dedication to the principles of our democratic heritage. We share with all other citizens the responsibility for the development of educational programs and policies and for interpreting them to the public. In fulfilling our obligations to the community, we:

- (1) Share the responsibility for improving the educational opportunities for all.

- (2) Recognize that each educational institution has a person authorized to interpret its official policies.
- (3) Acknowledge the right and responsibility of the public to participate in the formulation of educational policy.
- (4) Evaluate through appropriate professional procedures conditions within a district or institution of learning, make known serious deficiencies, and take action deemed necessary and proper.
- (5) Assume full potential and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates of partisan activities.
- (6) Protect the educational program against undesirable infringement, and promote academic freedom.

C. Principle III: Commitment to the Profession. We believe that the quality of the services of the education profession directly influence the future of the nation and its citizens. We therefore exert every effort to raise educational standards, to improve our service, to promote a climate in which the exercise of professional judgment is encouraged, to demonstrate integrity in all work-related activities and interactions in the school setting, and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, we contribute actively to the support, planning, and programs of our professional organizations. In fulfilling our obligations to the profession, we:

- (1) Recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession.
- (2) Participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education.
- (3) Cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns, and those colleagues new to their positions.
- (4) Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
- (5) Refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student.
- (6) Refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues.
- (7) Keep the trust under which confidential information is exchanged.
- (8) Make appropriate use of the time granted for professional purposes.
- (9) Interpret and use the writing of others and the findings of educational research with intellectual honesty.
- (10) Maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts.
- (11) Respond accurately to request for evaluation of colleagues seeking professional positions.

- (12) Provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

D. Principle IV: Commitment to Professional Employment Practices. We regard the employment agreement as a solemn pledge to be executed both in spirit and in fact and in a manner consistent with the highest ideals of professional service. Sound professional personnel relationships with governing boards are built upon integrity, dignity, and mutual respect between employees, administrators, and local school boards. In fulfilling our obligations to professional employment practices, we:

- (1) Apply for or offer a position on the basis of professional and legal qualifications.
- (2) Apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates.
- (3) Fill no vacancy except where the terms, conditions, and policies are known.
- (4) Adhere to and respect the conditions of a contract or to the terms of an appointment until either has been terminated legally or by mutual consent.
- (5) Give prompt notice of any change in availability of service, in status of applications, or in change in position.
- (6) Conduct professional business through recognized educational and professional channels.

6.60.9.9 STANDARDS OF PROFESSIONAL CONDUCT

A. Preamble

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

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

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

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

- (1) shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. Section 1401 *et seq.*, 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19, NMSA 1978), the Inspection of Public Records Act (Section 14-2-1 *et seq.*, NMSA 1978), the Public School Code (Section 22-1-8, NMSA 1978), and the Children's Code (Sections 32A-2-32, 32A-4-3, NMSA 1978), withhold confidential student records or information about a student or his/her personal and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law.
- (2) shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition.
- (3) shall avoid using our position as a licensed school employee to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior.
- (4) Shall tutor students only in accordance with the local board policies if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian.
- (5) Shall not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason.
- (6) Shall not lend a student money except in clear and occasional circumstances as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance.
- (7) Shall not have inappropriate contact with the student, whether or not on school property, which includes but is not limited to:
 - (a) all forms of sexual touching, sexual relations or romantic relations;
 - (b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;
 - (c) Any open displays of affection toward mostly-boys or mostly-girls;
 - (d) Offering or giving a ride to a student unless absolutely unavoidable as where a student has missed his/her transportation and is unable to make reasonable substitute arrangements.
- (8) Shall not interfere with a student's right to a public education by sexually harassing a student or permitting students without our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:

- (a) making any sexual advances, requests for sexual favors, repeated sexual references, and any name calling by means of sexual references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them;
- (b) creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at paragraph 7 or subparagraph a of paragraph 8, subsection B of 6.60.9.9 NMAC, above.

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

- (1) Shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure.
- (2) Shall not orally or in writing misrepresent our professional qualifications.
- (3) Shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history.
- (4) Shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education.
- (5) Shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school.
- (6) Shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law.
- (7) Shall not knowingly make false or derogatory personal comments about an educational colleague, although First Amendment protected comments on or off campuses are not prohibited.
- (8) Shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100 and which compromises the integrity of the licensed educator, excluding approved educational awards, honoraria, plaques, trophies, and prizes.
- (9) Shall avoid conduct connected with official duties that is unfair or is improper, illegal or gives the appearance of being improper or illegal.
- (10) Shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:
 - (a) making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above;
 - (b) Making any other verbal or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;

- (c) Displaying or distributing any sexually oriented materials where the above-named individuals can see them;
 - (d) creating an intimidating, hostile, or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors set forth at subparagraphs a, b, or c, paragraph 10, subsection C of 6.60.9.9 NMAC, above.
- (11) shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 *et seq.*), or contacting appropriate school human resources personnel.
- (12) Shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus.
- (13) shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs.
- (14) Shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation.
- (15) Shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition.
- (16) Shall not engage in any outside employment:
 - (a) the performance of which conflicts with our public school duties as where a licensed educator takes a private job that would require performance in the very school district where he/she is employed;
 - (b) Where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties;
 - (c) That impairs our physical ability to perform our school duties.
- (17) Shall not with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
 - (a) in connection with our official school duties;
 - (b) in connection with another licensed person's official school duties;
 - (c) in connection with any non-standardized testing;
 - (d) in connection with any school application or disclosure process;
 - (e) in connection with any writing submitted to the Public Education Department related to our initial or continued licensure, including endorsements.
- (18) Shall not in connection with any State Board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test-registering.
- (19) Shall not engage in any conduct or make any statement:
 - (a) that would breach the security of any standardized or non-standardized test;

- (b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
 - (c) that would give students an unfair advantage in taking a standardized or non-standardized test;
 - (d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test;
 - (e) that would assist students in obtaining services or benefits to which they do not qualify or are not entitled.
- (20) shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace.

6.60.9.9 NMAC-N, 04-30-01.

6.60.9.10 FAILURE TO COMPLY WITH THIS CODE The SBE finds that adherence to this Code of Ethical Responsibility has a significant bearing on licensed personnel’s competence, turpitude or the proper performance of their duties. It makes the same finding for any other person providing instructional services in a school who does not hold a standard license but whose presence is authorized by the SBE through a waiver, substandard license, substitute license, or an educational plan approved by the SBE. Both the Code of Ethics and Standards of Professional Conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents. However, the Standards of Professional Conduct establish minimal standards of accepted professional conduct with which all educators and administrators are required to comply. Therefore, the SBE through the professional licensure unit (“licensure unit”) of the of Public Education Department (PED), may revoke or suspend the licensure of any person, or may deny applications for licensure or relicensure to any person, who is within the scope of this regulation, and who after hearing, is found to have failed to comply with one or more of the enumerated provisions of the Standards of Professional Conduct set forth in 6.60.9.9 NMAC, above, exclusive of the preamble. All hearings and attendant notices shall be conducted and served pursuant to either 6 NMAC 4.2.4.4 or 6 NMAC 4.2.4.5.

6.60.9.10 NMAC-N, 04-30-01

6.60.9.11 DISSEMINATION OF THIS CODE The licensure unit shall adopt measures to ensure that this Code of Ethical Responsibility receives the widest possible dissemination to all persons falling within its scope. Such measures include but are not limited to:

- A. Providing information about the Code of Ethical Responsibility directly through the licensure unit’s application process;
- B. Providing information about the Code of Ethical Responsibility to all school districts, charter schools, and non-public schools accredited by the SBE;
- C. Notifying any school district, charter school or private school accredited by the SBE of the decision and order of the SBE after the SBE has taken final licensure action against one of their employees based in whole or in part on a failure to comply with the standards of Professional Conduct;

D. Any other reasonable measure that is calculated to result in the widest dissemination of the SBE's Code of Ethics and notification of the consequences of failure to comply with the Standards of Professional Conduct.

6.60.9.11 NMAC-N, 04-30-01.

COVID-19 SUPPLEMENT

District School Reentry Procedures and Protocols

The district's "School Reentry Procedures and Protocols" document can be found at this link:
<https://www.bulldogs.org/news#SchoolReentryPlans>

District School Reentry Instructional Plan

The district's "School Reentry Instructional Plan" document can be found at this link:
<https://www.bulldogs.org/news#SchoolReentryPlans>

Additional district and NMPED documents can be found at this link:
<https://www.bulldogs.org/news#SchoolReentryPlans>

Mandatory Daily Health Screening

All ***unvaccinated*** staff are required to complete a self-check of their health each day prior to reporting for work. Staff will use the following link where they will report the following:

1. What is your temperature today?*
2. Are any of the following symptoms new or unexpected
 - Cough
 - Sore Throat
 - Vomiting or Diarrhea
3. Do you have any of the following symptoms?
 - Difficulty Breathing
 - Muscle Aches or Body Aches
 - New Loss of Taste or Smell
4. Are you currently considered a close contact to a COVID-19 positive person?
5. What is your work site?

<https://forms.office.com/Pages/ResponsePage.aspx?id=wMXa1GU05kSK3wFLBU8Rq0-93QFCRRIL187XyC-B5RVUNVNZSEFYnkFPUksZU1NLT1JKRU5QTzIBSC4U>

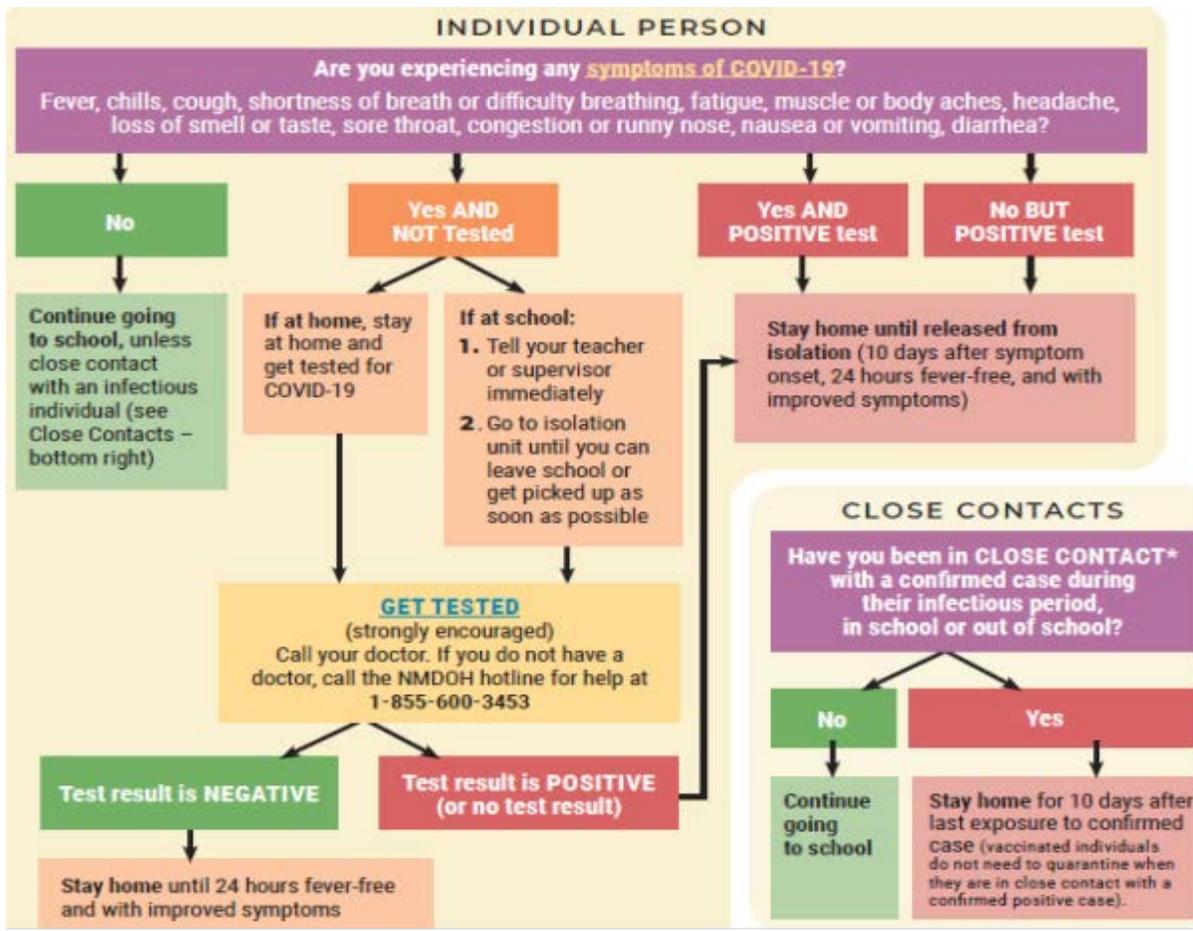
The form can also be accessed at bulldogs.org. Click on the "Staff Daily Health Screening" button on our homepage.

If you have a temperature above 100.3 degrees F or answer yes to any of questions 2, 3, or 4, do not report to work. Contact your direct supervisor and follow guidelines in the table below.

Principals and supervisors will monitor the data from the forms to ensure consistent use by all staff members. Staff members not completing the form will be considered insubordinate and disciplinary actions may be taken.

*Personal thermometers may be used and thermometers will also be available for staff use at each campus and facility.

School Staff and Student Decision Tree



*Close Contact Definition: A “close contact” in a school is defined as:

- For staff—within six feet of the infected individual (even while wearing a mask) for a cumulative total of 15 minutes over a 24-hour period.
- For students—within three feet of the infected individual (even while wearing a mask) for a cumulative total of 15 minutes over a 24-hour period.

****Fully vaccinated students and staff will not be considered close contacts if not having any symptoms.***

Mandatory Face Coverings

- Everyone in elementary schools are required to wear masks. There are limited exceptions to wearing face masks. More information available on page 15 of the NMPED COVID toolkit available at <https://www.bulldogs.org/news#SchoolReentryPlans>. Unvaccinated individuals are required to wear masks while inside school buildings, on school transportation, or at an indoor school-sponsored event except while eating or drinking. In secondary schools, students, staff, volunteers, and visitors who have provided evidence of full vaccination are not required to wear masks. Staff proof of vaccination should be e-mailed to Mykol Horner at mhorner@bulldogs.org. Masks are not required to be worn outdoors. Student proof of vaccination will be provided to school administrators.
- Employees are permitted some limited flexibility when not in the physical company of other people, but the general expectation is that, if in doubt, unvaccinated employees or those in elementary schools must wear a face covering. Acceptable face coverings are face masks (reusable or disposable). Reusable face masks are available for staff at each school site if needed.
- Outdoor duties: Masks are not required while outside.
- Visitors: Supervisors may determine the accessibility of their buildings, with consultation with the Superintendent's Office. All visitors at elementary schools will be required to wear a mask indoors. Unvaccinated or those not providing evidence of vaccination must wear a mask when inside secondary schools.
- Supervisors will be expected to enforce this directive. Employees who refuse to follow the directive, or who in any way harass or demean other employees for any reason associated with mask requirement, will be subject to discipline.
- Staff members for whom wearing a face mask would exacerbate a breathing obstruction or another severe medical condition may provide medical documentation to request an exemption. The direct supervisor and superintendent will work with the staff member to consider an appropriate alternative.
- Staff members working in close contact with students are strongly encouraged to wear a face mask and face shield if in an elementary school or if unvaccinated. Face shields are available for staff use at school sites.

Surveillance Testing

Required by the New Mexico Public Education Department for Districts to Provide In-Person Services to Students--

25% of unvaccinated staff are required to be tested for COVID each week.

Options for testing include the Curative saliva test at a NM Department of Health location or an at-home, saliva-based test through the vendor Vault Medical Services.

The testing process will look like this:

- The list of unvaccinated staff members will be divided into four groups based on last names. Each group will be tested once a month. Staff members will be notified on Wednesdays that they are due for surveillance testing the following week.
- If it is your group's week, you will receive an e-mail from Mykol Horner with instructions on how to order a test kit at no cost from Vault Medical Services. You will enter your insurance information or no insurance information if your policy doesn't cover asymptomatic COVID testing. The collection kit will be mailed to you through UPS Next Day Air. You can request the kit be sent either to your home or work-site.
- When the kit is received, you will perform the test with guidance from a test supervisor through a Zoom telehealth call.
- The sample will then be mailed to Vault's lab through prepaid UPS Next Day Air shipping. The sample can be dropped off at Brown Drug or with your immediate supervisor to be taken to Brown Drug.
- You will receive the results and will be able to check the status of your test kit on the Vault website within 48-72 hours of sending in the kit.
- E-mail Mykol Horner (mhorner@bulldogs.org) with negative results. E-mail/notify Mykol, Mr. Null, and your direct supervisor positive results, isolate, and wait for further instructions.

IF YOU PREFER, YOU MAY COMPLETE TESTING AT OUR LOCAL
DEPARTMENT OF HEALTH.

- Use the following site to schedule an appointment for a Curative saliva-based test: <https://curative.com/>. Select the Artesia office of the Department of Health as the location to test.
- E-mail Mykol Horner (mhorner@bulldogs.org) with negative results. E-mail/notify Mykol, Mr. Null, and your direct supervisor positive results, isolate, and wait for further instructions.

Thank you very much for your willingness to participate in the surveillance testing required by the New Mexico Public Education Department. This requirement enables us to provide in-person services to students including academics, athletics, and activities.

COVID Leave

The Families First Coronavirus Response Act (FFCRA) expires on September 30, 2021 (the details of the act can be found on page 32 of the employee handbook). However, New Mexico's House Bill 2 requires districts to offer the COVID leave through June 30, 2022.

Quarantine due to Close Contact--Fully Vaccinated individuals or those testing positive for COVID in the previous 90 days are not required to quarantine.***

- If quarantine is required due to exposure at school or outside of school, FFCRA days will be used. If leave exceeds the 10 allowed FFCRA days, employees' emergency, sick, or personal leave will be used.

Positive COVID

- FFCRA days will be used for work missed due to isolation due to a positive COVID result. If leave exceeds the 10 allowed FFCRA days, employees' emergency, sick, or personal leave will be used.