

The Santa Fe Public Schools' Board of Education shall seek and encourage all parents and community members to participate in the development of policies and regulations pertinent to the educational program. Parents shall be advised, through the local media and school bulletins, of all activities involving development of policies and procedures and encouraged to participate and contribute. All parents with requests, contributions, or complaints may always take these to the building principals or other appropriate district personnel.

**Reference: SBE Reg. 6.30.2.10 (4)**

The Board of Education of Santa Fe Public Schools is committed to providing an education to all children who live in the district regardless of their citizenship status. The safety and welfare of students is a priority of the Board. Protecting the safety and welfare of students requires the close monitoring of all visitors to campus, including law enforcement, social services, and immigration officials. The Board directs the Superintendent of Schools to implement procedures to protect all students while they are on campus.

**References:** United States Supreme Court, *Plyler, v. Doe*, 457 U.S. 202, 102 S. Ct. 2382 (1982)  
State of New Mexico Constitution, Article XII, Section I  
NMSA 1978 § 22-1-4  
Board Policy J.02, J.03  
NSBA/NEPN Classification: JE  
Procedural Directive J on Undocumented Students

The Santa Fe Public Schools (SFPS) provides admission and equal educational opportunities to all students that meet SFPS enrollment requirements, regardless of their immigration status or national origin. In accordance with federal law and the protections and rights afforded by the Constitution of the United States of America, immigrant (new comer) or foreign-born students at SFPS will not be deterred or discouraged in any manner from attending school or from seeking the benefits of the educational opportunities afforded to non-immigrant students.

SFPS acts as in *loco parentis* while students are on school campus and is responsible for the safety and welfare of its students. Protecting the welfare and safety of students requires the close monitoring of all visitors to campus, including law enforcement and immigration officials. The Board directs the Superintendent to implement procedures to protect all students and their rights while they are on campus.

**A. SFPS directives**

1. SFPS may not deny admission to a school age child on the basis of known or suspected undocumented status.
2. SFPS and its individual employees may not engage in any practice to deter, discourage, or threaten the right of a student to attend public school on the basis of immigration status.
3. SFPS may not require students or parents to disclose or document their immigration status or make inquiries that would expose their undocumented status.
4. SFPS may not require social security numbers.

**B. Handling issues related to immigrant students:**

1. Any communication to an immigration agency or official initiated by a school or school personnel concerning any student in reference to his or her real or perceived immigration status is prohibited.
2. Any order or directive by immigration officials or local law enforcement officials to any school personnel to bring forth a student for interrogation on their immigration status or to provide any information about a student that may reveal the student's citizenship or immigration status should be denied and relayed immediately to the school principal and the Superintendent of Schools. The Superintendent of Schools will then determine, after consulting with SFPS attorneys whether such a request should be granted.

3. Any request by immigration officials for consent to enter a school to search for information or to seize students shall be initially denied and immediately conveyed to the school principal and the Superintendent of Schools. The Superintendent of Schools will then determine, after consulting with SFPS attorneys whether such a request should be granted.
4. Should a new comer parent or student, for whatever reason, voluntarily offer a document generated by the Department of Homeland Security or the Department of Justice – such as a passport, resident alien card, or I-94 – for identification purposes, the school should take special care to refrain from recording:
  1. any personal information from the document;
  2. information concerning the type of document submitted;
  3. that a document generated by the Department of Homeland Security or Department of Justice was submitted. The school should only record that personal identification was presented.
5. Should a school or school personnel, for whatever reason, come across information regarding the immigration status of new comer student or his/her parents, such information is not to be provided to any outside agency, including any federal immigration agency. The disclosure of such information could potentially jeopardize the rights of new comer students to attend public school and, absent permission from a student’s parents to disclose such information, could result in a violation of the Family Educational Rights and Privacy Act (FERPA). Schools and school personnel should take immediate action to remove any information regarding the immigration status of a student or a student’s parents from any and all school records.

**References:** United States Supreme Court, *Plyler, v. Doe*, 457 U.S. 202, 102 S. Ct. 2382 (1982)  
State of New Mexico Constitution, Article XII, Section I  
NMSA 1978 § 22-1-4  
Board Policy J.02, J.03  
NSBA/NEPN Classification: JE  
Procedural Directive J on Undocumented Students

Each school in Santa Fe Public School District 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.

A school council and its membership shall be created in accordance with HB212aa (2003) and NMAC 22-5-26 (1978). School council membership shall reflect an equitable balance between school employees, 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.

The school council shall:

1. 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 public school's proposed and actual budgets;
2. develop creative ways to involve parents in the schools;
3. 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;
4. serve as the champion for students in building community support for schools and encouraging greater community participation in the public schools; and
5. ensure that provisions regarding parental involvement in the No Child Left Behind Act are implemented.

**Reference: House Bill 212aa (2003)**

**Section 22-5-16 NMSA 1978**

**Amended: October 17, 2006**

**Adopted: October 7, 2003**

**Santa Fe Public Schools**

**Board of Education Policy Manual**

Each school shall have a “School Advisory Council” to assist the principal in an advisory capacity with school-based decision-making and to provide parents with the opportunity for greater involvement in their children’s education.

**A. Role of the council**

Each council shall function as an advisory council to the principal in accordance with Section 22-5-16 NMSA (1978) and HB212aa (2003). The Council shall:

1. work with the principal and give advice, consistent with state and school district rules and policies, on policies relating to instructional issues and curricula and on the public school’s proposed and actual budgets;
2. determine how the “Incentives For School Improvement” funds shall be used should the school be awarded the funds. The money received shall not be used for salaries, salary increases or bonuses, but may be used to pay substitute teachers when teachers attend professional development activities (22-2A-9).
3. develop creative ways to involve parents in the schools and provide input on district School and Community Involvement Plans;
4. 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;
5. serve as the champion for students in building community support for schools and encouraging greater community participation in the public schools;
6. in a Title I school, work to ensure the school is following and supporting federal mandates, including the Title 1 Activity Plan, applicable to parent and community involvement;
7. maintain minutes of meetings and provide a summary report(s) to the school principal and superintendent.

**B. Membership**

1. Each council shall be comprised of an equitable balance between school employees (certified and/or classified) and community members (parents s),and at least one business member.

2. If such person is available, at least one community member shall represent the business community. It is preferred, but not mandatory, that the business representative reside within the school community and/or is the parent of a child enrolled in the school.
  - a. The business representative must reside within the SFPS district.
3. In the event insufficient interest in membership in the council is shown as demonstrated by the failure to obtain sufficient members, the principal may solicit membership to reflect, as closely as possible, an equitable ratio of categories of members.
4. In addition to the adult members, one middle or high school student may be selected by the council to serve a one-year term. The student must attend the school which the council represents.
  - a) The student is a non-voting member.
5. All council members, with the exception of the business representative, shall be residents of the school's attendance zone and/or have a child enrolled in the school, or be employed at the school.
6. The principal shall be an active member of the council and may chair the council.
7. Meetings of the council are open to the community, however, only those members who are elected will serve as voting members.
8. Title I schools are encouraged to have a Title I representative on the council.

**C. Length of appointment and terms**

1. Council members will serve two-year, staggered terms. Members must remain a member of the school community during their entire term on the Council.
2. For the council's inaugural year, principals will determine by random drawing which seats will hold a one-year term and which seats will hold a two-year term. For subsequent years, all seats will be two-years, with the exception of a student's term.

3. Council members' terms will be July 1 through June 30.
4. School council members shall be eligible for selection to one successive term of two years so long as they remain qualified for membership as specified in section B.
5. Students selected to the council may only serve a one-year term but may be appointed to one successive term for one year.

**D. Vacancies**

1. A vacancy on a school council shall be filled by the council with a qualified individual in the category in which the vacancy exists.
  - a. The appointee is based on recommendations made by the principal.
  - b. A majority of the remaining council members shall approve the appointment.
2. The appointed member shall serve until the end of the term of the member who was replaced.
3. Lack of attendance at council meetings can be cause for removal of a member by the principal with the support of the council members.
  - a. Councils should determine the guidelines for attendance during their first meeting.

**E. Meetings**

1. School council meetings shall be held a minimum of four times per school year. Additional meetings may be called by the principal.
2. The "school year" for the purposes of holding council meetings will be July 1 through June 30.
3. Location of meetings and the time of meetings will be determined by each council.
4. Meetings of "School Advisory Councils" are not subject to the Open Meetings Act (NMSA 1978). All meetings are open to the community but only appointed members may vote.
5. On matters requiring a vote, at least 50% of the council members must be in attendance to hold a vote. Votes are passed by a simple majority.

**H. Progress Report**

Each council shall keep minutes of council meetings. The membership list and sign-in sheet as well as minutes of the meeting will be supplied to the appropriate associate superintendent no later than five (5) days following a meeting. Upon completion of the final meeting of the year, a summary report of activities and discussions shall be filed with the principal. The principal shall file the report and supporting documents such as agendas, membership lists, and sign-in sheets with the appropriate associate superintendent.

**Reference: House Bill 212aa (2003)**

**Section 22-5-16 NMSA 1978**

**Amended: October 17, 2006**

**Adopted: October 7, 2003**

**Santa Fe Public Schools**

**Board of Education Policy Manual**

**ELEMENTARY SCHOOLS:**

Possession or use of beepers, pagers and cellular telephones is prohibited at the Elementary School level, unless there is a written petition to the site principal from the child's parent/guardian in which special circumstances are presented which make the possession of a beeper, pager or cellular phone necessary for the health and/or safety of the child.

The principal may grant permission for the use of prohibited electronic items on a case-by-case basis for individual students, for a maximum of one school year. If permission is granted, the child is prohibited from using the electronic device or having it turned on or visible during instructional time inside school buildings or outside school buildings (including recess and lunch periods). Text messaging is specifically prohibited during instructional time. Failure to comply with rules for possession/use of a cellular phone or other electronic device at school, even when permission has been granted by the school principal, will result in revocation of permission to have the device at school.

**MIDDLE AND HIGH SCHOOLS:**

Possession or use of beepers and pagers is prohibited at the middle and high school level. Cellular telephones are permitted during certain times of day and in accordance with certain restrictions. Cell phones must be turned off and not visible on campus during the instructional day, except before the first bell, during lunch, and after school has dismissed.

**ADULT USE OF CELL PHONES:**

Adults are included in the rule prohibiting the use of cellular phones during instructional time, except during preparation periods and before and after school. This policy also restricts the use of cellular phones while operating a school bus.

**EMERGENCIES:**

Use of cellular telephones during emergencies or emergency drills is prohibited for reasons of safety and security. Text messaging during emergencies is also prohibited.

**PROHIBITED ACTIVITIES:**

Cell phones may not be used to threaten, intimidate, or in other way violate the security, safety and well-being of others on school campuses. Cell phones will not be used to take pictures of students, faculty, or staff that are considered sexually offensive, provocative, disrespectful, or otherwise inappropriate. Cell phones used for such purposes will be confiscated and students will be banned from future use. Confiscated cell phones will be returned to students and/or their parents following the guidelines set forth in the Student Code of Conduct.

**Amended:****Adopted: July 12, 2007****Santa Fe Public Schools****Board of Education Policy Manual**

The District shall develop a volunteer program to promote and encourage volunteers in order to expand and enhance parental, community and civic involvement with schools. In developing the program, District Administration shall consider volunteers a resource that requires planning and preparation for effective use. As such, procedures shall be developed to implement and regulate the program.

#### Volunteer Definition

A school volunteer is a non-paid individual who gives his/her time to a school or department and performs assigned duties.

#### Program Requirements

The volunteer program shall be centrally administrated by a Volunteer Coordinator to ensure compliance with requirements that include:

- An application process, including reference checking and job description
- A background investigation and clearance
- Agreements for policy adherence and Volunteer Pledge
- Training
- Placement based upon volunteer interest and school/department needs
- Evaluation/assessment of program performance
- Maintenance of volunteer files with the above listed documents and any subsequent performance related documents

All volunteers must be identified as such while onsite and may not be left with students unsupervised.

#### Background Investigation

Volunteers are required to clear a background investigation for the safety and security of students and staff. Such background check will include the completion, by the volunteer, of a criminal history affidavit, the submission of completed fingerprint cards and payment for processing the fingerprints. The Administration shall also ensure that volunteers are not listed on sexual predator lists. Exceptions to the background investigation may be granted, but not guaranteed, to former District employees who have cleared a background investigation within the prior two years, federal employees with a Q Clearance, active military, police and fire personnel.

Once cleared, a volunteer must report any subsequent arrests and/or criminal convictions to the Volunteer Coordinator.

### Policy Applicability

This policy is applicable to all Regular Volunteers, regardless of whether or not the volunteer is a student relative. A Regular Volunteer is defined as an individual who accepts an ongoing assignment with established duties, times, days and is present one or more hours per week.

### Student Volunteers

District students who volunteer as part of an approved middle or high school program are exempted from the background investigation and signing the Code of Conduct/Sexual Harassment policies, since these are covered in the Code of Conduct that they sign each year. They will sign the Volunteer Pledge.

Students from private or state chartered high schools are also exempt from the background investigation, however, they will be given a Code of Conduct to read and sign the acknowledgement form, as well as the Volunteer Pledge.

All middle and high school student volunteers will comply with the other application process requirements.

College students are required to comply with the entire applications process, in the same way as other adults.

This policy shall not apply to:

- Adults who visit a school during the day but have no ongoing individualized interaction with a student(s);
- Adults who have, for example but not limited to, been invited to speak to a class or assembly, provide a one time musical or artistic performance, judge academic competitions, participate in a “principal for a day” program, a parent or legal guardian who accompanies his/her child’s class on a one-day field trip (that does not involve an overnight stay), parents who participate in the Cooking with Kids program; or
- Adults attending school or District sponsored meetings at a school site.

**Parent Involvement/School Collaboration**  
**On Preventing Substance Use and Abuse**

**605**

In accordance with the State Board of Education Regulation 81-3, state and federal laws, the Santa Fe Public Schools' Board of Education prohibits students from using, possessing, distributing, or being under the influence of alcohol and/or other drugs, and from possessing, using or distributing drug paraphernalia while on school property or at school-sponsored activities. Student use or possession of tobacco is also prohibited.

The Santa Fe Public Schools' Board of Education recognizes that alcohol and other drug dependency is a health problem. Health problems of students are primarily the responsibility of home and community. The Santa Fe Schools share that responsibility when alcohol and other drug use, abuse and dependency interferes with school behavior, student learning and the maximum possible development of each student. The schools shall intervene when students display behaviors of concern and shall make a concerted and consistent effort to educate and assist the student(s).

The Santa Fe School District is comprised of a unique multi-cultural, multi-lingual environment. Tribal policies and laws are recognized as an important facet of our Native American students. Tribal officials will be involved in the student assistance process.

The schools reserve the right to use any method for detection of the presence of controlled substances, including the use of “drug detecting dogs”, individual searches, pat searches, locker and vehicle searches. The Board shall also possess the discretion to require nondiscriminatory random drug testing programs for students participating in athletic activities conducted or sponsored by the District.

School authorities shall give consideration to the health, safety, and educational rights of all students when prescribing intervention and/or disciplinary actions for students who use, are under the influence of, or possess and /or distribute illegal drugs on school premises or while engaged in school-sponsored activities.

**See Policies: 222, 336, 369**

It will be the policy of the Board of Education to maintain a continuing information program for compiling and distributing news of events, noteworthy facts, statistics, plans, and forecasts necessary to the creation of an interested and informed public.

Students and faculty of the schools are to be protected from intrusion on their time during the school day by announcements, posters, bulletins, and communications of any kind from individuals and organizations not directly connected with the schools and/or that do not further the vision, mission and goals established by the Board of Education.

The Santa Fe Public Schools' Board of Education grants the television and radio stations permission to broadcast or televise all public meetings of the Board.

In inclement weather or emergency situations that may affect the safety and well-being of students and staff, the media will be informed as soon as possible that a modified school and transportation schedule will be in effect.

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. "PTA", "PTC", and "PTO" models may 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 communications and cooperation.

Should the school principal perceive that any such group is becoming a negative influence on the school, the principal may, with the concurrence of the Superintendent, withhold the privilege of the group meeting at the school or using school facilities, equipment, or personnel for its purposes.

It is the policy of the Santa Fe Public Schools (SFPS) that every school is a “Community School.” SFPS will develop Community School programs and implement them at each school within the district. Individual schools, through their principal, staff and Site Advisory Councils, will assess the needs of their school communities and develop appropriate programs to meet those needs in manners consistent with the Community Schools philosophy, and subject to available resources. The assessment, development, implementation and funding of Community Schools programs, both district-wide and at individual schools, will occur in collaboration with affiliated organizations and community resources.

Purpose:

The purpose of this Policy is to define the SFPS commitment and approach to Community Schools, and to encourage community residents, organizations, agencies and institutions to become active partners with SFPS in addressing student needs through Community School principles and programs.

Definition:

A Community School provides extended services, support and opportunities that lead to improved student success and a healthier community through coordination and collaboration among school staff, parents, community organizations and agencies, and other members of the community. Community Schools may be “community centers” for the community-at-large outside regular school hours if this aligns with the school plan for addressing identified needs.

Principles of Community Schools:

- Community Schools assume shared responsibility among school staff, parents and members of the community for achieving student success.
- Community School programs and services are developed and implemented to meet the needs of the individual school communities.
- Community School programs and services are planned and implemented through a collaborative process involving school and district administrators, school staff and parents, and community organizations and agencies.
- Community Schools provide opportunities for parents and the community to participate in the life-long learning process and contribute their expertise and resources.

All schools within the school system shall report student progress to parents on a timely and regular basis.

All visitors to school campuses, including board members, district employees, and representatives from the media, shall report their presence to the school office at the beginning of each visit so that so that district administrators and other employees may fulfill their responsibilities for the protection of the persons and property of students and employees.

To be in compliance with Drug Free Campuses, State Board Regulation and State Statutes, the Santa Fe Board of Education prohibits the use of tobacco and tobacco products on any school properties. Smoking will not be permitted on school premises at any time. This policy pertains to anyone whether student(s), staff, parents, or any other school patron on school property or at school-sponsored activities.

The Santa Fe Public School District may, by action of the Board of Education, accept or reject gifts, grants, or donations and title to property. District will also have the option to negotiate, modify and/or conditionally approve the proposed gift to better fit the needs of the district.

All gifts of equipment, supplies and materials purchased by PTO, PTA, P.T.C., and other parent-teachers associations for donation to a school unit, will become property of the Santa Fe Public Schools. Procedures for the acceptance and accounting of all gifts and donations shall be established by the Santa Fe Public Schools Business Services Department.

The following policy shall be observed in connection with all contacts by law enforcement agencies with students. A copy of this policy shall be provided to all local law enforcement and social service agencies so that mutual cooperation may be promoted.

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

**A. Official Contact with Students in Schools**

1. Administrative Authorization Required: Law enforcement officers, including investigators employed by public agencies authorized to investigate child abuse, are not permitted contact with any student except by the building principal or designee or by the Superintendent, and pursuant to the procedures and requirements set forth in this policy.
2. Verification, Documentation, and Parental Notification Procedures: Prior to any student being produced by a school principal for **any** contact with officers, the principal or designee shall:
  - a. Write down the name, badge number, and agency of the officer(s), together with the date and time of appearance.
  - b. Confirm by telephone with the agency that employs the officers(s) their identity and authorization in seeking contact with the student and record the name and position of the person confirming such information and the time of such confirmation; and
    - (1) instances in which the officer(s) appears at the school to interview or make an arrest of a student for suspected criminal activity, the principal shall also determine and write down the agency's justification for conducting an interview or arrest of a student at school when such criminal activity has **not** been:
      - (a) committed at the school,
      - (b) committed during school-sponsored activities,

- (c) committed on school grounds, or
      - (d) when such criminal activity involves crimes committed at the school for which assistance has **not** been requested by the principal; and
    - (2) in instances in which the officer(s) is acting pursuant to an arrest warrant, a search warrant, or other court document, the principal shall obtain a copy of such document.
  - c. Contact the student's parent(s) or guardian, notify them of the contact, and record the time of notification and the name of the person notified;
    - (1) If, upon the initial request for contact by the officer(s) or agency, the principal is directed by either not to attempt to notify the student's parent(s) or guardian or to obtain the attendance of the student's parent(s) or guardian,
      - (a) that direction should be added to the information recorded by the principal pursuant to this section, and
      - (b) the officer should be asked to sign the statement, and
      - (c) if the officer refuses to sign the statement, the principal should note on the statement that the officer refused to sign.
3. Administrative Monitoring of Contact with Students:
- a. After completion of the Verification, Documentation, and Parental Notification Procedures, and upon administrative authorization, as described in this policy, a law enforcement officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in the principal's office or other administrative office.
  - b. The principal or designee shall be present during the interview.

- c. Reasonable attempts shall be made to keep the identity of those interviewed confidential.
- d. Neither the principal nor designee shall disclose any written statements made or the content of statements given during the interview, except to disclose statements made or the content of statements given during the interview to:
  - (1) the student interviewed and to the student's attorney or parents,
  - (2) to the district attorney, or other law enforcement agencies and,
  - (3) if the principal deems it appropriate, to legitimate disciplinary goals, to other school officials.
- e. If the investigation focuses on a particular student as a suspect of a crime, the school principal and the police officer shall follow the general guidelines set forth in this policy with respect to interrogation, search, and arrest. In addition, the principal shall follow the advice of rights provisions of Section B.1 below.
- f. The school principal shall keep a record of the procedural steps followed by the police in conducting interrogations, and any instance in which the principal acts to preclude or terminate an interrogation.
- g. All writings and records created pursuant to these procedures shall be retained as part of the school's records.

**B. Police Contacts**

- 1. Investigation and Assistance:
  - a. ***Police Investigations at the Request of School Authorities:*** A school principal may exercise discretion in determining whether to request assistance of police in investigating any crime contrary to the laws of the State of New Mexico or of the United States, or any allegation of such crimes, including crimes committed at school or on school grounds during school hours, or during school-sponsored activities.

- b. *Police Investigation Without Request of School Authorities:* It should not ordinarily be necessary for police officers to interview students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has **not** been requested by the principal.
- (1) If the police have determined that exigent circumstances exist to interview students at school regarding such crimes, the law enforcement agency shall first contact the school principal regarding the planned visit and shall give the principal the reason for conducting the investigation during school hours, school-sponsored activities, or on school property and shall obtain his/her approval;
  - (2) The principal shall approve and cooperate with the police during the investigation unless the principal determines that the investigation is being conducted for the purpose of harassment or for reasons not related to a criminal investigation. In the event that the principal declines to approve the interview, this decision shall be reported immediately to the Superintendent, who shall notify and discuss the opposition with the appropriate police supervisor. Approval shall not be unreasonably withheld.
  - (3) A principal shall not, in any event, prevent the appropriate law enforcement agency from serving or executing court process (i.e., summonses, warrants, subpoenas) or court orders upon school grounds during school time, **provided** that the procedures set forth in Section A are first observed.
  - (4) A principal may also designate a reasonable time and place for law enforcement contact with students, including for service of process upon students under his control, in order to ensure that the educational process is not disrupted.
  - (5) In all cases of police interview or interrogation or removal from school of students, the principal shall ensure that a school employee is present with the student during the police-student interaction while the student is on campus.

c. ***Request for Police Assistance:***

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

2. Interrogation of Student Suspects in School

a. ***By or for Police:*** If law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities, and if criminal prosecution is anticipated by the law enforcement officers or the school principal, no interrogation shall commence unless:

- (1) A parent or guardian is present to counsel the student; or
- (2) The student suspect has been advised of his/her basis rights and, understanding those rights, has knowingly and voluntarily waived those rights as follows:

Before interrogation, the police officer shall:

- advise the student of the nature of the crime for which the student is a suspect, and
- advise the student of the right to remain silent, that anything said by the student may be used in criminal or juvenile court and of the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and of the right of the student or parent to stop the interrogation at any time in order to have an attorney present at further interrogations.

- (3) The school principal or designee cannot waive these rights on behalf of the student, nor compel the student to submit to an interview or interrogation.
  - (4) The school principal shall use discretion and knowledge of a student's age and mental or physical condition and shall not permit interrogation in an instance in which a parent is not present and the principal does not believe that the student can knowingly, intelligently, and voluntarily waive his/her rights.
  - (5) It is not the responsibility of the school principal to advise the student suspect of his/her basic rights as set forth in the Children's Code, Section 32-1-27, NMSA 1978.
  - (6) The school principal shall not permit a student suspect age thirteen (13) or under to be photographed or fingerprinted unless the law enforcement officer presents a court order authorizing it.
- b. ***By School Personnel at the Request of Police:*** Santa Fe Public School District employees are **not** to undertake the interrogation of student suspects at the request or instigation of the police for law enforcement purposes.
3. Arrests of Students in Schools
- a. ***General Policy:*** It should not ordinarily be necessary for policy officers to arrest students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has **not** been requested by the principal.
  - b. ***Arrests with Advance Notice:*** In cases where a law enforcement agency deems it necessary to arrest a student during school hours or activities at school, the agency should notify the principal of the intended arrest prior to dispatching officers to the school, and the principal should request that a non-uniformed officer make the arrest if possible or that the services of school security officers be used if available.

- c. ***Arrests in Emergency Circumstances:*** In emergency situations, where the immediate arrest of a student is deemed necessary by the policy, including instances where the commission of a felony or serious breach of the peace has been witnessed by a police officer or if the police officer(s) is in “hot pursuit” of the student for such crime, the police shall be entitled to take action to arrest the student on school property without a warrant.
  - (1) In cases in which an arrest of a student has been made in an emergency situation in which the police have taken custody of a student without providing school authorities the opportunity to conduct the Verification, Documentation, and Parental Notification Procedures outlined in section A.2, school authorities shall make every reasonable effort to have the arresting officer(s) comply with the Verification, Documentation, and Parental Notification Procedures **before** removing the student from the school grounds.
  - (2) If the student has been removed from school grounds by law enforcement officers prior to compliance with the Verification, Documentation, and Parental Notification Procedures, school authorities shall contact the arresting agency and complete the Verification, Documentation, and Parental Notification Procedures as soon as possible after learning of the removal.

4. Search and Seizure by the Police

a. ***On Request of School Authorities:***

- (1) Emergency Circumstances  
Upon request of a school principal, police officers may make a general search of students’ lockers and desks, or students’ automobiles on school property for drugs, weapons, or items of an illegal or prohibited nature if, in the principal’s judgment, public health or safety is threatened.

(2) Non-Emergency Circumstances

If a principal has received reliable information, which he/she believes to be true, that evidence of a non-school-related crime or stolen goods are located in a certain student's locker, desk, or in a student's or a non-student's automobile parked on school property, and there is no immediate threat to the health or safety of students or employees, the principal shall request police assistance for a search by the police pursuant to a search warrant.

b. *Without the Request of School Authorities:*

(1) Police officers may not search a student's locker, desk, or automobile unless they have a search warrant, or a knowing, intelligent, and voluntary consent is given by the student.

(2) A student's person may not be searched in school unless:

(a) police have a search warrant, or

(b) the student is under arrest, or

(c) the police are acting upon probable cause to believe that the student is concealing contraband, or

(d) a knowing, intelligent, and voluntary consent is given by the student.

(3) Notwithstanding the foregoing, a search of a student's person, locker, automobile on school grounds, or desk, may be conducted by any police officer on school grounds during school hours if emergency circumstances exist and the police are acting upon probable cause to believe that the health and safety of the student or of others requires a search.

(4) A school official may not consent to a warrantless search of a student's locker, desk, or automobile, by police unless police are acting at the direction and under the supervision of the school administration.

- (5) The student, if then available, shall be present during any search of his/her locker, desk, or automobile.
- (6) In all searches authorized by this section, the principal or designee shall accompany the officer(s) in conducting such searches.

**C. Child Protective Agency Contacts**

1. Duty to Report Suspected Child Abuse and Neglect

Pursuant to Section 32-1-15 NMSA 1978, it is the duty of any school nurse and school teacher or administrator who knows or suspects that a child is or has been abused or neglected upon penalty of fine to report this information immediately to either (1) the criminal prosecution division of the district attorney's office, (2) the county social services office of Children, Youth, and Families Department, or (3) the juvenile probation services office of the local district court. School employees and officials shall cooperate with investigators of the above-named agencies investigating suspected instances of child abuse and neglect, subject to the safeguards and procedures provided by this policy.

2. Investigations of Child Abuse and Neglect

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

- a. In observing the Verification, Documentation, and Parental Notification Procedures, the school principal or designee shall determine from the investigator whether it is appropriate to notify the parent or guardian of the requested interview or the removal of the student from the school. The principal or another school employee shall be present during all investigator-student interaction on school property.

- b. In the event the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the principal shall record such direction as part of the Verification, Documentation, and Parental Notification Procedures.

**References: Children’s Code, Section 32-1-27, NMSA 1978  
Section 32-1-15 NMSA 1978**

**See Policies: 339 Searches of Students  
375 Release of Students  
293 Reporting Child Abuse and Neglect**

**Amended:**

**Santa Fe Public Schools**

**Adopted: June 18, 2002**

**Board of Education Policy Manual**

Teachers will be encouraged to provide students for public performances when:

1. The performance fits both the aims of the schools and the needs of the students.
2. No student is excluded because of race, color, creed or gender.
3. Such performance is appropriate to the age group.
4. The performance is approved by the principal and/or Superintendent.

Students may perform under school sponsorship when admission fees are charged only if the proceeds are used for charitable, educational, or civic purposes. Payment for a performance under school sponsorship may be accepted by the schools but not by individual students. Costs directly related to the supervision of students and liability protection for the participants will be the responsibility of the school district. Costs of the performance will be paid first from the proceeds of the admission fees. Any other costs must be addressed in the participation plan approved by the building principal.

No attendance at or performance or service by a school-sponsored student organization, which is solicited by and which furthers the private commercial or business interest of a for-profit entity, shall be permitted without a written contract. The contract shall be first negotiated by a committee composed of the principal of the school, the club or activity sponsor, and a student representative of the club or organization if the performance or service involves secondary school students, or a parent of a student if the performance or service involves elementary school students.

School-sponsored trips by students involving an overnight stay must have the Superintendent's advance approval.

Approval for all public performances will be given by the office of the Superintendent when the above criteria have been met.

**See Policies: 251, 636**

### **ADVERTISING**

No individual, group or organization shall be permitted to use school facilities or organizations as media for advertising unless it has been determined by the Superintendent or her/his designee that the involvement supports the District's Educational Plan for Student Success (EPSS) or the Board's vision, mission and goals. School officials shall screen all contests and activities carefully and shall not involve the school in controversial and compromising situations.

No advertising of any kind may be placed in the centrally located school mail boxes without prior approval from the Office of Public Information. Commercial advertising, other than that from a registered non-profit, civic or community social service organization will not be approved unless it is deemed mutually beneficial and appropriate by the Superintendent or his or her designee. Advertising that is not approved for distribution may be mailed via U.S. mail to school sites by the vendor.

Advertising that is connected to businesses or civic groups who have sponsored specific events, activities, or property will be allowed with above mentioned approval. Santa Fe Public Schools will adhere to all applicable federal and state rules concerning prohibition of the advertisement of alcohol, tobacco, or firearms on school campuses

### **ACCESS TO EMPLOYEES AND STUDENTS**

The principal of a school may give permission to a company or individual to make literature available to school staff. The principal has the discretion to approve material for distribution to students when:

- The organization has received prior approval from the Office of Public Information;
- The literature is directly related to an event, activity or service that the principal deems appropriate and necessary for students;
- The organization is non-profit or government sponsored.

Materials shall be prepared and delivered according to the direction of the principals in accordance with school guidelines. No direct access to school employees or students will be granted during school hours.

### **SOLICITATION**

No person shall solicit sales of goods, merchandise or services to school employees or students during employee work hours on school property except as authorized by the Superintendent or her/his designee.

All persons who enter a school building while school is in session are required to report to the school office and state the nature of their visit. The principal may, but is not obligated to, authorize an agent to interview an employee provided such interview does not in any way interfere with the class schedule and provided the interview relates only to issues of school interest. It is the intent of this policy to protect school employees from harassment and interference in the performance of their duties.

**Amended: August 5, 2008**

**Santa Fe Public Schools**

**Adopted: June 18, 2002**

**Board of Education Policy Manual**

The principal may, but is not obligated to, allow representatives the opportunity to contact staff members after school hours on school property. No direct access to students shall be permitted for the purpose of soliciting or marketing of any kind without the expressed permission of the Superintendent or her/his designee.

In all cases, the superintendent or his or her designee will inform the Board of Education of final decisions made with regard to soliciting and advertising on school property.

School property may not be used for partisan political campaigns except for candidate forums, panel discussions, and appearances by national dignitaries and congressional candidates and campaigns. Such appearances are encouraged when they will serve to educate students and the community. When the district accepts or extends an invitation to such a campaign or candidates in a specific elective contest, the district shall extend equal invitations to all other candidates in that elective contest. National office campaign literature may not be placed in teachers' lounges, or in teachers' boxes, or distributed in classrooms. Campaign material affixed by employees to their own private vehicles is exempt from this policy.

Standard building use fees may be charged or waived or reduced by the superintendent or his or her designee as is deemed appropriate. In all cases the event will not be a cost to the school district in terms of operation and maintenance.

In compliance with procedures contained in the Educational Amendments of 1978 P. L. 95-561, the Santa Fe Public Schools' Board of Education:

- ensures that the Native American Indian Policies and Procedures, as well as, information concerning the P.L.874 Programs and application shall be disseminated to Native American Indian Parents through the TPIEC and Tribal Officials as soon as the materials become available to the District.
- ensures equitable participation of all Native American Indian students in educational programs of the Santa Fe Public School District.
- ensures that Native American Indian Parents, the Santa Fe Indian Education Committee, and Tribal Officials are permitted opportunities to review, comment, and provide specific recommendations for modification of educational programs and practices.
- ensures that Tribal Officials and parents of Native American Indian students, through the Santa Fe Indian Education Committee, are afforded the opportunity to present their overall view on the educational programs and their operation.

Since the majority of Native American Indian students in the Santa Fe Public Schools are from the Santa Fe Indian community, the Santa Fe Indian Education Committee shall function under the authorization of tribal government offices, making recommendations to the Superintendent of Schools on all federally funded Native American Indian Education Programs.

**See Policies: 600, 605**

In accordance with Chapter 21, 1985 New Mexico Session Laws and in compliance with regulations promulgated by the State Board of Education, the Santa Fe Board of Education acknowledges the right of parents or guardians to establish home schools. Home School, as defined by state statute, means “. . . the operation by a parent, guardian, or other person having custody of a school-age person of a home study program which provides a basic academic educational program including but not limited to reading, language arts, mathematics, social studies, and science.” The following procedures will apply in the establishment of home schools:

1. The parent or guardian will complete and submit to the Superintendent a notarized copy of the State Department of Education’s form SDE-542-85, “Notification of Establishment of a Home School” or any subsequent revision of such form within thirty (30) days of the establishment of the home school and on or before April 1 of each subsequent year.
2. The parent or guardian will complete and submit to the Superintendent the State Department of Education form 543-85, “Home School Enrollment Report”, on November 1 or within five (5) calendar days thereafter.
3. The parent or guardian will by November 1 confer with the principal regarding the state and local required standardized achievement tests for the student(s) enrolled in the home school. Home school students will be tested with the required achievement tests in the public school within their attendance area under similar conditions as the public school students. Parents will be responsible for the transportation required.
4. The parent or guardian will provide written notification to the Superintendent of any changes in the information provided in the “Notification of Establishment of a Home School”.
5. The grade placement of students in grades 1 through 8, who are in a home school program and who wish to enroll in the public schools, shall be determined by the principal in consultation with the classroom teacher(s) and subject to satisfactory performance on grade level competency tests. The awarding of course credits for home school students in grades 9 through 12 shall be subject to satisfactory performance on the district’s competency tests on the coursework in question or upon certification of satisfactory completion of the course from a board-approved school. Arrangements for testing will be made by the parents ten (10) days prior to the last day of school.

The Santa Fe Public Schools' Board of Education regards the positive relationship with private schools as critical to the educational development of all students. The Board recognizes its responsibility to work cooperatively with accredited and non-accredited private schools. Therefore, the Santa Fe School District will:

1. Promote the exchange of information which benefits students.
2. Facilitate the entry and/or re-entry of students who wish to enroll in the Santa Fe Public Schools following instruction in a private school.

Should a student desire entry and/or re-entry into the Santa Fe Public Schools, a select committee in the receiving school will review the private school educational experience of that student and recommend student placement and/or assignment. Such committees shall determine recommendations and the criteria by which high school credits will be awarded.

In those circumstances involving the enrollment of a child or children, in which the family is separated and the parent or guardian states that he or she is legally responsible for the child or children, meaning that the other parent is prohibited or has limited rights for visiting with or reviewing records of the child(ren), the building administrator shall require a certified court order delineating the custodial rights of the parties involved. Otherwise, each natural parent or appointed guardian shall be assumed to have all legal rights pertaining to parenthood.

## **Federal Program Parent Involvement Requirements 665-1**

Santa Fe Public Schools, because it receives federal funds, is required under Section 1118(a) (2) of the No Child Left Behind Act (NCLB) to develop a written parent involvement policy that establishes the district's expectations and specifically describes how the district will meet the required components of the policy.

The district parent involvement policy [Section 1118 (b) (1)-(4)] shall:

- be jointly developed with parents (sign in sheet, agenda, notes)
- describe that if the district consolidated application is *not* satisfactory to the parents of participating children, the school district will submit any parent comments with the application when it is submitted to the New Mexico Public Education Department
- be distributed to parents of participating children, to the extent practicable in a format and language parents can understand
- be incorporated into the district's consolidated application

The district will comply with all federal parent involvement requirements by:

1. involving parents in the joint development of the federally funded programs, federal applications for funding, and the process of school review and improvement under section 1118
2. providing coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance
3. building the schools' and parents' capacity for strong parental involvement by:
  - assisting parents of the children being served in understanding state standards, district and school assessments, and how to monitor a child's progress
  - providing materials and training to help parents work with their children
  - educating teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school
  - ensuring that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand
  - providing reasonable support for parental involvement activities
4. coordinating and integrating parental involvement strategies under this part with parental involvement strategies under other federal and state programs

**Amended: November 3, 2009**

**Santa Fe Public Schools**

**Adopted: June 18, 2002**

**Board of Education Policy Manual**

**Federal Program Parent Involvement Requirements 665-2**

5. with parents as partners, conducting an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools including served under this part, to include:
  - identifying barriers to greater participation by parents in activities authorized by this section, especially those who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
  - using the findings of the evaluation to design strategies for more effective parent involvement
  - revising parent involvement policy/procedures as necessary
6. involving parents in the activities of the schools served under this part
7. requiring that each school receiving federal funds have a Parent Involvement policy jointly developed with parents of children who participate in such funded programs (see attached sample)
8. requiring that each school receiving federal funds have a School/Parent Compact jointly developed with parents at the school

**Amended: November 3, 2009**

**Santa Fe Public Schools**

**Adopted: June 18, 2002**

**Board of Education Policy Manual**

**Federal Program Parent Involvement Requirements AR665-1**

## **Title I Parent Involvement Procedure for Schools**

This Title I Parent Involvement Policy has been developed to describe the requirements of No Child Left Behind (NCLB), section 1118. The school will provide parents of children being served in the Title I program an adequate opportunity to be involved in the planning, implementation, review and improvement of the Title I program in accordance with Section 1118. The school will ensure that information related to school and parent programs, meetings and other activities are sent to the parents of Title I students.

The school will:

- convene an annual meeting, at a time convenient for parents, to inform parents about the school's participation in Title I and to explain the requirements of Title I and the right of parents to be involved. Parents will be notified of this meeting through newsletters, flyers, telephone trees, e-mail, and the posting on the school marquee, as appropriate.
- offer a flexible number of meetings so that parents can participate. Parents can participate in various meetings in the school and district, including School Advisory Council meetings, Parent/Community Forums, district Parent Advisory meetings, Title I/III planning meetings, school board meetings, EPSS development/revision planning meetings, Alternative Governance plan development and other meetings that focus on the school's programs and opportunities to improve the school's programs and policies.
- provide parents timely information about Title I programs at the school, the curriculum used at the school, the forms of assessment used to measure student progress and the proficiency levels students are expected to meet and, if requested by parents, opportunities to meet regularly to make suggestions and participate in decisions regarding the education of their children, as appropriate.
- submit any parent comments on the plan when the school submits its plan to the district (if the school has a schoolwide Title I program).
- develop a School-Parent Compact jointly with parents that describes and identifies how parents and the school share responsibility for student achievement. The compact minimally will include the parent/teacher conference (at least annually), frequent reports to parents on their child's performance, accessibility of staff to meet with parents and for parents to participate in their child's class and observe in the classroom.

**Amended: November 3, 2009**

**Santa Fe Public Schools**

**Adopted: June 18, 2002**

**Board of Education Policy Manual**

**Federal Program Parent Involvement Requirements AR665-2**

- use the New Mexico Public Education Department’s Parent Toolkit to involve parents in the school and their child’s education.
- develop with parents an annual plan to meet the requirements of NCLB for parental involvement. Such plan will be developed during the first quarter for implementation throughout the entire school year. The plan will include goals of the school, identify activities that support the school’s goals, create teams responsible for implementation of activities, specify the dates by which activities will be completed and identify the audience/participants in such activities.
- notify parents of the official New Mexico Parent Information Resource Center through school newsletter and other appropriate communication means.
- build capacity for parent involvement by:
  - assisting parents in understanding state standards, district and school assessments and how to monitor their child’s progress.
  - providing materials and training to help parents work with their children.
  - educating teachers, and all district staff, in valuing the contributions of parents and in reaching out to, communicating with, and working with parents as equal partners, implementing and coordinating parent programs and building ties between parents and the school.
  - coordinating and integrating parental involvement strategies across all programs in the school.
  - ensuring that information related to school and parent programs, meetings and other activities is sent to parents in a format that parents can understand to the extent feasible and appropriate.
  - providing reasonable support for parental involvement activities.

The Board of Education of Santa Fe Public Schools ensures the effective use and enjoyment of the facilities of the Santa Fe Public Schools. The District and its facilities are deemed to be a “non-public forum,” for purposes of expressive conduct under the First Amendment to the United States Constitution. Policies are applicable to all users and potential users of School District facilities. By signing the application, the person signing certifies that he or she has been duly authorized by the applicant named to act on its behalf in making application for use of the School District Facilities.

**Priorities for Use of School District Facilities.** Use of School District Facilities will be granted to the following groups in this order of priority:

- A. School District-sponsored groups;
- B. School-related or curriculum-related clubs and student organizations;
- C. School District-related groups (PTA, PTO, teachers’ and principals’ organizations, booster clubs);
- D. Local government;
- E. Educational institutions;
- F. Other not-for-profit groups and youth organizations; and
- G. Other private or individual for-profit groups whose purpose is not incompatible with the educational mission of the School District.

**Facilities Available for Use.** The following School District facilities located on any School District campus may be available as space permits:

- A. Auditorium, meeting or conference rooms, theater;
- B. General purpose classrooms;
- C. Library;
- D. School District grounds and playing fields;
- E. Cafeteria.
- F. Gymnasium
- G. Athletic Field

**Event Restrictions.** The School District may restrict any applicant’s use of School District facilities for any of the following:

- A. Events that are essentially private in nature (birthday, anniversary, weddings, receptions, marketing or sales events, and other similar activities)
- B. Use or possession of alcoholic beverages;
- C. Use or possession of drugs and weapons;
- D. Gambling;
- E. Smoking or use of tobacco products;
- F. Flammable materials, open flames, user of explosive devices, or loud activities which would violate noise ordinances; and
- G. Placement of permanent signs, banners, pennants.

**Facilities Use Fees.** The School District has established five (5) levels of fee structure as follows:

- A. School District departments/  
School-related student clubs or  
Organizations/school-sponsored  
groups: No charge
- B. Non-curricular related student  
Organizations/School District  
Related groups: No Charge
- C. Governmental agencies: As established by  
The Facilities Use
- D. Non-profit organizations: Handbook
- E. For profit organizations:

The Superintendent is authorized to set aside or reduce any scheduled or normal rental fees when a mutually beneficial relationship is established between the Santa Fe School District and a proposed user of school facilities. The Superintendent is authorized to act on any rental proposal not covered in this policy. When this occurs, the Superintendent shall report the action to the Board of Education and advise the Board of any needed change in the policy.

It is the intent of the Santa Fe Public Schools' Board of Education that parent-teacher groups, booster clubs, and any other school-related organizations should have the use of school facilities for their regular meetings without charge. When such groups hold special events, any charge for facilities will be calculated on a cost-to-the district basis. When kitchen facilities are to be used for food preparation and/or service, the user organization must pay a member of the food service staff to be present.

The Superintendent may, when it is deemed to be in the best interest of the District, require a cash deposit above the rent to be charged to cover damage to rental property. The deposit, less payment for damage done beyond wear and tear on the property, shall be refunded within thirty (30) days.

**Insurance Requirements.**

- A. Any School District-sponsored activity is covered by the School District's self-insurance program.
- B. Use of School District Facilities by outside users shall require proof of insurance for the activity with combined single limits of liability of at least \$1,000,000 and a certificate of insurance naming the School District as additional insured.
- C. Only the Superintendent can reduce or waive this insurance requirement. Additionally, the School District is willing to accept statements of self-insurance from other governmental agencies.
- D. In any event, the certificate of insurance, letter of self-insurance, or waiver shall be on file prior to the scheduled event.

It shall be the responsibility of the Superintendent to assure that adequate supervision of school facilities is provided during periods of community use.

Official representatives of all groups using school facilities must sign a liability waiver "hold-harmless" agreement. Any non-school-related user group, which is covered by an existing liability insurance policy, must also provide in advance of use of the facility a certificate of liability insurance, which names the Santa Fe School District as an additional insured. Representatives of all groups must also sign a form, which indicates acceptance of responsibility for the care and supervision of the facilities and for payment of the rental charges, if any.

**Cancellation.** The School District reserves the right to substitute an alternative space for any facility reserved for a non-School District function if deemed necessary to conduct official School District business or special programs.

**Procedure for Requesting Use of School District Facilities.**

A. An application for the use of the School District facilities and areas for activities on any School District campus by both School District recognized and non-recognized individuals and organizations must be completed and approved prior to the event.

B. Upon receipt of the request, the School District will review the application. Applicants will be approved by the Superintendent of Schools or his or her designee. If the application is approved, a copy of the approved application is provided to the applicant as authorizing documentation.

C. Although every effort will be made to serve all individuals in the community, the School District has the right to decline requests for use of School District facilities to any applicant if:

- (1) The applicant has shown historical misuse of the School District facilities;
- (2) The applicant has a history of nonpayment of fees;
- (3) The applicant requests use for an event that the Superintendent believes offers a substantial possibility of causing damage to the School District facilities, or disruption of School District programs, activities, or operations;
- (4) The applicant requests use for an activity not appropriate in a school setting or for the facility requested;
- (5) The applicant requests use for an activity that is restricted under this Policy;
- (6) The activity conflicts with maintenance or repair schedules; or
- (7) The School District is closed for snow, flooding, or other emergency situations.

**See Policy: 615**

## **Inspection of Public Records\*\***

**680-1**

The Santa Fe Public Schools' Board of Education recognizes that every person has a right to inspect any public records of this state except:

- Records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;
- Letters of reference concerning employment, licensing or permits;
- Letters of memorandums which are matters of opinion in personnel files or students' cumulative files;
- Law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency, including inactive matters or closed investigations;
- As provided by the Confidential Materials Act (14-3A-1, 14-3A-2 NMSA 1978);
- Attorney-client privileged information; and
- As otherwise provided by law.

### **Designation of Custodian of Records**

The Custodian of Records is designated by the Superintendent and may be the Director of Community Services or another individual/office reporting to the Superintendent. The designated Custodian of of Records shall:

1. Receive and respond to requests to inspect public records;
2. Provide proper and reasonable opportunities to inspect public records, and
3. Provide reasonable facilities to make or furnish copies of the public records during usual business hours.
4. Provide procedures for access, inquiry or appeal of inspection/review requests.
4. Provide the first ten pages of requested single page copies or a district report, at no cost to members of the community, each fiscal year, thereafter provide copies at a rate of 25 cents per page. This charge also applies to employees requesting copies of their personnel files.

**Amended: February 17, 2009**

**Adopted: June 18, 2002**

**Santa Fe Public Schools**

**Board of Education Policy Manual**



2. Should the Superintendent or his/her designee (custodian) fail to deliver or mail a written explanation of denial within fifteen (15) days after receipt of a written request for inspection is subject to an action to enforce the provisions of the Inspection of Public Records Act and the requester may be awarded damages.

References: NMSA 1978 14-2-1 through 13-2-12, 14-3A-1, 14-3A-2

**Amended: February 17, 2009**

**Adopted: June 18, 2002**

**Santa Fe Public Schools**

**Board of Education Policy Manual**

The Santa Fe Public Schools' Board of Education recognizes that every person has a right to inspect any public records of this state except as provided by law in The Inspection of Public Records Act [NMSA 1978 Chapter 14, Article 2]. To provide timely information and to foster open communication, the Board of Education authorizes the Superintendent of Schools or his or her designee to establish a process whereby electronic mail (email), not of a confidential nature, is made available to anyone who makes such a request.

References: NMSA 1978 Chapter 14, Article 2  
Policy 680

**Amended:**

**Adopted: February 20, 2007**

**Santa Fe Public Schools**

**Board of Education Policy Manual**

The Santa Fe Public Schools' Board of Education recognizes that every person has a right to inspect any public records of this state except as provided by law in The Inspection of Public Records Act [NMSA 1978 Chapter 14, Article 2]. To provide timely information and to foster open communication, the Board of Education authorizes the Superintendent of Schools or his or her designee to establish a process whereby electronic mail (email), not of a confidential nature, is made available to anyone who makes such a request.

**Process and Procedure:**

The Superintendent of Schools shall designate the Director of Community Services or another employee as the official Custodian of Public Records. The Custodian of Public Records shall adhere to the Inspection of Public Records Act and processes and procedures described in Policy 680 when responding to and providing access to public records.

In the event a Request for Public Records is made that concerns District email, the Superintendent of Schools shall designate an employee of the district (Records Clerk) to be trained on the Inspection of Public Records Act [NMSA Chapter 14, Article 2], FERPA, Personnel Confidentiality, and other related information.

The Records Clerk will access email pertinent to the request and read each one.

1. Those emails whose content does not fall within one or more of the exceptions of the Inspection of Public Records Act will be printed for the requester of such records.
2. No email will be forwarded electronically to the requester nor will other electronic storage devices be used.
3. The first ten pages of email will be produced at no cost to the requester and additional pages will be produced at a rate of 25 cents per page.
4. Requests under the Inspection of Public Records Act concerning email will be limited to those documents that have been stored on the District servers.
5. Requests involving personal email accounts do not fall under the purview of the District. Only email that is stored on the District's servers shall be made available.

**Establishment of Electronic Storage Facility**

The Superintendent of Schools shall authorize District Technology Support Service Providers to establish a separate storage facility on a District server for all District email. The server will have such capacity to be able to store all District email for five (5) years.

**Disclaimers and Labels**

All email sent by District personnel shall contain the following in the “subject” portion of the email if it is of a confidential nature:

CONFIDENTIAL: PERSONNEL MATTER

CONFIDENTIAL: STUDENT MATTER

CONFIDENTIAL: LEGAL ISSUE

All email sent by District personnel shall contain the following footer:

"Disclaimer: This message and any attachments are intended for the use of the addressee(s) only and may be confidential and/or legally privileged. If the reader is not the intended recipient, DO NOT READ, notify sender and delete this message. In addition, be aware that any disclosure, copying, distribution or use of the contents of this message is strictly prohibited. The contents of this message, while possibly falling under the exceptions of the Inspection of Public Records Act [NMSA Chapter 14, Article2] may be subject to inspection by the public."

References: NMSA 1978 Chapter 14, Article 2  
Policy 680

The Santa Fe School District has the responsibility to determine whether a child needs a surrogate parent, as defined and appointed in accordance with Section 300.514 of IDEA. A surrogate parent should be appointed only under the limited circumstances permitted by IDEA and its regulations. A surrogate parent is required, for educational purposes under this act, whenever a parent cannot be identified, or the school district, after reasonable efforts, cannot discover the whereabouts of a parent, or the child is a ward of the state and under the laws of New Mexico.

The Board of Education delegates to the Superintendent and/or his/her designee the responsibility to recruit and train individuals to act as surrogate parents.

**References: IDEA Section 300.514**

The Santa Fe Schools' Board of Education will follow the guidelines as set forth by the 1999 Charter Schools Act (22-8B-1 through 22-8B-15, NMSA 1978).

### **Definitions**

“Charter School” means a conversion school or start-up school within a school district authorized by the local school board to operate as a charter school.

“Conversion School” means an existing public school within a school district authorized by the local school board to become a charter school.

“Governing Body” means the governing structure of a charter school as set forth in the school’s charter; and

“Start-up School” means a public school developed by one or more parents, teachers or community members authorized by the local school board of the school district in which the school is located to become a charter school.

### **Establishing a Charter School**

A charter school may be approved for an initial term of six years; provided that the first year shall be used exclusively for planning and not for completing the application. A charter may be renewed for successive periods of five years each. Approvals of less than five years may be agreed to between the charter school and the chartering authority.

During the planning year, the charter school shall file a minimum of three status reports with the chartering authority and the department for the purpose of demonstrating that the charter school's implementation progress is consistent with the conditions, standards and procedures of its approved charter. The report content, format and schedule for submission shall be agreed to by the chartering authority and the charter school prior to signing the charter contract.

Prior to the end of the planning year, the charter school shall demonstrate that its facilities meet the requirements of Section 22-8B-4.2 NMSA 1978.

### Renewing a Charter School

No later than two hundred seventy days prior to the date in which the charter expires, the governing body may submit a renewal application to the chartering authority. A charter school may apply to a different chartering authority for renewal. The chartering authority shall rule in a public hearing on the renewal application no later than one hundred eighty days prior to the expiration of the charter.

A charter school renewal application submitted to the chartering authority shall contain:

1. a report on the progress of the charter school in achieving the goals, objectives, student performance standards, state minimum educational standards and other terms of the initial approved charter application, including the accountability requirements set forth in the Assessment
2. a financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public, that allows comparison of costs to other schools or comparable organizations and that is in a format required by the New Mexico Public Education Department;
3. contents of the charter application set forth in Section 22-8B-8 NMSA 1978;
4. a petition in support of the charter school renewing its charter status signed by not less than sixty-five percent of the employees in the charter school;
5. a petition in support of the charter school renewing its charter status signed by at least seventy-five percent of the households whose children are enrolled in the charter school; and
6. a description of the charter school facilities and assurances that the facilities are in compliance with the requirements of Section 22-8B-4.2 NMSA 1978.

### Suspending, Revoking, or Non-renewing a Charter

A charter may be suspended, revoked or not renewed by the chartering authority if the chartering authority determines that the charter school did any of the following:

1. committed a material violation of any of the conditions, standards or procedures set forth in the charter;
2. failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter application;
3. failed to meet generally accepted standards of fiscal management; or
4. violated any provision of law from which the charter school was not specifically exempted.

If a chartering authority suspends, revokes or does not renew a charter, the chartering authority shall state in writing its reasons for the suspension, revocation or nonrenewal.

A decision to suspend, revoke or not to renew a charter may be appealed by the governing body pursuant to Section 22-8B-7 NMSA 1978."

### **Charter Schools' Rights and Responsibilities – Operation**

1. A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.
2. A charter school shall be administered and governed by a governing body in the manner set forth in the charter.
3. A charter school shall be responsible for its own operation, including preparation of a budget, contracting for services and personnel matters.
4. A charter school may negotiate or contract with the Santa Fe School District, a university or college or any third party for the use of a facility, its operation and maintenance and the provision of any service or activity that the charter school is required to perform in order to carry out the educational program described in its charter.
5. If space is available within the school district, a charter school shall be provided space and shall be required to pay rent for space that is deemed available, as negotiated by contract, in the district's facilities. The school district shall work with the charter school to determine which space would be best suited for them based on the charter school's size, grade configuration, etc. All costs for the operation and maintenance of the facilities used by the charter school shall be in accordance with a schedule approved by the Board of Education. A schedule of fees for other services shall be established from which a charter school may choose (ie food service, testing and assessment, technology services, etc.).
6. A charter school may negotiate with the Santa Fe School District to provide transportation to students eligible for transportation under the provisions of the Public School Code.
7. A charter school may negotiate with the Santa Fe School District for capital expenditures.

8. A charter school shall be a nonsectarian, non-religious and non-home-based public school that operates within the Santa Fe School District.
9. Except as otherwise provided in the Public School Code, a charter school shall not charge tuition or have admission requirements.
10. A charter school shall be subject to the provisions of Sections 22-1-6 and 22-2-8 NMSA 1978.
11. A charter school may acquire, pledge and dispose of property; provided that upon termination of the charter, all assets of the charter school shall revert to the Santa Fe Schools' Board of Education.
12. A charter school may accept or reject any charitable gift, grant, devise or bequest; provided that no such gift, grant, devise or bequest shall be accepted if subject to any condition contrary to law or to the terms of the charter. The particular gift, grant, devise or bequest shall be considered an asset of the charter school to which it is given.
13. A charter school may contract, sue and be sued. The Santa Fe School District shall not be liable for any acts or omissions of the charter school.
14. A charter school shall comply with all state and federal health and safety requirements applicable to public schools.
15. A charter school shall comply with charter schools' enrollment procedures as outlined in 22-8B-4.1 NMSA 1978.
16. A charter school shall be a public school, accredited by the State Board and shall be accountable to the Santa Fe Schools' Board of Education for purposes of ensuring compliance with applicable laws, rules and charter provisions.
17. A charter school shall hire its own employees. The provisions of the School Personnel Act (Chapter 22, Article 10 NMSA 1978) shall otherwise apply to such employees.

### **Application Process**

The Santa Fe Public Schools' Board of Education shall have the authority to approve the establishment of a charter school within the Santa Fe School District. The procedures for application are as follows:

1. A charter school shall apply to the Santa Fe Schools' Board of Education prior to October 1 to be eligible for consideration for the following school year.
2. An application for a start-up school may be made by one or more teachers, parents or community members.
3. An application for a conversion school shall include a petition of support signed by not less than sixty-five percent of the employees of the school. Additionally, a petition in support of the charter school signed by a majority of the households whose children are enrolled in a proposed conversion school must accompany the application.
4. The Santa Fe Public Schools' Board of Education shall receive and review all applications for charter schools. No application fees will be charged. Should the Board of Education find the charter school application incomplete, the Board shall request the necessary information from the charter applicant.
5. The Santa Fe Public Schools' Board of Education shall hold at least one meeting to obtain information and community input to assist the Board in its decision whether to grant a charter school application.
6. Should the application be denied, the Board of Education shall state its reasons for denial. This denial may be appealed to the State Board of Education.
7. An approved charter application shall be a contract between the charter school and the Santa Fe Public Schools' Board of Education.
8. In the event that the Santa Fe Schools' Board of Education revokes or does not renew a charter, the Board shall state in writing its reasons for the revocation or non-renewal.

**References: NMSA 1978, Sections 22-8C-1 through 22-8C-7  
HB74a**