

**SECTION VI**  
**CURRICULUM AND INSTRUCTION**

**DISTRICT GOAL**

The goal of the Mountainair Public Schools is to establish sound academic programs that are cohesive and appropriate to each level of our diverse student population through a continuing process of planning, training, implementing and assessing curricula content and instruction.

**6.1. STANDARDS FOR EXCELLENCE/STUDENT OUTCOMES**

The following Standards for Excellence will be incorporated in the District curriculum as part of the ongoing instructional development program to provide students with the competencies necessary for responsible, productive citizenship following graduation.

**6.1.1. KNOWLEDGE AND SKILLS**

1. Demonstrate proficiency in the English language;
2. Understand and apply
  - Social Sciences
  - Physical and life sciences,
  - Mathematics,
  - Humanities,
  - Fine and performing arts,
  - Vocational education,
  - Health education, and
  - Physical education;
3. Understand and integrate all areas of knowledge through reading, writing, speaking, listening and other means of communication, such as technology;
4. Develop and apply logical reasoning and creative thinking;
5. Identify, access, evaluate, and utilize information; and
6. Understand the principles of personal financial management.

### **6.1.2. QUALITIES**

1. Learn and perform at their full potential;
2. Exhibit a positive self-concept as evidenced through the expression of one's own physical, emotional and mental capabilities, strengths, talents, goals, and aspirations;
3. Shape one's future by accepting personal responsibility including the necessity of earning a living, making ethical and reasonable decisions, and developing interpersonal skills to function successfully;
4. Make decisions which promote good health;
5. Respect oneself and others now and in the future based on the recognition that all life is interdependent;
6. Respect the democratic principles, authority, responsibilities and privileges guaranteed by the U.S. Constitution and its amendments;
7. Develop individual creativity and appreciation; and
8. Understand the importance of honesty, dependability, integrity, and hard work.

### **6.2. COMMITMENT TO EXCELLENCE**

The Mountainair Public Schools are dedicated to the development of an educated citizenry. This requires that all constituents of the educational community share and support a vision of excellence. This vision of excellence is supported by the Correlates of Effective Schools and consists of the following components:

#### **1. Instructional Leadership**

In collaboration with staff, parents, students, and community, the school leadership defines the school's mission and frames the goals. Effective leaders ensure that effective school characteristics are present, promoted, and improved upon.

#### **2. Safe and Orderly School Climate**

Schools must provide a safe, orderly, and purposeful environment with an atmosphere that is conducive to teaching and learning. Physical facilities are maintained in a clean and safe environment, with repairs made promptly.

### **3. District Expectations**

Teachers and other members of the school community believe all students can learn. In partnership with parents, high expectations are communicated to students, and programs are provided to enable students to achieve these expectations.

### **4. Instructional Focus**

School communities must establish and communicate a clear instructional focus which reflects the purpose and goals of the institution.

### **5. Assessing Progress**

Ongoing assessment and evaluation of students, programs, and staff enable school communities to determine whether their goals are being met and provide a basis for improvement of these programs to better address the needs of students. Evaluation of the school's effectiveness is based on student achievement. The use of multiple forms of assessment and evaluation can provide the basis for program improvement.

### **6. Parent and Community Support**

Partnerships with families, businesses, and the larger community form the basis for success in achieving the goals of the school community. Through such partnerships, a common mission is established and the responsibility for achieving the mission is shared by the total educational community.

## **6.3. EDUCATIONAL ASSESSMENT AND EVALUATION**

Standards for Excellence require continuous assessment of all aspects of the educational program and evaluation of student success. The following principles guide assessment and evaluation:

- Assessment provides profiles of information for individual students, groups of students, and programs;
- Assessment information provides a basis for programmatic change and revision;
- Evaluation begins with a review of assessment results; and
- Evaluation implies that critical decisions about effectiveness, performance, and/or appropriateness are being made.

### **6.3.1. STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEM**

The School District will participate in the Public Education Department's statewide assessment and accountability system that is aligned with the state academic content and performance standards and that measures adequate yearly progress (AYP) for each student, public school and school district. Adequate yearly progress is determined primarily by student academic achievement, as demonstrated by statewide standards-based academic performance tests; however, the Public Education Department may include other indicators of adequate yearly progress, including graduation rates for high schools and **attendance** for elementary and middle schools.

### **6.3.2. ASSESMENT AND ACCOUNTABILITY SYSTEM REPORTING AND PARENT SURVEY**

**6.3.2.1** The School District will participate in the Public Education Department's format for reporting individual student assessments to parents. The School District will publish an Annual Accountability Report which should include a report on the graduation rate of each high school in the School District, all information required by the Public Education Department, and the results of a survey of parents' view of the quality of their children's school. The School District's Annual Accountability report must be adopted the Board, may published no later than November 15 of each year and may be published at least once in a newspaper of general circulation in the County. The report must include the names of all local board members who failed to attend annual mandatory training. The report must include data on expenditures for central office administration and expenditures for the public schools of the School District.

1. Parent-teacher-school relationship and communication;
2. Quality of educational and extracurricular programs;
3. Instructional practices and techniques;
4. Resources;
5. School employees, including the school principal; and
6. Parents' views of teaching staff expectations for the students.

### **6.3.3. PARENTAL NOTIFICATION REGARDING PROFESSIONAL QUALIFICATION OF TEACHERS, INSTRUCTIONAL SUPPORT PROVIDERS AND SCHOOL PRINCIPALS**

**6.3.3.1.** Within 60 calendar days from the beginning of each school year, the Superintendent will issue notice to parents that they may obtain information regarding the professional qualifications of their children's teachers, instructional support providers and school principals. At a minimum, the information shall include:

1. Whether the teacher has met state qualifications for licensure for the grade level and subjects being taught by the teacher;
2. Whether the teacher is teaching under a teaching or assignment waiver;
3. The teacher's degree major and any other license or graduate degree held by the teacher; and
4. The qualifications of any instructional support provider if the student is served by educational assistants or other instructional support providers.

**6.3.3.2.** The Superintendent will give written notice to the parents of those students who are being taught for longer than four consecutive weeks by a substitute teacher or by a person who is not qualified to teach the grade or subject.

**6.3.3.3.** The Superintendent will:

1. Ensure that the notice required by this policy is provided by the end of the four-week period following the assignment of the person to the classroom;
2. Ensure that the notice required by this section is provided in a bilingual form to a parent whose primary language is not English;
3. Retain a copy of the notice required pursuant to this policy; and
4. Ensure that information relating to teacher licensure is available to the public upon request.

**6.3.4. STAFFING PATTERNS; CLASS LOADS; TEACHING LOADS**

The School District will comply with the staffing patterns, class loads, and teaching loads prescribed by Section 22-10A-20 NMSA and any regulations issued by the Public Education Department regarding staffing patterns, class loads and teachings loads.

**6.3.5. LICENSED SCHOOL EMPLOYEES REQUIRED TRAINING IN REPORTING CHILD ABUSE AND CHILD NEGLECT**

The School District will require all licensed school employee to complete training in the detection and reporting of child abuse and neglect and substance abuse. This requirement will be completed within the licensed school employee's first year of employment by the School District.

#### **6.4. CURRICULUM DEVELOPMENT AND REVIEW**

Curriculum development and review is necessary for effective and long-range planning for the instructional program. Development and review is recognized as involving many components. The multi-faceted approach shall include students, teachers, administrators, the school board, parents and community.

The Board also recognizes educational and psychological research may be valuable in developing, validating, and standardizing newer programs and strategies in education for the District.

##### **6.4.1. RESEARCH/PILOT PROGRAMS**

Research/pilot projects are encouraged for the purpose of improving educational practice. Such projects will have the approval of the Superintendent or designee and may require approval of the Board.

Research/pilot projects may originate at the individual classroom level, building level or district level. Approval of the project must be obtained from the building level administrator and the Superintendent or designee before implementation. The Board of Education will be informed of all pilot projects prior to implementation.

Research/pilot projects, when properly approved and instituted, will be evaluated by the staff involved in the project, and the Superintendent or designee. Established evaluation procedures will be followed.

##### **6.4.2. CURRICULUM ADOPTION**

All course offerings in the instructional program are to be reviewed and approved by the Superintendent and his/her designee and must meet or exceed standards established by the Public Education Department.

#### **6.5. CURRICULUM PROGRAM**

In keeping with Board commitment to provide equal educational opportunities for each student, the Board will review the plan and implementation of a competency-based curriculum on a regular basis. It is the belief of the Board that such a curriculum will ensure that each student is allowed to develop to their fullest potential and develop a deeper appreciation of the value of a good education.

### **6.5.1. EXTENDED PROGRAMS**

Instructional programs outside the limits of the regular school program may be provided. These programs will be under the direction of the professional staff and will meet all established Public Education Department standards. The Board specifically authorizes and encourages a working relationship with post-secondary educational institutions that provide the opportunity for Mountainair High School students to participate in instructional programs that are not available to them otherwise.

#### **1. Summer and After-School Programs**

The Board may provide facilities, equipment, personnel, and materials for implementation of summer and/or after-school programs where funds are available and sufficient interest is indicated for scheduling classes. These programs will be for all grades. Tuition for summer programs will be established annually.

#### **2. Evening Programs**

The Board may offer high school courses in the event when adequate interest is indicated in sufficient numbers for classes to be formed. Tuition for attending evening classes will be the same as the tuition for high school summer programs.

#### **3. Work-study Programs**

Work-study programs will be considered, provided funds are available. The minimum age for entrance into such programs shall be fourteen (14) years.

### **6.5.2. SPECIAL PROGRAMS**

Instructional programs in areas of special student need may be provided where funds are available. Programs will be under the direction of the professional staff and will meet all established standards and specified guidelines.

1. Disadvantaged – Instructional programs will be designed to meet the needs of disadvantaged students. Eligibility criteria will be developed by the professional staff to meet specified guidelines.
2. Remedial Intervention – Instructional programs designed to meet the needs of students who fail to master the essential competencies will be provided. Emphasis will be placed on early intervention with reliance on diagnostic and prescription teaching practices at all levels, K-12. Remediation Intervention begins immediately with the classroom teacher. In addition, students who fail course work at the secondary level may be provided the opportunity to take failed course work the following year.
3. Homebound Instruction – Homebound instruction will be offered to those students who are unable to attend school due to mental or physical illness or injury. This program is

generally limited in duration and should not be confused with special education placement.

4. Gifted Student – The instructional program will be designed to meet the needs of all gifted students. The needs of gifted students will be determined and provided for in accordance with New Mexico Special Education Program Standards.
5. Special Education and Related Services – The Board will provide instructional programs for students with exceptionalities at all levels in accordance with New Mexico Special Education program standards and Federal Regulations as applicable.

#### **6.5.2.1. Alternative Education Program Policy**

1. The Board recognizes that students who cannot benefit from the Districts regular educational curriculum and do not qualify for special education services may benefit from an alternative program specifically designed to address the particular needs of at-risk students. Therefore, the Board supports the development of an alternative educational program(s) within the District's state-board-approved educational plan to provide alternative educational services to assist students reach their full academic potential.
2. The Superintendent of Schools shall present to the Board for approval any alternative education programs or modifications to the District's regular educational program.
3. The District's alternative educational program(s) shall comply with the educational standards and academic content and performance standards approved by the Public Education Department.
4. If the District receives additional at-risk program units pursuant to Section 22823.3 NMSA 1978 for the purpose of calculating the Districts program funding, the District shall include a report of the specified services in its annual accountability report required by Section 22-2C-11 NMSA 1978.

#### **6.5.3. EXTRACURRICULAR ACTIVITIES**

1. The administration and supervision of all school-sponsored activities shall be delegated by the Board to the administration and faculty. All such activities shall be provided with qualified sponsors who are employees of the school. Participation and membership in activities shall be governed by principles and policies that encourage wide participation. The activities program shall provide a means for increasing student leadership abilities, encouraging special student interest and skills, providing opportunities for giving a voice in school efforts, and serving valid educational purposes.
2. All school monies earned under the auspices of the Mountainair Board of Education shall be receipted and deposited according to District policy. No school-approved



club shall have an individual account with any financial institution, whether it is local, State of New Mexico, or outside of New Mexico.

#### **6.5.4. INTERSCHOLASTIC ACTIVITIES AND ATHLETICS**

The Board recognizes the value to students of a well-rounded interscholastic activities and athletic program. These programs will be established and maintained for students in secondary school settings. Criteria for the effective operation of the interscholastic program will be developed by the professional staff and the Director of Athletics. The interscholastic program will comply with all regulations of the Public Education Department and the New Mexico Activities Association.

#### **6.6. INSTRUCTIONAL ARRANGEMENTS**

It is the intent of the Mountainair Public Schools to provide each student with an educational program appropriate to their needs. This may involve numerous educational strategies.

##### **6.6.1. ORGANIZATIONAL STRUCTURE**

The basic vertical organizational plan of the Mountainair Public Schools is PK-5, 6-8, 9-12. The basic plan will be followed unless a pilot project has been approved.

1. Self-Contained Classrooms - The organization plan of the elementary schools (PK-5) will be the heterogeneously grouped self-contained classroom. Flexible grouping based on instructional needs may be provided within the self-contained classroom. Teachers are encouraged to team with their peers in order to provide intervention for students with identified intervention needs.
2. Departmentalization - Departmentalization is grouping for instruction by subject areas. At the elementary level, departmentalization requires the review and approval of the Superintendent or his/her designee. The secondary schools will employ the departmentalized plan as a basic concept.
3. Class Size - The class size will be determined by the pupil/teacher ratio as set forth by the Public Education Department. Class size may vary; however, the principal will strive at all times not to exceed the standard.
4. Scheduling for Instruction - The building principal is responsible for supervising the development of program schedules within each school. At the secondary level, the building principal is also responsible for constructing a master schedule. All schedules will comply with all accrediting agencies with which we are associated.

5. Student Schedules - The principal of each school will be responsible to the Superintendent for the effective scheduling of each student into the instructional program utilizing a master schedule for students and staff.
6. Program of Study/Lesson Plans - A program of study for each class that is based on district subject and course instructional/learning outcomes will be developed by each teacher. Weekly lesson plans are required of all teachers and are accessible to the building principal or designee.

## **6.7. INSTRUCTIONAL RESOURCES**

The Board will provide, within its resources, the best instructional environment possible.

### **6.7.1. CLASSROOM MATERIALS**

The Superintendent will determine allocations for resources to the schools to provide each classroom in the school system with a basic set of instructional materials. Textbooks, supplementary materials, equipment, and supplies will be provided equally to all schools to ensure comparability in instructional resources.

#### **6.7.1.1. Textbook Policy for Compliance with SB-1019, New Mexico Statutes Annotated 22-15-9(D) (1978)**

Each classroom of the School District must have a sufficient number of textbooks so that (a) every student will have a textbook for each class that conforms to PED curriculum requirements and (b) students wishing to take a textbook home may do so. The principal of each school shall be responsible for compliance with this policy.

*[The School District/Board may decide to change the person responsible for compliance with the policy. For example, the School District/Board may want to make the Director of Curriculum and Instruction responsible for compliance, or the Superintendent. The School District should then develop, and distribute procedures for compliance with the Policy statement. There is no need to have a textbook for every student taking the course as a procedure may be developed by which every student can take home a textbook when needed. There may be different procedures for elementary, mid and high school classes. There may also be different procedures for different types of classes, as needed for compliance with the policy. ]*

#### **6.7.1.2. Textbooks/Materials Selection and Adoption**

Textbooks/materials will be reviewed and adopted pursuant to Section 22-2-2D NMSA 1978, and “Section Criteria for Instructional Materials in the School of New Mexico – March, 1986.” Selected materials shall support and be consistent with the established requirements of the

Public Education Department. Public notice of each textbooks/materials adoption will be given through publication in a newspaper of general circulation in the School District. Parents, teachers, students (when appropriate), community and professional representatives will be invited to participate in the textbooks/materials review process through committee participation or have an opportunity to individually examine and evaluate the textbook and/or materials being considered for adoption.

#### **6.7.1.3. Supplementary Materials Selection**

Supplementary materials may be selected from the New Mexico Textbook Catalog. Other supplementary materials from individual publishers, or other educational resources, may also be selected upon the approval of the **Superintendent**.

#### **6.7.1.4. Equipment and Supplies Selection**

The **Superintendent** will involve the professional staff in the selection of equipment and supplies for the instructional program.

#### **6.7.1.5. Lost or Damaged Instructional Materials**

The District may withhold the grades, diploma and transcripts of all students responsible for damage or loss of instructional material until the parent, guardian or student has paid for the damage. When a parent, guardian or student is unable to pay for damages, the District shall work with the parent, guardian or student to develop an alternative program for payment.

### **6.7.2. INSTRUCTIONAL SERVICES**

To support the classroom activities and other instructional needs of the District, the Superintendent will work in cooperation with building staff and the administration of the District in (1) the coordination, supervision, and implementation of the instructional program, and (2) support services programs.

#### **6.7.2.1. Professional Development**

The ultimate goal of the professional development program is to provide better learning experiences in the classroom which result in a positive effect on student performance and attitude. Utilizing total staff involvement, the professional development process consists of identifying the areas in which improvement is needed; establishing programs that are designed to achieve the desired results; and implementing these programs with evaluation and revision as needed.

#### **6.7.2.2. Instructional Assistants**

The Board supports the use of instructional assistants. Such use will be determined by the Superintendent and governed by District resources and Public Education Department Standards.

#### **6.7.2.3. Professional Learning Center**

The Board supports the concept of an educational services/resource center. The application of the concept will be determined by the Superintendent and/or his/her designee.

#### **6.7.2.4. Media Center**

The library is an essential resource center and adds immeasurably to the educational program of the school. Each school will have a library managed by a librarian or an educational assistant. Every effort shall be made to meet and exceed the standards set forth by the Public Education Department. In order to provide for adequate library materials, resources will be made available for this essential service.

Each school shall have a professional library to keep the staff informed of current trends and research. This collection shall be maintained in the library media center and available to all school personnel. Additional professional library resources will also be made available in the Professional Learning Center.

#### **6.7.3. TECHNOLOGY INSTRUCTION/DISTANCE LEARNING OPPORTUNITIES**

The application of multi-media to the instructional program is endorsed by the Board. Standards and procedures of application will be implemented as delineated in the District Technology Plan.

#### **6.7.3.1. Videotapes, CDs, DVDs-Commercial or Non-Commercial Media**

Videotapes, compact discs (CDs), digital video discs (DVDs) and films are appropriate and effective teaching tools in the classroom. The District encourages appropriate use; however, illegal and/or inappropriate use is prohibited.

1. Any media with rated designations (Videos or movies, TV programs or other programs with a rating "R") will not be shown in the Mountainair Public Schools' classrooms. Students in grades kindergarten through eighth grade (K-8) will not be permitted to view any videos of movies, TV programs or other programs with a

rating of PG-13. It is permissible to show PG or teacher previewed and **Administrator** approved unrated programs with written parental consent.

High School students, grades nine through twelve, will be permitted to view PG, PG-13, or teacher previewed and approved unrated films. Pupils under the age of eighteen must have written parental consent to view PG or PG-13 programs.

2. All audiovisual materials, including district purchased material used in the classroom, will be previewed by the teacher prior to viewing by the students. Teachers will be cautious in their evaluation as they preview unrated films. If there is a reasonable doubt that the previewed material is suitable to the grade level that will view it, the teacher will not show the material.
3. The use of videos in the classroom **must have a clear curricular connection with no other alternatives.**

#### **6.7.3.2. Computer-Assisted Instruction**

The application of computer-assisted instruction to the instructional program is desirable as funds and/or circumstances permit.

#### **6.7.3.3. Federal Copyright Law**

All Mountainair Public Schools students and employees will comply with the Federal Copyright Law in the use of computer software, videotapes, CDs, DVDs, music, published written material, intellectual property and any other copyrighted materials. Willful violations of Federal Copyright Law by employees may result in employee discipline, up to and including termination or discharge. Willful violations of Federal Copyright Law by students may result in student discipline, up to including suspension from school.

#### **6.7.3.4. Technology Acceptable Use Policy for Secondary Students (See following pages)**

### **TECHNOLOGY ACCEPTABLE USE POLICY FOR SECONDARY STUDENTS**

#### **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 Mountainair Public School District. Use of such technology is a necessary element of the School District's 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.

## **SUMMARY**

Public technologies such as computer laboratories, desktop computers, servers, electronic mail, Internet access, and any other form of electronic communication are provided as a service by the Mountainair Municipal Schools and to students at their respective schools. Use is a privilege, not a right. Students should be good citizens; they must refrain from activities that annoy others or disrupt the educational experiences of their peers. The student 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 Statutes or Federal Law.

## **OWNERSHIP**

All hardware, software, voice-mail, electronic mail, and any other stored documents or data on a retrievable medium including, but not limited to, floppy disks, hard-drives, CD-ROMs, zip drives, etc. that are resident on district equipment, are, and shall remain, the property of the District. This excludes homework assignments, book reports, and material of a similar nature that the student needs to complete his/her work.

## **COMPUTER USE**

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

1. Duplicate copyrighted software provided by 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;
2. Use licensed software in a manner inconsistent with the licensing agreement. Information on licenses is available through your instructor, principal, or Technology Support Services (hereinafter referred to as "TSS");
3. Copy, rename, alter, examine, install or delete the files or programs of another person or District; or to collect, read, or destroy output other than your own without permission of the owner or an District official;
4. Use a computer to annoy others, including, but not limited to, sending offensive messages or intentionally cause a computer system or network to crash;
5. Use a computer for non-school-related activities, including but not limited to, personal or private business, non-District sanctioned clubs, organizations, and/or activities;

6. 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.;
7. Use software not expressly provided by District for use on District computing equipment. Students are not to download executable software off of the Internet for any reason. This does not restrict a student from downloading and/or printing a document in conjunction with homework or other teacher assigned activities;
8. 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; and
9. 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.

## **INTERNET USE**

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 District.

1. Internet Access. Internet access may be provided to students for research activities relating to their classes. Students may also have access to:
  - A. Electronic mail communication with people all over the world;
  - B. Information and news from hundreds of research institutions;
  - C. Various discussion groups which include chat rooms;  
many library catalogs;
2. Network Etiquette. You are expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
  - A. Be polite. Do not be abusive in your messages to others.

- B. Do not engage in conversations about the District or its Staff that could be deemed slanderous.
  - C. Use appropriate language. Do not swear, use vulgarities or any other inappropriate or suggestive language. Illegal activities are strictly forbidden.
  - D. Do not reveal your personal address or phone number or that of other students or staff members, except where instructed to do so by a teacher or District staff member.
  - E. 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.
  - F. Do not disrupt the use of the network by other users.
3. 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.
- A. Use or attempt to use another person's log-in and/or password.
  - B. Copying, transferring, or duplicating software owned by or registered to District.
  - C. 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.
  - D. Using the network for commercial, political, personal, or private gain.
  - E. Communication whose sole intent is not for the purpose of education or school-related research/activities.

### **CONSEQUENCES FOR INAPPROPRIATE USE**

The system administrators will deem what is inappropriate use and may close an account at any time. The administration, faculty, or staff of District may request the system administrator to deny, revoke, or suspend specific user accounts. If, in the opinion of the teacher or system administrator, a student has failed to comply with this policy, the student may:

1. Be removed from the system for a specific period of time or permanently, depending on the nature of the offense;
2. Be assigned in-school suspension;



3. Be assigned out-of-school suspension with the possibility of expulsion (as warranted).
4. Be removed from class for the remainder of the semester or school year;
5. Lose their Internet account;
6. Be permanently restricted from taking any classes where the computer is a significant part of the curriculum;
7. Be required to pay for damages with regard to technician time, computer resources, or other fees; or
8. Be criminally charged under local, state, or federal laws.

**MOUNTAINAIR PUBLIC SCHOOL DISTRICT NO. 82**  
**Technology Acceptable Use Contract for Secondary Students**

I understand and will abide by the above Technology Acceptable Use Policy for Secondary Students. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action and/or appropriate legal action may be taken.

Student's Full Name \_\_\_\_\_ Date \_\_\_\_\_  
(Please Print)

Student's Signature \_\_\_\_\_

As the parent or guardian of this student, I have read and understand the Technology Acceptable Use Policy for Secondary Students. I have reviewed and discussed this policy with my child. I understand that this access is designed for educational purposes. I also recognize it is impossible for the Mountainair Public School System to restrict access to all controversial materials, and I will not hold them responsible for materials acquired on the network. Further, I accept full responsibility for supervision, if and when my student's use is not in a school setting. I hereby give permission to issue an account for my student, or to otherwise allow him/her access to District computing equipment and the Internet.

Parent's Full Name \_\_\_\_\_ Date \_\_\_\_\_

Parent's Signature \_\_\_\_\_

### **6.7.3.5.**

### ***Technology Acceptable Use Policy for Elementary Students***

#### **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 Mountainair Public School District. Use of such technology is a necessary element of the School District's 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.

#### **SUMMARY**

Public technologies such as computer laboratories, desktop computers, servers, electronic mail, Internet access, and any other form of electronic communication are provided as a service by the District and to students at their respective schools. Use is a privilege, not a right. Students should be good citizens; they must refrain from activities that annoy others or disrupt the educational experiences of their peers. The student 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.

#### **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, etc. that are resident on district equipment, are, and shall remain, the property of District. This excludes homework assignments, book reports, and material of a similar nature that the student's need to complete his/her work.

#### **COMPUTER USE**

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

1. Copy software;
2. Use licensed software in a way in which it was not intended;
3. Change, copy, or delete the files or programs of another student or staff member;

4. Use a computer to annoy or intimidate others, including, but not limited to, sending offensive messages that may offend your fellow students or intentionally cause a computer system or network to crash or “not work”;
5. 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), distribute 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.;
6. Bring software from home;
7. Access a computer at your school without having a log-in name (similar to your name) and password assigned by your teacher. Any other attempts at accessing the computers are considered “hacking” and/or “trespassing” and are inappropriate; and
8. Change computer settings or unplug/move cables; this may hurt the computer. If this occurs, your parents may be held FINANCIALLY responsible for all repairs and/or replacements.

## **INTERNET USE**

The Internet is a network connecting millions of computers and individual children and adults worldwide. The use of your account must be in support of your homework or what your teacher asks you to do.

1. Internet Access. Internet access may be provided to students for research activities relating to their classes. Students may also have access to:
  - A. Email
  - B. Information and news from hundreds of places;
  - C. Chat rooms;
  - D. Library card catalogs on-line;
  - E. and Electronic bulletin boards.
2. Internet Manners. You are expected to use good manners when using the Internet:
  - A. Be polite. Don't call each other names.
  - B. Use good language. Do not swear, use profanity, or do anything on the Internet you shouldn't be doing.

- C. Do not give your personal address or phone number to anyone on the Internet!
  - D. Other people can read your email. Be careful of what you say.
  - E. Be nice to the other students in your class while they are using their computers and the Internet.
3. Inappropriate use of an account. The use of the Internet is a privilege, not a right. Using the Internet in the wrong way may cause you not to be able to use the Internet anymore. The following are examples of incorrect use:
- A. Use or attempt to use another person's log-in and/or password;
  - B. Copying, transferring, or duplicating software owned by or registered to District;
  - C. 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;
  - D. Using the network for personal gain; and
  - E. Communication whose sole intent is not for the purpose of homework or completing assignments by your teacher.

### **CONSEQUENCES FOR INAPPROPRIATE USE**

The system administrators will deem what is inappropriate use and may close an account at any time. The administration, faculty, or staff of District may request the system administrator to deny, revoke, or suspend specific user accounts. If, in the opinion of the teacher or system administrator, a student has failed to comply with this policy, the student may:

- 1. Be removed from the system for a specific period of time or permanently, depending on the nature of the offense;
- 2. Be assigned in-school suspension;
- 3. Be assigned out-of-school suspension **including expulsion (if warranted)**;
- 4. Be removed from class for the remainder of the semester or school year;
- 5. Lose their Internet account;
- 6. Be permanently restricted from taking any classes where the computer is a significant part of the curriculum;

7. Be required to pay for damages with regard to technician time, computer resources, or other fees; or
8. Be criminally charged under local, state, or federal laws.

Student disciplinary action may be appealed by the student/parent in accordance with district policies and procedures.

**MOUNTAINAIR PUBLIC SCHOOL DISTRICT NO. 82**  
**Technology Acceptable Use Contract for Elementary Students**

I understand and will abide by the above Technology Acceptable Use Policy for Elementary Students. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action and/or appropriate legal action may be taken.

Student's Full Name \_\_\_\_\_ Date \_\_\_\_\_  
(Please Print)

Student's Signature \_\_\_\_\_

As the parent or guardian of this student, I have read and understand the Technology Acceptable Use Policy for Elementary Students. I have reviewed and discussed this policy with my child. I understand that this access is designed for educational purposes. I also recognize it is impossible for the Mountainair Public Schools to restrict access to all controversial materials, and I will not hold them responsible for materials acquired on the network. Further, I accept full responsibility for supervision, if and when my student's use is not in a school setting. I hereby give permission to issue an account for my student, or to otherwise allow him/her access to District computing equipment and the Internet.

Parent's Full Name \_\_\_\_\_ Date \_\_\_\_\_

Parent's Signature \_\_\_\_\_

#### 6.7.3.6. WEB SITE POLICY

As a District committed to providing its students and the educational community with the necessary skills for a technically literate environment, it is important that the School District lead by example. In the past few years, business and industry have integrated the Internet and Intranets to provide better communication with clients and employees. Utilizing the Internet, the district can increase the communication between teachers, students, parents, administration, and the community.

The District Website will adhere to the following guidelines in addition to all other applicable district policies:

1. All web pages on the District's server are the property of the District.
  - All web page information shall be supervised and controlled by the District.
  - The Superintendent or his/her designee shall have authority to approve or disapprove all web page information.
  - The District server and web page(s) shall not be used as a forum for public speech. Rather, the District web page(s) are intended to provide information to students, parents, staff, and community members in a manner similar to similar to that distributed by the District in written paper format.
  - The District web page(s) may include:
    - General information about the School District and its schools;
    - School Schedule(s);
    - District/School Policies;
    - Calendar(s) of District/School Events;
    - Names, school phone numbers, and/or school e-mail addresses of school administrators and staff;
    - Information otherwise available in Student and Parent Handbooks; and
    - Other information deemed to be of public interest by the Superintendent or his/her designee.
2. To protect the safety and privacy of District students, the District web page(s) **shall not** include:
  - Student names, addresses, phone numbers, or e-mail addresses without express, written permission from parent(s)



- Photographs where individual students are recognizable without express, written permission from parent(s);
  - Student information and student records protected by the Family Educational Rights and Privacy Act; or
  - Other information deemed by the Superintendent or his/her designee to be inappropriate for publication.
3. The District recognizes the importance of community access to its children's educators. However, in order to protect the safety and privacy of District staff members, the District web page(s) **shall not** include:
- Staff home phone numbers, home addresses;
  - Photographs where individual staff members are recognizable without express, written permission from the staff member; or
  - Any other information deemed by the Superintendent or his/her designee to be inappropriate for publication.
4. Staff and student web pages on the District's server are the property of the District. All information, graphics and pictures on staff and student web pages are subject to approval, supervision, and control by the District.
- All student and staff web pages shall be submitted for approval to the Superintendent or his/her designee.
  - All changes, additions, modifications, etc. to staff or student web pages shall be submitted for approval to the Superintendent or his/her designee.
  - Student web pages may include only a student's first name.
  - Student web pages **may not** include a student's address, telephone number, e-mail address, family or friends' names.
  - Staff web pages may include the staff member's name, school, school telephone number(s), and school e-mail address.
5. Only authorized, District personnel may add or make changes to District web pages. Any person who knowingly, willfully and without authorization directly, or indirectly alters, changes, damages, disrupts or destroys any web page(s) or information, graphics, or

pictures on the District's server will be subject to the New Mexico Computer Crimes Act, NMSA 1978 30-45-1 et seq. Additionally, students involved in such activity shall be subject to the District student discipline procedures, up to and including suspension or expulsion. Staff members involved in such activity shall be subject to employee discipline, up to and including discharge.

## **6.8. COMMUNITY RESOURCES**

Community resources in the areas of field trips, personal presentations by individuals, materials, and adult volunteers, may be utilized where possible and practical to complement the instructional program.

### **6.8.1. FIELD TRIPS AND EXCURSIONS**

Educational field trips which are a part of, or culmination of, a unit of study may be authorized by the principal provided funds are available to all students. Written parental permission for each field trip is a prerequisite for student participation.

### **6.8.2. SCHOOL VOLUNTEERS**

The use of adult school volunteers **including chaperones** is authorized by the Board. The building administrator is responsible for the choice and/or approval of adult volunteers. Parents are encouraged to volunteer their assistance.

#### **6.8.2.1. Volunteer/Chaperone Requirements**

- A. The willingness of volunteers/**chaperones** to provide volunteer services to the schools of the District is supported and appreciated by the District. Parents and community members are encouraged to act as volunteers in assisting the District with its educational mission within the legal frame work in which the District operates.
- B. Volunteers/**chaperones** must sign and submit an agreement in which the volunteer acknowledges and agrees that the following obligations or restrictions will apply to volunteer as a result of the District's acceptance of volunteer's offer to provide volunteer services to the District **during on or off-campus activities**:
  1. Volunteer/**chaperone** will comply with all policies and procedures of the District, including, but not limited to, policies requiring an individual to undergo **criminal background checks**, to maintain the confidentiality of student records as required by the Family Education Rights and Privacy Act (FERPA), to comply with the District's policies on computer use policy, Drug Free Work Place Act, and sexual harassment.

2. Volunteer is not an employee of the District and shall not accrue any rights to compensation, leave or other benefits of employment.
  3. Volunteer agrees he or she will provide services subject to the direction and supervision of District employees.
  4. Volunteer agrees that the District may at any time, in its sole discretion, terminate volunteer's services to the District.
- C. An employee of the District may serve as a volunteer only if:
1. The individual chooses to volunteer solely at his/her option for civic, charitable or humanitarian reasons;
  2. The individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
  3. Such services are not the same type of services which the individual is employed to perform for the District.
- D. The District may reimburse volunteers for mileage, subject to the Mileage and Per Diem Act and may be paid a nominal amount for other charges and expenses associated with the Volunteer's services and approved by the District.

### **6.8.3. PARENT INVOLVEMENT**

Active involvement of parents in the educational process of their children is vital to the success of the schools. Under meaningful participation, parents:

- Are informed about the content and options for programs;
- Are encouraged to engage in annual activities for the joint planning and design of programs;
- Receive school performance profiles (data), grade level CCSS checklists (each year) and their interpretation;
- Understand proficiency levels students are expected to meet;
- Have opportunities to formulate suggestions;
- Share experiences with other parents;
- Participate in decisions relating to the education of their children;

- Learn how to monitor a child's progress;
- Receive information and train on how to work with their children to improve their achievement; and
- Are provided opportunities and assistance to participate in meaningful volunteer activities.

Each school shall jointly develop, with parents, a plan that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement.

The District will share in the responsibility by providing opportunities for technical assistance and the necessary support for success of the effort. The District will also provide for a high quality curriculum and instruction and will require a supportive and effective learning environment.

The importance of communication between the schools and parents will be supported through District scheduled parent/teacher conferences, mid-nine weeks and nine-week progress reports, providing reasonable access to staff and activities during the school day, and other formal and informal activities that support development of mutual advocacy for student learning.

#### **6.8.4. PARENT-TEACHER-STUDENT ORGANIZATIONS**

The Board of Education encourages and supports the formation of organizations of parents and teachers at individual schools, with student membership also encouraged at the secondary level. Parent organizations such as Parent Teachers Associations and Parent Advisory Committees have useful roles to play. While recognizing that state and national affiliation enables these organizations to extend their influence at the state and federal levels, the Board's primary concern is that effective mechanisms be created to promote and enhance home-school communication and cooperation.

#### **6.8.5. SCHOOL ADVISORY COUNCILS**

1. Each school shall create an advisory "school council" to assist the school principal with school-based decision-making and to involve parents in their children's education.
2. A school council shall be created and its membership elected in accordance with procedures published and distributed from the Superintendent's Office. School council membership shall reflect an equitable balance between school employees and parents and community members. At least one community member shall represent the business community, if such person is available. The school principal may serve as chairperson. The school principal shall be an active member of the school council.
3. The school council shall:

- A. Work with the school principal and give advice, consistent with state and School District rules and policies, on policies relating to instructional issues and curricula and on the school's proposed and actual budgets;
- B. Develop creative ways to involve parents in the school;
- C. Where appropriate, coordinate with any existing work force development boards or vocational education advisory councils to connect students and school academic programs to business resources and opportunities;
- D. Serve as the champion for students in building community support for schools and encouraging greater community participation in the schools; and
- E. Ensure that provisions regarding parental involvement in the **Every Student Succeeds Act** are implemented.

## **6.9. ACADEMIC ACHIEVEMENT**

The professional staff will develop a program of studies which encourages students to continually strive for self-improvement and success in their academic work.

### **6.9.1. GRADING SYSTEMS**

Periodic grade ratings will be given in all subject areas in grade K-12. The professional staff will make every effort to establish reasonable standards for measuring achievement in each subject.

The Board of Education finds that establishment of a system for evaluating and reporting student academic performance is critical to the educational program. The Administration shall establish a district-wide grading system for the purposes of judging student achievement and performance. The system established shall include appropriate indicators for rating student achievement; the frequency of report cards and student or parent conferences; requirements for promotion, advancement, retention and graduation; guidelines and standards governing approval of student grade change requests; guidelines and standards for approval of student requests to add or drop courses at the high school level; and regulations for determining academic eligibility for interscholastic athletes consistent with state law and New Mexico Activities Association (NMAA) regulations. The School Administration shall establish and implement such administrative regulations governing the grading system prior and shall present such administrative regulations to the School Board for review annually.

**GRADES WILL NOT BE USED AS A DISCIPLINARY DEVICE.**

**[PLEASE NOTE: THE FOLLOWING SECTION IN ITALICS IS THE ADMINISTRATIVE REGULATIONS FOR THE STUDENT GRADING SYSTEM POLICY, ABOVE. THE REGULATIONS SHOULD NOT BE INCLUDED IN THE POLICY HANDBOOK. INSTEAD, THE SUPERINTENDENT OR HIS DESIGNEE SHOULD DISTRIBUTE THE REGULATIONS TO SCHOOL ADMINISTRATORS AS ADMINISTRATIVE DIRECTIVES.]**

**ADMINISTRATIVE REGULATIONS GOVERNING  
THE STUDENT GRADING SYSTEM**

**A. Grading Regulations.**

1. *The primary responsibility for assignment of student grades shall rest with the classroom teacher. The teacher shall maintain a grade book for all academically-graded subjects. The student grades shall be based upon the students mastery of the content of the course, as well as the student performance indicators, content standards and benchmarks mandated by the School District's DASH plan and State Educational Standards adopted by the State Board of Education and applicable to the academic subject or grade level. If the grading system for a student enrolled in special education varies from School District or state standards, the variance shall be addressed in the student's IEP.*
2. *[Insert section from High School Handbook on grading system. Add reference to recording withdrawal ( W ) from a class.]*

**B. Procedures for Changing Student Grades.**

1. *In order to preserve confidence in the integrity of the grading system for the School District, the following procedures shall apply to requests to change student grade.*
  - a. *A request for a student grade change shall be presented in writing by the parent or student to the student's teacher, on forms developed by the Guidance Office and approved by the Superintendent.*

- b. The student or parent shall present a reason for requesting the grade change. A copy of the grade change request shall be distributed to the School Principal, Guidance Office and Superintendent.*
- c. A meeting shall be held with the student, parent, teacher and guidance counselor to discuss the request for grade change.*
- d. A change in grade is permissible and may be approved for legitimate reasons such as an error in calculation or recording of coursework, assignments, homework or attendance; consideration of makeup work permitted by the teacher, submission of required assignments prior to the entry of the final grade; or makeup work performed as the result of excused absences, accident, illness, injury, or temporary disability of the student.*
- e. Retroactive grade changes following issuance of report cards or grade reports are disfavored. Retroactive grade changes in recognition of makeup work shall ordinarily be permitted only in instances in which an incomplete was recorded and previous arrangements were made with the teacher to submit makeup work. All such makeup work shall be submitted no later than ten (10) school days from the date report cards or grade reports are issued. Failure to complete makeup work where an incomplete has been recorded shall result in recording an F, unless express arrangements have been made prior to the end of the grading period with the School Principal and counseling staff.*
- f. Retroactive grade changes in a course in which a letter or numerical grade has been recorded on the report card or grade report shall be permitted only in the instance of a documented error in calculating the original grade, as agreed by the teacher and the student. Any variance from this rule shall be approved by the Curriculum Director.*
- g. If the student, parent, teacher and guidance counselor cannot agree that a grade change is warranted, the Principal shall convene a meeting to discuss the issue, which shall be attended by the Superintendent. If, as a result of such meeting, the parent, student or teacher feel aggrieved by the decision made at such meeting, the aggrieved party shall be permitted to appeal to the Superintendent, who shall review the matter with the aggrieved party and interested staff within five (5) school days and make a final decision about the grade change request.*
- h. The final decision must be in writing, state whether the request is denied or allowed, and articulate the reasons for the decision. The final decision shall be signed by the Superintendent and the Principal, who will ensure that this Policy was followed in making the decision.*
- i. Grade changes authorized under this Policy are available to all similarly situated students. The Principal shall investigate and report to*

*the Superintendent any instance in which it is alleged that grades were awarded or denied based upon personal favoritism or animosity toward any student, or the award of grades was influenced by impermissible factors which would violate student rights or state or federal law. The Superintendent shall be authorized to take such action as is warranted to resolve such an instance, which may include changing the student's grade or the imposition of appropriate employee discipline.*

**C. The following rules shall apply to grading practices for student athletes:**

- a. It shall NEVER be acceptable to change a grade solely for the purpose of permitting the student to maintain academic eligibility for interscholastic athletics.*
- b. Athletic coaches are prohibited from contacting teaching staff directly about student grades. All such contacts shall be made by the Athletic Director to the Guidance Office or School Principal.*
- c. It shall be the responsibility of the Athletic Director/Athletic Coordinator to review the grades of student athletes, in a manner consistent with NMAA regulations, and to determine academic eligibility for participation in interscholastic athletics. The Athletic Director shall not delegate this responsibility to individual team coaches.*

**6.9.1.1. Weighted Grades**

Weighted grades will be instituted at Mountainair High School in the Advanced Placement (AP) classes.

The grading structure for weighted grades will be as follows:

5 points = A  
4 points = B  
3 points = C  
1 point = D  
0 point = F

New student transcripts will be evaluated to conform to the weighted grade structure.

**6.9.1.2. Final Examinations**



Final examinations shall be administered to all students in all classes offered for credit. (Section 22-13-1.1(C) NMSA, 1978). However, the professional staff, with direction from the principal, will determine the weighting of these grades to maintain consistency.

#### **6.9.1.3. Home-School Communications**

Parent conferences will be scheduled by the professional staff as often as necessary to achieve maximum communication between the home and school. Conferences will be scheduled to resolve a student problem or to avoid a potential problem. Conferences are held regularly once each semester for elementary students.

#### **6.9.1.4. Reporting Progress**

It is important that the parent or guardian be kept informed of a child's progress in school. The professional staff will take every opportunity to contact the home in order to report progress to seek assistance and/or understanding when a learning problem is recognized and unresolved. Students will receive report cards following the end of a nine-week period. The form will be by subject on a regular report card except in such instances where a different form may be used to clarify or enlarge upon student progress. At a minimum, a mid-nine week progress report of all subjects will be provided to parents to enhance existing feedback on individual student progress. This includes, and is not limited to, failing or unsatisfactory work.

1. All secondary parents, during grade level meetings, will be provided with access to the Parent Portal.
2. Report cards will be issued to each pupil at the end of each nine weeks.
3. The calendar of events in each school will indicate the date report cards are to go to the home.
4. Report cards will be issued to pupils who attend school 20 days during the 9-week period. If a student fails to receive a report card, inquiries should be made at the guidance office at the secondary level and at the principal's office at the elementary level for an explanation.
5. Each teacher will, at the beginning of each school year, explain his/her system of grading to students prior to the issuance of report cards. This procedure will be reviewed periodically for the benefit of all students new to the School District.
6. Any pertinent information on the card, other than subject matter grades, will be reported such as work habits, citizenship, attendance, the number of times tardy, etc.

7. In every instance when a child is not working up to capacity, the teacher shall make a special effort to contact the home for a conference.

#### **6.9.1.5. Competency Mastery**

Any Mountainair Public School student receiving passing grades will have met the minimal mastery of the essential competencies (as defined by the New Mexico Public Education Department) for that semester or school year.

#### **6.9.1.6. Parent Conferences**

Parent conferences will be scheduled by the professional staff as often as is necessary to achieve maximum understanding between the home and the school. Such conferences will be held periodically to discuss student progress. Conferences will be scheduled by school personnel in order to resolve a student problem or to avoid a potential problem. Records will be made of such conferences if significant action is taken or if serious disagreement exists between the parent and school personnel.

#### **6.9.1.7. Student Conferences**

The classroom teacher can be one of the most effective academic counselors in the life of a student. The Board believes that each classroom teacher shall rightfully assume such academic counseling as a professional responsibility and conduct such student conferences as are practical and possible within the scope of other duties and responsibilities. Since classroom teachers are not trained counselors, classroom teachers must refer students to school counselors on matters beyond simple academic issues and minor classroom misbehavior.

#### **6.9.2. HOMEWORK**

Homework is considered a necessary part of the learning process and a legitimate demand on the non-class time of students. Generally, homework shall provide sufficient practice time to master the subject matter of the course. A home assignment shall be an extension of clearly defined school activities and shall be appropriate to the age, ability and independent level of students. Teachers shall assign meaningful homework which fosters lesson enrichment, application, review and the practice of skills which have been previously taught and learned. Homework shall not be used as a form of student discipline or punishment.

### **6.9.3. CLASS RANKING (revised 2-10-09)**

The principal will be responsible for developing a procedure of ranking the annual High School graduating class of the school system. The principal shall publish and distribute a copy of the procedures to all students on or before the 20<sup>th</sup> day after the beginning of each school year.

A student must be enrolled no later than their junior year in order to be considered for valedictorian or salutatorian. Early graduates and/or students who graduate from high school in less time than the ordinary 9-12 sequence will not be considered for valedictorian or salutatorian.

### **6.9.4. HONOR ROLLS**

It is the intent of the District to recognize excellence in academic achievement. The principal will be responsible for developing a procedure to identify students who are eligible for inclusion on an academic honor roll. The principal shall publish and distribute a copy of the procedures to all students on or before the 20<sup>th</sup> day after the beginning of each school year.

### **6.9.5. PROMOTION, ADVANCEMENT AND RETENTION**

This policy is adopted in accordance with the Assessment and Accountability Act, Section 22-2C-6 NMSA 1978, Remediation Programs; Promotion Policies.

- A. Remediation programs, academic improvement programs and promotion policies of the District shall be aligned with alternative school-district-determined assessment results and requirements of the assessment and accountability program.
- B. The Board shall approve school District-developed remediation programs and academic improvement programs to provide special instructional assistance to students in grades one through eight who fail to attain adequate yearly progress. The cost of remediation programs and academic improvement programs shall be borne by the District. Remediation programs and academic improvement programs shall be incorporated into the District's Educational Plan for Student Success (EPSS) and filed with the department.
- C. The cost of summer and extended day remediation programs and academic improvement programs offered in grades nine through twelve shall be borne by the parent; however, where parents are determined to be indigent according to guidelines established by the state board, the District shall bear those costs.
- D. **Areas of academic concern identified by a student's classroom teacher** may serve as criteria in assessing the need for remedial programs or retention.
- E. A parent shall be notified no later than the end of the second grading period that his/her child is failing to make adequate yearly progress, and a conference consisting of the parent and the teacher shall be held to discuss possible remediation programs available

to assist the student in attaining adequate yearly progress. **In High School, families/students will be notified at the end of each grading period.** Specific academic deficiencies and remediation strategies shall be explained to the student's parent and a written plan developed containing timelines, academic expectations and the measurements to be used to verify that a student has overcome his academic deficiencies. Remediation programs and academic improvement programs include tutoring, extended day or week programs, summer programs and other research-based models for student improvement.

- F. At the end of grades one through seven, three options are available, dependent on a student's adequate yearly progress:
1. The student has made adequate yearly progress and shall enter the next higher grade;
  2. The student has not made adequate yearly progress and shall participate in the required level of remediation. Upon certification by the school district that the student has made adequate yearly progress, he shall enter the next higher grade; or
  3. The student has not made adequate yearly progress upon completion of the prescribed remediation program and upon the recommendation of the teacher and school principal shall either be:
    - a. Retained in the same grade for no more than one school year with an academic improvement plan developed by the student assistance team in order to meet adequate yearly progress, at which time the student shall enter the next higher grade; or
    - b. Promoted to the next grade if the parent refuses to allow his child to be retained pursuant to Subparagraph (a) of this paragraph. In this case, the parent shall sign a waiver indicating his desire that the student be promoted to the next higher grade with an academic improvement plan designed to address specific academic deficiencies. The academic improvement plan shall be developed by the student assistance team outlining timelines and monitoring activities to ensure progress toward overcoming those academic deficiencies. Students failing to make adequate yearly progress at the end of that year shall then be retained in the same grade for no more than one year in order to have additional time to master the required content standards.
- G. At the end of the eighth grade, a student who fails to make adequate yearly progress shall be retained in the eighth grade for no more than one school year to make adequate yearly progress or if the student assistance team determines that retention of the student in the eighth grade will not assist the student make adequate yearly progress, the team shall design a high school graduation plan to meet the student's needs for entry into the work force or a

post-secondary educational institution. If a student is retained in the eighth grade, the student assistance team shall develop a specific academic improvement plan that clearly delineates the student's academic deficiencies and prescribes a specific remediation plan to address those academic deficiencies.

- H. A student who fails to make adequate yearly progress for two successive school years shall be referred to the student assistance team for placement in an alternative program designed by the school district. Alternative program plans shall be filed with the department.
- I. Promotion and retention decisions affecting a student enrolled in special education shall be discussed with the IEP team of that student.
- J. Definitions: For the purposes of this policy:
  - 1. "Academic improvement plan" means a written document developed by the student assistance team that describes the specific content standards required for a certain grade level that a student has not achieved and that prescribes specific remediation programs such as summer school, extended day or week school and tutoring;
  - 2. "Alternative school-district-determined assessment results" means the results obtained from student assessments developed by a local school board and conducted at an elementary grade level or middle school level;
  - 3. "NMDash" means a student-centered tool developed to define the role of the academic improvement plan within the school district that addresses methods to improve a student's learning and success in school and that identifies specific measures of a student's progress; and
  - 4. "Student assistance team" means a group consisting of a student's:
    - a. Teacher;
    - b. School counselor;
    - c. School administrator; and
    - d. Parent.

#### **6.9.6. GRADUATION REQUIREMENTS (revised 6-10-19)**

- 1. Credits which count toward graduation from Mountainair High School begin accumulating during the student's ninth grade year and continue until completion of the required course work. Approved high school credits completed prior to the ninth grade will satisfy high school graduation credit requirements.

High School graduation requirements for students of the Mountainair Public Schools are as follows:

ENGLISH	4	CREDITS
US HISTORY & GEOGRAPHY	1	CREDIT
WORLD HISTORY & GEOGRAPHY	1	CREDIT
NEW MEXICO HISTORY	.5	CREDIT
GOVERNMENT & ECONOMICS	1	CREDIT
MATHEMATICS (at least one of which is the equivalent of Algebra 1 level or higher)	4	CREDITS
BIOLOGY	1	CREDIT
SCIENCE**	3	CREDIT
PHYSICAL EDUCATION	1	CREDIT
COMMUNICATION SKILLS	1	CREDIT
PRACTICAL/FINE ARTS	1	CREDIT
CAREER CLUSTER	8	CREDITS
TOTAL REQUIRED	26	CREDITS

Please see the following chart for changes in graduation credits. In addition to the graduation requirements listed below, the following credits must be earned sometime during grades 9-12; 1 unit each Physical Education, Practical Arts or Fine Arts, Science (in addition to Biology) and Communicative Arts.

<u>Grade 9</u>	<u>Grade 10</u>	<u>Grade 11</u>	<u>Grade 12</u>
English	English	English	English
Algebra I	Biology	US History	Econ/Gov
Science**	World History	Math	Math*
NM Hist/GeogMath		Science*	

\*Recommended Course

\*\*3 Science Units Required for Graduation (one of which shall have a laboratory component)

Students should check with their counselors for entrance requirements of a specific school or college they desire to attend.

Mountainair Public Schools will recognize selected courses as meeting corresponding graduation requirements if approved by the New Mexico Public Education Department.

2. All students must take the **NM State Assessment and End of Course Exams (EOC's).**

1. Modification in administration of the examination may not change the meaning of the test score.

2. No student shall receive a high school diploma that has not earned 26 credit hours, attained a 4/5 on the State HS designated Assessment and the appropriate EOC's.
3. A special education student's Individualized Education Program (IEP) team is responsible for determining whether the student has completed a planned program of study making him/her eligible to receive a diploma or certificate. At the exit IEP meeting, the team will review the exit re-evaluation, and confirm and document that all requirements for graduation under the final IEP have been satisfied. The building administrator who has knowledge about the student must be a member of this team, and sign specifically to verify and accept completed graduation plans, goals and objectives, pursuant to (A.2.) or (A.3.) below, or plans for a certificate and follow-up program pursuant to (A.4.). Upon completion of a planned program of study that meets the following requirements, the student will be awarded a diploma. For the purposes of this regulation, gifted students who are receiving special education and related services are excluded.
  - A. A student may be awarded a diploma using any of the following programs of study:
    1. A Standard Program of Study is based upon meeting or surpassing all requirements for graduation based on New Mexico Standards for Excellence, with or without reasonable modification of delivery and assessment methods but without modification of the standard curriculum.
    2. Career Readiness Program of Study is based upon meeting the Public Education Department's Career Readiness Standards with Benchmarks as defined in the IEP.
    3. An Ability Program of Study is based upon completion of IEP goals and objectives referencing skill attainment at a student's ability level which may lead to meaningful employment.
    4. A student who received special education services may be granted a certificate upon a determination by the IEP team.  
The IEP team must provide documentation and justification for the use of a certificate for an individual student and a follow-up plan of action.

A student who receives a certificate is eligible to continue receiving special education services until receipt of a diploma or until the end of the academic year in which the student turns 22.
  5. Classification for senior status requires a student to have earned 17 credits at the completion of their junior year.

6. A student who desires to graduate from high school in less time than the ordinary 9-12 sequence must request permission from the high school principal and the superintendent to complete graduation requirements on an altered schedule. The student must follow the established procedures for early graduation. Early graduates and/or students who graduate from high school in less time than the ordinary 9-12 sequence will not be considered for valedictorian or salutatorian.
7. Mountainair mid-year senior graduates may be allowed to graduate in May and to receive their diploma at the May graduation ceremonies.

**6.9.6.1. Graduation and Next-Step Plan Requirements**

1. Definitions:
  - A. “Final next-step plan” means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship, military service or a job.
  - B. “Interim next-step plan” means an annual next-step plan in which the student specifies post-high school goals and sets forth the coursework that will allow the student to achieve those goals.
  - C. “Next-step plan” means an annual personal written plan of studies developed by a student of the District with the student’s parent or guardian and school counselor or other school official assigned by the school principal with course work planning for the student.
2. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the course work for the grades remaining until high school graduation. Each year’s plan shall explain any differences from previous interim next-step plans, shall be filed with the high school principal and shall be signed by the student, the student’s parent or guardian and the student’s guidance counselor or other school official assigned by the school principal with course work planning for the student.
3. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal and shall be signed by the student, the student’s parent or guardian and the student’s guidance counselor or other school official assigned by the school principal with course work planning for the student.
4. An individualized education program (IEP) that meets the requirements of an interim next-step plan and a final next-step plan and that meets all applicable transition and procedural



requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this policy for that student.

5. The high school counselors shall ensure that each high school student has an opportunity to develop a next-step plan and is reasonably informed about:
  - A. Curricular and course options available;
  - B. Opportunities available that lead to different post-high school options;
  - C. Alternative opportunities available if the student does not finish a planned curriculum.
6. School administrators, counselors, teachers and District staff shall comply with specific accountability standards established by the Secretary of Public Education to ensure that every student has an opportunity to develop a next-step plan.
7. The Board of Education requires completion of a minimum of twenty-six units aligned to the state academic content and performance standards for graduation. These units shall be as follows:
  - A. Four units in English, with major emphasis on grammar and literature;
  - B. Four units in mathematics, at least one of which is equivalent to the algebra 1 level or higher;
  - C. Three units in science, one of which shall have a laboratory component;
  - D. Three and a half units in social science, which shall include United States history and geography, world history and geography, NM History and government and economics;
  - E. One unit in physical education or other physical activity;
  - F. .5 unit in Health, however, with the 2023 cohort it will be one unit.
  - G. One unit in communication skills or business education, with a major emphasis on writing and speaking and that may include a language other than English; and
  - H. Nine elective units that meet Public Education Department content and performance standards. Student service learning will be offered as an elective.
8. Students may be awarded credit through procedures established by the Public Education Department for completion of specified career technical education courses for certain graduation requirements.

9. Final examinations (EOC's) shall be administered to all students in all classes offered for credit.
10. A student shall not receive a high school diploma who has not passed a state graduation examination in subject areas of reading, English, math, writing, science and social science. The state graduation examination on social science shall include a section on the constitution of the United States and the constitution of New Mexico. If a student exits from the school system at the end of grade twelve without having passed a state graduation examination, he shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system, he takes and passes the state graduation examination, he may receive a high school diploma.

#### **6.10. TESTING PROGRAMS**

Test selection and adoption will be the responsibility of the Superintendent or his/her designee. All regulations of the Public Education Department will be met.

The administration of the testing program will be the responsibility of the Superintendent or his/her designee. Specific guidelines will be developed and individual responsibilities defined by the Superintendent. Adequate testing safeguards will be maintained at all times.

Test results will be utilized to better the educational opportunities for students. Specific guidelines will be developed by the Superintendent or his/her designee for the use of test results. Individual test results will be confidential.

#### **6.11. HOME SCHOOLS**

Any parent, guardian or person having custody and control of a person subject to the provisions of the Compulsory School Attendance Law (22-12-1 to 22-12-7, NMSA 1978) is responsible for the school attendance of the person. The following procedures will apply in the establishment of home schools.

##### **1. HOME SCHOOL RESPONSIBILITY**

- A. Complete and submit a Notification of Establishment of a Home School form (PED 542-99A) to the New Mexico Public Education Department within 30 days of the establishment of a home school, and on, or before April 1 of each subsequent year of operation.
- B. Provide the Notification of Establishment of a Home School Confirmation Number, provided by the PED, to the Mountainair Public School Superintendent's office within 30 days of submitting the Home School application to the Public Education Department.

- C. Maintain records of student disease, immunization, or a religious/conscientious objection form, for each child taught.
- D. Provide instruction by a person possessing at least a high school diploma or its equivalent.
- E. Provide the New Mexico Public Education Department with a school calendar indicating instruction for at least the length of time of the school year that is established in the School District in which the person is a resident, in accordance with Section 22-12-2, NMSA 1978.
- F. Contact the School District to obtain information on the provision of Special Education services.
- G. Provide written notification to the New Mexico Public Education Department of any changes.
- H. Provide written notification to the New Mexico Public Education Department in the event you move or cease to home school.

Twelfth grade students who wish to enroll and graduate are expected to successfully complete a full academic year in a Mountainair Public School in order to be considered to receive a diploma from the Mountainair Public Schools.

Credits toward a high school diploma, while home schooling, will not be earned without purchasing a high school diploma program or specific courses from an accredited correspondence high school.

During the enrollment of students transferring from a home school or private school to one of the schools of the School District, the School District shall determine the appropriate grade level at which the transferring student is placed based on the age of the student, evidence of grade level completion and/or the student's score on a student achievement test administered according to the statewide assessment and accountability system. The District reserves the right to "retain" a student for failure to provide the aforementioned documentation.

## 2. SCHOOL DISTRICT RESPONSIBILITY

- A. Provide home school operators with a copy of the Public Education Department's Procedures Manual for Home School Operators in New Mexico, which indicates the Notification of Establishment of a Home School form (PED 542-99A)
- B. Provide home school operators with copies of Board of Education policies addressing placement, transfer of credits and issuance of diplomas.

- C. Homeschooler's are no longer required to participate in the state mandated testing program.

## **6.12. SCHOOL CEREMONIES AND OBSERVANCES**

The Superintendent will be responsible for integrating ceremonies and observances which are of local, state, or national significance, into the education program. Such observances and ceremonies must be in keeping with accepted practices and must not infringe unduly upon instructional time.

### **6.12.1. FLAG DISPLAYS**

The American Flag will be flown on each school campus, in each classroom and on or within all public school buildings. (Section 22-2-9 NMSA, 1978), "The United States Flag shall be displayed and flown at all public schools throughout the State from sunrise to sunset on all days school is in session. Should another flag be flown or displayed during said period, it shall not be flown or displayed at a height greater than the height at which the United States Flag is flown or displayed, and no flag shall be flown on said property when the United States Flag is not being flown or displayed."

### **6.12.2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance will be recited in each school daily. A student may not be compelled to recite the Pledge of Allegiance if he/she objects on religious or conscientious grounds; however, that student may not interfere with the recitation by other students.

## **6.13. ASSEMBLIES**

The instructional staff will provide student assemblies at reasonable intervals during the school year. Such assemblies will be integrated into the instructional program and will be conducted on school time and in school facilities under adequate supervision.

## **6.14. CONTROVERSIAL MATERIALS, METHODS AND ISSUES**

1. The Board of Education recognizes that it is sometimes necessary for pupils to study controversial issues and topics and that in order to deal effectively with them, teachers will sometimes use materials or methods that might lead to misunderstandings. In considering such matters, it shall be the purpose of our schools to recognize the pupil's right and/or obligation:
  - A. To study any controversial issue, which has political, economic, or social significance and concerning which, the student should begin to have an opinion;

- B. To have free access to all relevant age-appropriate information;
- C. To study under competent instruction in an atmosphere of freedom from bias and prejudice;
- D. To form and express independent opinions on controversial issues without jeopardizing relations with teachers, staff and administration;
- E. To recognize that a reasonable compromise is often an important facet in decision-making in our society; and
- F. To respect the opinions of others, including opinions of the minority.

The teacher is responsible for presenting a balanced view of controversial issues. No materials shall be introduced into the school curricula by an individual or organized group to promote a biased viewpoint on religious, racial, sexual, or political issues.

## 2. Complaints and Challenges to Teaching Methods and Materials

If a school or staff member is challenged on the use of methods or materials, the following procedures will apply.

- A. An attempt will be made to resolve the challenge or complaint informally. School personnel shall meet with the complainant to hear the specific concerns and recommendations and to explain how and why the challenged material or method was selected for use in the classroom or library.
- B. The complainant may still challenge the material or method by submitting a written statement to the Superintendent's Office, which identifies the complainant's specific concerns. No action to review challenged materials or methods will be taken until a written request for review is filed.
- C. The review shall be undertaken by the appropriate School District curriculum committees. The review process shall always include the opportunity for citizen comment. The Superintendent may but is not required to delay use of the challenged materials or methods by students until the entire review process is completed and has been reviewed by the Superintendent.
- D. The Superintendent shall accept or reject the review committee's recommendation and so inform the Board. The complainant may again challenge the Superintendent's recommendation to the Board of Education at this time.
- E. The decision of the Board of Education shall be final.

#### **6.14.1. SEX EDUCATION**

1. All films, filmstrips, and other printed or published materials that present information on explicit areas of sex education will be screened by the Director of Health Services, representatives of the Superintendent's immediate staff, and other persons as the administration may select prior to purchase. If the film or material belongs to another agency or person outside of school, it must be screened by the same review process prior to showing to students.
2. Outside agencies or persons used as resources for instruction must present for review an accurate content of what will be presented to the students. The teacher and the principal are responsible to see that this is done and must review and evaluate the content of what is to be presented and the manner of presentation.
3. At the elementary level, explicit information on sex education will not be shown to mixed (male and female) groups of students.
4. When any audio/visual material which contains explicit sex information is planned to be shown or when any outside agency or person plans to show or use explicit information concerning sex instruction, parents should be informed of the content to be covered and have the right to approve or deny their child's participation. Information to parents can be brief, but it should be accurate and adequate to enable them to form their opinion.
5. If a student feels uncomfortable relative to the information to be presented, then that student should be excused.
6. If parents wish to be present during presentation, they may be invited to exercise this option.

#### **6.14.2. SENSITIVE INSTRUCTIONAL MATERIALS AND GUEST SPEAKERS**

Instructional materials dealing with personal or sensitive subjects must be previewed by the teacher before they are introduced into the classroom. If materials are sensitive but the instructor feels they are germane to the subject being taught, the principal, in consultation with the Superintendent of Schools, shall adjudge their propriety and pertinence. The principal's deliberation should include among other things, consideration of the general standards of the clientele served by the School District.

The instructor is also responsible for personal or sensitive subjects introduced or discussed by guest speakers in the classroom. Teachers shall provide their students advance notice of the possibility of the use of sensitive materials prior to their use so that students finding the materials offensive may be excused from that portion of the assignment or presentation and provided with an alternative assignment more in keeping with their beliefs. Parents/guardians may make such a request on behalf of their currently enrolled children.

Teachers should notify the building principal of any apparent problem, which arises from the use of sensitive materials or from remarks by a guest speaker.

At the appropriate grade levels, parents should be given advance notice of presentations on topics involving human sexuality.

### **6.14.3. ACADEMIC FREEDOM**

The Board desires that discussion and study of political and social issues be undertaken in a dispassionate atmosphere free from bias.

In this spirit, teachers shall serve as impartial moderators and shall not attempt directly or indirectly to limit or control the opinion of pupils on such issues. Teachers are encouraged to foster the study of issues rather than teach particular viewpoints with regard to them.

The board recognizes that teachers have the right and responsibility to exercise professional judgment, within the limits of the previous statements, when such issues are under study.

Teachers must inform the principal of guest speakers and the nature of the presentation prior to the speaker's appearance in their classrooms.

### **6.15. RELIGION**

Under the Constitution of the United States, the schools of this District shall neither actively sponsor nor interfere with religions.

The District recognizes that religion has played an undeniable role in the formation of world civilizations, the foundation of our country and the lives of its citizens.

The place of religion in our society should be recognized as an important one. As allowed by the First Amendment and expressed by the U.S. Supreme Court, the proper role of religion in the public schools is in its educational value and not in religious observance or celebration. The schools can play a vital role in bringing about an understanding between peoples of different backgrounds. In that capacity and when appropriate within the curriculum, the schools have an appropriate role in teaching our children about various belief systems. Belief systems will be discussed in an atmosphere of tolerance and mutual respect. Intercultural programs or curriculum focusing on the role that religion has played in history, literature or in the development of society and the influence that religion has had on historical figures or movements are acceptable and desirable. It is anticipated that students will also develop tolerance and mutual respect as they become aware of diverse belief systems and their current and historical impact on human culture.

#### **6.15.1. RELIGION IN THE CURRICULUM**

1. When information about religion is included in the curriculum as part of the study of art, literature, history, etc., it should be treated with the same objectivity and educational intent expected in other areas.
2. Religious themes in the fine arts, literature and history should be recognized and discussed only as extensively as necessary for a balanced and comprehensive study of these areas. Such studies should not foster any particular religious tenet or demean any religious belief.
3. Materials and activities should be sensitive to the diversity of belief systems.
4. Instructional activities addressing religion should meet the current three-part test established by the U.S. Supreme Court for determining constitutionality:
  - A. The activity must have a secular purpose.
  - B. The activity's principal or primary effect must be one that either advances or inhibits religion.
  - C. The activity must not foster an excessive governmental entanglement with religion.
5. When the subject of religion occurs naturally in studying other topics such as history, literature, culture, etc., it should be treated as part of that study. For example, study of the American Indian, the Pilgrims, Greek mythology or the Crusades may be enhanced by the inclusion of the role of religion.
6. Student-initiated responses to questions or assignments which reflect their beliefs or non-beliefs about a religious theme are to be accommodated when appropriate. For example, students are free to express religious beliefs or non-beliefs in compositions, art forms, music, speech and debate, but may not substitute theories supporting religious doctrine for scientific theories that are generally accepted in the field of study.
7. Students should be taught to develop an appreciation of the value of religious liberty as guaranteed by the United States Constitution.
8. The teaching of theories to promote a religious doctrine is not permitted. Religious theories or beliefs shall not direct curriculum content.
9. Subject matter content may not be included or excluded from the curriculum primarily to conform to the religious views of a particular group.
10. Students may be excused, without penalty, from instructional activities that are contrary to their religious beliefs unless their absence would defeat an overriding educational goal.



11. Elective courses at the high school level may have as their focus the history, sociology and literature of religions.

#### **6.15.2. SCHOOL CALENDAR, HOLIDAYS, SCHEDULES, ABSENCES**

1. Studying the origin and significance of diverse holidays shall be conducted in an unbiased manner without religious indoctrination. Holiday activities should not be religious or devotional in nature. These activities may include the singing of some holiday songs with religious content, but must also include a balanced variety of music not solely of a religious nature. Such programs shall not include performances of religious dramas.
2. Neither instructional materials nor assembly programs may be used to promote, encourage or denigrate specific religious groups or religious activities.
3. Religious celebrations outside of school shall not be endorsed by the District or by school personnel in the school setting.
4. The district's calendar shall be prepared so as to minimize conflicts with religious holidays. Where conflicts are unavoidable, care should be taken to avoid tests, special projects, introduction of new concepts and other activities which would be difficult to make up. Absences by students for religious observances are to be handled based on existing attendance rules.

#### **6.15.3. RELIGIOUS SYMBOLS**

A religious symbol is any object which portrays or represents a religious belief. A religious symbol can also be an object which is so closely associated with religion(s) or with the celebration of a religious holiday that it is commonly perceived as being of a religious nature.

1. Religious symbols may be displayed or used as a teaching resource provided no effort is made to impose any particular beliefs which may be associated with such symbols. They may be used as examples of a culture and/or a specific religious heritage.
2. Whenever appropriate, teachers are encouraged in their presentations to expose students to symbols and traditions from a variety of cultures.
3. Religious symbols may be displayed for show-and-tell or reports or class discussion as long as their appearance is volunteered by the students and as long as the symbols are removed from display upon completion of the report or discussion.
4. Students should not be discouraged from appropriately expressing themselves through the use of religious symbols in completing assignments.

**6.15.4. RELIGIOUS DISCLOSURE/PRIVACY**

Neither staff nor students shall be required, requested, coerced or induced to disclose their personal religious preferences or beliefs or those of their family members. No one shall be compelled to profess a religious belief or disbelief.

**6.15.5. PERFORMANCES, CEREMONIES, PROGRAMS AND GATHERINGS**

1. School programs, assemblies, or gatherings sponsored by the school shall not have a religious orientation or include religious activities. However, seasonal programs presented by school student groups may include religious music. Such programs shall include a balanced variety of music not solely of a religious nature.
2. School musical groups may not participate, under the sponsorship of the school, in religious services.
3. Coaches and other sponsors of extra-curricular activities shall not lead or solicit others to lead team or group prayers or other religious conduct, before, during or after such activities.

**6.15.6. WORSHIP/PRAYER**

1. No form of prayer, worship or expression of belief shall be prescribed or sanctioned in fact, or in appearance, by the schools.
2. Students may voluntarily pray and/or meditate during school and engage in discussions about religion provided this activity does not cause actual and substantial disruption of the educational process or infringe upon the privacy rights of others.

**6.15.7. PROSELYTIZING**

1. In working with students, District staff shall not proselytize or inject personal religious beliefs into any school-related activities. The expression of views by staff, which disparages or degrades any religion or religious belief, is not permitted at any school-related activities.
2. Unwelcome attempts by individuals or groups of students to impose religious beliefs or convert others to religious beliefs or to non-belief are not permitted at school or at school-related activities.
3. The distribution of religious literature on school district property, unless directly related to instructional activities, shall be limited and governed by the District's policy governing distribution of written materials on school property.

4. Non-student members of religious groups are not allowed to proselytize on school property or recruit during the school day or during school activities.
5. Teaching materials shall not include the endorsement or disparagement of ideas or practices of any religious belief system.
6. The expression of views by staff or students that disparage or degrade any religion or religious belief is not permitted at school during school hours, or at any school-sponsored activity.
7. Speakers invited from outside the school to participate in school-sponsored activities shall be asked to refrain from leading prayers or engaging in other religious activities, or otherwise promoting religion on such occasions, and shall be advised that such religious activities are not made permissible by allowing students or others who do not wish to participate to leave.

#### **6.15.8. RELEASE TIME FOR RELIGIOUS INSTRUCTION**

Any student may be excused from school to participate in religious instruction for not more than one class period each school day at a time period not in conflict with the academic program of the school in accordance with the following procedure. The District administration shall develop a form for Request for Release Time which includes the following criteria and such other information as is appropriate for administration of this policy.

The parent or legal guardian of the student shall provide a written consent to the principal of the school in which the student is enrolled prior to the student's release. The parent or legal guardian shall identify and include the address and telephone number of the person to whom the student shall be released if other than the parent or legal guardian, and shall be responsible for assuring that the requested release period does not conflict with the student's academic schedule. By signing the Request for Release Time consenting to the student's release for religious instruction, the parent or legal guardian also agrees to assume all responsibility for the released student and to waive any claim against the Board and District arising from or relating acts or occurrences involving the student during the release period, including but not limited to tort claims and claims for failure to provide an appropriate instructional program.

The parent or legal guardian shall be responsible for arrangements to transport the student to or from the school during the release time.

Except for the period of release time, the student shall comply with and be subject to all District policies including the District and school site's attendance policies.

No religious instruction shall be conducted on school property or by any employee or member of the Board.

The District shall not incur any cost or expense in connection with any release for religious instruction.

#### **6.15.9. TEACHING SECTARIAN DOCTRINE PROHIBITED**

Section 22-13-15 NMSA 1978 expressly prohibits any person from teaching sectarian doctrine in a public school. Any person violating Section 22-13-15 NMSA 1978 by teaching sectarian doctrine in a public school shall be immediately discharged pursuant to the statutory provisions related to discharge of school personnel.

#### **6.16. EQUAL ACCESS ACT POLICY**

This policy is adopted in order to implement the purposes, goals, and limitations of the federal Equal Access Act (the Act), and shall be interpreted consistently with the Act.

##### **A. Definitions**

1. A non-curriculum related student group means any student group organized around subject matter that does not *directly* relate to the body of courses (curriculum) offered by the school. Subject matter is related to the curriculum when:
  - a. The subject matter of the group is actually taught or will soon be taught in a regularly offered course; or
  - b. The subject matter of group concerns the body of course as a whole; or
  - c. Participation in the group is required for a particular course; or
  - d. Participation in the group results in academic credit.
2. A “limited open forum” exists whenever a public secondary school permits one or more non-curriculum related student groups to meet on school premises during non-instructional time. A “limited open forum” is not created, however, by activities traditionally sponsored by the school, but not directly related to the curriculum, such as athletic activities, school plays, and school talent shows, etc.
3. A “meeting” includes those activities of student groups which are permitted under a school's “limited open forum” and are not directly related to the school curriculum.
4. “Non-instructional time” is time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including lunch periods.
5. “Sponsorship” means the act of promoting, leading, or participating in a meeting, but the assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

##### **B. Policy on Limited Open Forums in Secondary Schools**

1. No secondary school within the District is required to create a “limited open forum.” The administration of each school may decide whether create or maintain a “limited open forum” based upon the best interests of the school and its students.
2. If a school creates or maintains a limited open forum, however, it may not discriminate against students who wish to conduct a meeting of a non-curriculum related group within that forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. Subject to reasonable control of the time, place, and manner of the speech and meetings, the secondary school may not deny other student clubs equal access and opportunity to hold meetings on school premises during non-instructional time, on the basis of the content of their speech.
3. A school that has opted to create or maintain a limited open forum shall uniformly provide and ensure that the meetings of non-curriculum related student groups:
  - a. Are voluntary and student-initiated;
  - b. Are not sponsored by the school, the government, or its agents or employees;
  - c. Are not sponsored by the school, the government, or its agents or employees;
  - d. Do not materially and substantially interfere with the orderly conduct of educational activities within the school; and
  - e. Are not directed, controlled, conducted, or regularly attended by non-school persons.
4. If the meetings are religious, employees or agents of the school may not sponsor such meetings, and may attend only in a non-participatory, custodial capacity and upon assignment by the administration.
5. In meeting the obligations under the Act in a secondary school in which a “limited open forum” is provided, school employees shall not:
  - a. Influence the content of any prayer or other religious activity in the school;
  - b. Require any person to participate in prayer or other religious activity in the school;
  - c. Provide any public funding for any religious activity other than the cost incidental to the space for the student meetings;
  - d. Compel other school employees to attend any meeting if the content of the speech at the meeting is contrary to the beliefs of the employees;

- e. Sanction meetings which would otherwise be unlawful;
- f. Sponsor such religious meetings; or
- g. Attend such religious meetings other than in a non-participatory capacity;

**6.16.1. Student Clubs and Groups**

A. Three types of clubs or groups are permitted in the District's Secondary School(s):

1. School-Sponsored Clubs: Student clubs or groups that are *sponsored* by the school because their purposes and goals are related to the school's curriculum, such as Spanish Club;
2. Student-Initiated Clubs: Student clubs or groups initiated by students that are *recognized*, but not sponsored by, the school because their purposes and goals are not related to the curriculum, but which are permitted to meet at school during non-instructional time; and
3. Outside Clubs or Groups: Youth clubs or groups, such as Boy Scouts and Girl Scouts, which include students as members, but which are neither "sponsored" nor "recognized" by the school, and which are merely permitted the use of school facilities after school hours on an equal footing with other community groups.

B. Student Clubs shall be formed as follows:

1. Students who wish to form a School-Sponsored Club shall make a request to the Principal for approval and sponsorship.
2. Students who wish to form a Student-Initiated Club shall make a request to the Principal for approval and recognition.
3. Both types of clubs must be open to all students on an equal basis, must be voluntary, and must operate on the basis of the procedural guidelines established by the student council acting in concert with the Principal.
4. School-Sponsored Clubs shall be assigned a faculty sponsor, and if no faculty member is willing to accept such appointment, the formation of the club may be delayed or denied.
5. Student-Initiated Clubs shall have assigned to them a faculty supervisor, and, if the club is religiously oriented, the faculty member shall be limited to non-participatory and custodial responsibilities; if no faculty member is willing to accept such appointment, the formation of the club may be delayed or denied.

6. Approval of the formation of any club will not be denied on the basis of the speech or viewpoint of the club or its members, except that such approval may be denied if the proposed clubs meetings would materially and substantially interfere with the orderly conduct of educational activity within the school, or would impede the ability of the administration to maintain order and discipline on school premises, to protect the well being of students and faculty, to assure that attendance at religious meetings is voluntary, and to make such regulations as required by considerations of space, safety, and the common good.
  7. Lists of School-Sponsored Clubs sponsored by the school, and of Student-Initiated Clubs recognized by the school, will be maintained by the school.
- C. In addition to other limitations and restrictions governing students and student organizations, all non-curricular, Student-Initiated Clubs are subject to the following limitations:
1. Meetings or activities at school of religiously oriented Student-Initiated clubs may include no employees or agents of the school except upon assignment by the administration in a non-participatory, custodial capacity; and
  2. Non-school persons may not direct, conduct, control, or regularly attend meetings or activities of such clubs at school.
- D. Advertising in the school by Student-Initiated Clubs and by Outside Clubs or Groups shall be limited to announcements of the times and places of such clubs' meetings as part of the daily announcements over the school intercom.

#### **6.17. PROFESSIONAL RESPONSIBILITY**

In the absence of Board policy or administrative regulation, school personnel are responsible for initiating necessary and appropriate actions.

**[THE FOLLOWING POLICY IS ESPECIALLY DESIGNED FOR POST-SECONDARY SCHOOLS. HOWEVER, SEVERAL SCHOOL DISTRICTS HAVE REQUESTED AN INTELLECUTUAL PROPERTY POLICY. THUS, YOU DECIDE WHETHER SUCH A POLICY IS NEEDED FOR YOUR DISTRICT.]**

#### **6.18. POLICY ON INTELLECTUAL PROPERTY**

The Board of Education (the Board) is dedicated to teaching, research, and extension of knowledge to the public. The District recognizes its responsibility to produce and disseminate knowledge. Inherent in this responsibility is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other intellectual property, some of which may have potential commercial value. These activities

contribute to the professional development of the individuals involved, enhance the reputation of the District in which they work, provide additional educational opportunities for participating students, and promote the public welfare.

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

#### A. Purpose statement

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

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

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

#### B. Categories of Intellectual Property

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

1. Patents (as defined in 35 US Code) which includes but is not limited to inventions and discoveries (e.g., devices, processes, improvements, and patentable software)
2. Copyrights (as defined in 17 US Code) which includes but is not limited to:
  - a. Scholarly works (e.g., textbooks, class notes, research monographs and articles, publications, instructional materials, and research materials);



- b. Creative/artistic-works (e.g., music, art, dance, architecture, sculpture, poetry, fiction, and film);
  - c. Copyrightable software (commercial as well as academic or research);
  - d. Other developing areas, including but not limited to multimedia works, and various other forms of electronic communications, including media used for distance learning; and
  - e. Mask works.
- 3. Trademarks. (As recognized by federal and state laws).
- 4. Trade secrets. (As defined by the Uniform Trade Secrets Act; Note, however, that the District does not maintain trade secrets, unless belonging to and disclosed by, an outside sponsor.)
- 5. Data. All data are considered to be subject to this policy, as intellectual property is often present in data that are generated during research at the District. Data shall include, but not be limited to:
  - a. Lab notes, results of analyses, etc.; and
  - b. Research notes, research data reports, and research notebooks, etc.

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

### C. Intellectual Property Creation and Ownership

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

#### 1. Sponsor-Supported Projects

A "Sponsored Project" is research that has a defined scope of work and is funded by one or more non-District entities ("Sponsor(s)") pursuant to a "Sponsored Project Agreement". Initially, federal and state law defining authorship and inventorship will determine ownership (and all associated rights) relevant to intellectual property developed during the course of work on projects funded by Sponsored Project Agreements. The Board may agree to give the Sponsor an exclusive option for a limited period of time for the right of first negotiation for a license to intellectual property owned by the Board arising from a Sponsored Project (hereinafter "District Contract IP"). The option period will not exceed one year from formal disclosure to the Sponsor

of the District Contract IP, or six months from the date of expiration of the Sponsored Project, whichever is earlier in time. The Board may also agree to assign title to the Sponsor in any District Contract IP. The agreement or license will be negotiated on behalf of the Board by, or under, the authority of, the Superintendent. The Superintendent shall use his or her best efforts to consult with the creator(s) and principal investigator(s) during the negotiation process. The Superintendent shall provide the creator(s) (including inventor(s)) and principal investigator(s) currently employed by the District with a copy of the negotiated agreement prior to its final execution. In the event the creator(s) or principal investigator(s) do not agree with the negotiated terms, he or she shall have the right to appeal the Superintendent's position before the agreement is executed, in accordance with Section I of this policy. The Agreement shall be reviewed by District's counsel prior to recommendation by the Superintendent.

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

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

A. In cases of assignment of title:

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

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

2. Due-diligence Milestones negotiated on a case-by-case basis to include a "Reassignment Right" exercisable by the Board if the Sponsor has not made a good-faith attempt to meet the negotiated Due-diligence Milestones. "Due-diligence Milestones" shall mean objectively measurable goals which a Sponsor will in good faith pursue in order to bring to the public the benefits of the District Contract IP. Due-diligence

Milestones may include, by way of example and without limitation commercialization of District Contract IP, use of District Contract IP to produce products, and licensing or disclosure of District Contract IP to third parties.

3. "Reassignment Right" will include, but not be limited to, one or more of the following, as negotiated by the parties at the time of negotiating the Due-diligence Milestones:
  - a. Right of the Board to license other parties, either exclusively or non-exclusively; and
  - b. Right of the District to collect a periodic "maintenance fee" from Sponsor until such time as Due-diligence Milestones are met, or Sponsor determines it will not commercialize the intellectual property and voluntarily grants its rights to the District Contract IP back to the District.
4. A windfall provision, in which an appropriate payment or payment schedule is specified based on some mutually agreed upon threshold or event. The parameters of this provision, such as the windfall threshold and the amount of any payments, will be determined on a case-by-case basis.

B. In cases of licensing:

1. Due-diligence Milestones negotiated on a case-by-case basis, to include, in the case of an exclusive license, "March-in-Rights" if the Sponsor has not made a good-faith attempt to meet the negotiated Due-diligence Milestones. "March-in-Rights" will include, but not be limited to, one or more of the following, as negotiated by the parties at the time of negotiating the Due-diligence Milestones:
  - a. Right of the Board to license other parties, either exclusively or non-exclusively; and
  - b. Right of the Board to collect a periodic "maintenance fee" from Sponsor until such time as Due-diligence Milestones are met, or Sponsor determines it will not commercialize the intellectual property and voluntarily terminates its license rights to the District Contract IP.
2. A provision for reasonable and customary, but unspecified, royalties, since the value of prospective intellectual property cannot be pre-determined.

C. In cases of either licensing or assignment of title:

1. The right of the Board to retain a royalty-free license for its own internal use of the District Contract IP for research and educational purposes, and a provision that the District has the right to use the District Contract IP in any and all subsequent sponsored research in the District. This provision does not require the District to retain a right to sublicense such District Contract IP to third parties.
2. The right of the District to make public through publication or presentation any District Contract IP developed under the agreement. The Sponsor may be given up to ninety days to review the manuscript and secure appropriate intellectual property protection (to include the right to remove any Sponsor trade secrets or proprietary information from such manuscripts) prior to actual publication or presentation.
3. The obligation of the Sponsor to pay patent costs. If the District is filing the patents, such costs to the Sponsor may be capped at reasonable and customary fee amounts.

2. District-Assigned Projects

The Board owns Intellectual Property developed as a result of employee work performed in the course and scope of employment. "Course and scope of Employment" shall include any activity that is listed or described in the employee's job description or is within the employee's field of employment, including research, instruction, or other activities assigned to the employee that involve the creation of Intellectual Property. Copyrightable works created by an employee in the Course and Scope of Employment are considered to be works made for hire under U.S. Copyright Law, with ownership vested in the Board. The employee must cooperate fully with the Board and will execute all documentation necessary to assign ownership and, if necessary, to secure protection of intellectual property owned by the Board.

3. District-Assisted Projects

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

#### 4. Employee-Excluded Works

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

- a. Traditional publications in academia, including scholarly works, and course notes.
- b. Artistic works (music, art, dance, film, etc.).
- c. Academic software (not for commercial application).
- d. Student works (the student owns his/her own works, unless the student is a District employee and the work is part of his/her employment, or the student makes significant use of District resources, or the student's work is part of a Sponsor-supported project. Student works are not subject to revenue sharing described above.
- e. Electronic publications, including on-line courses will be reviewed on a case-by-case basis.

#### 5. Outside Consulting

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

#### 6. Individual Projects

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

#### 7. Visiting Faculty, Researchers, and Scientists

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

### D. Administrative Responsibilities

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

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

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

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

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

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

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

- a. Released to the creator if the Superintendent determines within a reasonable time that the interests of the Board are better served by releasing ownership to the creator under conditions to be specified by the District to include, but not be limited to, the following:
  1. The Board retains a paid-up, non-exclusive license to use this intellectual property for education, research, and public service;
  2. Provision for a minimal royalty to District in the event a profit is made from commercialization of the intellectual property; and
  3. The faculty creator may not use District facilities to improve upon the invention. If the inventor wishes to continue work on the invention using District managed funds and/or facilities, they will need to do so under an arm's length relationship (i.e., full Board disclosure and license).
- b. Licensed to the creator, at the District's discretion, subject to compliance with other applicable policies and approvals;
- c. Assigned to one or more intellectual property management organizations for commercial development in accordance with Board policy on technology transfer consistent with all applicable requirements of this policy;

- d. Licensed or assigned to the research sponsor under which the intellectual property was created if license or assignment is required by the contract with the sponsor and is permitted or is required by law;
- e. Patented, or otherwise protected, by the District appropriately marketed, and either licensed or assigned to another organization for commercialization consistent with this Section regarding Sponsor-Supported Projects of this Policy;
- f. Archived by the District with notification to the creator.

### 3. Responsibilities of the District

The Superintendent, will require that:

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

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

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

The foregoing provision does not apply to a Sponsor's proprietary information disclosed to the District pursuant to a non-disclosure agreement. In the case of Sponsor-supported projects, the Sponsored Project agreement may provide for delay of publication to allow the Sponsor to adequately protect its own intellectual property.

#### F. Revenue Sharing

The District will pay the creator a share of the net income received by the District from any intellectual property licensed or assigned in accordance with this policy. "Net income" is defined as gross revenues resulting from any given intellectual property, less a District administrative fee of not to exceed \_\_\_\_\_ less all unreimbursed costs incurred by the District or its nominee in protecting, licensing, and maintaining the intellectual property. The Superintendent or his/her designated Intellectual Property Official will determine the percentage to be paid to the creator, ensuring that it is in accordance with the District's revenue sharing policy, subject, however, to the following minimum:

The employee who creates intellectual property as the result of work for which he/she is paid by the District and where he/she uses District facilities and resources will receive a minimum of 50% of the first net \$10,000 received by the District and a minimum of 25% of the net amount received by the District in excess of the first net \$10,000. This royalty revenue sharing is not to be construed as wages or salary compensation to the employee from the District, but rather as separate income derived from commercialization of intellectual property. In addition, an employee's rights which have accrued to this royalty revenue sharing shall continue beyond such employee's employment with the District.

#### G. Faculty Owned or Affiliated Companies Based on the Board's Intellectual Property

With respect to District employees holding interest in private organizations which are based on intellectual property owned by the Board, the creator of the intellectual property which is of interest to that private organization must comply with administrative responsibilities detailed above.

The Superintendent or his/her designated Intellectual Property Official will use his/her best efforts to negotiate an appropriate agreement with the private organization whenever one or more District employee(s):

1. Holds a substantial interest in that organization;
2. Is a creator of District intellectual property related to the business of the organization;  
and
3. Continues his or her District employment in an area related to the business of the organization.

A license or assignment or option agreement between the District and any organization in which an employee owns a substantial interest will be individually evaluated and negotiated for



each technology or improvement for which the organization wishes to acquire rights from the District. Such agreements shall be subject to customary terms and conditions consistent with the section on Sponsor-Supported Projects of this policy.

If the company in which a District employee holds a substantial interest is given more favorable royalty terms than is usually granted in comparable cases in its license with the District, then the Superintendent or his/her designated Intellectual Property Official will determine whether that District employee, who holds a substantial interest in the company licensing District technology developed by that District employee, should receive a personal share of the licensing income received by the District from that company in addition to that employee's equity or other financial interest in that company. If the Superintendent or his/her designated Intellectual Property Official determines that the affected employee should not receive his/her personal share of District licensing income, then the share of licensing income that would otherwise be disbursed to the employee personally will be distributed among the other District accounts designated in the District's income distribution policy.

For purposes of this Section, the interest owned by the District employee at the time of Board approval of the employee's relationship with the company will be the interest used in determining whether the employee has a "substantial interest."

#### H. Conflict of Interest

A grant, contract, or any other form of agreement between the District and any organization containing a provision assigning title or granting an exclusive license is subject to final approval by the Board if a District employee has a substantial or material interest in the contracting organization or any entity engaged in a business relationship with the contracting organization. All agreements are subject to federal and state law and Board policy regarding conflict of interest and technology transfer.

Approval by the Board for either the creation of any organization or any substantial interest in an organization under applicable New Mexico law does not exempt any agreement between that District and the organization from the provisions of this Section.

#### I. Interpretation, Decisions, Appeals (Disputes)

If the employee does not agree with any interpretation or decision made by the Superintendent or his/her designated Intellectual Property Official, the employee may ask the Intellectual Property Committee to review that decision.

The Intellectual Property Committee will review all relevant information submitted to it and will make its recommendation concerning the disputed decision to the Board, who will make the final decision.

**The final decision of the Board is subject to judicial review only pursuant to NM STATUTE OR REGULATION REGARDING APPEAL OF ADMINISTRATIVE**

**DECISIONS.** Failure to complete the above review procedures will constitute a failure to exhaust administrative remedies.

