



HIGH SCHOOL

EMPLOYEE HANDBOOK.

For approval

Employee Classification and Overtime Policy added p.9

Non-discrimination language correct on cover, p. 25, p. 34

NMSA High School, a public/private partnership comprised of the New Mexico School for the Arts High School and Art Institute, admits students of any race, color, national or ethnic origin, sex, gender identity, sexual orientation, sexual preference, culture, and religion or with any disability to all of the rights, privileges, programs and activities generally accorded or made available to its students. NMSA High School does not discriminate on the basis of race, color, national or ethnic origin, sex, gender identity, sexual orientation, sexual preference, culture, disability, and religion in administration of its educational policies, admissions policies, financial aid programs, arts and other programs

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INTRODUCTORY STATEMENT

This Employee Handbook is designed to acquaint employees with New Mexico School for the Arts (NMSA High School) and provide them with information about working conditions, employee benefits, and some of the policies affecting employment, including many employee responsibilities and benefits. Employees should read, understand and comply with all of the provisions of the Handbook.

No Employee Handbook can anticipate every circumstance or question about policies, however, the provisions of this Handbook have been developed at the discretion of the Governing Council and Head of School and may be amended at any time at the Governing Council's discretion. Employees will be notified of such changes to the Handbook as they occur.

In addition to the policies and guidelines outlined in this employee handbook, NMSA High School has other policies that have been adopted by the NMSA High School Governing Council that relate to the governance of our school. These are available for review on the NMSA Website:

www.nmschoolforthearts.org

Employees are required to acknowledge they have read this Handbook and understand and accept its provisions by signing the last page and returning it to the Business Manager. This version supersedes any previous Handbook or unwritten policies.

GUIDING PRINCIPLES

Mission

NMSA provides access to a rigorous mastery arts and academic high school education for youth with passion and aptitude in the arts, leading to post-secondary learning, careers in the arts, and lives that contribute to society.

Statement of Purpose

NMSA is a public/private partnership comprised of the NMSA-Art Institute, a nonprofit art educational institution, and NMSA-High School, a New Mexico statewide state chartered high school. NMSA's purpose is to provide the highest standards of excellence in preparing New Mexico's artistically talented students to compete in the national arena for post-secondary education and/or professional careers in the arts. NMSA offers pre-professional instruction in the performing and visual arts with rigorous academics leading to a high school diploma.

Core Values

NMSA High School envisions its graduates to be diverse and productive members of the artistic and creative workforce, and to be successful in their further learning pursuits.

The School's goals are to:

- Provide access to mastery arts education and rigorous academics for New Mexico's talented young artists, regardless of home location or financial capacity.
- Establish a caring community of artistic learners nurtured and engaged in self-discipline, citizenship, continuous improvement, and joyful learning in and through the arts.
- Provide innovative and creative curricula in arts and academics based on fundamental skills that include exposure to New Mexico arts and culture.
- Prepare students for higher education and/or careers in the arts and to participate in the cultural and creative economy.
- Through partnerships, collaborations and programming, serve as a statewide arts education leader working to encourage arts education throughout the state.

Academic Freedom

The Governing Council desires that discussion and study of political and social issues be undertaken in a dispassionate atmosphere. Teachers are encouraged to foster the study of issues rather than teach particular viewpoints with regard to them.

The Governing Council 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.

Exercising this professional judgment includes bringing guest speakers into the classroom, however, teachers shall inform the Head of School of names and topics of guest speakers or master teachers appearing in their classrooms or studios.

CODE OF ETHICS, DUTY AND BEHAVIOR

Personnel Policy Statement

As a public school, each district and charter school must develop personnel policies. Through its policies, the NMSA High School Governing Council wishes to establish conditions that will attract and hold the highest qualified personnel who will devote themselves to the education and welfare of the students.

However, the Governing Council encourages cooperative effort by the administration and employees in the development of these personnel policies and regulations. Provisions for the implementation of adopted personnel policies include channels of communication and procedures for the handling of professional and ethical problems through which all persons or groups affected may voice their opinions.

However, the Governing Council reserves the right to change these policies at its sole discretion. To achieve the above purposes, the Head of School is directed to establish related procedures as needed.

Standards of Professional Conduct (Addendum 1)

All employees of NMSA High School are required to adhere to the highest standards of professional conduct and it is presumed that that employees will not engage in activity contrary to the interests of the organization or that interferes improperly with the rights of individuals, their property, or the property of NMSA High School. Additionally, standards for professionalism extend to appearance, behavior, language, and mannerism and should be adhered to at all times when representing NMSA High School whether at school or in the community. Please keep in mind that as representatives of NMSA High School employees are inherently role models for our students.

Nondiscrimination Statement- Equal Opportunity Employer

New Mexico School for the Arts is an Equal Opportunity employer. It is the policy of the School to not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference, gender identity or political affiliation. The school promotes the principle of equal employment opportunity. Accordingly, all recruiting, hiring and promoting is made without regard to race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference, gender identity or political affiliation, except where relevant to a bona fide occupational qualification. The school makes diligent efforts to assure that all personnel actions, such as recruitment, job advertising, employment, rates of pay or other forms of compensation, promotion, transfer, demotion, layoff, termination, discharge, selection for training, discipline, or any rule, regulation or policy relating to the terms and conditions of employment will be administered without regard to race, color, religion, age, sex, handicap, national origin, ancestry, disability, marital status, sexual orientation, gender identity, or political affiliation, except where relevant to a bona fide occupational qualification.

NM PED's Educators' Code of Ethics and NM PED's Standards of Professional Conduct (Addendum 2)

The Governing Council expects all staff to instill the highest ethical standards in the students and therefore, expects employees to model the highest ethical standards and adhere to the New Mexico Public Education Department (PED) Educator's Code of Ethics. See Addendum 2 for PED's Code of Ethics. The NMSA HIGH SCHOOL Governing Council acknowledges that ethical values among students cannot exist without moral values among educators. The Governing Council is therefore committed to a code of professional conduct and understands that it provides minimally accepted standards of professional conduct in education. The Governing Council expects employees to adhere to the PED's Standards of Professional Conduct. See Addendum 1 for PED's Standards of Professional Conduct.

Identification

As part of school safety, new employees will be issued an identifying badge. All employees of NMSA are required to wear their identifying badge at all times during school hours and while on campus. All employees are required to question anyone seen on campus without an appropriate identifying or visitor badge.

PROFESSIONAL EXPECTATIONS FOR TEACHERS

In addition to the expectations found in the Code of Ethics, there are many responsibilities that each teacher has. The list below is not all inclusive, but highlights a few of the requirements.

Attendance

Daily attendance is the responsibility of all teaching staff. Teachers must take attendance using Power School at the beginning of each class period. An alternative process will be created for those teachers without access to Power School.

Instructional Plans

The purpose of instructional planning is to assist in the improvement of the School's learning program, to ensure course alignment to NM standards and benchmarks and Common Core State Standards, and to provide for the availability of resources for the entire length of the course.

Teachers will create daily or weekly lessons plans that include:

- the approximate date when the lesson will be taught,
- the content area being addressed,
- the NM standards and benchmarks or the Core Curriculum standards addressed,
- target goals and outcomes,
- assessments and measures of student learning, and
- plans for differentiation.

Lessons plans must be turned in for retention by the School for two years as defined in state law.

Lessons must be submitted each week as an electronic attachment to an e-mail. Teachers who fail to turn in lessons plans can face disciplinary action.

Also required are Long Range Instructional Plans that reflect a teacher's pacing of a class's content for the length of time that the course is taught.

Substitute Plans should be in place for both planned and emergency absences. Emergency substitute plans will be kept on file in the office and should be turned into the School Secretary.

Issuing and Collecting Textbooks

Textbooks purchased with funds from the state are property of the state. The Public Education Department (PED) has a six year rotational schedule for purchasing sets of textbooks for a discreet discipline (Mathematics, Science, etc.) For this reason, textbooks must remain in good, usable condition for six years.

Teachers issue textbooks to each student for each course at the beginning of the year or the semester. Each textbook is numbered and is assigned to only one student. At the end of the semester or the school year, when the textbooks are collected, teachers will make certain that the SAME textbook is returned by the student as was issued at the beginning.

If a student drops a course or leaves NMSA High School, all textbooks must be returned within one week.

When it is time for textbooks to be returned, fines will be imposed for damaged, lost and unusable books. This money is returned to the state and used to purchase replacement copies

See the Textbook Return and Replacement Policy and Regulation online for further information.

Reporting of Students' Grades

It is the responsibility of all teaching staff to update Power School every Wednesday for any test, quiz or graded. For extensive projects, it is the responsibility of all teaching staff to update PowerSchool with at least a code to indicate the assignment was collected or missing.

Reporting on Students At-Risk for Failure

It is the responsibility of the teacher to contact the parent(s) or guardian(s) by telephone or email to inform him/her (them) of a student's failing grades. A failing grade is a D or an F. It is the responsibility of the Head of School to create a system for Progress Reporting to families.

Reporting on Students Possible Threat to Self (Addendum 6)

It is the responsibility of all staff who suspect that a student who states or shows evidence of threat to self to report to the Counselor immediately and to complete the Threat-to-Self form.

Reporting on Student Discipline Issues (Addendum 7)

The Student Discipline Form was created to assist staff with serious or persistent discipline issues.

EMPLOYMENT

Applicant Background Investigations

As a condition of employment at NMSA High School, all applicants/new employees shall submit to a fingerprint-based background check paid for by the applicant/employee.

NMSA High School will conduct work and education investigations and personal reference inquiries on each applicant recommended for hire, including but not limited to, substitutes, temporaries, and finalists for position vacancies. The School will inspect and/or obtain copies of any fingerprint-supported record of information from the Federal Bureau of Investigation by the State Department of Public Safety, including information concerning felony or misdemeanor arrests pursuant to NMSA Charter School 22-10-A-5. This information will be treated as confidential.

Qualifications for Licensed Employees

All persons employed to administer, teach, supervise, counsel or provide special instructional services at NMSA High School shall hold and present to the School within ninety (90) days after the beginning of the School year a valid New Mexico license authorizing that person to perform that function. Failure to present such license within the prescribed time leads to forfeiture of all claims to compensation rendered thereafter.

Each licensed employee shall comply with and enforce all laws, regulations and policies applicable to NMSA High School; if instructing, teach the courses prescribed; exercise supervision over students on NMSA High School property and while students are under the control of the NMSA High School; and furnish such reports and attend such meetings as may be required.

Job Descriptions

The Head of School has developed job descriptions for all classes of employees. It is the Governing Council's desire that the job descriptions:

- assist employees in meeting their duties and responsibilities,
- assist employees and supervisors in the employee evaluation process,
- encourage the cooperation and collaboration among and between employees needed for maximum efficiency and effectiveness in achieving the work of the School, and
- assist the School in meeting its responsibilities under the Americans with Disabilities Act.

Head of School

The Head of School is the chief administrative officer of NMSA High School.

The Head of School is responsible to and shall serve under the direction of the Governing Council.

The Head of School shall assume the responsibility and be given the authority for the operation of the High School. This responsibility extends to business and administration, educational leadership, personnel, management, public relations, strategic planning, organization of resources, both material and personnel, delegation of duties and authority, and supervision of all delegated tasks and of all individuals to whom authority and responsibility are assigned.

The Governing Council will meet at least once each year with the Head of School to discuss the Head of School's job performance.

The Head of School's salary shall be determined annually by the Governing Council.

The Head of School is responsible, in accordance with state standards, regulations, statutes and local School policies, for the organization, administration, supervision and outcomes of the School.

The Head of School shall meet New Mexico State Licensure requirements for the position.

Evaluation of Employees

The Head of School will follow a system of periodic evaluation for all employees of the School, with written reports prepared and reviewed with each employee and kept on file. The plan for evaluation for each class of employee shall meet any state regulatory or statutory requirements and shall be reviewed by the Governing Council.

The employee's supervisor is responsible for preparing the periodic evaluation. No evaluation report shall be placed in an employee's file without review and discussion between the employee and the employee's supervisor.

An employee in disagreement with the contents of the evaluation report may submit a written rebuttal to be attached to the report and kept on file. Such a rebuttal must be submitted within five (5) School days of the evaluation review.

Employment, Assignment, Re-Employment, Termination of Employees

The employment, re-employment and termination of employees other than the Head of School are the responsibility of the Head of School. Employment of the Head of School is the responsibility of the Governing Council.

Reemployment, Termination, Discharge of Certified/Licensed School Employees

On or before the 14th calendar day before the end of the School year, the Head of School shall serve written notice of reemployment or termination for each licensed School instructor (teacher, counselor, librarian, therapist, and coordinator) employed by NMSA High School. The notice of reemployment shall be an offer of employment for the ensuing School year. A notice of termination shall be a notice of intention not to reemploy for the ensuing School year. Failure of the School to serve a written notice of reemployment or termination to a licensed School instructor shall be construed to mean that notice of reemployment has been served upon the person for the ensuing School year according to the terms of the existing employment contract but subject to any additional compensation allowed other licensed School instructors of like qualifications and experience employed by the School.

Each licensed School instructor shall deliver to the Head of School a written notice of acceptance or rejection of reemployment for the ensuing School year within fifteen (15) days of the following:

The date written notice of reemployment is served upon the person; or the last day of the School year when no written notice of reemployment or termination is served upon the person on or before the last day of the current School year.

In both instances, the offer of reemployment shall be deemed revoked if the employee has not returned an acceptance by the end of the 15th calendar day as provided above, unless extended in writing by the Head of School.

Termination of Certified/Licensed School Employees

Termination for certified/licensed instructors means that the instructor's contract was not renewed for the following School year.

All procedures and required timelines regarding the rights of terminated licensed School instructors referred to in the following paragraphs are detailed in NMSA 1978, 22-10A-24, copies of which are on file and available in the Head of School's office.

NMSA High School may decline to re-employ a licensed School instructor with less than three (3) years of consecutive service with NMSA High School for any reason it deems sufficient. Upon request of the licensed School instructor, the Head of School shall provide within ten (10) days of the request, written reasons for the decision to terminate. Neither the Head of School nor the Governing Council shall publicly disclose the reasons. The reasons shall not provide a basis for contesting the decision.

A certified/licensed employee who has been employed by NMSA High School for three (3) consecutive years or longer and who has received notice of termination may request an opportunity to make a statement to the Governing Council by submitting a written request to the Head of School within five (5) working days from the date written notice of termination is served upon the employee. The employee may also request in writing the reasons for the termination action, as provided by law. The Head of School has five days within which a response must be provided. The Head of School shall provide written reasons for the notice of termination to the employee within five (5) working days from the date the written request for a meeting and the written request for the reasons were received by the Head of School. Neither the Head of School nor the Governing Council shall publicly disclose its reasons for termination.

The employee employed by NMSA High School for three (3) consecutive years or longer may be granted a hearing before the Governing Council, as provided by law, under the contention that the decision to terminate was made without just cause. The written contention shall specify the grounds on which it is contended that the decision was without just cause and shall include a statement of the facts that the employee believes support his/her contention. This written statement shall be submitted within ten (10) working days from the date the employee receives the written reasons from the Head of School. The submission of this statement constitutes a representation on the part of the employee that he/she can support his/her contentions and an acknowledgment that the Governing Council may offer the causes for its decision and any relevant data in its possession in rebuttal of his/her contentions.

The Governing Council shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after the Governing Council receives the statement, 22-10A-24, NMSA, 1978. The hearing shall be conducted informally in accordance with the provisions of the Open Meetings Act [10-15-1.1 NMSA 1978]. The Governing Council may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable. No record shall be made of the proceeding. The Governing Council shall notify the employee and the Head of School of its decision in writing within five (5) working days from the conclusion of the meeting.

Discharge of Certified/Licensed School Employees

A certified/licensed School employee may be discharged during the School year only for a reason that is rationally related to the employee's competence or moral turpitude or the proper performance of duty and that is not in violation of the employee's civil or constitutional rights.

The Head of School shall serve a written notice of intent to recommend discharge on the licensed School employee in accordance with the law of process in civil actions. The notice shall state the intent to recommend discharge and the cause for the recommendation, and shall advise the employee of the right to a discharge hearing before the Governing Council.

Licensed School instructors who are employed to fill the position of an instructor who is out on military leave and licensed administrators are not entitled to a hearing or other due process regarding nonrenewal of an employment contract.

The employee may exercise the right to a hearing by giving the Head of School written notice of that election within five (5) working days of the receipt of the notice to recommend discharge.

All details pertaining to the employee's rights and the procedures to be followed are detailed in NMSA 1978, 22-10A-27 (2003), copies of which are available in the Head of School's office.

[Reference: NMSA 1978, 22-10A-24, 22-10A-27 (2003)]

Re-Employment/Termination of Other (Non-certified) School Employees

The Head of School may terminate a non-certified employee with fewer than three (3) years of consecutive service for any reason she or he deems sufficient. Upon request of the employee, the Head of School shall provide written reasons for the decision to terminate. The reasons shall be provided within ten (10) working days of the request. Neither the Head of School nor the Governing Council shall publicly disclose the reasons. The reasons shall not provide a basis for contesting the decision.

All procedures and timelines regarding the rights of terminated non-certified School employees referred to in the following paragraphs are detailed in NMSA 1978, 22-10A-24 (2003), copies of which are on file and available in the Head of School's office.

Before terminating a non-School employee who has been employed for three (3) consecutive years or longer, the Governing Council shall serve the employee with a written notice of termination.

Termination of a non-certified School employee who has been employed for three (3) consecutive years or longer shall be only for just cause or for a reason that is rationally related to the employee's competence or moral turpitude or performance of duty and that is not in violation of the employee's civil or constitutional rights. Any such employee who has been employed for three (3) consecutive years or longer may request an opportunity to make a statement in front of the Governing Council and may also request in writing the reasons for the termination action. Neither the Head of School nor the Governing Council shall publicly disclose the reasons for termination.

Resignations of Employees

Certified/licensed employees shall provide NMSA High School with at least thirty (30) days' notice of the intent to resign.

Non-certified employees shall provide at least two (2) weeks' notice of the intent to resign.

Under extenuating circumstances, the Head of School may waive these notice requirements.

Personnel Records

The Head of School shall maintain personnel records for all School employees, the records to include, but not limited to: check list, basic employee information sheet, official transcripts, licensure documents, experience records and evaluation reports, and background checks.

These records shall be open to inspection only to:

- * The employee concerned, but only in the presence of the Head of School or the person in charge of the records. The employee may see any reference as long as there is no written statement by the employee or the person providing the reference that it will not be made available to the employee;
- * The Head of School, the Head of School's staff or other administrators on a need-to-know basis;
- * Members of the Governing Council during executive personnel sessions, and
- * Representatives of regulatory or accrediting agencies as required for the conduct of their official business.

Personnel records will not be made available to other persons without the consent of the employee. No material shall be removed from the record except for review. No record, the file and its contents, shall be removed from the secure area where these records are maintained.

Release of Personnel Information

Letters of Reference Concerning Employment, Licensing or Permits;

The following types of information will be treated as confidential to protect the privacy of current, former and prospective employees and to encourage qualified persons to apply for positions with assurance that the mere fact of their application for another job need not become public information: Letters or memoranda in personnel files which are matters of opinion, including documents concerning infractions and disciplinary actions, performance evaluations, and related materials, opinions as to whether a person should be rehired or reasons why an applicant was not hired, and any other material expressing an opinion as to a current or former employee or an applicant for employment; Medical and related information pertaining to illness, injury, disability to perform a job, task, or sick leave; and other types of personal information, such as military discharge or arrest records, which is solicited by the School; which is considered vital to the employment procedure; which was furnished after a promise to keep the information confidential; and for which disclosure would not appear to serve any identifiable public interest.

The School shall be entitled to ask persons seeking disclosure of personnel records to provide reasonable justification for such disclosure.

EMPLOYEE CLASSIFICATION AND OVERTIME POLICY

Policy Statement

It is the policy of New Mexico School for the Arts to comply with the Fair Labor Standards Act (FLSA) and New Mexico wage and hour laws to ensure that employees in exempt and non-exempt positions are classified correctly and paid appropriately.

Employee Classifications

1. **Exempt Employee:** An employee holding a position not covered by or subject to Overtime Pay requirements and regulations of FLSA. Examples of exempt positions include, but are not limited to teachers, counselors and administrators.
2. **Non-Exempt Employee:** An employee holding a position covered by and subject to the Overtime Pay requirements and regulations of FLSA.
3. **Position Determination.** Whether an employee is exempt or non-exempt is not solely determined by title or license, or whether he/she is paid a salary, but rather it includes consideration of job responsibilities, nature of work and other criteria as defined in law. Examples of exempt positions are: school administrators, teachers, counselors, social workers, and business managers. Examples of non-exempt positions include, but are not limited to, administrative assistants.

Overtime and Working Time Limitations

1. **Eligibility for Overtime Pay:** Employees working in non-exempt positions who work in excess of 40 hours in a workweek (Overtime), are eligible for Overtime Pay.
2. **Approval of Overtime Hours:** Non-exempt employees must request in writing and obtain prior written approval from the Head of School or the employee's supervisor to work beyond their scheduled hours whether they work full or part time, or whether working excess hours would result in working beyond 40 hours in a workweek. Only the Head of School or the employee's supervisor can waive the requirement for prior written approval for work beyond regularly scheduled hours. Non-exempt employees shall not take work home or work while at home unless

prior written approval is given by the Head of School or the employee's supervisor. Non-exempt employees shall not work during a lunch/meal break unless given a written directive to do so by the Head of School or the employee's supervisor. **Employees who do not obtain approval from the Head of School or the employee's supervisor for working hours in excess of scheduled hours are subject to discipline.**

3. **Workweek:** NMSA defines a workweek as beginning at 12:01 a.m. Sunday and ending at 11:59 p.m. Saturday.
4. **Rate of Overtime Pay:** Overtime Pay is paid at a rate not less than one and one-half times the regular rate at which the employee is paid.
5. **Payment for Overtime:** Payment for Overtime shall be paid to the employee on the paycheck covering the pay period during which the Overtime was actually worked.
6. **Hours Worked:** Hours actually worked and counted towards eligibility for Overtime, includes time when employees are required to be on duty, and employer-approved paid breaks of 15 minutes or less, but does not include lunch or meal breaks.
7. **Travel Time:** Non-exempt employee travel shall be conducted during regularly scheduled work hours whenever possible. Employee travel outside regularly scheduled work hours must be pre-approved by the Head of School or the employee's supervisor. Travel to and from home and work is not part of the normal work day.
8. **Training Time:** If you are required to attend school-related training, these activities are considered Hours Worked. However, attendance at training that is required by law for an employee's own certification or licensure within a particular government jurisdiction (e.g. business manager certification) are not included as work hours regardless of whether the certification or licenses is required for the position held at NMSA.
9. **Non-work days when calculating Hours Worked:** When calculating Hours Worked for Overtime Pay the following are treated as Hours Worked: paid holidays, administrative closing days, and bereavement days. Annual leave days are not counted as time worked for Overtime purposes.
10. **Part-time Employees:** Part-time employees are paid at their regular rates of pay for hours worked up to 40 hours.

Record Keeping

1. **Daily Recording:** All actual work time shall be recorded each day on time records by the employee and shall be verified by the Head of School or the employee's supervisor before submitting pay records to Human Resources. Failing to accurately and timely record Hours Worked may result in disciplinary action.
2. **Pay Errors:** Employees must notify the Head of School or the employee's supervisor immediately if there has been an error in pay, (e.g. an employee has not been compensated for time worked in excess of regularly scheduled work hours.)
3. **Falsification of Pay Records:** Employees who intentionally falsify time records are subject to disciplinary action.
4. **Business Office:** NMSA's Business Office is responsible for maintaining accurate employee time records, which shall be used for determining Overtime Pay.

DRUG-FREE SCHOOLS/CAMPUSES AND WORKPLACE

The Governing Council recognizes that substance abuse in the workplace can seriously injure the health of employees, adversely impair job performance, and endanger the safety and well-being of other employees, students and members of the community. In addition, increased health care problems arising from substance abuse can cause increased health care costs to the employee and School in the form of treatment costs and increased insurance costs. In response to this significant problem, the

Governing Council has adopted this policy and will make a good faith effort to maintain a drug-free work place.

Federal Funding Requirements: Federal Drug Free Work Place Act of 1988

NMSA High School is a recipient of federal funding and is subject to the Federal Drug Free Work Place Act of 1988. As a condition of employment, employees of NMSA High School shall not unlawfully manufacture, distribute, dispense, possess, be under the influence of a hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15. In addition, School employees shall not distribute, dispense, possess, be under the influence of, or use alcoholic beverages in the work place. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance.

As a condition of employment in the School, each employee shall abide by the terms of the School district policy regarding a drug free work place.

Drug Free Work Place: Disciplinary Actions

All employees are expected to cooperate fully with the School's objective of maintaining a Drug-Free Work Place. Failure to do so is deemed to be a violation of this policy and the standards of conduct prescribed therein. Accordingly, in the event that an employee violates this policy, refuses to submit to a required evaluation for substance abuse, refuses rehabilitation, fails to complete a prescribed rehabilitation program, fails to submit required documentation relative to evaluation, or falsifies any record relative to abuse of any substance, such employee will be subject to disciplinary action up to and including dismissal.

Any violation of these prohibited practices by an employee is cause for disciplinary action up to and including dismissal. A disciplinary action may also include the satisfactory completion of a rehabilitation program at the individual's expense. However, when an employee acknowledges having an alcohol and/or drug abuse problem and willingly undergoes treatment, his/her job rights and job security will not automatically be jeopardized.

Definitions:

"Substance abuse" means the unauthorized possession, distribution, dispensing, manufacture, sale, or use or being under the influence of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC, Statute 812(United States code, Title XXI, Chapter 13) or in implementing regulations, 21 CFR Sections 1308.11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to prescription drugs, that may affect an individual's ability to perform his or her job in a safe, adequate and secure manner. Controlled substances include, but are not limited to marijuana, barbiturates, anabolic steroids, cocaine, (including crack), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs. Substance abuse shall also include the unauthorized use or possession of, or being under the influence of, alcohol or alcoholic beverages on School premises or during School programs. Also included are solvents or inhalants used for intoxication and any substances that are represented to be controlled or illegal substances.

"School Premises" or "Work Place" includes any School building or any School premises; any School-owned vehicle or any other School-approved vehicle used to transport students to and from School or School activities; and off School property during any School-sponsored or School-approved activity, event or function, such as field trip or athletic event, while in an official capacity, where students are under the jurisdiction of the School district.

"School programs" means any School sponsored or approved activity, event or function, on or off School premises where students are under the jurisdiction of the School; or during any period of time School

employees are supervising students on behalf of the School or are otherwise engaged in School business. Collectively, School premises and School programs constitute the work place.

Use of Authorized Prescriptions and Drugs

Authorized prescription drugs and “over the counter” legal drugs may be used at the work place so long as prescribed dosage and recommended use is not exceeded and the use of these drugs do not adversely affect the employee’s ability to perform required work in a safe and secure manner. When such legal drugs are to be used at the work place and will affect performance, employees should inform their supervisor.

Reasonable Suspicion

Reasonable suspicion may arise from supervisory observation, co-worker reports or complaints, performance decline, attendance or behavioral changes, arrest for violation of a criminal drug/alcohol statute and/or vehicular accident indicating a possible impairment in judgment or negligence due to the employee being under the influence of drugs or alcohol. Suspicion should be based on observations that a supervisor can articulate concerning appearance and/or behavior. Other factors that may establish reasonable suspicion include, but are not limited to: violation of school safety policies, discovery of illegal drugs, drug paraphernalia and/or alcohol in an employee’s possession or near the employee’s workplace, a report of drug/alcohol use, sale and/or transfer of drugs/alcohol on work premises/property from a credible and reliable source.

An employee may be required to undergo a drug/alcohol screening/testing if there is reasonable suspicion that the employee's alcohol and/or drug use could impair job performance and/or affect safety. The School reserves the right to search all areas of the work site, personal articles at the work site and vehicles on School grounds. A supervisor will conduct searches with appropriate assistance.

Confidentiality and Due Process

Employees are assured that every effort will be taken to protect their confidentiality, and that of the students. Actions taken in enforcement of this policy shall comply with such hearing or due process procedures as may be required by district policy or state laws.

This policy is adopted in accordance with Public Law 101-226, Drug-Free Schools and Communities Act Amendments of 1989, for receipt of federal program funds.

[Reference: Public Law 101-226, Drug-Free Schools and Communities Act]

Procedures Following Policy Violation

If an employee violates or is under the suspicion of violation of the policy, the actions to be taken are described in the steps below.

Step 1

Remove the employee from the work area. If the employee is under the influence, the employee will not be allowed to leave without supervision. In fitness for duty incidents, the supervisor is responsible for ensuring that the employee is offered transportation home or to a test facility. If the employee refuses the transportation and attempts to drive, the supervisor should notify the local law enforcement.

Step 2

A timely conference with the employee and the Head of School or his/her designee will be held. The employee may choose to be accompanied by a representative of his/her own choosing at any step of this procedure. If the incident occurs at an after work hours School event, the conference shall be held as soon as possible following the incident. The employee will be asked to submit to a drug/alcohol test at the time of the conference.

Step 3

Suspension with pay/administrative leave may be imposed while:

An investigation of the circumstances is conducted and testing is completed. The Head of School will direct the employee to the appropriate place for immediate testing to determine if suspicion is confirmed. The Head of School will set the appointment and may arrange for an escort of the employee to the testing site. Testing safeguards will be in effect including an observed test. If the test is tampered with, the employee will be required to submit to a second test immediately. This second test may be at the employee's expense. If the employee refuses or does not appear for the test, the Head of School will remind the employee orally and in writing of the policy that refusal may lead to discipline including termination;

The employee or the Business Manager makes an appointment for the employee to meet with the Head of School who may make a referral for the employee to a healthcare provider who will monitor the employee's health. This may be done at the employee's expense;

A positive result or refusal to submit to a drug/alcohol screening, and/or refusal of a search will be considered insubordination and will result in a disciplinary action up to and including termination. The employee will be placed on administrative leave or suspension pending administrative review and action. Pay status is to be determined in review.

Step 4

A second conference will be held with the employee, the supervisor, the Head of School or his/her designee and the Business Manager at the end of the suspension or administrative leave period. Final disposition of the situation will depend upon the outcome of the conference and may include, but not be limited to:

- an opportunity for the employee to explain the positive result;
- unannounced or periodic drug and alcohol testing for a designated period at the employee's expense;
- consideration of the following prior to taking disciplinary action:
 - job safety of others;
 - past employment record and length of employment;
 - employee willingness to seek assistance;
- suspension without pay; or
- a recommendation for termination.

The employee may have a representative accompany him/her to this conference.

Step 5

Documentation will be kept as follows:

- Drug testing documentation will be kept in a separate confidential file for medical concerns.
- Letters or memorandums addressed to the employee outlining disciplinary procedures will be placed in the personnel file.
- Upon return or completion of treatment, the employee will contact the Head of School for an appointment and will be required to comply with the terms stated in a Memorandum of Agreement. This agreement shall contain specific guidelines for future expectations indicating whether further disciplinary action including termination, will be taken.

MANDATORY REPORTING (Addendum 3)

Reporting Illegal or Improper Conduct

The Governing Council affirms its commitment to adherence to proper and legal conduct by all employees of the NMSA High School. As part of this commitment, the Governing Council requires that an employee who has reliable information that another employee is engaging in illegal or improper conduct shall report such information to the Head of School. The School shall hold the employee making the report safe from any retaliation, unless the employee acted in bad faith or with malicious purpose. Any employee who retaliates against an employee who makes a proper report of illegal or improper conduct shall be subject to discipline.

It is the duty of appropriate administrative officials to investigate any report of illegal or improper conduct by an employee. The employee making the report has no duty to investigate, but shall cooperate with the investigating administrator(s). During the investigation the originating report shall be held confidential, consistent with the requirements of an effective investigation. Upon the conclusion of the investigation, a determination shall be issued.

If the charge(s) of illegal or improper conduct is supported by the investigation, appropriate disciplinary action shall be taken including, but not limited to, warning or reprimand, suspension, termination or discharge, subject to any applicable procedural requirements.

If the charge(s) is found to be without merit, the record retained by the School shall be kept on file in the Head of School's office and not be part of the employee's personnel file.

Reporting Student Abuse of Alcohol or Drugs – Addendum 3

New Mexico law (NMSA 22-5-4.4) requires that School employees who know or in good faith suspect any student of using or abusing alcohol or drugs shall report such use pursuant to procedures established by the Governing Council. So long as such report is made in good faith, the reporting School employee shall be immune from civil damages for his or her action. This policy is enacted to provide a procedure to be followed by all School employees in reporting known and/or suspected use of alcohol or drugs by students.

All employees have a mandatory, non-discretionary duty to report known or suspected alcohol or drug use or abuse by any student of the school to the Head of School.

All reports made shall be on a Confidential Incident Reporting Form which is in the staff lounge, at the front office, and business office, and shall be given to the Head of School upon completion.

Reports shall be made within a reasonable time (a reasonable time is as soon as possible but not later than the end of the day) after the employee learns or suspects the use or abuse of drugs or alcohol by a student.

It is not the duty of the School employee making the report to conduct an investigation to determine whether the student identified has in fact used or abused drugs or alcohol. The duty to investigate shall be upon the Head of School provided, however, that the reporting employee shall cooperate with responsible School officials during the course of any investigation.

The failure of any School employee to report knowledge or suspicion of student alcohol or drug use in a timely manner may be cause for discipline of the employee. NMSA employees should complete the Confidential Incident Reporting form as soon as possible but not later than the end of the day.

[Reference: NMSA 22-5-4.4]

Reporting Acts of Violence and/or Vandalism – Addendum 3

New Mexico law requires that any district employee who observes or has direct knowledge from a participant or victim of an act of violence upon any employee of NMSA High School engaged in the lawful discharge of duty or of vandalism to public School property shall file a report describing the incident pursuant to procedures established by the State Department of Public Education. Any person who files such a report shall not be discriminated against in any manner or discharged because he/she has filed that report.

[Reference: NMSA 22-10A-33]

Reporting Child Abuse and Neglect – Addendum 4

School personnel, including counselors, have a direct obligation, imposed by state statute, to provide a report to social services or law enforcement agencies immediately upon knowledge or a reasonable suspicion that a child is abused or neglected. Employees who have the concern or have witnessed something must make the call to CYFD. All Employees have a mandatory, non-discretionary duty to report known or suspected abuse or neglect of a child to CYFD. As soon as possible but **within 75 minutes of knowledge**, the employee must complete the CYFD reporting form (Addendum 4) and place the call. School employees who know or suspect that a child is an abused or a neglected child shall also report the matter to the Head of School or designated employee.

The Employee must:

- Complete the CYFD Report Form (Addendum 4)
- Hand delivers the report to: Dean of Students (Joey Chavez).
- If the Dean of Students is unavailable, the report must then be delivered to one of the following administrators in this order: Counselor (Mikiko Ellis), Instructional Support Specialist (Eric Crites), Head of School; Vice Principal; Dean of Students; Counselor
- ACTION IS REQUIRED: DO NOT LEAVE THE REPORT IN A BOX.
- The employee who witnessed this suspected abuse or neglect will participate in the call to CYFD.

The Dean of Students or Counselor will then notify:

- The Children, Youth and Families Department, or
- The probation services of the judicial district in which county the child resides, or
- The criminal prosecution division of the Office of the District Attorney, or
- Local law enforcement

So long as such report is made in good faith, the reporting school employee shall be immune from civil liability or criminal sanctions for his/her action. Any school employee who permits a member of a law enforcement agency or an employee of the Children, Youth and Families Department to interview the child with respect to that report without the permission of his/her parent, guardian or custodian is presumed to be acting in good faith and shall be immune from civil and criminal liability that might otherwise be incurred, unless the employee acted in bad faith or with malicious purpose.

It is not the duty of the School employee making the report to conduct an investigation to determine whether the child identified has in fact been abused or neglected. The duty for the state to investigate the report is set forth in Section 32-1-15 of New Mexico Statutes.

[Reference: New Mexico Statute 22-5-4.2]

Failure to Report Child Abuse or Neglect

The failure of any School employee to report knowledge or suspicion of child abuse or neglect will be cause for criminal prosecution and may be cause for discipline of the employee.

[Reference: New Mexico Statute 22-5-4.2]

MEGAN'S LAW

It is the policy of the Governing Council to support the purposes of the Sex Offender Registration and Notification Act (New Mexico's version of "Megan's Law") by providing notification to parents and guardians of the School's students about the availability of public information concerning the presence of registered sex offenders residing within the area of NMSA High School.

Accordingly, the Head of School will include in the Student/Family Handbook a notice to parents and guardians of NMSA High School students at least once a year, preferably at the beginning of each school year. The following information will be included in the notification:

- Website of the New Mexico Department of Public Safety (www.nmsexoffender.com)
- Information urging parents and guardians to check the website for offenders within the county, city, and School community
- Location of publicly available computer terminals in the community including public libraries and Schools and
- The accuracy of the information on such website may be confirmed by calling the Department of Public Safety at (505) 827-9297.

The Head of School may also issue such administrative directives that, in his or her judgment, may further promote the purposes of the Sex Offender Registration and Notification Act.

UNLAWFUL HARRASSMENT

The Governing Council is committed to providing a work and learning environment in which all individuals are treated with respect and dignity. Although this policy focuses on sexual harassment it applies equally to all forms of unlawful harassment.

Each employee and student has the right to work and learn in an environment that is free of unlawful discrimination, including sexual harassment and harassment based upon other protected characteristics. No person should be required to endure sexual or other unlawful harassment by supervisors, peers, which includes student-on-student sexual harassment, faculty members, educational support staff, independent contractors or vendors or work or learn in a hostile environment as a condition of employment or pursuit of academic excellence. This policy also applies when an employee is subject to harassment at the School or on School business by someone not affiliated with the School.

It is the policy of the NMSA High School to:

- Prohibit any person in the work or academic setting from sexually harassing any other person in the work or academic setting.
- Prohibit any person in the work or academic setting from harassing any other person because of sex, race, religion, national origin, disability, sexual orientation, gender identity, age, veteran status, or other protected characteristic.
- Not tolerate or condone such harassment by or towards its employees or by or towards its students. The School will take appropriate actions to prevent, correct, and if necessary, to discipline an individual's behavior which violates this policy.
- Take reasonable steps to provide a work and academic environment free of sexual and other unlawful harassment.
- Investigate allegations of harassment/misconduct in a timely and thorough way.
- Take appropriate and timely corrective action with respect to information or allegations that employees or students are being subjected to unlawful harassment in the work or academic environment.
- Provide on-going education and awareness regarding sexual and other unlawful harassment.
- Provide information about how to pursue claims of unlawful workplace harassment.

Sexual Harassment Defined

"Sexual harassment" is a form of gender discrimination as defined in Title VII of the Civil Rights of 1964 and is a violation of federal and state law and School policy.

According to the Equal Employment Opportunity Commission, sexual harassment is illegal if:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. In order to violate federal and state antidiscrimination laws, sexual harassment must be unwelcome and must be sufficiently severe or pervasive to create an offensive or intimidating hostile working environment. However, any harassing conduct because of sex or any other protected characteristic is a violation of this policy even if it is insufficiently severe or pervasive to violate state or federal law.

Sexual harassment includes unwelcome sexual advances such as requests for sexual favors and written, visual or verbal conduct of a sexual nature.

If the behavior toward another employee makes them feel intimidated, uncomfortable or if the employee feels threatened, it may be considered sexual harassment even if the harasser did not intend for his/her action(s) to be offensive.

Sexual harassment may also be considered a criminal offense under state and local assault and child abuse laws.

Reporting Sexual Harassment

Any employee who observes or experiences conduct they believe violates this policy shall, whenever possible, confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the incident to the Head of School.

Sexual Harassment Investigations

The School will investigate all allegations of unlawful harassment. All School employees are required to cooperate with any such investigations. Upon receiving information regarding harassment by a School employee, the Head of School shall promptly and fully investigate all reported information. The Head of School, in consultation with legal counsel, shall oversee investigations conducted.

Sexual Harassment Investigations Appeal

Any affected employee, who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the Governing Council. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the investigation.

Sexual Harassment Violation

Conduct that violates this policy is cause for discipline which may include suspension, discharge or termination.

Sexual Harassment Allegation Retaliation

No one will be retaliated against for making a good faith complaint regarding unlawful harassment. Such retaliation in and of itself is cause for discipline and will not be tolerated.

SEXUAL MISCONDUCT

NMSA High School does not tolerate sexual misconduct by any of its employees. All employees, as part of their regular duties, shall therefore be cognizant of their behavior, their intentions and how they may be perceived with respect to circumstances that suggest sexual misconduct. This policy also applies to non-employee volunteers, and to any other persons who work subject to the control of School authorities.

“Employee/employee” - Sexual misconduct includes, but is not limited to, physical act(s) of aggression, force or threat against another employee of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse.

“Employee/student” - As used herein, sexual misconduct by employees against students means any sexual or romantic contact between any employee of the School and any student of the School.

Reporting Sexual Misconduct – Addendum 3

All School personnel, including counselors, shall report to the Head of School any information concerning sexual misconduct **within 24 hours of receiving the information**. The Head of School will request a written statement from the Employee. The Head of School shall investigate the report and take or direct appropriate action.

A Report stating the outcome of the investigation will be created and kept on file. In the event the employee implicated by the information is the Head of School, then such report shall be made to the Governing Council Chair as soon as possible but **not more than 24 hours after the information is received**.

Sexual Misconduct Investigations

Upon receiving information regarding sexual misconduct by a School employee, the Head of School shall promptly and fully investigate all reported information concerning sexual misconduct. The Head of School, in consultation with legal counsel, shall oversee investigations conducted, including the initial determination as to whether a reasonable suspicion of sexual misconduct by a School employee exists, and whether a full investigation should be conducted.

Cooperation with Sexual Misconduct Investigations

Non-administrative staff members are neither authorized nor responsible for conducting investigations with respect to such information, but will be expected to cooperate in the School's investigation by providing information they have received.

Sexual misconduct can result in criminal prosecution by law enforcement authorities. Accordingly, the reporting and investigation procedures described herein are to be conducted by the School in addition to any criminal investigation that may be conducted by law enforcement authorities.

Sexual Misconduct Investigations Appeal

Any affected employee, who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the Governing Council. Any such appeal should be in writing and must include the nature of the employee’s dissatisfaction with the conclusions or results of the investigation.

Sexual Misconduct Violation

Conduct that violates this policy is cause for discipline which may include suspension, discharge or termination.

Sexual Misconduct Allegation Retaliation

No one will be retaliated against for making a good faith complaint regarding unlawful sexual misconduct. Such retaliation in and of itself is cause for discipline and will not be tolerated.

PHYSICAL VIOLENCE

Physical Violence Defined

“Physical violence” is any form of intentionally forceful, harmful, hurtful, or patently offensive physical contact administered upon or directed to the body of another, including, but not limited to:

- striking, kicking, squeezing, or pinching any part of the body, or forcefully grabbing the body or clothing, or attempting to do any of the foregoing; or
- Restraining or restricting physical movement through physical contact, or attempting to do either.

The following actions by an employee are exempt from this policy, and will not constitute a violation of the policy:

- An employee may, but is not required to, reasonably restrain another employee or third party whose conduct is violent or physically disruptive if:
 - The conduct of the person-to-be-restrained is directed toward any person, including, but not limited to, any employee, a student, any third person, or the employee himself or herself,
 - The conduct of the person-to-be-restrained is directed toward School property or the property of another on School premises.
 - In any instance in which another employee or third party has refused valid directives to proceed to, to leave, or to avoid entering any part of the School's premises, and the employee's or third party's refusal creates a disruption or potential disruption of the operations of the School. An employee may, but is not required to, exercise a reasonable grasp upon, or restraint of, the other employee or third party for the purpose of moving or removing such person, or for the purpose of preventing the other employee or third party from entering the premises.
 - “Violence toward property” is intentionally damaging or destroying the property of the School, of another employee, of a third party, or attempting to do any of the foregoing.

Employee Assault

The Governing Council acknowledges the need for its employees to perform their duties in a safe, secure and non-threatening atmosphere and recognizes the possibility of assault on an employee or another person on School property, or at School-sponsored events. The term “assault” as used in this policy shall mean not only a violent physical or verbal attack, but shall also include the concepts of legal battery, legal assault, and intentional infliction of severe mental or emotional distress.

No employee shall, while on duty, physically or verbally assault any other person. However, an on-duty employee is permitted to use reasonable force to repel a physical assault upon himself or a physical assault on another person. No verbal statements justify use of force. If an on-duty employee is threatened with an assault upon him/her or another and has a reasonable method of retreating or causing the other to retreat so as to avoid the assault, the employee shall retreat or cause the other to retreat.

Violent and Aggressive Conduct by School Employee

Violence or violent conduct by employees is inconsistent with the School's mission of instilling respect, self-control, and personal discipline in our students and is prohibited. The effective operation of the NMSA High School requires that employees strictly avoid subjecting other employees or non-student third persons to violence, the threat of violence, other forms of physical harassment, or intimidation.

Violent conduct by employees is prohibited, including, but not limited to, the following:

- Any form of physical violence, as defined herein;
- Intimidation, harassment, or any threat of physical violence, communicated by words or conduct;
- Possession of a weapon.

Violence Toward Students

The NMSA High School Governing Council's prohibition of employee violence toward students is set forth in its policy on Corporal Punishment. Instances of employee violence toward students shall be addressed according to the terms of that policy.

Physical Violence Violation

An employee who is found to have violated this policy shall be subject to discipline, which may include suspension, discharge or termination for any violation.

Physical Violence Reporting (Addendum3- Confidential Incident Reporting Form)

All School personnel shall report to the Head of School any information concerning incidents of physical violence within 24 hours of receiving the information or observing the incident. The Head of School will request a written statement from the Employee. The Head of School shall investigate the report and take or direct appropriate action.

A Report stating the outcome of the investigation will be created and kept on file. In the event the employee implicated by the information is the Head of School, then such report shall be made to the Governing Council Chair as soon as possible but not more than 24 hours after the information is received.

SUBSTITUTE TEACHERS

The Head of School or designee shall maintain an active list of persons approved and licensed by the State Department of Education to act as substitute teachers. Only persons on this approved list or persons holding a New Mexico teaching license or persons assigned to the classroom in question as a student teacher, co-op student, or instructional assistant may be employed as substitutes. The Head of School is directed to establish administrative procedures that will enhance the School's ability to maintain the best possible roster of substitutes.

At minimum, all applicants for initial substitute teacher licensure shall have attained twenty-one (21) years of age and have earned a high school diploma or high school diploma equivalency.

In the event that no substitute can be found on a particular day, or for a particular class period, a School administrator may:

- Divide a class of students among several teachers,
- Request teachers to substitute during their preparation period,
- Assign a classroom (not Special Education or Title I) instructional assistant who is assigned to a regular classroom.

The Head of School or designee shall develop and implement administrative procedures necessary to effectively employ, assign, monitor, evaluate, compensate and retain highly qualified substitute teachers for the School. Records will be kept by the Head of School or designee of substitute applicants' ability to perform services, meet minimum performance and initial certification requirements, and meet continuing certification requirements as set forth below.

Any person seeking to perform services as a substitute teacher in the School must hold a license authorizing that person to perform the duties of a substitute teacher. Substitute teacher certificates shall be issued by the Public Education Department to persons who, at a minimum, meet the requirements delineated by the New Mexico Public Education Department (NMPED).

Background Checks for Substitute Teachers

As a condition of employment as a substitute teacher at NMSA High School, all applicants for such initial certification shall submit to a fingerprint-based background check paid for by the applicant.

[Reference: NMSA 1978, 22-13-14]

WORKPLACE CONDITIONS

School Office Hours and Annual Calendar

The main office of NMSA High School is staffed from 8:00 am to 5:00 pm, Monday through Friday. The office is closed on all major holidays. During winter, spring and summer break, office hours may be limited. Call 505-310-4194 for the exact hours of operation during these times. Between December 25th and January 1st, the School will not be open for business.

It is mandatory that each Staff Member signs in and out at the Lobby when entering or exiting the building.

For a complete listing of all school events, please refer to the NMSA High School website at:

www.nmschoolforthehearts.org

Teacher Work Day Defined

An academic teacher's work day begins at 8:00 and ends at 3:30 for all contracted days, including in-service days.

School Closings Caused by Emergency

At times, emergencies such as severe weather or power failures can disrupt School operations. In extreme cases, these circumstances may require closing the School or delaying the start time. For the protection of students and employees, a snow day or delay is called when it is unsafe to travel. Pay for employees is not docked when the School is closed or a delay is called for employees otherwise scheduled to work. Individuals who are not scheduled to work or who are off work due to sickness or vacation are not affected by emergency closures or delays.

NMSA High School administrative staff will make every attempt to update the School's website with closure information as well as broadcast a voicemail message to all school staff.

Smoke Free Environment

NMSA High School is smoke free. The use of tobacco products by employees and any other persons is forbidden in school buildings, on school property, in any school-owned vehicle or in any vehicle used to transport students.

Meetings

All staff is expected to attend bi-weekly meetings. In an effort to continuously improve the learning culture within the school, all teaching staff are expected to attend staff development meetings, and, upon request, student assistant team and IEP meetings. Academic Staff are expected to attend weekly meetings. Art Chairs are expected to attend weekly meetings.

Emergency Drills and Safety

NMSA High School shall conduct regular emergency drills for evacuation, shelter-in-place, and lockdown throughout the year. It is the responsibility of the Head of School or designee to schedule the drills. It is the responsibility of the School Secretary to report the drills according to PED guidelines.

It is the responsibility of all staff to know procedures for each drill and to prepare their students well in case of actual emergency. It is also the responsibility of all staff to uphold rules that promote a safe learning environment. In addition, you may be assigned monitoring duties that will not conflict with your teaching schedule.

Travel Reimbursement

The Head of School shall approve reimbursable travel for employees.

Approved travel shall be reimbursed by mileage and actual expenditure amounts allowed under NMSA's travel reimbursement policy, New Mexico statute or regulation, except when lesser payments are agreed to by the employee(s) and the Head of School. Reimbursement for travel on public conveyance shall be at the most economical rate.

An orange Requisition must be completed and approved prior to travel. Upon completion of your trip/training, complete a lavender Request for Reimbursement and have it approved. Sales tax cannot be reimbursed.

Purchase Orders and Reimbursements

By law NMSA High School cannot reimburse staff for an expenditure incurred after the fact. This means that NMSA High School cannot reimburse after a purchase is made. Every purchase has to be approved with an issued purchase order before it occurs. This includes travel reimbursement. A purchase requisition needs to be completed and submitted to the Head of School for approval. If approved, a Purchase Order is generated and then the order for the resource is placed. Upon receipt of the resource and invoice, payment is made to the vendor. In the case of travel expenses, upon the completion of travel a lavender Travel Reimbursement form must be submitted to the Head of School for approval in order to receive reimbursement.

VEHICLE USE

NMSA High School teachers and staff are expressly prohibited from driving children to or from the NMSA High School, NMSA Art Institute or any school-sponsored events.

Personal vehicles used for NMSA High School business must be driven responsibly and safely. Exceeding the posted speed limits or violating any other applicable laws is prohibited. Observance of all traffic laws is required. NMSA High School is not responsible for and will not pay fines or defend drivers in court for traffic violations whether they occur while on NMSA High School business or not. All traffic citations are the responsibility of the driver.

Operation of personal vehicles used for NMSA High School business under the influence of illegal drugs or alcohol is prohibited. Violation of this rule may also result in disciplinary action up to and including termination.

INTERNET/TECHNOLOGY/EQUIPMENT RULES

Internet Acceptable Use Policy

Internet access is available to students and staff at NMSA High School. The Governing Council believes the Internet offers vast, diverse and unique resources to both students and staff. The Governing Council's goal in offering this service is to promote educational excellence by facilitating resource-

sharing, communication, and providing students with access to the latest educational technology opportunities.

Along with access to libraries, computers, and people all over the world comes the availability of material that may not be considered of educational value in a school setting. The Governing Council firmly believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the School. Precautions have been taken to restrict access to controversial materials by teaching students about responsible use and by installing software that is available to block access to inappropriate materials. Internet access involves:

- Electronic mail
- Library access
- Access to local area and wide area networks
- World Wide Web

The purpose of Internet access is to support curriculum objectives, which include core academic and art curriculum subject areas, library and information literacy skills, technology literacy skills, and community collaboration and interaction. Staff and student use of the Internet will be limited to achievement of those objectives and the educational objectives of the School. The use of the School's Internet access is a privilege and not a right. Inappropriate use of these privileges by staff will result in a cancellation of those privileges and possible disciplinary action.

Staff should be aware that all email communications are the property of the school and privacy should not be expected.

Technology and Equipment Use/ Electronic Systems and Electronic Communications

The proper use of school technology and other equipment is primarily for school activities.

NMSA High School provides employees with access to and use of NMSA High School owned, borrowed, donated or rented electronic communications equipment (e.g., PDAs, cell phones, computers, laptops), hardware, software, and systems (collectively "electronic systems") that enable the receipt and transmission of electronic communications (e.g., voice mail, electronic mail (e-mail), facsimiles (collectively "electronic communications") to assist employees in carrying out their NMSA High School work duties and responsibilities. NMSA High School established this policy to ensure the proper use of electronic systems and electronic communications and to explain the rules regarding their proper use by employees.

NMSA High School Ownership and Access of Electronic Systems

NMSA High School owns and/or has the right to all of its electronic systems. Except as specifically permitted by this policy, the electronic systems are to be used for conducting the business of NMSA High School. Use of electronic systems for personal purposes or to conduct any non-NMSA High School business should be limited.

NMSA High School owns and has the right to at any time intercept, enter, search, review, monitor, print, disclose, distribute and/or publish all electronic communications created, sent, received, accessed, stored, or otherwise transmitted through its electronic systems.

ITS Use

No software, hardware, or other equipment may be used on or in conjunction with NMSA High School electronic systems unless it has been approved by the IT Manager, and registered, and installed by the IT Staff.

Compliance with Software License Agreements

In order to comply with applicable software licenses, NMSA High School prohibits non-IT employees from: (i) sharing any software with any other employee or non-employee; (ii) removing software from one piece of equipment and installing it onto another, (iii) duplicating any software or documentation; and (iv) installing any software on a portable or home computer.

Proper and Professional Use of Electronic Systems and Electronic Communications

NMSA High School electronic systems are generally assigned to individual employees, who are then responsible for ensuring they are used properly and in compliance with NMSA High School policy. Personal computers may not be used by any person other than the employee to whom it was assigned or issued unless otherwise authorized by the IT Manager.

Employees are prohibited from disclosing their passwords and from using someone else's password, accessing a file or retrieving any stored information in restricted areas, unless authorized to do so.

Employees are responsible for: (i) ensuring that anti-virus software is kept running at all times on computers and PDAs assigned to them; (ii) exiting all programs before turning off computers and PDAs assigned to them; and (iii) logging off the NMSA High School network before leaving their assigned electronic systems overnight or for an extended period of time.

All electronic communications by NSMA employees should be courteous and professional and should not contain any statement(s) that would be contrary to NMSA High School or its constituents (both internal and external).

Creating, forwarding, or otherwise sending electronic communications containing abusive, obscene or other language or information that is contrary to any NMSA High School policy (e.g., Anti-Harassment Policy) is prohibited. Employees are also prohibited from sending "Broadcast" e-mails, i.e., e-mails sent NMSA High School -wide. NMSA High School -wide e-mail that are not related to school events should be submitted to the Head of School for review, approval and distribution.

Improper Use of Electronic Systems and Electronic Communications

NMSA High School prohibits the use of its electronic systems for any transmission (including but not limited to uploading, downloading, copying, transmitting, sending or receiving) of or related to:

- Illegal activities;
- Pirating, stealing or other improper use of copyrighted or patented materials, including but not limited to any software program, computer games, music or passwords for which the user is not authorized, or characters or graphic designs for screen savers or other purposes, except as authorized by the copyright owner;
- Confidential trade-secret or business-proprietary information owned by NMSA High School, except as authorized by NMSA High School;
- Confidential trade-secret or business-proprietary information owned by any other party except as specifically authorized by such party;
- Confidential NMSA High School, employee, or donor information, except as authorized;
- Any solicitation on behalf of an outside business venture, charity or political, religious or other cause, except where expressly authorized in advance by NMSA High School management pursuant to NMSA High Schools' current policies on solicitation and distribution activities;
- Creating, sending or receiving of chain letters, multiple-forwarded jokes, or excessive or inappropriate personal messages;
- Accessing, receiving, sending, viewing or exchanging pornographic, obscene or sexually explicit materials;
- Communications of content that a reasonable person would consider threatening, unprofessional, defamatory, offensive, abusive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone

on the basis of race, age, sex, gender identity, sexual orientation, national origin, religion, political beliefs, disability or other protected group status;

- Participation in news groups or chat sessions, unless expressly authorized in advance by NMSA High School;
- Sending anonymous e-mail or facsimile messages or opening attachments from unsolicited e-mail messages (which may contain viruses);
- Using non-standard third-party software without authorization of NMSA High Schools' Business department;
- Using NMSA High School's electronic communications for any other conduct that is contrary to NMSA High Schools' business interests.

Employees are also prohibited from visiting sites containing pornographic or sexually explicit material.

Social Networking Websites

NMSA High School strongly advises against the use of personal social networking websites as a means of contacting students. For liability reasons, social networking websites (Facebook, MySpace, YouTube etc.) should not be utilized as a means of communication between students and staff/teachers or managers and their direct-reports. Please do not post pictures, videos or any other NMSA High School related material without the Head of School's approval. All postings to the NMSA High School Facebook page should be done through the NMSA -Art Institute's Development Office. Abuse of this policy may be grounds for disciplinary action, up to and including suspension, discharge or termination. If you have questions regarding this policy please see the Head of School.

Security of Electronic Communications

Employees are responsible for protecting the confidentiality and security of all electronic communications and must prevent access to and use of electronic communications by any unauthorized individual or entity. Employees are prohibited from retrieving or reading any electronic communications intended for someone else.

Confidential or sensitive information should not be sent through electronic communications, and specifically not across the Internet or by facsimile, without first making specific arrangements for their secure receipt.

Electronic Communications Retention Policy

NMSA High School backs up all files on the server, including emails, on a weekly basis. To ensure compliance and accuracy, NMSA High School requires all business-related electronic data to be either saved on the network server or saved locally on a bi-weekly basis. Old emails must be archived on a bi-weekly basis. Employees are prohibited from formatting the hard drive of their local computer or otherwise deleting NMSA High School data.

Cellular Phones

In rare instances, cellular phones may be issued to employees who have extended hours and responsibilities for the purpose of conducting NMSA High School business. Cellular phones and equipment are issued by the Business Manager, upon approval by the Head of School.

Personal Calls on School-issued Cellular Phones

The use of NMSA High School cellular equipment to make or receive personal calls is discouraged except in an emergency situation. Employees must realize that although personal calls made within the local calling region and under the usage limits provided by the employee's plan do not result in additional charges, they do count toward the overall time limits established under the service agreement. Any

verage, long distance, roaming or other charges realized by the employee for personal calls shall be the responsibility of the employee and must be reimbursed by the employee.

POTENTIAL CONFLICT OF INTEREST

Each employee of NMSA High School is in fact an employee of the State of New Mexico, responsive to the people or taxpayers of the state. As such, each employee will refrain from activities, employment, and business transactions which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of the School.

Employees are prohibited from using confidential information acquired by virtue of their association with the School for their individual or another's private gain.

[Reference: NMSA 1978, 22-21-1]

Soliciting and Selling by Employees

Employees are prohibited from soliciting from children on School premises during School hours.

School employees are prohibited from conducting any business transactions for political campaigns or candidates or for personal profit during School hours and on School premises.

School employees engaged in the sale of raffle tickets or other items for support of student-related organizations shall do so in a manner and time that will not interfere with the proper conduct of any School function or interfere with a School employee's effective performance of duties.

The Head of School must be advised in advance of all fundraising activities. Any proposed fundraising activity must have the approval of the Head of School prior to scheduling or planning such activity.

Tutoring of Students

The NMSA Governing Council believes that by maintaining an instructional staff of high quality and providing for a rich and varied curriculum the need for individual tutoring is minimized.

When paid tutoring of a student is deemed necessary, a tutor who is not employed by the school is strongly advised. If no outside tutor is available and a school employee is hired by a family to provide tutoring, such tutoring will be conducted outside the employee's regular work hours. Such paid tutoring is to be arranged between families and the staff, but should be set up with the knowledge of the Instructional Support Specialist. If the tutoring is taking place on the NMSA High School campus, the time and the location for this tutoring must be approved by the Principal (AKA Superintendent.)

Gifts and Gratuities

Individual employees shall neither solicit nor accept personal gratuities, favors or anything of monetary value from contractors as merchants with whom the NMSA High School is doing business or who are attempting to sell goods or services to the School.

Individual employees shall not request, receive, or accept a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees.

Business with school suppliers will not be influenced or appear to be influenced by an employee's financial interest.

This policy does not preclude acceptance of food or drinks of a social nature or participation in a social event.

Political Activities by Employees and Others

Employees seeking political office, as well as other candidates, are prohibited from conducting campaign activities during regular working hours on School premises. Under no circumstances will a candidate be permitted to use students during School hours in any campaign activity. Similarly, candidates are prohibited from using School machines or materials to produce campaign literature.

Those persons, including employees, seeking to promote themselves or another candidate for elected office are to observe the following:

All employees:

- Are encouraged to register and vote,
- Have a right to express their opinions on all political subjects and candidates,
- May serve as convention delegates,
- May attend political rallies,
- May serve as an elected official, provided the employee is on authorized leave; and
- May be a member of a local Council, which shall not be construed to be either holding political office or being an officer of a political organization provided the employee is on authorized leave as necessary.

All employees shall observe the following:

- May not engage in political activity during contract hours to include signing nominating petitions and making voluntary contributions to political organizations,
- No employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose,
- No employee shall directly or indirectly coerce, attempt to coerce command or advise an employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purpose. This includes threatening to make employment decisions regarding hiring, promotion, transfer, training, compensation, benefits or any other employee programs, based upon an employee's choice of candidate in an election.
- No employee or other person shall place campaign literature in faculty or staff mailboxes or distribute such literature in classrooms.

Candidates, if invited by an employee group, will be permitted to address the employee group after School hours. Attendance for employees will not be mandatory. Otherwise, no campaigning will be allowed in the buildings. Candidates, if invited by the teacher and approved by the Principal, are allowed to the classroom for educational purposes. No visits to classrooms or lounges for campaigning purposes will be permitted if it interferes with instructional time or is unwanted.

Students are not to be asked to take home campaign literature for individual candidates.

Employees may not use the School's electronic mail (email) service to distribute political activity communications. School telephones will not be used to engage in political activity and will be left free for School business.

Bumper stickers affixed to personal vehicles will be allowed. However, campaign buttons or the like will not be worn during School hours.

Sale of tickets for campaign fundraisers will not be permitted on School premises during contract hours.

The Hatch Act and New Mexico State Statutes

Employees who are covered by the provisions of the Hatch Act may be candidates in nonpartisan elections, if upon filing or accepting the nomination and during the entire campaign the employee is on authorized leave. These employees may not be candidates in partisan elections. Employees not covered by provisions of the Hatch Act may be candidates for any public office, if upon filing or accepting the nomination and during the entire campaign, the employee is on authorized leave. In accordance with the provisions of Section 10-9-21(B) NMSA 1978, being a member of another local School Council or community college board shall not be construed to be holding political office.

Employee/Immediate Family Members Doing Business with the School

Pursuant to the provisions of the Procurement Code and the Public School Code, no NMSA High School employee or member of the employee's immediate family (as defined in NMSA 1978, Section 13-1-62)

shall directly or indirectly sell or be a party to any transaction to sell any instructional material, furniture, equipment, insurance, school supplies, or work under contract to the School when the employee or member of the employee's immediate family has a financial interest in the transaction.

No employee of the NMSA High School shall receive any commission or profit from the solicitation or sale of investment securities or insurance to any other employee under their supervision.

The provisions of this policy shall not apply to any employee making a sale in the regular course of the employee's business when the sale is in compliance with all applicable provisions of the Procurement Code.

The Governing Council reserves the right to grant a waiver of unlawful employee participation in a procurement process, pursuant to Section 163 of the Procurement Code (NMSA 1978, Section 13-1-190), upon making the following findings:

The contemporaneous employment or financial interest of the employee has been publicly disclosed.

The employee will be able to perform the procurement functions without actual or apparent bias or favoritism; and the employee participation is in the best interest of the High School.

In the event that the Governing Council determines that it is in the best interest of the School to waive unlawful employee participation, an affidavit stating the terms of the waiver have been complied with shall be completed by the participating employee(s) and appropriate School official(s) and remain on file in the School's business office and in the procurement file for the applicable transaction.

The term "employee" for purposes of these procurement provisions, includes all persons receiving a salary, wages or per diem and mileage from a state agency or local public body whether elected or not and any non-compensated individual performing personal services as an elected or appointed official or otherwise for a state agency or a local public body.

Disclosure of Employee Names

Pursuant to State Regulation 93-17, no School employee, Governing Council member or School volunteer shall see or use employee lists or disclose the name of any employee for the purpose of marketing goods or services directly to employees or their families by means of telephone or mail.

The exceptions to this policy are when an employee authorizes the name release for any of the following legitimate educational purposes:

- Regionally accredited colleges and universities
- Accredited post-secondary and vocational educational entities
- Accredited public educational entities providing adult basic educational opportunities
- Educational entities offering continuing education opportunities for licensed and/or non-licensed faculty and staff
- Educational entities offering tour/travel opportunities which result in educational credits through a regionally accredited college or university, or an accredited post-secondary or vocational School
- The Armed Forces of the United States offering educational programs and/or opportunities within the military

Additionally, the Governing Council authorizes, upon request, release of employee names to the exclusive representative(s) of employees.

[Reference: NM State Regulation 93-17]

Personnel Assignments

No employee of NMSA High School shall be assigned a position or job classification in which the immediate supervisor is the spouse, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law of the assigned employee. As used herein, "immediate supervisor" shall include the Head of School or administrative unit to which the employee is assigned or any other person responsible for the assigned employee.

HOLIDAYS, SCHOOL CLOSURES, AND LEAVES FROM DUTY

Holidays are as follows:

- New Year's Day Observed – may be included in Winter Break
- Martin Luther King Day Observed
- President's Day Observed
- Spring Break - one week as scheduled in the school calendar
- Friday before Easter (if the Friday before Easter is included in Spring Break, then an alternative holiday will be adopted for that year only)
- Memorial Day Observed
- Summer Break - three weeks during June and/or July, inclusive of Independence Day, as scheduled by the Head of School – flexibility around those days is contingent upon job requirement, school needs, and Head of School approval - applies to 12-month employees
- Labor Day Observed
- Thanksgiving Week
- Winter Break - two weeks, inclusive of Christmas Day, as scheduled in the school calendar

Types of Leave

The NMSA High School Governing Council provides authorized leaves from duty as follows:

- Annual Leave – 10- and 11-month employees
- Annual Leave - 12-month employees
- Bereavement Leave
- Funeral Leave
- Professional Leave
- Jury Duty/Subpoena Leave
- Military Leave
- Sabbatical
- Extended Leave

All leaves, with or without pay, require advance approval except in emergency situations. Full pay may be deducted from an employee's salary for each unauthorized absence or for any absence not meeting the criteria specified in this handbook covering the leave for which the absence was authorized. A leave form (Addendum 5) should be completed prior to an employee's absence from school except in the case of an emergency. In case of an emergency, the leave form should be completed upon the employee's return to School within two (2) days.

The following paragraphs apply in all cases unless specifically modified in the individual leave policies.

An employee granted leave of absence will be returned whenever possible to the same position. Except in cases of extended illness of the certified/licensed employee or his/her immediate family, proposed termination of leave of absence must be determined at the time the leave is granted. Date of expected return must coincide with the beginning of a semester unless other arrangements have been made. Failure of a certified/licensed employee to present himself/herself for duty upon expiration of a leave of absence relieves the School of its responsibility for reemployment, unless an extension is requested and granted.

No leave shall be granted which exceeds a twelve-month period unless an extension is granted by the Governing Council.

Employees on unpaid leave of more than one month of consecutive work-days may continue group insurance by timely payment of the full premium, with no NMSA High School contribution. Employees will not accrue leave or other benefits during any leave without pay.

Annual Leave – 10- and 11-month Employees

10- and 11-month employees accrue eight (8) days of annual leave each school year and may use their yearly allowed days of leave without loss of pay each school year for sickness or personal matters. A day of leave, regardless of FTE, is defined as a regular work day. Notice to the Head of School that annual leave is to be taken will be given at least five (5) days before taking such leave (except in cases of emergency or unforeseen illness). The employee is not required to state the reason for taking such leave and his/her signature on the Leave form will attest that the leave is being taken under the conditions stated above.

Leave accrual applies only to a regular contract assignment. For example, summer school teaching is not part of a regular contract and is therefore not covered by the annual leave policy.

No more than five (5) days of unused leave may be accrued (rolled over) to the following year.

Accrued leave is **not payable** upon termination.

Employees on Extended Leave are required to use their accrued personal leave. Employees on Workers Compensation Leave are required to use their accrued personal leave to make up the difference between their Workers Compensation benefit and their regular rate of pay.

In the event that an employee terminates employment prior to completion of a contract, annual leave shall be prorated. If the terminating employee has used more leave than has been earned, the adjustment shall be deducted from the final payment due the employee. If the continuing employee uses more days than those to which he/she is entitled for the contract year, payroll deduction for those days in excess of those allowed will begin the following pay period.

Regular school term employees (10- and 11-month employees) will follow the same holiday schedule as all students.

Annual Leave - 12-month Employees

12-month employees accrue eight (8) days of annual leave each school year and may use their yearly allowed days of leave without loss of pay each school year for sickness or personal matters. A day of leave, regardless of FTE, is defined as a regular work day.

Employees hired on or before December 31st of any given year receive 8 days of annual leave. Those hired on January 1st or later receive 4 days of annual leave. No more than five (5) days of unused leave may be accrued (rolled over) to the following year.

The following provisions apply;

- Annual leave shall not accrue to any employee while on a leave without pay status.
- Authorization from the employee's supervisor must be granted in writing at least five (5) days prior to taking leave, and only for such times as will least interfere with the efficient operation of the School (except in cases of emergency). The employee is not required to state the reason for taking such leave and his/her signature on the Leave form will attest that the leave is being taken under the conditions stated above.
- Employees absent without prior authorization may be subject to deduction from annual leave or salary, suspension without pay or disciplinary action including suspension, dismissal or termination from the system. Annual leave is awarded at the beginning of each fiscal year unless a new employee is hired after January 1st of any given year.
- Annual leave shall not be granted to temporary agency or part-time (under one-half FTE) employees.
- No more than five (5) days of unused leave may be accrued (rolled over) to the following year unless approved by the Head of School. In the case of the Head of School, no more than five (5) days of

unused leave may be accrued (rolled over) to the following year unless approved by the Governing Council, Chair. Leave in excess of five (5) days will be taken at no later than five (5) days before the start of the school year.

* Accrued leave is not payable upon termination. In the event that an employee's at-will employment terminates for any reason, annual leave shall be prorated from the above leave schedule. If the terminating employee has used more leave than has been earned, the adjustment shall be deducted from the final payment due the employee. If the continuing employee uses more days than those to which he/she is entitled for the school year, payroll deduction for those days in excess of those allowed will begin the following pay period.

- Employees on Workers Compensation Leave are required to use their accrued personal leave to make up the difference between their Workers Compensation benefit and their regular rate of pay.
- Employees on Extended Leave are required to use their accrued personal leave.

Bereavement Leave

In the case of death in the immediate family during a period of employment, the employee shall be allowed leave with full pay for up to three (3) working days immediately following the date of such death. The immediate family is defined to include: husband, wife, domestic partner, child, grandchild, parents, grandparents, sister, brother, mother and father in-law, and brother and sister in-law. If requested, two (2) additional days leave with pay may be granted when out of town travel is required. Additional days may be granted on a case by case basis by the Head of School.

Funeral Leave

Full time employees may take up to one day of leave with pay to attend funeral services of relatives other than those defined as immediate family in the bereavement leave policy.

Professional Leave

Leaves from duty without deduction may be granted or requested for professional conferences and training sessions and attendance at job-related meetings, conferences and training sessions or other activities which in the Head of School's judgment would be beneficial to the work of the employee or to the School as a whole. No more than 5 days of professional leave may be taken in a school year. It is at the Head of School's discretion to grant additional days for professional leave.

Jury Duty/Court Subpoena Leave

An employee receiving a Court summons for jury duty or a Court issued subpoena will be released from work in accordance with state and federal law. Employees receiving a subpoena to testify will be released on leave without pay (unless the employee elects to use Personal Leave) except in the case where said subpoena concerns matters related to School business. Leave with pay will be granted when an employee is subpoenaed to appear in an official proceeding, if such proceeding does not involve self-employment or other employer and does not concern the employee's own personal affairs.

Leave with pay will be granted to an employee for appearance in court as a witness, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the involvement or misconduct of the employee. Employees are not required to accept paid time off for witness/court duty. However, employees who take leave with pay in order to serve as a witness or juror must provide any reimbursement they receive for their service to the School.

An employee who is served with a subpoena should show it to the Head of School immediately after it is received so that staffing can be adjusted, where necessary, to accommodate the employee's absence.

The employee is expected to report for work whenever the court schedule permits.

Employee must present his or her supervisor with a copy of summons/subpoena in advance of the leave.

Military Leave

An employee, who is a member of an organized unit of the National Guard, or a reserve unit of any of the military branches, when ordered to active duty training with such organized units, shall be given military leave with pay not to exceed fifteen (15) days annually.

Such leave is to be in addition to other leave or vacation time to which the employee is otherwise entitled. Such leave also provides fifteen days' pay for what would otherwise be unpaid Extended Leave for eligible employees.

Any employee who is drafted or called into duty by the armed forces of the United States shall be considered as on leave without pay, eligible for return to duty as provided by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301-4333.

Sabbatical Leave

Sabbatical leave is available to staff who have taught for seven consecutive years at High School without pay for up to one year.

Sabbatical leave may be granted only upon the presentation of a full program of study or travel and approval by the Governing Council (with input from the Head of School) that the leave would be beneficial to the work of the employee, to the School or to the profession as a whole. Sabbatical leave is available for opportunities which enhance the teacher's ability to provide quality education for students or provide enhancement of the overall education community. Sabbatical leave is designed to allow faculty to take advantage of opportunities outside of the traditional classroom rubric. Staff must apply for sabbatical leave no later than March 1 of the year in which the leave is to begin. Staff returning from sabbatical leave will be returned to their previous position whenever possible.

Sabbatical leave is based on the ability of the School to hire a replacement teacher. Sabbatical approval may be withdrawn if no replacement is available.

Extended Leave

Extended Leave permits eligible employees to take up to ten (10) weeks of unpaid leave per year during any 12-month rolling period for reasons such as:

1. childbirth and infant care;
2. placement of a child with the employee for adoption or placement of a child with the employee by a state agency for foster care (entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child);
3. the care of the employee's spouse, son or daughter or parent with a serious health condition; and
4. the inability of the employee to perform his/her job duties due to his/her own serious health condition or the necessary absence from work of an employee to receive medically necessary treatment.

To be eligible for Extended Leave, you must have worked for NMSA High School a total of at least 10 months during which you worked at least 800 hours in the past 10 months. The 12-month period within which you may take ten (10) weeks of leave under Extended Leave will be a "rolling" 12-month period, measured backward from the first time you use Extended Leave. Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently.

The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's extended leave. Employees are required to give 30 days' notice, or as much notice as possible, when requesting this type of leave. Doctor's certification is necessary for approval in advance of the leave, in addition to providing a full release to return to work at full duty at the end of the leave. Please see the Business Manager for assistance with proper documentation.

Employees are required to use accrued PTO concurrent with the Extended Leave period. When PTO is substituted for unpaid Extended Leave, it will be counted against your 12-week Extended Leave entitlement.

Health benefits shall be continued throughout the approved Extended Leave period and the employee shall be reinstated to the same or similar job as they occupied prior to the leave at the same rate of pay upon their return to work.

GRIEVANCE PROCEDURE FOR EMPLOYEE

Purpose: the purpose of this grievance procedure is to resolve issues as quickly as possible at the lowest level in order to facilitate a timely resolution to issues that arise.

Definitions

Grievance: An action initiated by an employee when the employee believes there has been an alleged violation of terms and conditions of employment as identified in the NMSA Employee Handbook. Termination and discharge actions are not grievable actions; any appeal to such actions are prescribed by the New Mexico School Personnel Act, NMSA 1978, Sections 22-10A-1 et. seq. No action or claim of a violation of civil rights or a cause for a complaint under the Equal Employment Opportunities Commission (EEOC) constitutes a grievance under this policy.

Appeal: When the employee and supervisor are unable to resolve the grievance at the lowest level, an appeal to the next level may be filed.

Procedures

If an employee believes an action that violates the terms and conditions of employment has been taken by a supervisor, a written grievance may be given to the supervisor. The grievance shall contain all the facts of the grievable action, including an employee's requested remedy for the alleged violation. Employees may submit evidence which they believe supports their grievance.

The written grievance shall be submitted to the supervisor within three (3) working days of the occurrence of the incident or action being grieved. The immediate supervisor will have five (5) working days in which to meet with the employee and resolve the grievance. The resolution of the grievance shall be documented and written copies provided to the employee within five (5) days of the meeting between the supervisor and employee.

In the event the employee is not satisfied with the resolution, the employee may, within five (5) working days of receipt of the written resolution, request in writing a meeting with the Principal unless the Principal is the recipient of the grievance at which point the grievance goes to the Head of School. The Principal or Head of School will schedule a hearing within five (5) working days to review the grievance and attempt to resolve the issue. The Principal or Head of School will render a decision in writing in the matter within five (5) working days after the

If the employee is not satisfied with the resolution and the Head of School has not heard the grievance, the employee may within five (5) working days of receipt of the resolution submit an appeal to the Head of School. The Head of School shall schedule a hearing within five (5) working days to review the grievance and resolve the issue. The decision of the Head of School is final.

Throughout the Grievance process, all documentation related to the alleged grievance will be forwarded to appropriate individuals from one step to the next only if the grievance is appealed to the next level. Any and all decisions / resolutions to grievances shall be in writing and a file maintained in the office of the supervisor at which level the grievance is resolved. At no time will documentation of the grievance, decision or resolution be kept in the employee's personnel file.

NOTE: Discrimination : An action initiated by an employee when the employee believes there has been discrimination based on age, gender, sex, gender identity, sexual preference, sexual orientation, race, religious belief, color, creed, national origin, political affiliation, physical or mental handicap or any other area so classified under civil rights or executive orders related to discrimination may not be the subject of this grievance procedure.

BENEFITS

Procedure on Payroll Distribution

NMSA High School employees are paid twice a month, on the 15th and 30th of the month. If either falls on a weekend or holiday, payroll distribution occurs on the preceding business day. The second February pay distribution occurs on the last day of the month. If it falls on a weekend, payroll distribution occurs on the preceding business day.

Pay begins accruing after the employee's first day of work and will be paid semi-monthly. Dependent on where the employee's hire date falls within the payroll schedule, the first pay installment may not be the next normally scheduled installment. If the payroll dates fall on a weekend or holiday, pay day is the last business day prior to that date.

Employee Eligibility for Fringe Benefits

All full-time employees of NMSA High School are eligible for all benefits provided by statute or regulation and by the Governing Council. For the purposes of this policy "full-time" is defined as not less than twenty (20) hours weekly. Employees in any capacity working less than twenty (20) hours per week are ineligible for any medical/dental or other voluntary insurance coverage paid for in part or in whole by the Governing Council. Part-time employees will be provided any fringe benefit required by state or federal law or regulation.

Employees who work at least twenty (20) hours a week but less than full-time are eligible for all benefits provided by statute or regulation and by the Governing Council, including annual leave.

NMSA High School provides a Life Insurance Policy to all employees that work fifteen (15) or more hours per week.

Fringe Benefits

NMSA High School employees who are eligible may enroll, according to NMPSIA guidelines, in the following programs:

10 hours/week

Education Retirement Board (ERB)

15 hours/week

Education Retirement Board (ERB)

Basic Life Insurance

20 hours/week

Education Retirement Board (ERB)

Basic Life Insurance

Health insurance (shared cost with the School)

Life insurance (two options)

Long-term disability (shared cost with the School)

Dental coverage (shared cost with the School)

Vision coverage (shared cost with the School)

Financial Services Provided by Legacy Financial

TRAINING AND EXPERIENCE CREDIT

NMSA High School adheres to all guidelines mandated by the New Mexico Public Education Department (PED) regarding Training and Experience. Those guidelines are contained in the “Manual of Procedures for the Calculation of the Training and Experience Index”, and are published on the Public Education Department website. A copy may be requested from NMSA’s Business Manager.

In cases where specific contract issues have not been herein addressed, and which are mandated by Public Education Department procedures governing Training and Experience, guidelines to be followed are those contained in the “Manual of Procedures for the Calculation of the Training and Experience Index” published on the Public Education Department.

1. Documentation:

1.1. Training & Experience: It shall be the sole responsibility of the licensed staff member to obtain all official documentation required to confirm allowable training and experience for reporting purposes, as well as placement on the salary schedule. Required documentation is as follows:

- License: A valid, signed copy of a professional license issued by the New Mexico Public Education Department that is required for the work being performed.
- Training: An unopened, sealed official transcript from an accredited University or college examined by the Head of School or Designee for degree completion and additional credit hours completed.
- Experience: Written proof of relevant experience must be provided by previous employer(s) and received by the Head of School or Designee, either by mail or fax. This documentation is to be received directly from any previous employer(s). Verification of experience forms will be provided by NMSA to the employee upon request and must be used to be considered for experience credit.

2. Salary Schedule

2.1. Licensed school personnel shall be paid for each contract year in accordance with verified training and experience earned as of the first day of school of the same academic school year. Allowable training and experience shall be used to place the staff on the current year’s salary schedule. NMSA High School will adhere to all salary requirements required by statute and found in the School Personnel Act when establishing the current year’s salary schedule. The current year salary schedule is developed and approved by the NMSA Governing Council.

2.2. Salary increases for licensed teachers, counselors who are granted a high level of licensure after commencement of a school year shall be made retroactive to the beginning of the current school year only if the employee’s license is issued by the PED Licensure Bureau on or before September 30th of that school year. Employees whose license is issued by the PED Licensure Bureau after September 30th of that school year will receive a salary adjustment reflecting a higher level of licensure beginning the next school year.

2.3. Licensed teachers, counselors hired after the first day of the current school year and who submit their application and required documents to the PED Licensure Bureau within 6 weeks (42 calendar days) from the start date on the employee’s contract shall be placed on a higher salary level retroactive to the start date of their contract. Licensed employees hired after the first day of the current school year and whose applications and required documents are not received by the PED Licensure Bureau by the end of the 42nd day shall not be placed on a higher salary level until the following school year.

3. Forfeiture of Right to Compensation:

3.1. In accordance with the School Personnel Act, Section 22-10A-3C, NMSA 1978, a person performing the duties of a licensed school employee, other than a practice teacher as defined

- by rules of the New Mexico Public Education Department, “who does not hold a valid license or has not submitted a complete application for licensure or certification within the first three (3) months from beginning employment duties shall not be compensated thereafter for services rendered until he demonstrates that he holds a valid license or certificate.” Further, said employee’s compensation will be reduced to substitute salary, retroactive from the beginning of the contract period.
- 3.2. Employees who have not provided evidence of licensure or submitted a completed application for licensure and supporting documentation to the PED Licensure Bureau by the 42nd day, from the beginning date of the contract or September 30th, whichever is longer, shall not be paid salary or accrue leave or any other benefits during the period of non-compliance. NMSA High School reserved the right to cancel such employee’s contract and terminate such employee.
4. Deadline for Transcripts and Verifications of Prior Employment:
 - 4.1. Employees who earned training and experience prior to the first day of the current school year shall provide the Business Manager unopened, official transcripts and verifications of employment prior to September 30th of the current school year in order to receive salary credit in that school year.
 - 4.2. Employees hired after the first day of the school year shall be granted six weeks (42 calendar days) starting from the date of their contract to provide unopened, official transcripts and employment verification.
 - 4.3. Employees who fail to provide unopened, official transcripts and employment verifications by September 30th, or within six weeks (42 calendar days) for late hires, shall not receive salary credit until the following year. Compensation for that year shall be based on official transcripts, current license, and employment verifications on file in the employee’s personnel file on September 30th of the current school year.
 5. Experience Allowance:
 - 5.1. For purposes of experience credit on the salary schedule, full credit shall be granted to instructional staff for full-time equivalent years of experience in work-related fields to the maximum number of years designated on the salary schedule. This includes positions at higher education institutes, but not limited to:
 - College Professor or equivalent (can be referred to as “tutor” in some institutions)
 - Adjunct
 - Assistant Professor
 - Non-Credit Teacher (such as resource center teaching)
 - Graduate Instructional Assistant
 - Graduate Teaching Assistant
 - 5.2. For purposes of experience credit on the salary schedule, partial years of experience (based on a school year calendar) will be awarded as follows:
 - 95 days or less taught in a school year = no (0) credit
 - 96 days or more= full year of credit, or at least one more day than 50% of the teacher calendar days
 - 5.3. Credit for out-of-state experience will be based on full school calendar years relative to those states and credited in the same manner and percentages as above. Credit for experience will be allowed only if written verification of school accreditation is provided.
 - 5.4. Credit for experience in an instructionally-related position in a non-public school (independent/private) setting shall be based on full school calendar years and credited in the same manner and percentages as above. Credit for experience will be allowed only if written verification of school accreditation is provided.
 - 5.5. Credit for experience in an instructionally-related position in a non-school setting (corporate) will not be recognized for experience purposes.

- 5.6. Non-instructional licensed personnel shall be allowed credit for verified professional non-instructional experience related to the current assignment upon approval by the Head of School.
- 5.7. Previous work performed as a substitute, intern, or as a practice teacher before completion of a degree for licensure will not be accepted for credit as experience on the salary schedule.
- 5.8. Upon request, military service and U.S. Peace Corps service will be counted only when verified by the Head of School or designee as instructionally related.
- 5.9. Credit for prior experience must be verified in writing by the prior employer. NMSA High School reserves the right to confirm all employment verifications received by employees prior to credit being given on the salary schedule.
6. Training/Preparation Allowance for Licensed Instructional and instructional Support Staff:
 - 6.1. Credit for training on the salary schedule shall commence with the conferral of a Bachelor's Degree from an accredited college or university. Credit for completion of a Bachelor's degree shall be B.A./B.S. on the salary schedule.
 - 6.2. Only credit hours earned after the conferral of the Bachelor's Degree shall be allowed for placement beyond the Bachelor's Degree (BA + hrs) on the salary schedule. Credit for placement on the salary schedule beyond the Bachelor's Degree will be allowed for upper division (300+) or graduate courses directly related to an advanced degree plan. Employees shall obtain prior approval of courses from the Head of School or designee prior to credit being given for advancement on the salary schedule.
 - 6.3. Licensed instructional personnel or instructional support staff will not receive credit on the salary schedule beyond the B.A./B.S. +45 without conferral of a Master's Degree or Doctorate Degree from an accredited college or university. Advanced degrees must be in an academic discipline related to the subject being taught or in education. Credit for placement on the salary schedule will not be given for degrees earned that are not in an academic discipline.
 - 6.4. Upon completion of a Master's Degree, only credit hours earned after conferral of the Master's Degree (MA + hrs) shall be allowed for placement on the salary schedule. Credit for placement on the salary schedule beyond the Master's Degree will be allowed for upper-division (300+) or graduate courses directly related to the individual's current teaching assignment or licensure or courses directly related to an advanced degree plan. Advanced degrees must be in an academic discipline related to the subject being taught or in education. Employees shall obtain prior approval of course from the Head of School or designee prior to credit being given for advancement on the salary schedule.
 - 6.5. Licensed instructional personnel or instructional support staff will not receive credit on the salary schedule beyond the MA+45 without conferral of a Doctorate Degree from an accredited college or university.
 - 6.6. Continuing Education Credits will not be accepted as credit for an individual's advancement on the salary schedule. Continuing Education Credits do not enhance a district's Training and Experience, and will not be recognized for salary purposes.
 - 6.7. Credit for training/preparation must be in the form of unopened, official transcripts for an individual's placement on the salary schedule. NMSA High School reserves the right to confirm all transcripts and educational records prior to credit being given on the salary schedule.
 - 6.8. Credit for approved courses shall be allowed as follows:
 - Standard Semester Hours: one (1) credit is allowed for each semester hour earned.
 - Quarter Hours: two third (2/3) credit is allowed for each one (1) quarter hour earned.
 - Continuing education will not be accepted as credit for an individual's advancement on the salary schedule.

PERSONNEL REFERENCES

For legal reasons the Head of School is the only person authorized to write employment references. The individual employees of NMSA High School who wish to provide employment references or recommendations for current or former employees may not be in possession of all pertinent information regarding a current or former employee to provide a complete and fair employment reference or recommendation.

An individual employee of the School who provides a recommendation or reference for a current or former employee of the School may be mistakenly perceived as providing such reference or recommendation on behalf of NMSA High School. Limitations and conditions are required to prevent employment references or recommendations by individual employees from being attributed to the School when such references or recommendations have not been authorized by the School. Therefore, individual employees of NMSA High School can only write personal letters of recommendation.

INSURANCE AND INJURY

Worker's Compensation

NMSA High School maintains Workers' Compensation Insurance coverage for employees who sustain an injury or illness compensable under the New Mexico workers' compensation laws. High School pays the full cost of the workers' compensation insurance. All workers' compensation claims are subject to evaluation and investigation by the School and its insurance carrier. See Addendum 9 for the Worker's Compensation Policy.

DEFINITIONS

- A. "Certified/licensed School Employee" means a licensed teacher or instructional support provider.
- B. "Classified School Employee and or Educational Support Provider (ESP)" means a non New Mexico Public Education Department (PED) licensed employee but inclusive of PED Licensed Educational Paraprofessionals.
- C. "Licensed school employee" means teachers, school administrators and instructional support providers.
 - a) All certified/licensed personnel must hold a valid New Mexico license for their assigned position. The original must be presented to the Business Manager for verification. A photocopy of the original license will be made by the Business Manager and placed in the personnel file. It is the Employee's responsibility to secure the license(s) and to keep it valid.
 - b) B. Any employee teaching, supervising an instructional program, counseling or providing special instructional services in the School District, or any administrator administering in the School District without a valid certificate after the first 90 days of the school year or after initial employment shall thereafter forfeit all claim to compensation for services rendered. (NMSA 22-10-3)
- D. "Instructional Assistant" means a person who holds an instructional assistance license and whose primary duty is to (1) provide one-on-one tutoring; (2) assist with classroom management; (3) provide

instructional assistance in a computer laboratory; (4) provide instruction support services under the direct supervision of a teacher; or (5) provide any service to a special education student.

E. "Instructional support provider" means a person who is employed to support the instructional program of a school district, including Instructional Support Specialist, Evaluation Support Specialist, Curriculum Learning Specialist, educational assistant, librarian, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, interpreter for the deaf and diagnostician.

F. "Teacher" means a person who holds a level one, two or three-A license and whose primary duty is classroom instruction or the supervision, below the school principal level, of an instructional program.

G. "School employee" means both licensed and nonlicensed employees of the District.

H. "Head of School" means the chief instructional leader and administrative head of a public school.

I. "School Administrator" means a person licensed to administer in the District and includes Head of School, school principal and assistant principal.

J. "Substitute Teacher" means a person who holds a State-issued certificate/license to substitute for a teacher in the classroom.

ADDENDUMS

ADDENDUM 1 Standards of Professional Conduct

ADDENDUM 2 Educator's Code of Ethics

ADDENDUM 3 Confidential Incident Reporting Form which includes: Illegal or Improper Conduct, Student Suspected Use of Alcohol or Drugs, Acts of Violence and/or Vandalism to Property or Violent and Aggressive Conduct

ADDENDUM 4 CYFD Reporting Form

ADDENDUM 5 Leave Request Form

ADDENDUM 6 Threat to Self Reporting

ADDENDUM 7 Student Incident form to Report Behavior Problems

ADDENDUM 8 Bullying Complaint Form

ADDENDUM 9 Worker's Compensation Policy

New Mexico School for the Arts
Handbook Receipt and Acknowledgement

The Employee Handbook describes important information about NMSA High School and I understand that I should consult the Head of School or Business Manager regarding any questions not answered in the handbook.

Because the information and guidelines described in the Handbook are subject to change, I acknowledge that revisions to the handbook may occur from time to time.

I acknowledge that it is my personal responsibility to read and understand this Handbook fully upon receipt, and to comply with the information contained in this handbook and any future revisions made to it.

Employee Signature

Employee Name (printed)

Date