

## **SECTION IV**

### **ADMINISTRATIVE SERVICES**

#### **DISTRICT GOAL**

The goal of the School District is to provide safe facilities conducive to learning through a continuing commitment to preventive maintenance and meeting the facilities growth requirements of the School District.

#### **4.1. DIVISION OF ADMINISTRATIVE SERVICES**

Administrative Services includes all activities related to Business and Finance, Technology Support Coordinator, Student Nutrition/Support Services, Operations/ Transportation, and Athletics. **The Business Manager**, the Director of Technology Support Services, the Director of Student Nutrition/Support Services, the **Director** of Operations/Transportation and the **Athletic Director** are directly responsible to the Superintendent. In the absence of the positions the superintendent will fulfill these duties.

#### **4.2. TECHNOLOGY SUPPORT SERVICES**

The purpose of Technology Support Coordinator is to support all units, schools and programs in the District in their use of approved technology for productivity, research and academic instruction.

The direct supervision for these services will be the responsibility of the Technology Support Coordinator (TSC). The TSC requirements will be reviewed periodically for changes in priorities.

Additional responsibilities of the Technology Support Coordinator include, but are not limited to:

1. Supervision of Technology Support Services personnel;
2. Communication with the Public Education Department regarding data submission, various technology programs and funding; and
3. Establishing and maintaining technology processes, procedures and standards between Technology Support Services and other departments and school sites within the District.

#### **4.2.1.        DATA**

Technology Support Coordinator is responsible for the infrastructure support to maintain and backup all relevant and critical student, financial and institutional data. The data involved includes, but is not limited to:

1. Attendance;
2. Student records and testing results;
3. Personnel information;
4. Instructional information;
5. Accounting and purchasing;
6. NM Accountability Data System submissions; and
7. Website information.

It is not the intent of the Technology Support Coordinator to input data, ensure accuracy, or maintain any particular component/variable of a school's or department's data. It is the responsibility of the TSC to attempt to provide communication services between data storehouses for purposes of daily, weekly or other scheduled synchronization.

#### **4.2.2.        SUPPORT**

It is the responsibility of the TSC to provide support services to all units, schools and buildings in maintaining a productive technology infrastructure including: desktop workstation support, server maintenance and support, software application viability and installation, user and password creation on applicable systems, and network infrastructure, maintenance and upgrades.

#### **4.2.3.        SECURITY**

It is the responsibility of the TSC to provide secure measures to all technology access and data warehouses from potential infiltration, theft, vandalism and loss. This includes policies and infrastructure to prevent unlawful entrance and transmission of District resources and data and protect from viruses, power abnormalities and other natural or man-made occurrences.

#### **4.2.4.        TRAINING**

Where possible and cost effective, the TSC will provide or coordinate training to staff regarding technology use and integration in productivity and academic instruction.

#### **4.2.5. TECHNOLOGY ACCEPTABLE USE POLICY FOR SCHOOL EMPLOYEES**

##### **4.2.5.1 PURPOSE**

The purpose of this policy is to provide the procedures, rules, guidelines and code of conduct for the use of technology and the information network in the District. Use of such technology is a necessary element of the School District educational mission, but is furnished to staff and students as a privilege, not a right. The School District seeks to protect legitimate users of technology by establishing limits on such use and sanctions for those who abuse the privilege. Eliminating computer abuse provides more computing resources for users with legitimate needs.

##### **4.2.5.2 SUMMARY**

Public technologies such as desktop computers, iPad's, laptops, servers, electronic mail, Internet access, and any other form of electronic communication are provided as a service by the School District to teachers, staff, and administrators (hereinafter referred to as "employees") at their respective locations. Use is a privilege, not a right. Employees should be good citizens; they must refrain from activities that annoy others or disrupt the educational experiences of their peers. The employee is ultimately responsible for his/her actions in accessing the above listed services. Failure to comply with the regulations below and in the Board Policy Manual may/will result in loss of access privileges and/or appropriate disciplinary action. Severe violations may result in civil or criminal action under the New Mexico Revised Statutes or Federal Law.

##### **4.2.5.3 OWNERSHIP**

All hardware, software, voice-mail, electronic mail, and any other stored documents or data on a retrievable medium including, but not limited to hard-drives, CD-ROMs, zip drives, cloud storage, etc. that are resident on district equipment, are, and shall remain, the property of the School District. The School District administration reserves the right to confiscate, search or otherwise investigate any of the above mentioned items at its discretion.

##### **4.2.5.4 COMPUTER USE**

Inappropriate use of any computer, Ipad, laptop or computer workstation can be a severe offense. Please note that it is a violation of School District policy to:

1. Duplicate copyrighted software provided by the School District. It is a criminal offense to copy ANY software that is protected by copyright, unless such copying is expressly provided for within the copyright agreement, and School District will treat it as such.
2. Access any social media sites while using District Hardware.
3. Use licensed software in a manner inconsistent with the licensing agreement. Information on licenses is available through the TSC.
4. Copy, rename, alter, examine, install or delete the files or programs of another person or School District except in the case of troubleshooting or repairing the computer.
5. Use a computer to annoy others, including, but not limited to, sending offensive messages or intentionally cause a computer system or network to crash.
6. Use a computer for non-school-related activities, including but not limited to personal or private business.
7. Create, disseminate, or run a self-replication program (virus, worm, or any other program that inhibits operation of a computer or network, (whether destructive or not), distributing large quantities of information that overwhelm the network including but not limited to chain letters, network games, mass copying of files for no specific reason, etc.
8. Use software not expressly provided by School District for use on district computing equipment. Employees are not to download executable software off of the Internet, software updates to existing licensed programs resident on that personal computer, or purchased via the Internet with an official purchase order approved by the TSC. For all downloads, a copy of the license agreement must be forwarded to the TSC and the building administrator for tracking and audit purposes. Please consult with the TSC Department before proceeding with any of the above.
9. Install personally purchased software on School District computers without express permission of the TSC. If permission is attained, then a copy of the license agreement and the installation media must be housed with the administrator of that building for audit purposes.
10. **Take or scan pictures of students without signed permission of the parents and permission from the building administrator.** Additionally, no pictures of District property are to be taken without administrator approval.
11. To post any political, commercial, pornographic or otherwise questionable material to the District web site or any School District hosted web site. Additionally, any postings must meet general District policy and be approved by the TSC or its delegate.

12. Access or attempt to access a desktop, network, or host computer without having obtained the appropriate access log-in ID and password legitimately, and/or through use of log-in information belonging to another person. This is considered “hacking” and/or “trespass” and will be dealt with appropriately.
13. Tamper with switch settings, move, reconfigure, or do anything that could damage terminals, computers, printers, or other equipment. Individuals responsible for damaging these or any hardware, software, computer system, or computer lab in any manner, will be FINANCIALLY responsible for all repairs and/or replacements. This includes, but is not limited to unplugging cables, plugging cables into inappropriate locations, or other related activities that may cause the network or connection to the network to fail or to function improperly.

#### 4.2.5.5 INTERNET USE

- a. The Internet is an electronic network connecting millions of computers and individual subscribers worldwide. The purpose of the Internet is to support world-wide access to business and educational information by individuals. The use of your account must be in support of educational research and consistent with the educational objectives of the School District. **Any and all activity on District Hardware is subject to search.**

- b. Network Etiquette

You are expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:

1. Be polite. Do not be abusive in your messages to others.
2. Use appropriate language. Do not swear, use vulgarities or any other inappropriate or suggestive language. Illegal activities are strictly forbidden.
3. Do not reveal your personal address or phone number or that of other employees or students, except in your normal course of duties.
4. Note that e-mail is not guaranteed to be private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.
5. Do not disrupt the use of the network by other users.
6. **Do not share network passwords!**
7. **Do not access any social media websites on District Hardware.**

c. Inappropriate use of an account.

The use of the Internet is a privilege, not a right. Inappropriate use will result in cancellation of privileges. The following are examples of inappropriate use.

1. Use or attempt to use another person's log-in and/or password.
2. Copying, transferring, or duplicating software owned by or registered to School District.
3. Transmission of, or downloading any material in violation of any national, state, or district regulation is prohibited. This includes, but is not limited to, copyrighted documents, or threatening or obscene/pornographic material.
4. Using the network for commercial, political, personal, or private gain.
5. Communication whose sole intent is not for the purpose of education or school-related research/activities.

#### **4.2.5.6 CONSEQUENCES FOR INAPPROPRIATE USE**

The system administrators will deem what is inappropriate use and may close an account at any time. The administration may request the system administrator to deny, revoke, or suspend specific employee accounts. If an employee has failed to comply with this policy, he/she may be:

- a. Removed from the system for a specific period of time or permanently, depending on the nature of the offense.
- b. Required to pay for damages with regard to technician time, computer resources, or other fees.
- c. Criminally charged under local, state, or federal laws.
- d. Subject to employee disciplinary action, up to and including termination or discharge in accordance with existing Board policies and applicable law.

#### **4.2.5.7 Technology Acceptable Use Contract for School District Employees**

All Employees shall read and sign a copy of the District's "Technology Acceptable Use Contract" as follows:

As an employee of the School District,

I, \_\_\_\_\_, recognize and understand that the District's hardware and software systems are to be used for conducting District business only. I understand that use of this equipment for private purposes is **strictly prohibited**. Further, I agree not to access a file or retrieve any stored communication or data other than where authorized unless there has been prior clearance by an authorized School District representative.

I am aware School District reserves the right to review, audit, intercept, access, and disclose all matters on the District's e-mail systems and servers at any time, with or without employee notice or consent, and that such access may occur during or after working hours. I am aware that use of a School District provided password or code does not restrict the District's right to access electronic communications. I am aware that violations of this policy may subject me to disciplinary action, up to and including termination or discharge from employment.

I acknowledge that I have read and that I understand the School District Technology Acceptable Use Policy regarding e-mail, computer hardware usage, computer software usage, and Internet access. I acknowledge that I have read and that I understand this notice and that a copy of the entire policy has been provided to me.

Refusing to sign does not negate my responsibility to abide by the policies and procedures as set forth above and in the policy as revised. Choosing not to adhere to the policies set forth above is cause for suspension of all computer and internet privileges.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### **4.3. OPERATION OF PLANT**

The Board will endeavor to provide schools that are safe from hazards, properly equipped, lighted, ventilated, and aesthetically suited to promoting the goals of the schools.

The principal of each school will:

1. Be responsible for the care and maintenance of the buildings and grounds; and
2. Supervise the custodial staff of the school in maintaining an adequate program for such care and maintenance.

#### **4.4. BUILDINGS, GROUNDS AND PROPERTY MANAGEMENT**

1. School buildings and grounds may be made available for educational, cultural, civic, religious, recreational, and governmental activities which are sponsored by responsible, recognized organizations, agencies, or institutions, provided that the activity does not interfere with the programs and best interests of the district. The Superintendent or designee is authorized to make all approvals and establish procedures for community use of buildings and grounds under the directions contained in this policy.
2. It is the intent of the Board that parent-teacher groups, booster clubs, and any other school-related organization should have the use of school facilities for their regular meetings at the discretion of the principal or site supervisor. For these regular meetings, the organization need not complete a Facilities Use Request form and there will be no usage charge. When such groups hold special events, any charge for facilities will be calculated on a cost-to-the-district basis. The Superintendent or designee is authorized to set aside or reduce any scheduled or normal rental fees when a mutually beneficial relationship is established between the School District and a proposed user of school facilities.
3. The Board of Education must approve renting of school facilities for Sunday use and use on observed school holidays. School facilities may be leased and/or rented to other governmental agencies, civic organizations, or private groups by the Board.
4. The Board reserves the right to refuse the use of school facilities when, in the view of the Board, such use seriously interferes with the primary purpose for which the facility was originally built, namely, the regular program of the school, or when it is felt that such use is not in the public interest.
5. Community organizations shall be permitted to use facilities only after they have made written application to the Principal and have been approved.



6. Community organizations shall be responsible for all property damage and personal injuries or public liability resulting from their use of school facilities. Any non-school-related user group must also provide, in advance of use of the facility, a certificate of liability insurance which names the district as an additional insured. Representatives of all groups must also sign a form which indicates acceptance of responsibility for the care and supervision of the facilities, a hold-harmless agreement, and for payment of the rental charges, as established by the Board of Education.
7. A representative of the school must open up and remain present for, and close up after, the community activities involving the use of school facilities.
8. The community organization sponsoring the activity being conducted in school facilities shall be held responsible at all times for keeping school premises free of alcoholic beverages, drugs, **all tobacco products**, and disorderly conduct. The organization may be requested to and responsible for providing contracted security.
9. School buildings are closed to conventions and commercial events unless written permission is obtained from the school Board. Exceptions will be made for the school student body.
10. All agreements for use of school facilities terminate as of June 30 each school year.

#### **4.4.1. BUILDINGS AND GROUNDS MAINTENANCE**

The Board is responsible for a tremendous investment in school facilities. It, therefore, desires that a continuing program for critical and preventive maintenance of all District-owned buildings be established.

The Superintendent will be responsible for the program and will be assisted by building principals, custodians, and maintenance staff.

Personnel assigned to buildings, particularly principals and custodial staff, have a definite responsibility in reporting matters of maintenance which need attention.

#### **4.4.2. BUILDINGS AND GROUNDS INSPECTIONS**

The building principals and the Superintendent will be responsible for the identification and correction of safety hazards. **Superintendent and Maintenance Supervisor** will inspect buildings on a monthly basis. In addition to these inspections are state inspections of boilers, annual fire inspections including the checking of fire extinguishers by a fire systems contractor, and periodic checks by insurance companies.

#### **4.5. SECURITY**

The Board delegates to the administration the development and implementation of procedures designed to ensure the safety and security of school property, and the safety and security of students, school personnel and citizens. Work site supervisors will be responsible for maintaining safety and security.

#### **4.6. TRAFFIC AND PARKING CONTROLS**

Although school grounds are public property, the Board has the responsibility for protecting school property and for assuring safety on school grounds. Thus, it has the authority to set up controls related to driving and parking on school property, as well as the use of school grounds and facilities by the public. All staff/student's entering the high school property must display a parking permit. All drivers must provide to the District a valid driver's license, current registration and insurance.

#### **4.7. ENERGY CONSERVATION**

The public schools are committed to cost effective energy practices within the District's buildings.

It is recognized that to achieve maximum benefit from this commitment, all staffs have a responsibility for effective energy practice.

The curriculum for the Public Schools will include information to help create an awareness of both the importance of energy conservation and the responsibility for conserving energy resources.

#### **4.8. LEASING AND RENTING EQUIPMENT**

Where necessary and/or the needs exist, the Superintendent is authorized to enter into leasing and renting arrangements for equipment.

##### **4.8.1. MATERIALS AND EQUIPMENT**

All supplies, equipment, and services purchased by the School District will be processed through the Business Manager.

#### **4.8.2. MATERIALS AND EQUIPMENT RECORDS AND REPORTS**

The Board of Education recognizes the need to maintain accurate and comprehensive equipment and supplies records. The Board delegates to the Superintendent the responsibility of maintaining inventory records of equipment and supplies; receiving and distributing records of equipment and supplies; equipment maintenance records; and other records necessary for an effective equipment and supplies management program.

#### **4.9. AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT**

Generally, the use of any District equipment for private or personal purposes is prohibited. In addition, the District does not encourage employees to take District equipment home for professional use. However, there may be rare situations necessitated by District needs when it seems appropriate to allow employees to do so. Exceptions will require that employees receive prior written approval from their immediate supervisor. A signed copy of the written approval must be on file prior to removing any equipment from District property. A copy of this consent will be retained by the employee and a copy must be on file with the work site supervisor.

Occasionally, employees will be required to use District equipment in presentations, etc., away from the District. It is the employee's responsibility to safeguard District equipment. The Superintendent will prepare guidelines for employee adherence in this regard.

Students may be allowed to use school equipment away from the school for instructional purposes only. This must be approved by the principal, and the procedural requirements for written approval as outlined above must be followed.

#### **4.10. SCHOOL-OWNED VEHICLES**

1. Vehicles owned by the School District will be used in accordance with the provisions of the State Statutes and administrative directives of the Superintendent of Schools. Drivers of such vehicles will be properly licensed and will receive training as determined by the administration to be appropriate.
2. Vehicles owned by the School District are not to be used for private purposes including transporting ones family and/or children.
3. The Board will provide a vehicle to the Superintendent of Schools for use in those duties generally associated with the Superintendent or Board of Education. This vehicle will be available 24-hours per day.
4. Vehicles are not to be taken home during the off-duty assignments except by administrative directive from the Superintendent of Schools or designee.

5. All District-owned vehicles including maintenance vehicles are to be so marked, except for the vehicle assigned to the Superintendent.
6. Vehicles are assigned to personnel for the benefit of the School District and may be reassigned, used in car pools, or such other arrangements made as deemed cost beneficial.
7. The replacement schedule for vehicles will be designed toward keeping a dependable fleet. They will be retained for the maximum usage and replaced prior to the time of requiring major repair or expense.
8. Drivers of school-owned vehicles must have an annual check of their driving record through the New Mexico Department of Motor Vehicles. They must not have a DWI within the last 60 months.
9. All activity drivers are subject to random drug/alcohol testing.
10. The School District may revoke or suspend the driving privileges on school-owned vehicles for any employee convicted of a DWI. An employee, whose position requires the driving of a school-owned vehicle or school bus and is convicted of a DWI, may be terminated or discharged in accordance with School District procedures and state statutes.
11. It will be the responsibility of the employee to report all accidents and/or citations issued by law enforcement officials to their immediate supervisor.
12. Only District and Public Education Department employees, and members of the Board of Education may drive school-owned vehicles. Exceptions must be approved by the Board.

#### **4.10.1 CELL PHONE POLICY IN SCHOOL-OWNED VEHICLES**

Cell phone use while operating a school-owned vehicle, including school buses, is strictly prohibited, except in case of an emergency. Authorized drivers of school-owned vehicles, including bus drivers, must be in a stopped vehicle and out of the roadway when using a cell phone. Violations of this provision may result in employee discipline, up to and including termination or discharge.

#### **4.11. PRIVATE VEHICLES USED ON SCHOOL BUSINESS**

The Board recognizes the need for the occasional use of privately-owned vehicles for school purposes. To use a private-owned vehicle for school purposes, the employee must have the written permission of the Superintendent or designee if mileage reimbursement is authorized. No mileage reimbursement will be granted if a school car is available.

In the event of any collision, damage, casualty, or other loss of liability of any kind involving the employee's use of their personally owned vehicle while on school business, the School District's insurance coverage, both for defense and indemnification of claims, shall be secondary to that of the employee's insurer.

District guidelines developed for use of privately-owned vehicles must be followed.

#### **4.12. CREDIT CARDS**

The Board of Education authorizes the use of gasoline credit cards for use by authorized personnel. Credit cards will be issued only in the name of the School District. Credit card use is limited to school-related activities. Gasoline credit cards will be under the supervision of the Director of Transportation.

**4.12.1** Employees authorized to use a credit card shall complete an acknowledgment and agreement regarding custody and use of a School District credit card as follows:

#### **ACKNOWLEDGEMENT AND AGREEMENT REGARDING CUSTODY AND USE OF DISTRICT CREDIT CARD**

The undersigned, by his/her signature below, acknowledges receipt of a District credit card, number \_\_\_\_\_ from the Business Manager and confirms his understanding of the agreement and the following terms for its custody and use:

1. The card has been issued to me to facilitate my work for the District; it may be used only by me and only for purchases on behalf of the District for work-related purposes;
2. It is my responsibility to ensure that the card is kept in my custody only; I will produce or surrender the card upon the request of the Business Manager or upon the request of my supervisor, *provided* I am issued a receipt by such person in the event I am asked to surrender the card;
3. If the card is lost or stolen, I will notify the Business Manager or my supervisor *immediately*;
4. I agree to retain and to submit to the Business Manager credit-card receipts for all purchases made on the card within 7 days of each such purchase;
5. I understand and agree that any use of the card by me or by any other person except as specified herein, and any violation of the terms of this Agreement, may be grounds for my discipline, including termination or discharge. I further understand and agree that I may be held responsible to reimburse the District for any and all costs arising from any misuse of the card.

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Issuing Official

Business Manager  
POSITION/TITLE

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DATE

Copies: Employee's personnel file  
Credit card custodians file

#### **4.13. TELEPHONE SERVICES**

District telephone services are coordinated through the Director of Transportation. Telephones will be used by staff members for school-related business. Personal calls should be limited to emergency situations. Use of telephone by students during school hours is subject to the approval of authorized school personnel.

Cellular telephones, due to their expense, will only be issued to those employees requiring *immediate, two-way voice communications* as determined by the Superintendent. The cost of any excessive personal calls made to or from a cellular telephone will be reimbursed to the District by the employee. Employees are reminded not to discuss sensitive information over cellular telephones, as eavesdroppers may be monitoring their conversations.

#### **4.14. INVENTORIES**

The Business Manager will maintain a complete and accurate inventory of all School District owned property.

##### **4.14.1 YEAR-END INVENTORY**

Each administrative unit and division will reconcile an inventory of all school property under their jurisdiction at the close of each school year.

#### **4.14.2. ANNUAL INVENTORY**

The Director of Transportation will prepare an annual inventory of all school property on a fiscal year basis prior to the audit of school financial reports.

#### **4.14.3. SCHOOL PROPERTY DISPOSAL PROCEDURE**

- A. The Board of Education acknowledges that state law requires proper procedures for the handling of obsolete and salvageable materials and equipment and hereby adopts this policy in order to implement such procedures.
- B. For purposes of this policy, the term "obsolete or salvageable materials" shall mean materials, equipment, or items of tangible personal property owned by the School which have a current resale value of any amount and which are worn-out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the School. The term shall also include materials or equipment from school or building construction or renovation projects which have resale or salvage value, which have not been contracted for salvage or disposition to private entities.
- C. All administrators and department directors are responsible for assuring that all obsolete or salvageable materials within their buildings or departments are disposed of in accordance with state law and with this policy. Administrators and department directors shall call upon the Director of Maintenance to assist in making determinations of the salvageable or resale value of such materials. No obsolete or salvageable materials shall be disposed of or sold by any school or department unless such disposition has first been approved by the Board of Education to assure that appropriate reporting of such disposition is made in accordance with NMSA 1978 § 13-6-1.
- D. The Board of Education shall, as a prerequisite to the disposition of any items of tangible personal property:
  - 1. Designate a committee of at least three school officials of the District to approve and oversee the disposition; and
  - 2. Give notification at least thirty (30) days prior to its action making the deletion by sending a copy of its official finding and the proposed disposition of the property to the State Auditor and the State Department of Education, duly sworn and subscribed under oath by each member of the Board approving the action.
- E. All obsolete or salvageable materials shall be included in the building or departmental inventory until disposed of in accordance with this policy, at which point it may be deleted. Obsolete or salvageable materials having a resale value of less than \$10.00 shall be delivered to the maintenance department for accumulation into lots of sufficient size to assure efficient disposition.

- F. Any plan or proposal to dispose of obsolete or salvageable materials shall be presented to the three-member committee of school officials for approval and shall include:
1. A description of the items of obsolete or salvageable material;
  2. The quantities of such materials;
  3. The estimated current resale value; and
  4. The proposed plan or method, and the proposed date of disposition.
- G. The proposed plan must specifically include:
1. Offering such materials for negotiated sale or donation to any governmental unit of an Indian nation, tribe or pueblo in New Mexico; or
  2. Offering such materials for negotiated sale or donation to other public entities, such as other state agencies, local public bodies, other school districts, state educational institutions or municipalities; or
  3. Through the District's Business Office by means of competitive sealed bid or public auction; or
  4. Offering such materials to the federal property assistance bureau of the general services department; which will have the right of first refusal.
- H. The three-member committee shall review such plan and recommend approval to the Board of Education which shall consider and act upon such recommendation at a duly-convened Board meeting. If approved, the Board shall adopt a resolution and affidavit approving the disposition using the form attached hereto if the materials have a current resale value of Five Thousand Dollars (\$5,000.00) or less. Such resolution shall be transmitted to the State Auditor and the State Department of Education at least thirty (30) days prior to the proposed date of disposition.
- I. If the obsolete or salvageable materials have a current resale value of more than Five Thousand Dollars (\$5,000.00), the materials shall not be disposed of until approved by the State Department of Education, as required by NMSA 1978, § 13-6-2, using such forms as may be required by the State Department of Education.
- J. Any receipts of cash or other consideration for disposition of obsolete or salvageable materials shall be forwarded to the Business Office and accounted for as required by board policy and state regulation.



- K. If the Board is unable to dispose of the tangible personal property pursuant to paragraph G, above, it may sell or, if the property has no value, donate the property to any organization described in Section 501(c)(3) of the Internal Revenue Code of 1986.
- L. If the Board is unable to dispose of the tangible property pursuant to paragraphs G or K, it may order the property destroyed or otherwise permanently disposed of in accordance with applicable laws.
- M. If the Board determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of pursuant to paragraph L, above.
- N. No tangible personal property shall be donated to an employee or relative of an employee of the District, provided that nothing in this policy precludes an employee from participating and bidding for public property at a public auction.

#### **4.15. FACILITIES RENOVATIONS AND IMPROVEMENTS**

The Superintendent is responsible for projects needed for the following purposes:

1. Maintenance of the school physical plant in a condition that is safe and healthful;
2. Protection against the need for major emergency repairs or sudden requirements for extensive maintenance work;
3. Reduction of operational costs to reasonable levels; and
4. Provisions for uniform maintenance and capital expenses.

School District administrators will offer recommendations when facilities renovations are advantageous to the educational program. All recommendations for these and other capital maintenance and improvement projects will be reviewed by the facilities committee.

The Superintendent will include the total cost of capital maintenance and improvements into the ensuing year's initial budget. The Superintendent or the Board may modify the capital improvement program before final budget submission to the public.

##### **4.15.1. FEDERAL COMPLIANCE**

The School District complies with the Americans with Disabilities Act (ADA), the Asbestos Hazard Emergency Response Act (AHERA), Occupational Safety Health Act (OSHA), the Environmental Protection Agency (EPA), and the Clean Air Policy.

#### **4.16. NAMING FACILITIES**

A new building will be named as soon as its construction has become a financial reality, the site has been selected, and the architect appointed. All schools will be named for community or historic locations or sites of geographic significance.

When a school is to be named, the Superintendent will appoint a committee from the geographic area of that school. The committee will include the Superintendent as chairman, a principal, at least five citizens in the community, and students. Citizens, Board members, and school personnel may submit names for consideration by the committee.

When the use of a school changes and it no longer houses a regular school program, the Board, upon the recommendation of the Superintendent, may consider changing the name of the facility.

The Board will consider requests from school and community groups to rename a school library, a school facility other than a school and a athletic or activity event for a person who is deceased and has made a significant contribution to the School District. The group making the request must agree to provide appropriate recognition such as a plaque, portrait, or marker.

#### **4.17. STAFF ORIENTATION OF NEW FACILITIES**

It will be the policy of the District that staff training prior to the occupancy of a particular building will be a part of the in-service training program.

#### **4.18. PUBLIC DEDICATION OF NEW FACILITIES**

The Board of Education recognizes the benefits in public relations from giving the public the opportunity to tour a new building soon after its occupancy. Such a tour opportunity is enhanced by a ceremony of dedication including brief remarks by the President of the Board of Education, the Superintendent, the building principal, the architect and others as named by the Board that are appropriate.

#### **4.19. FACILITIES PLANNING**

##### **4.19.1. FORECASTING FUTURE FACILITY NEEDS**

The District, will maintain a 5-year master plan that meets PSFA requirements.

##### **4.19.2. SITE ACQUISITION**

The Board will exercise its legal authority in acquiring the necessary sites for appropriate facilities in the District. Facility sites will be located if at all possible, to best service particular areas on the basis that schools will serve the optimum number of walk-in students, thus economizing on fuel, equipment, and personnel costs.

#### **4.20. CLOSING SCHOOLS**

When the School Board determines a school building will be closed, the Superintendent will coordinate the closing in accordance with the following procedures:

1. A school will be considered for closure only if the Board is satisfied that mandated programs can no longer be offered effectively at an acceptable cost per pupil. A request for change shall be in writing and outline the expected educational benefits. This request will be submitted by July 1 of the year prior to the proposed change if the district's equalization/transportation formula allocation will be affected.
2. The intent is to provide the community with adequate opportunity to make their views known to the Board. Therefore, interested persons will be accorded sufficient time and opportunity to fairly present their side of the case before a final decision is made.
3. The decision to close a school building will be a decision of the local Board of Education and the Public Education Department Cabinet Secretary of Education.

#### **4.21. CRIMINAL BACKGROUND CHECKS**

Criminal background checks, pursuant to Section 22-10-3.3 NMSA 1978(A), shall be conducted upon each contractor and contractor's employee, at the expense of the contractor or contractor's employee, if the contractor or contractor's employee has unsupervised access to students.

#### **4.22. SAFETY PROCEDURES**

School District property will meet safety standards specified by regulatory agencies that have legitimate authority and jurisdiction over public schools. School personnel will be constantly alert for possible safety hazards and see that such hazards are corrected promptly.

##### **4.22.1. FIRE PREVENTION**

The Director of Transportation is delegated the responsibility for implementation of fire prevention procedures in the school system, such procedures to be in compliance with rules and regulations of the State Fire Marshall.

Regular fire drills shall be held at each school building pursuant to fire drill regulations of the Public Education Department.

#### **4.22.2. EMERGENCY CRISIS ACTION PLAN**

The Superintendent shall develop and issue an Emergency Safe School Response Plan for implementation of procedures for emergencies. Copies of the Plan will be distributed to employees. Work site supervisors will maintain the Guide to Managing School Emergencies which includes information pertaining to other emergencies and safety issues. Each work site supervisor will ensure the plan is kept updated and ensure all their respective employees have reviewed the emergency response plan which includes information for handling numerous emergency situations and safety issues.

#### **4.23. REPORTING OF HAZARDS/WARNING SYSTEMS**

Work site supervisors in conjunction with the Maintenance Director will be responsible for making monthly safety inspections of the building. Reports will be submitted to the Superintendent as required.

The report will identify unsafe conditions and suggest corrections.

#### **4.24. HAZARDOUS MATERIALS**

The Board of Education recognizes its responsibility for providing an environment which is reasonably secure from materials known to be hazardous. There are many areas of school operations, from science laboratories and art departments to custodial services and vehicle maintenance, which use a variety of hazardous materials.

Hazardous materials include any substance or mixture of substances that poses a fire, explosive, reactive, or health hazard as more fully defined by law.

The School District will comply with all local, State, and Federal laws and regulations which pertain to the safe and proper storage, transportation, and disposal of hazardous materials.

Appropriate school personnel will be trained to take precautions to prevent accidents and the proper procedures to follow in the event of an accident.

#### **4.25. EMERGENCIES**

Special drill activities related to fire safety and other emergencies will be planned and implemented by each principal, in association with the central office and emergency services personnel (law enforcement, fire, etc.), to ensure orderly movement of students to the safest available space.

In the event of an actual emergency, the school will retain students and faculty at the school building or elsewhere should the need arise. In conjunction with the schools emergency response plan, all students may be released to a parent/guardian following proper protocol.

##### **4.25.1. EMERGENCY DRILLS**

The Superintendent will be responsible for the implementation of emergency drill procedures in the school system, such procedures to be in compliance with rules and regulations of the State Fire Marshal and the Public Education Department. The District will conduct at least (1) planned and (1) unplanned active shooter drill each school year.

#### **4.26. STUDENT SAFETY**

The school administration will require all personnel to take interest in carrying out a school-wide safety education program. Safety instruction will be integrated within all curriculum areas and co-curricular activities.

##### **4.26.1. REGULATIONS AND PROCEDURES**

The school system will have definite procedures to be followed in case of accidents, and the plan will be explained to classroom teachers, staff members, and students.

Reasonable regulations governing traffic will be established and supervision provided in halls, on stairways where pupils congregate before school, at noon, on the playground, in school buses, and during exit drills.

The school will keep on file the business telephone numbers of students' parents and the telephone numbers of the students' family physicians.

A school nurse, or at least one person who is qualified in first aid, will be available regularly during school hours and at other times when school activities are in progress.

#### **4.26.2. FIRE DRILLS – REQUIREMENTS, DISMISSAL**

1. Required fire drills are the responsibility of the person(s) in charge of each school. In every public and private school in New Mexico, there shall be at least four fire exit drills held once each week during the first four weeks of a school term and at least one each month during the remainder of the school term.
2. It shall be the responsibility of the Superintendent of Schools ultimately and the principal of each school specifically to see that the provisions of the requirements are carried out. The principal shall request the attendance and make a concerted effort to gain the on-site participation of a member of the Fire Department or Fire Marshal's Office at such fire exit drills for the purpose of instruction, assessment and constructive criticism.
3. Failure of any person in charge of a school to have fire drills as provided by this section shall constitute sufficient grounds for discharging the person from further employment with the School District.

#### **4.26.3. FIRE DRILLS – ADMINISTRATION**

The fire alarm signal (bells or horns) will be clearly audible in all parts of the building. The pitch of sound must be unlike any other routine bell or signal so that when sounded, its meaning is unmistakably clear. Under no circumstances should the fire alarm signal be used for any other purpose than to empty the building of its people. It is a dangerous practice to use the fire alarm system for such purposes as changing classes and dismissing the school.

The responsibility for sounding the fire alarm signal for the fire exit drill lies solely with the principal or other person in charge of the school, although all teachers and custodial personnel should be instructed in the proper use of the fire alarm system and its location. Therefore, when a fire exit drill is desired by a local fire chief, they should first contact such responsible school officials before the fire alarm signal is sounded. It is suggested that the closest cooperation in this respect be maintained between the school and the fire services.

The primary purpose of drills is the training of students.

Drills will be more frequent for primary and younger students than for older students.

The safety of students will be the first consideration of the principal and staff who are serving in place of the parent.

More drills will be held at the beginning of the term than at the end.

The type of drill is determined by:

1. Type of building;
2. Number of location of exits;
3. Number of students;
4. Age of students; and
5. Number of staff.

Accurate records of all drills should be kept on file. Among other things, the records should include:

6. Date;
7. Time;
8. Enrollment by room;
9. Time required for emptying building; and
10. Type of drill: obstructed or unobstructed. (Section 22-13-14, NMSA, 1978).

#### **4.26.4. SUPERVISION OF STUDENTS**

Students will be supervised by a school employee at all times the school has jurisdiction over such student.

#### **4.26.5. DISMISSAL PRECAUTIONS**

School personnel will assume responsibility for the student at the beginning of the school day. Dismissal of the student during the school day, at other than regular dismissal times will be regulated by specific administrative guidelines.

#### **4.26.6. STUDENT SAFETY PATROLS**

Students may be used for safety patrols with parent permission. Student Safety Patrols must be trained by law enforcement officials and be under the supervision of the administration.

#### **4.26.7.        ACCIDENTS**

If a student has an accident while at school that requires the services of a doctor, the following steps shall be followed:

1. Notify the school nurse.
2. Contact the parent.
3. If the parent is reached, he/she shall take the child to his/her doctor.
4. However, if the parent cannot be reached, the nurse or principal shall take the child to the family doctor, provided one is listed on the child's permanent record.
2. If a family doctor cannot be contacted, the nurse or principal shall use his/her own judgment in securing medical aid.
3. If the nurse or principal decides the accident is of such serious nature as to require ambulance services for transportation, such services shall be obtained and the student shall be taken to the hospital.
4. In the event the school was unable to reach the parent before taking the child to the doctor or the hospital, the school shall continue its attempt to reach the parent.
5. The disposition of the case shall be decided by the attending physician.
6. A complete cumulative written record of each accident shall be maintained in the principal's office and a copy forwarded to the Superintendent.

#### **4.26.8.        FIRST AID**

School employees will exercise caution in administering first aid to students. Normally, it is expected that the school nurse will be available for this purpose, or the student will be taken to medical facilities if the situation warrants it. School employees are not to administer medication.



#### **4.26.9.        MEDICATION**

As stated by the American Academy of Pediatrics' Committee on School Health: "Ideally, all medication should be given at home. It is recognized that at the present time many children are able to attend regular schools because of the effectiveness of medication in the treatment of chronic disabilities and illnesses." (Pediatrics 61:115-116, 1978)

Rarely should it be necessary for any medicine to be given to a student by a school employee during the school day. However, should the physician deem it necessary in order to maintain the student's health status and prevent prolonged absences, the following procedure is mandatory by State law.

All medications brought to the attention of school personnel must be channeled through the school nurse.

#### **4.27.        STUDENT TRANSPORTATION MANAGEMENT**

District student transportation provides services for:

1. Regular to and from school bus routes;
2. Vocation Education routes;
3. Special Education routes; and
4. Instructional and/or activity travel.

The management of the student transportation system will be the responsibility of the Superintendent or designee. All parties involved with the transportation management are bound by state and federal laws and Public Education Department regulations. The Board may impose additional requirements on the contractor, which are over and above the statutory, or Public Education Department requirements.

All student transportation will be in state approved school buses except as provided for in State Transportation regulations.

The Superintendent or designee will meet with the District's transportation service contractor(s) to identify all costs associated with the Public Education Department service contract. (*See* NMAC 6.40.1 *et seq.* and 6.41.1 *et seq.*) Appendix B. Prior to submitting any transportation service contract(s), providers will be required to validate all costs related to the transportation service contract payment schedule.

The Superintendent will provide information to all schools/departments encompassing student conduct on school buses, procedures for temporary bus transportation permission forms,

emergency transportation requests, school/bus route information and student/parent safety standards for transportation on District contracted bus services.

Student transportation is a privilege to students who are eligible for transportation pursuant to State Statutes 22-16-2 and 22-16-4, NMSA, 1978.

#### **4.27.1.        RESPONSIBILITIES**

Persons who are not enrolled in the Mountainair Schools or its sponsored programs shall not be transported, this includes family and /or children of staff members.

The Director of Athletics has the responsibility for the District's athletic transportation management.

The Business Manager has the overall responsibility for the District's regular to and from transportation management, non-athletic trips, and for activity trip billing.

The conduct of students while being transported under school jurisdiction will be the same standard as required in the classroom. The Superintendent or designee will be responsible for the development of the rules and regulations for the safe conduct of student passengers. Each principal, coach, sponsor, or driver will be required to enforce the discipline policy.

#### **4.27.2.        VIDEO SURVEILLANCE EQUIPMENT USE**

The District reserves the right to install video surveillance equipment on any bus. A videotape of an alleged offense is not required for the Principal to take action. Any surveillance videotape is the sole property of the District and may only be shown to District staff, the student being disciplined and their parent or guardian, the bus driver, and bus contractor management.

#### **4.27.3.        SPECIAL TRANSPORTATION REQUIREMENTS**

##### **4.27.3.1.      Special Personnel**

Personnel are required to accompany students on the bus, such as nurses, bus aides, educational assistants or activity sponsors, are authorized transportation when it is related to specific student needs.

#### **4.27.3.2. Service Animals**

Service animals which accompany staff/students with special needs, if authorized by the IEP, may be transported with the student/staff provided the animal is properly certified, trained and has the required immunizations.

#### **4.27.3.3. Medications**

Elementary students may not carry medication onto the bus. Parents are responsible for delivering medication to the school nurse's office.

The following procedures will be adhered to for students requiring medication while on school field trips:

Elementary/Middle School – Students who take medications during school hours will need to continue to take them, even if they are attending a school-sponsored function away from their home school. The school's registered nurse will designate a staff member to administer the medication(s) and to safeguard them. The parent/guardian will be responsible to provide a properly labeled bottle(s) with the correct amount of medication(s) prior to the student's departure for the field trip. Students who require medications not normally administered during school hours will require a written doctor's order(s) and written parental consent in addition to the properly labeled bottle(s). The school nurse will instruct the staff member how to administer them. A copy of the Medication Administration Procedures as well as instructions for the treatment procedures will be given to the staff member. The staff member will administer the medications and document their administration. The staff member will be responsible for reporting any non-administered medication(s) as well as returning any medication(s) or equipment.

High School-High school students attending school-sponsored functions may carry their medications. The containers must be the original container and they must have a professional, legible label.

EXCEPTION: Medications for students who require supervision or take medications that are a controlled substance will be administered and safe-guarded by a designated staff member. The school's registered nurse will designate the staff member. The parent/guardian will be responsible to provide a properly labeled bottle(s) with the correct amount of medication(s) prior to the student's departure for the field trip. Students who required medications not normally administered during school hours will require a written doctor's order(s) and written parental consent in addition to the properly labeled bottle(s).

#### **4.27.4. MEDICAL EMERGENCIES DURING TRANSPORTATION**

All students, regardless of physical, mental or medical conditions will be treated the same in emergency situations during transportation. In the event of a medical emergency the driver will immediately call 911 to obtain emergency medical assistance. In the event communication cannot

be established, the bus driver will use his or her best judgment in proceeding to a location where emergency medical assistance can be summoned.

#### **4.27.5. SCHOOL BUS CONTRACTOR RELATIONSHIPS**

1. The Board may contract school bus service from a private operator(s). The New Mexico Statutes will govern services for regular to and from school transportation, and the District will negotiate payment for such services. The Superintendent or designee will represent the Board in all contract negotiations.
2. The District's transportation service contractor(s) will provide to the transportation department detailed analysis of (a) operation and maintenance, (b) fuel, and (c) employee salaries and benefits by August 1.
3. The Board and contractors shall adhere to all provisions of the NMSA 1978 and the Public Education Department Standards for Providing Transportation Services for Eligible Students. The Board delegates to the Superintendent the authority to modify transportation routes once initially approved by the Board. All route changes shall be submitted to the board for final approval.
4. The Board on an annual will review the transportation service contract. The Board may make a maximum of a five-year agreement with the transportation service contractor. If so negotiated, adjustments to monthly contract installments will not be made until load capacity (additional bus required), additional routing(s) (required for growth areas), or if modifications of the route mileage is a factor. It is the responsibility of the contractor to communicate with the District regarding these limits.
5. The Board reserves the right to perform and/or request an operational (route) or financial audit of the transportation service contractor(s). Compensation paid to transportation service contractor may be adjusted based upon the route modification.
6. Transportation service contractors shall submit to the transportation office names of bus drivers, assistants and substitutes. Annual financial statements will be provided by each contractor prepared by a third party. All State required reports of the transportation service contractor(s) will be provided to the District transportation office within five (5) working days of the State due date.
7. All equipment utilized in the student transportation system will be safe as is possible and will be operated in a safe manner. School buses will meet all standards stipulated by the Public Education Department regulations.
8. School bus drivers must meet Public Education Department regulation standards and the liability insurance carrier. The school bus contractor is responsible for the selection and supervision of their school bus drivers. These drivers are not employees of the School District. All drivers are to be reviewed by the Mountainair Board of Education

annually. The contact information of each driver will be provided to the Mountainair Board of Education annually.

9. Transportation service contractor(s) and management staff are subject to the employee training requirements set forth by Federal and State law, Public Education Department and local Board policy. The contractor(s) will maintain and provide the District with a current record of training and other safety reporting requirements.

#### **4.27.6. PER-CAPITA FEEDER PROGRAM**

Private vehicles will be utilized on per-capita feeder routes to connect with existing school bus routes or to provide service where regular school bus transportation is impractical because of distance, road conditions, or sparseness of population, or in cases where the Board has authorized a parent to receive reimbursement for travel cost incurred by having a child attend a school outside the child's attendance zone.

The Board delegates to the Superintendent or designee authority to establish a per-capita feeder procedure which sets forth the terms and conditions under which per-capita feeder agreements shall operate and be held accountable; that services are rendered according to the terms of the agreement. Payments will not be made until services have been rendered. All per-capita feeder agreements must have final approval of the Board.

The mileage rate of reimbursement to a parent or guardian for a per-capita feeder route is set by the Board on an annual basis prior to the start of the school year. This rate will be the current "mileage rate" authorized by the District. Each additional student family member transported to school or to a transportation service bus stop shall be reimbursed at a rate of 50 cents a day.

#### **4.27.7. SCHEDULING AND ROUTING**

State Statute establishes the following walking/riding distances.

Students are eligible for school bus transportation to his/her assigned school if the walking distance from their registered address is at least:

Elementary (grades K-5)	1.0 mile
Middle School (grades 6-8)	1.5 miles
High School (grades 9-12)	2.0 miles

Students whose housing arrangements identify them as "homeless" under the McKinney Vento Act will be provided to and from transportation, within the District's boundary, at the request of the family.

A student will not be afforded transportation if attending a school outside his/her residence school zone unless specified by an Individualized Education Program (IEP).

Transportation for attendance at another school will be the responsibility of the parents/guardians unless specified by an IEP.

The distance outlined in the above paragraph also apply as the maximum distance a student may walk from his or her residence to an approved bus stop.

The maximum riding time for any student on the bus is one and a half hours one-way.

Exceptions may be made if hazardous walking conditions exist or if a student is determined to require transportation as a related service with regard to their special needs by the **Special Education Director**

Students will not be permitted to leave the bus on the way to or from school except at their regularly assigned stop or school unless prior written approval has been obtained from the Transportation Department for temporary and/or emergency situations.

#### **4.27.8.        TRANSPORTATION RECORDS**

##### **4.27.8.1.     School Transportation Records**

It will be the responsibility of the Director of Transportation to maintain effective transportation records:

1. Accident reports;
2. Contracts and agreement;
3. Inspections;
4. Institute records;
5. Insurance;
6. Schedules/routes;
7. Physical examinations (driver, substitutes, and assistants); and
- 8.
- 9.
- 10.
- 11.
- 12.

13. Alcohol/drug testing records.

**4.27.8.2. Contractors' Records**

It will be the responsibility of the individual contractor(s) to maintain the following transportation records:

1. Personnel records;
2. Maintenance records;
3. Salary schedule records;
4. Pre-service training records;
5. In-service training records;
6. Inspections;
7. Schedules/routes;
8. Physical examinations (driver, substitutes, and assistants);
9. Alcohol/drug testing records; and
10. Criminal background checks.

**4.27.9. ADDITIONAL BUS DRIVER REQUIREMENTS**

**4.27.9.1. Bus Driver Alcohol and Drug Testing**

This policy is adopted by the Board of Education in the interest of protecting the safety of the district's school children by detection and deterrence of the use of alcohol or controlled substances by school bus drivers – all of whom occupy safety sensitive positions – in conformity with the requirements of federal law, including U.S. Department of Transportation (DOT) regulations, 49 C.F.R. Part 40.

School bus drivers, whether serving as School District employees, independent contractors, employees of school bus transportation service providers and other employees whose job duties include transportation of students for the district (e.g., substitute drivers, activity bus drivers and/or any other employee who maintains a commercial driver's license (CDL) and who operates school buses), shall be subject to random alcohol or drug testing as follows:

#### **4.27.9.1.1. DEFINITIONS**

1. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
3. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
4. Applicant means any individual tentatively selected: (1) For employment with the School District for a "Safety Sensitive Position," and who has not, immediately prior to the selection, been subject to testing.
5. Collection Site means a place where individuals present themselves for the purpose of providing body fluid to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation or shipment of the samples to a qualified laboratory.
6. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds; or (2) Has a gross vehicle weight rating of 26,001 or more pounds; or (3) Is designated to transport 16 or more passengers, including the driver; or (4) Is any size and is used to transport hazardous material(s) requiring the motor vehicle to be placarded. In the School District system all activity buses are commercial motor vehicles.
7. Confirmation test means: (1) For alcohol, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration; or (2) For controlled substances, testing a second analytical procedure to identify the presence of specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. For Department of Transportation purposes, this is a gas chromatography/mass spectrometry (GC/MS).
8. Consortium means an entity, including a group or association of employers or contractors, that provides alcohol or controlled substances testing as required by 49 Code of Federal Regulations Part 382 or other Department of Transportation alcohol or controlled substances testing rules, and that acts on behalf of the employers.



9. D.O.T. means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring alcohol/drug testing.
10. Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: (1) Full time, regularly employed drivers; (2) Casual, intermittent or occasional drivers; or (3) Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of School District’s sedans, station wagons, suburban’s, or pick-up trucks.
11. Employer’s means the School District which owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. The term employer includes an employer’s agents, officers, and representatives.
12. Illegal Drugs means a controlled substance included in Schedule I or II, as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of the Title. The term “illegal drugs” does not mean the use of controlled substance pursuant to a valid prescription or other uses authorized by law.
13. Medical Review Officer (MRO) means the individual responsible for receiving laboratory results generated from the School District’s substance abuse program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual’s biomedical information.
14. Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
15. Premises-means all areas where Mountainair Schools are either located or operated for the conveyance of passengers.
16. Random Selection Process means a system of drug and/or alcohol testing imposed without individualized suspicion that a particular individual is using illegal drugs or alcohol, and can either be: (1) Uniform-unannounced testing of designated employees occupying a specified area, element or position; or (2) A statistically random sampling of such employees based on a number neutral criterion, such as social security numbers.
17. Reasonable Cause means the actions or appearance or conduct of any employee on duty that are indicative of the use of controlled substance or alcohol.
18. Safety-sensitive function means:
19. All time at a carrier or shipping plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.

20. All time inspecting equipment as required or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
21. All driving time which means all time spent at the driving controls of a commercial motor vehicle in operation.
22. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting or in a sleeper berth.
23. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
24. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
25. Screening test (or initial test).
26. In alcohol testing, this means any analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.
27. In controlled substance testing, this means an immunoassay screen to eliminate negative urine specimens from further consideration.
28. Substance Abuse Professional (S.A.P.) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
29. Verified Positive Test Result means a test result that was positive on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, (or other confirmatory tests approved by the Department of Human Services), and reviewed and verified by the MRO in accordance with this policy.
30. Workplace means any location where the employee must be to carry on the duties of employment.

#### **4.27.9.1.2. REFERENCES**

Title 49 Code of Federal Regulations Part 40;

Title 49 Code of Federal Regulations Part 282.

#### **4.27.9.1.3. PURPOSE**

Department of Transportation guidelines effective January 1, 1996, state that all employers shall have alcohol and controlled substances programs in place. The following guidelines make it a condition of employment for all School District “safety sensitive” employees to abide by Title 49 Code of Federal Regulations (CFR) Parts 382 and 40.

#### **4.27.9.1.4. Title 49 Code of Federal Regulations Part 382:**

382.601 (b) (1) Please contact the Business Manager, to answer questions relating to the School District’s drug and alcohol program. The phone number is (505) 439-3270, ext. 110.

382.601 (b) (2) The operation of the following categories of Commercial Motor Vehicles (CMV) by a Commercial Driver’s Licensed driver subjects the Commercial Driver’s Licensed driver to the provisions of Title 49 Code of Federal Regulations Part 382:

10. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle; or

1. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is any size and is used to transport hazardous material(s) requiring the motor vehicle to be placarded.

382.601 (b) (3) The following are the *Safety Sensitive Functions* that place drivers into the provisions of the Department of Transportation’s Drug and Alcohol testing requirements of Title 49 Code of Federal Regulations (CFR) Part 382:

All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.

All time inspecting equipment as required or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.

All driving time which means all time spent at the driving controls of a commercial motor vehicle in operation.

All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.

All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

All time repairing, obtaining assistance, or remaining in attendance upon a disable vehicle.

382.601 (b) (4) The following is specific information concerning driver conduct that is prohibited by Part 382:

Consuming alcohol prior to 4 hours of reporting to work in a safety sensitive function;

Reporting, or being on duty, with an alcohol concentration of or greater than 0.02%;

Being on duty while possessing beverage alcohol;

Being on duty while using alcohol;

Reporting for duty while using any controlled substance;

Being on duty while possessing any controlled substance;

Being on duty while using any controlled substance;

Refusal to submit to any required testing under Title 49 Code of Federal Regulations Part 382 or Part 40.

The following constitutes a verified positive controlled substance test result:

Substance	Confirmatory Test Cut Off Levels (ng/ml)
Marijuana	15
Cocaine	150
Opiates:	
Morphine	300
Codeine	300
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine	500

382.601 (b) (5)           The following are circumstances that will cause a driver to be tested for drugs:

1. Pre-employment testing (382.301):

Procedures:

The employer shall direct the applicant to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible.

No employee applicant shall be considered for a safety sensitive position without a verified negative drug test.

The School District will decline to extend an offer of a safety sensitive position with a verified positive test result. The application of such applicant shall never be accepted until the applicant has presented the results of a successful program completion by an approved Substance Abuse Professional.

382.413                   Release of Alcohol and Controlled Substance Test Information by Previous Employers:

The employer shall obtain, pursuant to a driver's written authorization, information on the driver's alcohol tests with a result of 0.04 or greater, positive controlled substance test results, and refusals to be tested with the preceding two years of employment application, which are maintained by the driver's previous employers.

This information must be obtained and reviewed by the employer prior to the first time a driver performs a safety sensitive function. If it is not feasible to obtain the information prior to the driver performing a safety sensitive function, the employer has 14 calendar days to obtain and review the information. The employer may not permit a driver to perform safety sensitive functions after 14 calendar days without having made a good faith effort to obtain the information as soon as possible.

If the driver stops performing safety sensitive functions for the employer before the 14 calendar days expire, or before the information is obtained, the employer must still make a good faith effort to obtain the information.

2. Random testing (382.305):

All safety sensitive positions are designated for random alcohol and drug testing.

Under the selection process all drivers will have an equal chance of being selected each time a selection is made.

The rate of selection is 50% per annum for drugs and 25% per annum for alcohol. These rates may be adjusted by the Department of Transportation guidelines from time to time.

The selections are done by a scientifically valid process and the tests are unannounced.

The employer will notify the Transportation Secretary who shall set up an appointment for testing of the selected driver.

The driver will not be notified until the test is to be conducted.

The driver shall immediately present himself for testing at the designated collection location.

3. Reasonable suspicion testing (382.307):

Reasonable suspicion testing may be based upon, among other things:

Observable phenomena, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of being under the influence of a drug/alcohol, or a pattern or abnormal conduct or erratic behavior.

Abnormal conduct or erratic behavior may include the following, which are not all inclusive:

1. Abnormally dilated or constricted pupils;
2. Glazed stare – redness of eyes;
3. Flushed face;
4. Change of speech (i.e. faster or slower);
5. Constant sniffing;
6. Redness under nose;
7. Needle marks;
8. Change in personality;

9. Forgetfulness;
10. Constant fatigue or hyperactivity;
11. Smell of alcohol;
12. Slurred speech;
13. Difficulty walking;
14. Slowed reaction rate; or
15. Dulled mental processes.

Information provided either by reliable and credible sources or independently corroborated; or newly discovered evidence that the member has tampered with a previous drug alcohol test.

Although reasonable suspicion testing does not require certainty, mere “hunches” are not sufficient to meet this standard.

#### Procedures:

If a driver is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. The appropriate supervisor will promptly prepare a written report detailing the circumstances which formed the basis to warrant the testing. This report should include the appropriate dates and times of reported drug/alcohol related incidents, reliable/credible sources of information, rationale leading to the test, and the action taken.

The driver *shall be taken* to an approved collection site and a required reasonable suspicion drug and/or alcohol test shall be administered. Refusal by the employee to take the required test(s) shall be grounds for the full range of consequences including termination.

#### **1. Post accident drug/alcohol testing (382.303):**

Drivers involved in on-the-job accidents are subject to testing. Testing for both alcohol and drugs shall be conducted for each surviving driver:

Who was performing a safety sensitive function with respect to the vehicle, if the accident involved the loss of human life; or

Who receives a citation under State or local law for a moving traffic violation arising from the accident.

Examples for post accident testing 382.303 (a) (3)

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must be Performed By Employer
Human fatality	Yes	Yes
	No	Yes
Bodily injury with immediate medical treatment away from the scene	Yes	Yes
	No	No
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

**2. Return to duty testing (382.309):**

The employer shall ensure that a driver returning to duty in a safety sensitive position after testing positive for alcohol has undergone a return to duty test. The results must be less than an alcohol concentration of 0.02.

For drugs the driver returning to duty in a safety sensitive position shall have undergone a controlled substance test with a verified negative result.

All drivers referred through administrative channels who undergo a counseling or rehabilitation program for drug/alcohol use through a Substance Abuse Professional will be subject to unannounced testing following completion of such a program, at the discretion of the Substance Abuse Professional, for a period not to exceed five years. Such testing is unannounced as directed by a Substance Abuse Professional.

Follow-up testing for alcohol shall only be conducted when the driver is performing safety sensitive functions just before the driver is to perform safety sensitive functions, or just after performing safety sensitive functions.

382.601 (b) (6) The following are procedures that will be used to test for the presence of alcohol and/or controlled substances:

**Drug Testing:**

The School District shall adhere to the guidelines for drug testing. Split urine specimens collected under this policy shall not be used to test for any other drugs than have been listed.



A drug testing component utilized by the School District shall have professionally trained collection personnel, quality assurance requirements for urinalysis procedures, and strict confidentiality requirements.

**Privacy Assured:**

Any individual subject to testing under this policy, shall provide urine specimens in privacy unless there is reason to believe that a particular individual may alter or substitute the sample.

A collection site staff member of the same gender as the individual tested, may observe the individual provide the urine specimen when such staff member has a reasonable suspicion to believe that the individual may attempt to alter or substitute.

The following are grounds of reasonable suspicion:

The employee has presented a urine specimen that falls outside the normal temperature range of 32 – 38° C or 90° – 100° F; and

The employee declines to provide an oral body temperature; or

The oral body temperature varies by more than 1° C or 1.8 ° F from the specimen temperature;

The last urine specimen provided by the employee (on a previous occasion) was determined by the testing lab to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;

The collection site personnel observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g. substitute urine in plain view, blue dye in specimen presented, etc.); or

The employee has previously been determined to have used a controlled substance without medical authorization.

**Opportunity to Justify a Positive Drug Test Result:**

When a drug test result has been returned by the laboratory to the Medical Review Officer, he or she shall perform their duties. For example, the Medical Review Officer may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. The Medical Review Officer must review all negative and positive results. Evidence to justify a positive result may include, but is not limited to:

A valid prescription; or

A verification from the individual's physician verifying a valid prescription.

Individuals are not entitled, however, to present evidence in a trial-type administrative proceeding, although the Medical Review Officer has the discretion to accept evidence in any manner they deem most efficient or necessary. If the Medical Review Officer determines there is justification for the positive result, such result will be considered a verified positive test result. The Medical Review Officer shall immediately contact the appropriate management official upon obtaining a verified positive test result.

### **Breath Alcohol Test:**

The School District will adhere to breath alcohol procedures of Title 49 Code of Federal Regulations Part 40.

Breath alcohol shall be collected by a certified Breath Alcohol Technician utilizing a Department of Transportation approved Evidentiary Breath Testing machine.

The driver giving the sample shall complete step 2 of the certification on the Alcohol Testing Form. Refusal by the member to sign the certification shall be regarded as a refusal to take the test.

A result of the screening test of less than 0.02 concludes the test. If the screening test is 0.02 or greater the driver shall take a confirmation test.

The confirmation test shall be conducted not less than 15 minutes and no more than 30 minutes of a positive screen test.

### **Post-Accident Procedures:**

Drivers involved in on-the-job accidents are subject to testing. Testing for both alcohol and drugs shall be conducted for each surviving driver;

Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

Who receives a citation under State or local law for a moving traffic violation arising from the accident. A written warning is treated as a citation.

### **For Alcohol:**

The driver involved in the accident who is subject to testing shall make him/herself available for testing for up to eight hours and no alcohol shall be consumed by the driver for eight hours or until an approved breath alcohol test is performed. No breath alcohol test shall be performed after eight hours from the time of the accident.

### **For Drugs:**

A urine collection for drug testing shall be conducted no later than 32 hours from the time of the initial accident; and

The driver shall make him/herself available for testing during this time.

**Tests by Law Enforcement Agencies:**

The results of breath or blood tests for the use of alcohol by Federal, State or local official having independent authority for the test, shall be considered to meet the requirements of post-accident testing, provided the tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results are obtained by the employer; and

The results of a urine test for the use of controlled substances by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of post-accident testing, provided the tests conform to requirements, and that the results are obtained by the employer.

382.601 (b) (7) The following lists the requirements of drivers to submit to testing for alcohol and controlled substances under Part 382:

Title 49 Code of Federal Regulations Part 382 applies to every person and to all employers of such persons who operate a commercial motor vehicle in any State and is subject to the commercial driver's licensing requirements.

This includes an employer who employs him/herself as an employee.

382.601 (b) (8) The following is an explanation of what constitutes a refusal to test for alcohol or controlled substances and the consequences:

Any employee who refuses to be tested when so required will be subject to removal from any safety sensitive function.

**Alcohol:**

Refusal to test and uncompleted tests are:

Fails to present him/herself for testing after he/she has received notice that testing is occurring;

Refusal of the driver to complete and sign the breath alcohol testing form;

To provide breath;

To provide an adequate amount of breath; or

To otherwise cooperate with the testing process.

Inability to provide adequate amount of breath.

The driver shall be directed by the employer, if required to obtain and as soon as practical, an evaluation from a licensed physician why the member could not deliver an adequate sample.

If the licensed physical is unable to conclude that a high degree of probability existed that a medical problem resulted in the inadequate sample the test is considered a refusal.

If the driver refuses to take a confirmation test he/she shall not operate a motor vehicle or perform any safety sensitive function.

### **Controlled Substance Urine Sample:**

Fails to provide an adequate urine sample without a genuine inability to provide a specimen after he/she has received notice of the requirement for urine testing.

Fails to present him/herself for testing after he/she has received notice that testing is occurring.

Engages in conduct that clearly obstructs the testing process.

The employee has presented a urine specimen that falls outside the normal temperature range of 32o-38oC or 90o-100oF, and the employee declines to provide an oral body temperature.

### **Consequences:**

Removing the employee from the safety sensitive position or function (all offenses).

Referral to a Substance Abuse Professional. Refusals to test as if they were a positive test result for either alcohol or controlled substances. The driver may not return to any safety sensitive function until an appropriate release from a Substance Abuse Professional has been obtained and provided to the employer (all offenses).

382.601 (b) (9)           The following are consequences of a driver found to have violated 49 CFR Part 382, Sub-Part B:

### **Prohibitions:**

382.201                   No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety sensitive functions.

382.205                   No driver shall use alcohol while performing safety sensitive functions. Nor shall an employer allow the driver nor permit the driver to continue safety sensitive functions when the employer has actual knowledge of alcohol use by the driver.

382.207 No driver shall perform safety sensitive functions within four (4) hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety sensitive functions.

382.209 No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

382.211 No driver shall refuse to submit to a:

Post-accident alcohol or controlled substance test;

Random alcohol or controlled substance test;

Reasonable suspicion alcohol or controlled substance test; and

Follow-up alcohol or controlled substance test.

No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety sensitive functions.

382.213 No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substances, except when use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety sensitive function.

382.215 No driver shall report for duty, remain on duty or perform a safety sensitive function, if the driver tests positive for controlled substances. No employer having actual knowledge that a driver has tested positive for controlled substances shall permit the driver to continue to perform safety sensitive functions.

Therefore, any driver violating any of the above prohibitions shall immediately be removed from any safety sensitive function by the employer. The driver shall be referred to a Substance Abuse Professional by the employer and may not return to duty until successful completion of an approved substance abuse program is completed. In cases where the driver has tested positive for controlled substances, the employer shall immediately notify the employee to cease any safety sensitive functions.

382.601(b) (10) The following are consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04:

Levels of alcohol concentration over 0.02% but less than 0.04% require an employee to be relieved of safety sensitive functions for a period of 24 hours. A negative breath test of less than 0.02% shall be acquired prior to the employee returning to duty.

482.601 (b) (11) [Omitted]

### **382.605 REFERRAL, EVALUATION AND TREATMENT**

Each driver who has engaged in conduct prohibited by Title 49 Code of Federal Regulations part 382, sub-part B shall be advised by the employer of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances.

A non-inclusive assistance resource listing:

Alcoholics Anonymous  
1923 Alvarado Dr  
Albuquerque, NM  
(505) 266-1900  
Alcoholics-anonymous.org

The National Institute on Alcohol  
Abuse and Alcoholism  
Prevention Branch Room 16C-14  
5600 Fishers Lane  
Rockville, MD 20857

Cocaine Helpline  
(505) 434-6873  
1-800-COCAINE  
1-800-262-2463  
1-800-837-7983

Al-Anon  
1-800-356-9996

Behavioral Health Services  
Division  
Substance Abuse Bureau  
725 St. Michaels Drive  
Santa Fe, NM 87504  
(505) 827-0117

The National Institute on Drug  
Abuse  
Prevention Branch Room 11A-33  
5600 Fishers Lane  
Rockville, MD 20857

Referrals into a Substance Abuse Professional play an important role in preventing and resolving employee drug use or alcohol abuse by providing employees an opportunity to discontinue their use.

All Substance Abuse Professional operations shall be confidential in accordance with this policy relating to records and confidentiality.

382.601 (b) 11 (c) Employer Provisions

1. Employer policy regarding voluntary referrals to a Substance Abuse Professional:

The employer will initiate action to discipline any employee found to use illegal drugs, or alcohol, in every circumstance. Members are encouraged to voluntarily refer themselves to Substance Abuse Professional before any testing occurs. Such discipline is not required for an employee who completes counseling and thereafter refrains from drug and alcohol use.

The decision whether to discipline a voluntary referral will be made by the employer on a case-by-case basis depending upon the facts and circumstances.

2. Employer policy regarding legal drug use:

An employee in a safety sensitive position who is taking either prescription, non-prescription, or medication containing alcohol for illness or injury must report the use of these medications to his/her supervisor. Failure to do so may result in disciplinary actions. It is the responsibility of the employer to determine the effects of these drugs on job performance and safety. Generally the effects would be considered substantial enough to warrant removal if the medication container states that driving should not be done after taking the medication. In the event that these medications adversely affect performance or safety to the extent that the member must be relieved from duty, no disciplinary action will be taken against the member. He/she may be required to take sick leave, vacation, leave without pay, or be placed in a less sensitive position.

No prescription drugs shall be brought onto school buses by any person other than the person for who the drug is prescribed by a licensed medical practitioner and shall be used only in the manner, combination and quantity prescribed.

3. Contracts:

All contracts with school bus transportation service providers are subject to such operators providing the Director of Transportation with test results for their employees and applicants for employment.

a. Interstate commerce:

To the extent application of Federal Regulations hinge on the school bus operating in interstate commerce, or requires that it be subject to regulations by the Department of Transportation, or otherwise

incorporates intentional phrases which are based on interstate activity or obligations to Federal agencies, it is the intent of this policy that such testing requirements and procedures shall also apply to drivers not operating in interstate commerce or being subject to such Federal Regulation. To the extent any other portion of the Federal Regulations referred to above require reasonable modification to make them applicable to the operation of public school buses or public school districts, it is the intent of this policy to effectuate such reasonable modifications on a case-by-case basis, and it is not the intention to make such regulations inapplicable.

b. Reporting:

The reporting requirements which arise under Title 49 Code of Federal Regulations Parts 40 and 382 are an element of this policy. To the extent such reporting requirements hinge on operations in interstate or intrastate commerce or application of United State Department of Transportation regulations or require reporting to Federal agencies, such reporting requirements will be implemented to the degree to which they apply.

c. Authority:

The Board of Education hereby delegates to the Superintendent or Director of Transportation the Authority to adopt implementation guidelines and regulations governing testing and testing procedures as called for by this policy; to issue requests for proposals for contracting a certified laboratory to analyze test results, subject to approval of a contract by the Board; and to take such other actions as may be required by the Department of Transportation regulations to carry out the intent of this policy.

d. Use, sale, manufacture, purchase, or possession of illegal drugs:

The use, sale, attempted sale, manufacture, purchase, attempted purchase, possession or transfer of an illegal drug while on School District property, which may include other locations if the bus driver is at such location while in the course and scope of employment, or in a school bus, is a violation of School District rules and will result in disciplinary action up to and including termination.

e. Bus driver or transportation aide:

Any bus driver or transportation aide who is under the influence of alcohol or an illegal drug while on School District property or in a school bus is in violation of School District rules and will be subject



to disciplinary action up to and including termination. Being “under the influence” shall not excuse or be a defense to any other misconduct which is a violation of School District rules.

f. Notification of illegal drug convictions:

Any bus driver who is convicted under any criminal statutes for the use, sale, attempted sale, manufacture, purchase, attempted purchase, possession or transfer of an illegal drug shall be required to notify his/her immediate supervisor in writing within five (5) days of same conviction. Failure to so notify the School District will result in termination.

Absence from work due to such conviction shall be considered unauthorized and shall be subject to disciplinary action up to and including termination.

g. Contractor funding:

Funds will be provided through the school transportation service contract at the beginning of each school year. These funds are to support the State and Federal mandated testing programs. Costs incurred as a result of driver re-employment shall be borne by the contractor.

h. Severance:

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

382.601 (b) 11 (d) Certificate of receipt:

Drug/Alcohol educational material packets shall be distributed to covered employees. Employees are required to sign for the materials. A copy showing receipt shall be maintained by the Transportation Secretary as part of the employees drug and alcohol file.

**4.28. CRIMINAL BACKGROUND CHECKS**

Criminal background checks, pursuant to Section 22-10A-5 NMSA 1978, shall be conducted upon each contractor and contractor's employee, at the expense of the contractor or contractor's employee, if the contractor or contractor's employee has unsupervised access to students. This includes all bus drivers, aides, and their substitutes. After July 1, 1998, Board of Education approval of new drivers, aides, and substitutes shall be subject to the satisfactory completion of such background checks.

#### **4.28.1. VOCATIONAL EDUCATION TRANSPORTATION**

Vocational Education school bus routes for the purpose of transporting students to and from school sites and the place where Vocational Education programs are being offered are to be approved by the Superintendent or designee.

The cost of such routes shall be paid from the "to and from" transportation distribution.

#### **4.28.2. SPECIAL EDUCATION TRANSPORTATION**

##### **4.28.2.1. Individualized Education Program Committee (As required by State Standards of Education)**

Program determination will include consultation with the Director of Integrated Instructional Services or designee to avoid transportation problems.

The committee must be familiar with State Statutes, State and local regulations, and policies to promote understanding and support of the transportation program. The committee is responsible for a comprehensive inventory of the pupils' needs as they relate to the transportation and other related services. The Schools Board of Education supports the Unified Transportation System Inclusion policy and all District transportation routes will be brought into compliance in a timely manner.

1. The type of vehicle required must be determined in advance. Some students may need to be transported in wheelchairs, or may require a specially designed car seat or vest to provide torso and/or head support. Special Education student(s) will be transported on established routes whenever possible. An IEP meeting will be conducted to determine if this is not in the best interest of the student(s).
2. Significant medical problems should be documented, with appropriate information provided to the transportation service provider and/or educational assistant especially the possibility of seizures.
3. Alternate emergency drop-off points and telephone numbers of specified contract persons shall be obtained.

4. Late registration or placement of a student into a different program after school begins usually affects routing and time schedules for one or all students on the bus. A minimum of three (3) days planning time is usually required. Changes should not be made late in the school year unless absolutely necessary.

#### **4.28.2.2. Loading and Unloading**

##### **A.M. Unloading**

The principal or designee shall be on site at the A.M. unloading area. The bus driver or aide will not be allowed to leave Special Education students unattended unless determined by an IEP that supervision is not required.

##### **P.M. Dismissal**

The principal or designee shall have the students ready at dismissal time. The bus driver will not be required to wait more than five minutes. The driver and/or bus aide will not be allowed to leave the bus unattended to search for unaccounted students. Once the bus has departed, the bus driver will not be required to return to school. The principal or designee will be required to make other arrangements for the student to be transported home.

The Superintendent shall designate a person(s) to be available until all Special Needs buses have completed their trips and all students have been properly delivered. All drivers are to be informed of the person(s) who have been designated to take custody of unattended students.

#### **4.28.3. TRANSPORTING INFANT CHILDREN OF STUDENTS**

The Board recognizes the advisability of establishing a certain level of day-care activities within a high school to encourage the continued attendance in school of students with infant children. In view of this, the Board will allow student mothers to transport their infants with them on to-from buses to such an in-school day-care facility provided:

- a. The mother is enrolled at the high school;
- b. The infant is provided with an approved child safety seat;
- c. The bus is equipped with factory-installed or approved after-market seat(s) capable of securing a child safety seat into; and
- d. The transportation of the infant will not displace an authorized student rider from the bus. Additionally, no funds from the To and From transportation authorization may be expended in direct support of this program.

#### **4.28.4. INSTRUCTION AND/OR ACTIVITY TRAVEL**

##### **4.28.4.1. General Information**

The Board encourages the use of field trips to complement the instructional program and to acquaint students with their environment and the “world of work.” Such trips will be closely coordinated with other school system activities and will be supervised by school personnel.

##### **4.28.4.2. Activities Within the School Day**

Licensed secondary students may transport themselves to and from school activities within the school day in private vehicles with the written permission of the parent or legal guardian and proof of insurance on file in the Principal’s Office. The District does not allow students with private vehicles to transport other students to and from school activities within the school day.

The District will provide transportation to and from curricular activities within the school day. Parents are responsible for picking up the student from activities, which extend beyond the school day.

Students violating this policy will be subject to disciplinary sanctions as set forth in the Student/Parent Handbook.

##### **4.28.4.3. Activities Outside the District and/or Overnight**

Students who participate in school sponsored activities outside the district and/or overnight trips are authorized to travel to and from the activity with the coach/sponsor in transportation provided by the District. Upon prior approval, a student may be transported by their respective parent/legal guardian. A student may be released to the parent/legal guardian of the student at the conclusion of the activity. The coach/sponsor will not release a student to any other person unless prior to the trip the parent/guardian has presented proper documentation authorizing the release of the student to another parent. When a student rides home with another student a permission form must be on file. It is the sole responsibility of the student and/parent to request permission form from the High School office.

##### **4.28.4.4. School Activity Vehicles**

Although allowable under certain conditions, transportation of students using private vehicles or school-owned vehicles for school sponsored activities can result in unnecessary risks and cost to School Districts.

In order to promote the safe transportation of school students and to reduce the district's liability in case of accident, the use of school-owned or private vehicles should be on a limited basis.

School employees are authorized to operate school-owned vehicles to transport up to 18 passengers in two (2) passenger vehicles on planned school sponsored activities.

In an emergency, school employees may transport students in any school-owned vehicle. A written explanation of the emergency, students and staff involved, and actions taken by the employee will be forwarded to the Director of Transportation within two business days after the emergency.

Acceptable vehicles include sedans with a seating capacity for 4 to 6 passengers and a 6 to 9 passenger suburban. Unacceptable vehicles are vans or mini-vans.

The Director of Transportation may authorize the lease of a vehicle from another School District or commercial common carrier when the number of students to be transported and/or time

and distance is a factor provided the vehicles meet all applicable requirements of Federal Motor Vehicle Safety Standards for its category.

Vehicles used for the purpose of transporting students on school-sponsored activity trips shall carry the approved Transportation Request Form and will provide a list of students and sponsors to the Transportation Office prior to the activity. A Route of Travel form will also be required when the trip is farther than 50 miles from the school or when more than one stop is required. A copy of the purchase order is required.

Out-of-state trips must comply with Motor Carrier Safety Regulations of the United States Department of Transportation.

Any vehicle owned or under contract to the Mountainair School District transporting students will not exceed the posted speed limit or 60 miles per hour, whichever is less. This does not include commercial coaches.

Private vehicles will be used only for emergency situations. Employees' insurance is primary.

All school-owned vehicles and contracted school buses will have insurance coverage as required by the State.

Districts, however, shall use an activity school bus any time the school sponsored activity involves more than 18 passengers and would require more than two school-owned vehicles to transport students to the same destination.

In order to promote the safe transportation of school students and to reduce the district's liability in case of accident, the use of school-owned or private vehicles should be on a limited basis.

School employees are authorized to operate school-owned vehicles to transport up to 18 passengers in two (2) passenger vehicles on planned school sponsored activities.

In an emergency, school employees may transport students in any school-owned vehicle. A written explanation of the emergency, students and staff involved, and actions taken by the employee will be forwarded to the Director of Transportation within two business days after the emergency.

Acceptable vehicles include sedans with a seating capacity for 4 to 6 passengers and 6 to 9 passenger suburban's. Unacceptable vehicles are vans or mini-vans.

The Director of Transportation may authorize the lease of a vehicle from another School District or commercial common carrier when the number of students to be transported and/or time and distance is a factor provided the vehicles meet all applicable requirements of Federal Motor Vehicle Safety Standards for its category.

Vehicles used for the purpose of transporting students on school-sponsored activity trips shall carry the approved Transportation Request Form and will provide a list of students and sponsors to the Transportation Office prior to the activity. A Route of Travel form will also be required when the trip is farther than 50 miles from the school or when more than one stop is required. A copy of the purchase order is required.

Out-of-state trips must comply with Motor Carrier Safety Regulations of the United States Department of Transportation.

Any vehicle owned or under contract to the Mountainair School District transporting students will not exceed the posted speed limit or 60 miles per hour, whichever is less. This does not include commercial coaches.

Private vehicles will be used only for emergency situations. Employees' insurance is primary.

All school-owned vehicles and contracted school buses will have insurance coverage as required by the State.

#### **4.28.4.5. Drivers and/or Sponsors Responsibilities**

A. Activity drivers must meet the following minimum qualifications:

1. Must be a school employee.

2. Must complete application form that meets or exceeds State and Federal guidelines.
3. Must have an annual check of their driving record through the New Mexico Department of Motor Vehicles and must not have a moving violation or DWI within the last 5 years.
4. Must have a physical examination conducted by a licensed physician under criteria developed by and certified on a form specified by the State Transportation Director and renewed every 24 months from the date of the last examination or before as specified by a licensed physician.
5. Must have a criminal background check.
6. Must be enrolled in a substance and alcohol testing program in accordance with 49 CFR Part 382 through the District's third party alcohol and drug testing provider.
7. Must have successfully completed a minimum of 12 hours of training to include:
  - a. Pre-service training:
  - b. Four hours of classroom training, conducted by a School Bus Driver Instructor certified by the State Transportation Director, including a review of the Standards for Providing Transportation Services to Eligible Students, district and/or emergency safety policy and regulations, general motor vehicle operating procedures, and passenger management.
  - c. At least one of the four hours shall be a familiarization with the vehicle and equipment.
  - d. As of July, 2004, 2 hour School Bus Security Training Program.
8. Completion of the remaining 8 hours of minimum training within the first calendar year of driving a school-owned vehicle, unless documentation is provided for previous completion:
  - a. Nationally recognized or state approved First Aid Course including CPR.
  - b. Nationally recognized or state approved Defensive Driving Course.

B. Any person initially applying or currently operates a school bus or school owned activity vehicle used to transport students shall not be eligible to operate such a vehicle if he/she has:

1. Been convicted for driving a vehicle while under the influence of intoxicating liquor or drugs (“DWI”) within five (5) years of the date of the application.
2. Been convicted for DWI beyond five (5) years from the date of the application unless he provides a written verification from a licensed counselor or physician that he/she has successfully completed an alcohol or drug abuse program.
3. Been convicted two (2) or more times for DWI.
4. Had driver’s license suspended or revoked within the previous five years for any serious traffic offense.
5. Been convicted of more than three serious traffic offenses within three (3) years since the date of the application.
6. Been convicted of any felony within ten (10) years since the date of his application.
7. A conviction for any violation of the Controlled Substances Act [30-31-1 to 30-31-25, 30-31-26 to 30-31-28, 30-31-30 to 30-31-40, NMSA 1978]
8. Been convicted of child abuse pursuant to section 30-6-1, NMSA 1978
9. Been convicted of any other criminal offense in which a child was a victim as required by the offense.

Any person initially employed or applying for full or part-time employment with a private entity to operate a school bus to transport public school students, or a school owned activity vehicle used to transport public school students, shall not be eligible to operate such a vehicle for the same reasons listed above.

Because they are deemed to have unsupervised access to students at a public school, effective January 14, 2005, any person initially employed or applying for full or part time employment with a private entity to operate a school bus to transport public school students, or a school owned activity vehicle used to transport public school students, shall at his own expense submit to a fingerprint-based background check in accordance with section 22-10A-5, NMSA 1978, provided that:

1. Such background check shall be conducted at the time of that individual’s initial employment whether for full or part time to operate a school bus to transport



public school students or a school owned activity vehicle used to transport public school students,

2. After an initial background check, another background check shall be conducted at the sooner of his driver's license renewal or at 4 (four) year intervals, whichever comes first.
3. A school district, charter school or transportation provider shall maintain an agreement, Authorization, Waiver and Release form, in addition to a criminal history affidavit on file for any employee employed for full or part time to operate a school bus or a school owned activity vehicle.

#### C. Continuing Standards for Drivers of School Busses or School-Activity Vehicles

Any individual who currently operates a school bus or a school owned activity vehicle used to transport students, shall no longer be eligible to operate a school bus or a school owned activity vehicle if after January 14, 2005, he/she receives any of the following:

1. Conviction for driving a vehicle while under the influence of intoxicating liquor or drugs,
5. A suspension or revocation of his driver's license for any serious traffic offense,
6. Convictions for more than three serious traffic offense as defined in this rule,
7. A conviction for any felony,
8. A conviction for any violation of the Controlled Substances Act [30-31-1 to 30-31-25, 30-31-26 to 30-31-28, 30-31-30 to 30-31-40, NMSA 1978].
9. A conviction for child abuse pursuant to Section 30-6-1 NMSA 1978,
10. A conviction for any other criminal offense in which a child was a victim as required by the offense.

D. The background check requirements shall not be imposed on anyone who on January 14, 2005, is already engaged in full or part time employment to operate a school bus to transport public school students, or a school owned activity vehicle used to transport public school students.

1. All activity drivers will complete a daily, thorough pre- and post-trip inspection of the vehicle documented on forms provided by the District. As

part of this inspection, drivers will insure that no student remains in the vehicle at the conclusion of the trip.

2. Provisions will be made for rest and relaxation for sponsors and students during activity trips.
3. Provisions will be made for the activity driver's workday so as not to exceed provisions set forth in 6.41.41 NMAC.
4. All occupants must have seat belts available and are required to wear them while the vehicle is in motion.
5. School vehicles used to transport students may not be more than 20 years old and may not have in excess of 200,000 actual road miles.

Provisions will be made governing personal liability release, medical information, and notification of parents and school officials should an emergency arise.

Provisions will be made for timely notification of school officials, insurance carrier, and parents should an accident occur.

#### **4.28.4.6. Funding**

Services for instructional and/or activity transportation will be governed by New Mexico Statutes. Payment for such services will be computed on a trip basis or on actual mileage. Yearly agreements may be negotiated with the school bus contractor(s) in establishing trip costs.

School funds may not be used to provide transportation for athletic coaches, players or other school personnel to summer athletic camps or summer recreational programs.

### **4.29. STUDENT NUTRITION SERVICES**

The experience of school officials has shown the benefit of the school breakfast and lunch program as it relates to the health and education of students. This has resulted in the establishment of a breakfast and lunch program as an integral part of the total school curriculum. This program will be administered by the Director of Student Nutrition and Support Services.

#### **4.29.1 NUTRITION PROGRAMS**

The District will operate a breakfast and lunch program in its schools:

1. To maintain and improve the health and physical fitness of the student by providing a balanced and nutritious school breakfast and lunch;

2. To provide a satisfactory learning experience in the breakfast and lunch program which will contribute to the overall development of the student.

Student Nutrition includes hot breakfast and lunch through participation in the National School Lunch program guidelines and provides an “Offer vs. Serve” program to all students in grades K-12.

#### **4.29.2. FOOD PURCHASING/SELECTION/BID PROCESS**

The Director of Student Nutrition and Support Services will be designated as the person authorized to purchase food and supplies for all food services under his direction. The vendor/bid policy of the School District will be followed.

#### **4.29.3. USE OF COMMODITIES**

Commodity foods donated by the United States Department of Agriculture (USDA) will be used and accounted for in accordance with federal regulations. The foods will be used only for the purpose of the National School Lunch Program (NSLP). Limited bonus donated commodity foods may be made available for use by home economics classes.

The Director of Student Nutrition and Support Services will consider government commodities and also quantity purchasing where these considerations are advantageous to the School District.

#### **4.29.4. FREE AND REDUCED PRICE MEALS**

The District will participate in the NSLP and other food programs which may become available to assure that all children in the District receive proper nourishment.

In accordance with the guidelines for participating in these programs, and in accordance with the wishes of the Board, no child who meets the criteria for eligibility for free and reduced meal benefits will be denied a free meal simply because proper application has not been received from his/her parents or guardian. The administrator of the building may complete an application for a student known to be needy if the household fails to apply.

The administration will establish rules, regulations, and procedures which conform with State and federal (or other) requirements regarding participation in the program for free and reduced meal benefits. Such regulations will be reported to the Board as needed for its approval.

#### **4.29.5. CATERING AND OTHER CONTRACTED EVENTS**

The Student Nutrition Department may prepare a catered event beyond the regularly established meal program at a charge covering all costs of the event.

The Student Nutrition Department may enter into a contract/agreement with other outside agencies at the sole discretion of the Student Nutrition Department, the Board of Education, or the Superintendent of Schools.

#### **4.29.6. USE OF KITCHENS**

School kitchens and kitchen equipment will not be used unless a Student Nutrition employee is on duty in the kitchen. Arrangements for the kitchen service and use of catering equipment are made through the office of the Director of Student Nutrition. Employees on duty will be paid according to the prevailing salary schedule of the District.

**Non School** Organizations or groups requesting the use of the kitchen will be charged for the salary and benefits of the employee. Arrangements for service involving the use of Student Nutrition Services small equipment outside the kitchen is made with the Director of Student Nutrition.

#### **4.29.7. STORAGE OF FOOD**

The storage of food/ingredients will be done in a manner which follows the guidelines of the New Mexico Department of Health and Environmental Services.

#### **4.29.8. SANITATION/SAFETY**

Sanitation practices will follow the guidelines prescribed by the New Mexico Department of Health and Environmental Services. Student Nutrition employees will practice good hygiene at all times and make every effort possible to meet more than the standard when it comes to sanitation practices.

Safety regulations and practices will be adhered to at all times. All employees are required to report to their immediate supervisor any unsafe conditions or practices.

#### **4.30. COMPETITIVE FOOD SALES/VENDING MACHINES**

##### **4.30.1. STUDENT**

The installation and use of vending machines in the schools will be controlled so that they will not offer competition to the Student Nutrition Program or encourage students in poor eating habits.

#### **4.30.2.      STAFF**

Vending machines may be operated by the Student Nutrition Food Services Department for the sale of beverages in employee lunchrooms.

#### **4.31.      COPY MACHINES**

School District copy machines will be purchased and maintained through the central office Support Services Department. Copy machines at School District sites are for use by the staff for copying materials needed for the operation of the schools.

#### **4.32.      MAIL AND DELIVERY SERVICES**

The Board of Education will exercise control over all aspects of the intra-District mail and delivery service, including individual mail boxes assigned to school employees at school buildings in the District. The use of District mail facilities and personnel will be for the distribution of materials and communications that further the educational purposes of the School District. Communications from non-school sources may, by regulation, be authorized by the Superintendent of Schools.

#### **4.33.      CUSTODIAL SERVICES**

The Custodial Supervisor will maintain cleaning standards for the custodial and grounds services of the District.

Each building and/or grounds site in the District will receive periodic reviews and evaluations based on established standards. The administration will maintain procedures for such reviews.

Substitute custodians may be available to district schools on instructional days dependent upon the availability of a substitute and the duration of the employee's absence.

#### **4.34.      WASTE MANAGEMENT AND RECYCLING**

The District will act to make resource conservation an integral part of the physical operation of the School District and of the school curriculum. The practice of discarding recyclable materials used in school facilities is wasteful of natural resources, energy, and money. It is also the function of the schools to set an example of stewardship of our natural resources and to develop responsible citizenship in our students.