



FACULTY/STAFF HANDBOOK

2019-2020



The Floyd Municipal School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies.

Title IX Coordinator/504 Designee:
Superintendent-Damon Terry
PO Box 65
Floyd, NM 88118
575-478-2211

This handbook is for Floyd Municipal School Employees. Some items will apply to one or to all schools. Please use this handbook according to your school needs. You may copy them from the book or you may secure one from the front office. If you have questions, please do not hesitate to ask. You WILL save time and effort in the long run by doing so. **Remember that school board policy prevails over these guidelines.**

CLASSROOM TEACHER

ESSENTIAL FUNCTIONS

1. Support the philosophy, mission and goals of the Floyd Municipal School District.
2. Support the value of an education.
3. Utilize daily, short-cycle, and annual assessment data to drive instruction.
4. Facilitate the personal, social and intellectual development of students.
5. Establish a positive learning environment and respond to the individual needs of students, with appropriate instruction.
6. Communicate effectively with other Floyd Municipal School District staff, parents and students.
7. Communicate effectively with community organizations.
8. React to change productively.

GENERAL RESPONSIBILITIES

1. Motivate students through effective communication and appropriate feedback.
2. Demonstrate awareness for the needs of students and provide for individual difference.
3. Set high expectations for student achievement and behavior.
4. Be able to appropriately and effectively evaluate students.
5. Establish and maintain a positive climate conducive for learning through appropriate instruction.
6. Coordinate and supervise field trips, as appropriate.
7. Plan and implement effective lessons, using time, materials, and resources.
8. Teach state and local essential student competencies.

9. Display a thorough, comprehensive knowledge.
10. Demonstrate effective interpersonal relationships with others.
11. See that the District policies and building rules/regulations are observed during all activities.
12. Obtain advance approval from the Principal for new or unusual activities.
13. Adhere to all district health and safety policies, including all precautions of the Blood-borne Pathogens Exposure Control Plan.
14. Attend and assist as appropriate, school events such as musical programs, athletics, and student recognition ceremonies. Graduation attendance is mandatory.
15. Other duties as assigned by the Superintendent.

DAILY ACTIVITIES

Work Schedule

The TEACHER/AIDE workday will begin at 7:40 a.m. and continue until 4:00 in the afternoon. If you are assigned morning duty, you are responsible for being in your assigned area by 7:40 a.m. If you call in sick or take leave when you have morning duty, you are responsible for finding a replacement in a timely manner. Other employees will be given schedules according to job duties.

Pledge of Allegiance and Salute to the New Mexico Flag

The teacher is accountable for leading his/her second period class in the pledge and salute or must appoint a student to do so. **THIS IS A DAILY EXPECTATION....**



Professional Dress

As members of the education profession, you are expected to dress accordingly. Professional attire sends the message that the business of education is a serious business. **If you feel unsure or concerned about a particular choice, don't wear it.** Shorts, warm ups, tank tops, and wind suits are not acceptable professional dress unless you are teaching in the gymnasium or outside (P.E.). Oversized baggy clothes or tight form-hugging clothes are not acceptable. The length and fit of your garments should be reflective of the role modeling you exhibit as

a professional. This expectation applies to certified and non-certified staff. The principal will address issues of dress code with individual staff members, if the need arises. A committee of staff and faculty will develop a formally defined staff dress code if dress code becomes an issue.

Faculty Meetings

Faculty meetings will take place when necessary. Notice will be posted electronically and on the morning report. **No one is exempt from attending faculty meetings.** If you are on sick, personal, or professional leave the day of a faculty meeting, you are responsible for scheduling a meeting with the principal to review items missed.

Mail Boxes

Please clear your mailbox **each** day. Do not allow students to pick up your mail.

Bell Schedule

Middle School Bell Schedule

<u>REGULAR SCHEDULE</u>	<u>1 HOUR DELAY (M.S.)</u>	<u>2 HOUR DELAY (M.S.)</u>
7:55 A.M.- first bell	8:55 A.M.- first bell	9:55 A.M.- first bell
1 st 8:00 – 9:00	1 st 9:00- 9:50	1 st 10:10-10:40
2 nd 9:05 - 10:05	2 nd 9:55-10:45	2 nd 10:45-11:25
3 rd 10:10 - 11:10	3 rd 10:50-11:40	Lunch 11:30-
12:05 Lunch 11:15 - 11:40	Lunch 11:45-12:10	3 rd
12:10-12:50		
4 th 11:45 - 12:45	4 th 12:15-1:05	4 th 12:55- 1:35
5 th 12:50 - 1:50	5 th 1:10- 2:00	5 th 1:40- 2:20
6 th 1:55 - 2:50	6 th 2:05- 2:55	6 th 2:25- 3:05
7 th 2:55 - 3:50	7 th 3:00- 3:50	7 th 3:10- 3:50

High School Bell Schedule

<u>REGULAR SCHEDULE</u>	<u>1 HOUR DELAY (H.S.)</u>	<u>2 HOUR DELAY (H.S.)</u>
7:55 A.M.- first bell	8:55- first bell	9:55-first bell
1 st 8:00 - 9:00	1 st 9:00- 9:50	1 st 10:00-10:40
2 nd 9:05 - 10:05	2 nd 9:55-10:45	2 nd 10:45-11:25
3 rd 10:10 - 11:10	3 rd 10:50-11:40	3 rd 11:30-12:10
4 th 11:15 - 12:15	4 th 11:45-12:35	Lunch 12:15-
12:50 Lunch 12:20 - 12:45	Lunch 12:40- 1:05	4 th 12:55-
1:35		
5 th 12:50 - 1:50	5 th 1:10- 2:00	5 th 1:40- 2:20
6 th 1:55 - 2:50	6 th 2:05- 2:55	6 th 2:25- 3:05
7 th 2:55 - 3:50	7 th 3:00- 3:50	7 th 3:10- 3:50

Attendance Accounting

The TEACHER is responsible for taking accurate attendance in the school provided electronic program (Skyward). If a correction is necessary after inputting your class record, you must call the office (ext. 1000) with the correction or make it yourself THE SAME DAY/PERIOD. Your ability to maintain accurate attendance and tardy records is a direct reflection of your competence as a teacher. It is part of the Professional Competencies for the NMPED for certified staff and will be a part of your summative evaluation. It is also state statute that accurate attendance be tracked for reporting purposes both to the state and for CYFD in cases of educational neglect. You are expected to take roll every day, every class period, keep an accurate written record, and report it in a timely manner. The teacher should report the fourth and seventh absence to the principal.

Hall Passes

Students will be issued a hall pass ANY TIME they are to be out of your classroom FOR ANY REASON. Students out of class without a hall pass will be returned to the classroom immediately and the teacher notified that the student was out of their class without a hall pass.

Electronic Communication

The district-wide email system gives us the capability to improve our communication on a daily basis. Your email will be the primary means of daily/written communication. It is recommended that you check email periodically throughout the day, perhaps with an established time each day (early morning/late afternoon and Prep Period) to ensure the routine is set. Information such as field trip information, schedule changes, calendar information, and a variety of other reports will be sent electronically each day. Email accounts remain active in the summer time and will be utilized then, as well. If you do not have internet access at home, periodic phone calls to the school or to your principal will help you keep apprised of summer activity and back to school information.

Telephone/Computer

Teachers should avoid the use of the classroom phone during instructional time. Incoming calls will go to voice mail unless there is an emergency. Please answer all calls from the office. Teacher cell phones, while not prohibited, should not be displayed and/or used during instructional time. Phones should be placed on "vibrate" or "silent" so as not to disturb instructional time. **Never allow students to use the phone in your room. If a student must use the school phone system, you may send them to the office, though using the office phone during passing periods will be encouraged.**

Lunch Duty

All employees will have a thirty (30) minute "duty free" lunch period. Please remember that not being "on duty" does not relieve you of your responsibility for student discipline and order. For example, teachers should not hesitate to correct misbehavior and make office referrals if necessary.

Food and Refreshments

Food and drink must not distract from the educational process. Teachers may eat lunch in the school buildings. Students must eat in the cafeteria or in the concession area, if allowed by the duty teacher.

Morning Report

The Morning Report will be issued during the day to reflect absences and announcements. Each teacher will be given a morning report announcing the events of the day and near future. Please read it to your third period class. Students and sponsors depend on this source of information to pass along important reminders and deadlines. Teachers also have an information section in the report. The principal must approve all announcements. The deadline for placing an announcement in the bulletin is at 8:15 a.m. each morning. If you have issues with the morning report, please direct these issues immediately to the principal or to the school secretary to get clarification. Errors and omissions in the reports can be corrected or attended to with positive communication.

Monthly Calendar

A monthly calendar of events will be published on the school website. If you wish to place an item or event on the monthly calendar, please turn in your request to the principal via email or on paper. Teachers should use the monthly calendar as a source of reference in planning and organizing classroom instruction, activity planning, etc... If you have issues with the monthly calendar, please direct these issues immediately to the principal to get clarification. Errors and omissions in the calendar can be corrected or attended to with positive communication.

School Trips

Sponsors must propose all school trips in writing and obtain the principal's approval at a reasonable amount of time in advance of the activity. The principal will coordinate transportation and record such on the transportation calendar in the office break room. Driver fees are the responsibility of the organization involved in the field trip. Field trips will be limited and, of course, educational. Spring is always a popular field trip time, so plan accordingly. Any school vehicle that is used (bus, suburban, car, pick up) must be completely cleaned out before returning it. **Anyone who fails to do so will be**

charged a \$25.00 clean up fee. The sponsor is ultimately responsible for making sure the vehicle(s) is clean. If the vehicle is not clean when you borrow it, be sure to show the principal the problem. Otherwise the sponsor will be held accountable.

Keys

All vehicle keys must be signed out and returned immediately to the Administrative main office for each vehicle before and after each approved trip. An accompanying trip request form must be turned in when the keys are turned in, which reflects mileage before and after trip, as well as a school credit card return, if applicable. All room and building keys must be signed out at the beginning of each school year and returned or re-issued at the end of each school year. No key may be duplicated. Remember, you are personally responsible for the equipment in your room or equipment you check-out from school resources.

Textbooks

Check out each textbook to a student before it leaves your room. Keep a record of the number of the book and the name of the student. Be sure that **you write the student's name** in the book and that the condition of the book is noted. Students and parents will be charged a fee for lost or damaged books. **You are responsible for unaccounted books.**

Fund Raising Projects

All projects must receive **prior approval from the principal**. The procedure is:

1. Prepare a proposal requesting permission. State the purpose for which money is needed, the amount of money needed, and the means by which it will be raised.
2. The principal will evaluate the proposal and either approve, modify, or deny the request.
3. The project should have educational value and not create an unsafe or unhealthy condition for students.

A written authorization from the parent or guardian must be obtained prior to employing a student in a fund raising project. The sponsor for reference when needed shall keep the authorization. Distribution of merchandise to a student should be limited to \$25.00 at a time. Additional supplies may be distributed when the proceeds of prior distributions are returned.

Collecting Money from Students

Please keep a record of any money collected. **A receipt must be issued to each student and the money given to the business office secretary daily.** You shall receive a receipt for all money turned in. Never leave money in your room when you are not present. Never turn in money without

identifying which activity organization should be credited. **The class/activity sponsor is solely accountable for any funds collected.**

Donations of Class/School Funds

Periodically there are emergencies, tragedies, or general crises that occur in a school community. When this occurs, the school staff or students may want to collect donations or utilize collected funds to provide flowers or other form of condolence or encouragement. Sometimes, monetary donations are contemplated. **All sponsors are expected to teach fiscal responsibility when it comes to use of class funds. This includes teaching students that charitable acts impact amount of funds available. Giving "from the heart" is encouraged, but remind students that these decisions must be made with consideration to plans that the class may have had for funds being given away.**

Purchases

To purchase supplies and equipment, **you must submit a purchase order requisition to the principal.** The superintendent will give final approval. The business office will process all orders. Invoices must be signed and dated upon receipt of supplies. Give all signed invoice to the principal or send to the superintendent's office. **Requisitions must be approved prior to purchasing items. The district will not pay for your purchases unless this procedure is followed.** Planning ahead is imperative and, as professionals, 99% of the purchase orders requested can be completed well ahead of time so that there are no "last minute emergencies".

Shop Safety

Students will wear safety goggles at all times when they are using grinders, electric saws, and other similar equipment. No gasoline or paint will be stored in the shop area at any time. Gasoline or any other volatile materials will not be used for cleaning purposes in the shop area. Materials will be stored in a safe manner. The shop area (inside and outside) will be kept free from unnecessary and unsafe accumulation of materials, supplies, unused or leftover items, trash, (i.e., empty oil containers, used filters, etc.)

Custodial and Maintenance Services

We have a routine plan for meeting the standard needs for our buildings. Please complete a computerized "school dude" request on items that are non-emergency in nature such as changing a light bulb and general maintenance issues. Unless it is an emergency or a need that interferes with instruction at the moment, please do not ask for an immediate response from our physical plant staff. You can be self-sufficient on routine/non-emergency needs such as small spills during class. There are mops and brooms available in your area for "quick fixes". If you are not sure about completing a work order, please discuss this with your principal.

Care of Classrooms

Please decorate your classroom to promote pleasant learning conditions. Attractive, clever bulletin boards, prints, flowers, etc. are desirable additions to any room. Do not damage your room by marking or painting the walls, or by using staples or thumbtacks in the woodwork. Please store unused books, supplies, and equipment in cabinets or closets. **You are responsible for the condition of desks, books, and all other items inventoried to you. Encourage students to keep trash off the floor and out of the desks. School desktops are not to be used as chairs.** All students should be seated appropriately in school furniture. If you wish, you may allow students to sit on the floor, etc. for particular activities.

Supervision of Students

Every employee is responsible for supervising all students on campus during the school day and at school activities. In particular, the hallway near your room during passing time **is to be monitored each period**. Please make it a practice to stand in your classroom door during the changing of classes. Please stand in position that will enable you to see the students in your room and in the hallway. Please be alert to students who should be entering your class and direct them to do so. Most tardies can be eliminated if EACH OF YOU practice this supervisory skill. The Student Handbook states many behavioral expectations. An important teacher duty is enforcing guidelines (all of the guidelines, not just the ones with which you agree) stated in the Student Handbook. Students must be supervised at all times.

Classroom management begins the moment a student enters your room and all time and behavior must be accounted for. The standard is that instruction is to take place "from bell to bell". Passes must be issued in a judicious manner and only in the event of a true emergency. Given the value of instructional time and the high stakes of educational accountability, no student should be out of your room during instructional time unless it is unavoidable. Interruptions in the school day for various non-instructional activities will occur, therefore, all available instructional time, outside the various school activity interruptions, must be valued.

Time-on-task is one of the most consistently valid teacher-controlled variable affecting student achievement. Guard it as a precious commodity. Start class immediately after the bell sounds and continue until the dismissal bell sounds. Do not spend time calling roll. Have a seating chart and check it while students are busy with their work.

Handling Minor Discipline

There are many things a teacher can and must do for minor infractions. These include, but are not limited to: Student conferences, assign a detention period/time, call the parent, have a parent/student/teacher conference, change the seating assignment, and ask for a counselor referral. In the case of an severe infraction, fighting/cursing/drugs, etc., the student is to be immediately referred to the administrative office. NEVER SHOULD "I WILL SEND YOU TO THE OFFICE" BE USED AS A THREAT AS A TEACHER CONSEQUENCE". The principal is the last resort when you have exhausted your repertoire of management techniques and consequences. Once you make an office referral, the action decision is in the hands of the administration. Students must be supervised at all times. Leaving your classroom to run an errand or make copies is unacceptable. Take care of business, including class preparation, during your prep period, before school, or after school. The teacher can handle offenses, such as "dress code" quickly and efficiently. If the student refuses to cooperate with a reasonable request of the teacher for any minor offenses, the principal may become involved.

General Disciplinary Comments and Procedures (Referrals)

It is easier to prevent discipline problems than it is to deal with them. The suggestions on organization listed above should help prevent many problems. **Only severe or frequently repeated offenses warrant a trip to the principal's office.** Keep documentation in your files if a problem is recurrent. The documentation should include dates of phone calls or communication with parents regarding the problem. If a student commits an offense serious enough to be sent to the office, the student must bring a **discipline referral with him/her** which states the teacher's name, class period, date of offense, student's grade level, and **explain the offense.** Be sure to sign the bottom portion, and be prepared to conference with the student. If the offense is serious enough to warrant a discipline referral, it is serious enough to warrant your time at the conference concerning the problem during your prep period.

You should send students to the office only for acts that threaten the safety of others or for overt defiance of your authority. If you must send a student to the office, always follow-up to see if he or she actually made it there. **No administrative action will be taken unless you provide a Discipline Referral.** The referral must have all required information, or the student will be sent back for you to complete the information. You may use the office as a detention room to temporarily remove a student from class. This action must be coordinated with the office and should follow other efforts to convince the student to behave properly. Never send a student out of your room without explicit instructions about where to go and make sure that he or she goes there.

Visitors on Campus

All visitors must gain permission, through the office, to be on campus. Approved visitors will be issued a visitor pass to wear, therefore any non-student on campus without a pass is to be accompanied to the office immediately. Non-students on school property, who do not have permission from the office, are trespassing. The administration may call the police and file charges. Teachers are expected to ask visitors questions and be welcoming. If a pass is not visible, the visitor is to be directed to the office immediately.

Planning and Organization

A serious problem that prevents many students from achieving academic success is a lack of organizational skills. Teach these skills and insist that our students become better organized. The following guidelines will help you help them become better organized.

1. Model and teach Capturing Kid's Heart traits to students.
2. Notify parents as soon as assignments are not turned in, on a timely manner or turned in incomplete.
3. **Communicate regularly with parents.** Talk to parents often AND BEFORE a problem arises. Call to tell them good news as well as bad news. Encourage parents and students to take advantage of your voice mail and email for effective communication, in addition to regular phone calls and conferences. **A great rule-of-thumb is to have personal contact with each parent at a minimum of once per quarter.**

Student Absences and Make-up Work

Attendance laws require students to attend school until their eighteenth birthday or as otherwise provided by law (Compulsory School Attendance Law, NMSA 1978, Section 22-12-1 through 22-12-8 as amended). Persons subject to this law shall attend school according to the school year established by the school district. Responsibility for compliance with this law rests upon the parent or guardian. Law may excuse a person from this requirement if:

1. The person has graduated from a high school;
2. The person is at least eighteen years of age and has been excused by the local school board or its authorized representative upon a finding that the person will be employed in a gainful trade or occupation or engaged in an alternative form of education sufficient for the person's educational needs and the parent, guardian, or other person having custody and control consents;
3. With consent of the parent, guardian or person having custody and control of the person to be excused from the provisions of this section by the superintendent of schools of the school district in which the person is a resident and the person is under eighteen years of age; or the person is judged, based on standards and

procedures adopted by the PED, to be unable to benefit from instruction because of learning disabilities or mental, physical or emotional conditions.

The respective criteria for accepting make-up work are:

- (1) Work should be turned in before a school sponsored trip begins or immediately upon return. Extra time should only be granted in extreme cases and the parent has been notified that the child is given extra time. The parental contact provides opportunity to verify any excused instances which may warrant extra time.
- (2) You may grant up to the number of days absent to turn in missed work.

Please refer to board of education policy outlined in Section V for further clarification of student absence, tardy and make-up work policies or confer with your principal.

Perfect attendance for the year is recognized in the Annual Academic Awards Program and each student who qualifies receives recognition.

EMPLOYEE ABSENCES

Personal, Sick and Professional Leave

Refer to board of education policy manual. **REMEMBER: SICK LEAVE DAYS ARE INTENDED FOR MORE THAN CASUAL DISCOMFORT OR THE COMMON COLD! It is not expected that you will use all of the sick leave days allotted each year, which is why there is an accumulation opportunity to meet serious needs.**

Procedure for Planning Absence

Notify the principal of a planned absence as early as possible by submitting a leave form. Phone notification **must** be given before **6:30 a.m.** on the day of absence, preferably the evening before. YOUR SCHOOL CALENDAR MUST BE YOUR GUIDE WHEN SCHEDULING DOCTOR APPOINTMENTS AND OTHER PLANNED APPOINTMENTS. The administration may disapprove avoidable leave requests.

Responsibilities to Your Substitute

Be sure that all materials/lesson plans/absentee slips, etc. are easily located. Assist your substitute to do an effective job by providing a Substitute Teacher Folder that includes:

1. a period by period class schedule for each day

2. clearly stated daily lesson plans for each day
3. seating charts and grade book
4. all needed supplies and equipment
5. **meaningful assignments that will keep all students on-task for the entire period**
6. any needed keys
7. any necessary instructions for dealing with students who have special needs.
8. procedures for emergencies, freezes, and other drills.

All information, instructions, and supplies may be left with the school secretary. **Movies are not a substitute for teaching and also promote off-task behavior. Provide assignments that require the student to work and be accountable. Do not leave a test for a substitute to administer or grade.**

RESPONSIBILITIES OF THE SUBSTITUTE

- A. During the workday, the substitute should:
1. Report to the school secretary by 7:45 or as soon as possible and pick-up reporting form.
 2. Notify the office immediately if a student should become ill or an accident should occur.
 3. Notify the office immediately if disciplinary assistance is needed.
 4. Ask the school secretary for needed supplies.
 5. Notify the office of any damage to equipment or supplies.
 6. **If immediate assistance is required, please dial 1000 to contact office.**
 7. **REPORT CLASS ATTENDANCE TO SECRETARY AT THE BEGINNING OF EACH PERIOD.**
- B. At the end of the day, the substitute should:
1. Leave the classroom and teacher's desk in order.
 2. Return equipment to the proper places.
 3. Turn off lights, close windows, and lock door.
 4. Sign time sheet, and leave keys in the office.
 5. Leave Substitute Teacher Checklist and reporting form with secretary.
 6. Ask if your services are needed next day.
- C. Substitute teachers are expected to abide by the following code of professional ethics:
1. Consider all student records confidential.
 2. Avoid comments about the progress of students or the work of the teacher.
 3. Make observations, suggestions, criticisms, and other personal reactions only to the principal.
 4. Dress appropriately (**Professionally**)

Safety Procedures:

The principal will be reviewing safety procedures with you. You are accountable for knowing the safety procedures and making sure they are followed in your classroom. The general expectation is vigilance to student activity at all times and interact with students when misbehavior occurs.

SAFETY DRILLS: The following are safety drills that will be conducted. This list may not be all inclusive of the district's safety plan.

Fire Drills

We will hold fire drills as required by regulations. **Be sure to close windows and doors and turn out all lights.** Accompany your class through the outside door nearest your room, and if that is not possible, go through the next nearest door to a point at least 50 feet from the building. **Check your class roll** to be sure that all students are out of the building. Keep students quiet during the fire drill.

Tornado Drill

Two tornado drill practices will be held during the year. One practice will be held in the fall to acquaint the students with the procedures, and another in the spring prior to the tornado season. The tornado drill will be announced over the intercom system. These procedures will be carried out according to the school's emergency plan. **Staff and students** in the main building need to face the wall, get on their knees and place a book over their head. Staff and students who are in the **portable building behind the pre-school, and students in the elementary computer lab** are to cover their heads with a book and proceed as quickly (and safely) as possible to the main building, entering the hall between the cafeteria and concession area. The same safety position should be assumed. Staff and students in the **middle school building, music room and ag building** should face an inside wall, and follow the same safety procedure.

Bomb Threat

A bomb threat exists when a suspected bomb or explosive device has been reported, but not located. The principal will activate the fire drill. Once outside, teachers will be instructed to escort students to the appropriate location. Students and staff members will remain at the alternate location until notified to return to the building or that school has been officially dismissed. **Teachers are responsible for the students who are on their class roll when the alarm initially sounds, regardless of the length of time the threat is in existence. Students are not to be dismissed for any reason, without specific approval from the administration.**

Freeze/Lock-Down

Freeze is the code word used when the drug dog is on campus. **Freeze means that no student will be allowed to get out of his or her desk or go to the restroom.** The students will remain in their desk facing the front of the class at all times. Do not allow students to throw away trash during a freeze. The students will stay in your classroom until

the office dismisses them. **You will receive specific instructions when the freeze is over. IT IS IMPORTANT THAT YOUR STUDENTS REMAIN IN THEIR SEATS DURING THE ENTIRE FREEZE.**

All safety and fire regulations shall be observed and enforced at all times in all classrooms, playgrounds, gymnasiums, cafeteria and school vehicles. All teachers K - 12, will cover safety instruction and emergency procedures. However, early childhood teachers, physical education teachers, vocational/technical education teachers, laboratory science teachers, coaches, playground supervisors and organization sponsors must insure that safety standards specific to their situations are taught and mastered by the students before the students are permitted to engage in activities or to use equipment with known risks.

Compliance Officer for Grievance's

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board. Please refer to Policy A-0261 for more detailed information.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 60 SCHOOL PERSONNEL-GENERAL PROVISIONS PART 9 LICENSURE REQUIREMENTS, CODE OF ETHICAL RESPONSIBILITY OF THE EDUCATION PROFESSION

6.60.9.1 ISSUING AGENCY: Public Education Department

[6.60.9.1 NMAC - N, 04-30-01; A, 10-17-05]

6.60.9.2 SCOPE: All licensed personnel. The New Mexico public education department (PED) hereby sets minimal standards of accepted ethical behavior and professional conduct in education that are applicable to all licensed school personnel, instructional personnel under contract, including any other person who provides instructional or education-related services in a school and who holds any license, certificate or written authority issued by the PED.

[6.60.9.2 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.3 STATUTORY AUTHORITY: Sections 22-2-1B, 22-2-2J and 22-10A-31 NMSA 1978.

[6.60.9.3 NMAC - N, 04-30-01; A, 10-17-05]

6.60.9.4 DURATION: Permanent

[6.60.9.4 NMAC - N, 04-30-01]

6.60.9.5 EFFECTIVE DATE: April 30, 2001, unless a later date is specified at the end of a section.

[6.60.9.5 NMAC - N, 04-30-01]

6.60.9.6 OBJECTIVE: The PED seeks to make ethical values and ethical leadership an integral part of the day to day activities of schools, and holds all persons within the scope of this rule accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The PED accepts the recommendations of its professional practices and standards council and the ethics subcommittee that a code of ethics and standards of professional conduct applicable to the education profession will infuse the learning environment with choices and values designed to assist in shaping young minds into educated, responsible citizens.

[6.60.9.6 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.7 DEFINITIONS: "Ethical misconduct" means behavior or conduct engaged in by a licensed or certified school employee that violates the minimal standards of accepted ethical behavior and professional conduct listed in the standards of professional conduct section of this rule, or that constitutes the grounds for revoking licensure listed in 6.63.8 NMAC except for failure to meet level 3-A competencies.

[6.60.9.7 NMAC - N, 10-31-06]

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

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

- (1) deal justly and considerately with each student;
- (2) encourage the student to study and express varying points of view and respect his/her right to form his/her own judgment;
- (3) conduct conferences with or concerning students in an appropriate place and manner;
- (4) seek constantly to improve learning facilities and opportunities.

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

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

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

- (1) recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession;
- (2) participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education;

- (3) cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns, and those colleagues new to their positions;
- (4) accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
- (5) refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student;
- (6) refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues;
- (7) keep the trust under which confidential information is exchanged;
- (8) make appropriate use of the time granted for professional purposes;
- (9) interpret and use the writings of others and the findings of educational research with intellectual honesty;
- (10) maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts;
- (11) respond accurately to requests for evaluation of colleagues seeking professional positions;
- (12) provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

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

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

[6.60.9.8 NMAC - N, 04-30-01]

6.60.9.9 STANDARDS OF PROFESSIONAL CONDUCT:

A. Preamble

(1) We, licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequence of each choice, the moral value best exemplified by the recommended choice, and our position on the choice

if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

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

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

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

(1) shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. Section 1401 *et seq.*, 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19, NMSA 1978), the Inspection of Public Records Act (Section 14-2-1 *et seq.*, NMSA 1978), the Public School Code (Section 22-1-8, NMSA 1978), and the Children's Code (Sections 32A-2-32, 32A-4-3, NMSA 1978), withhold confidential student records or information about a student or his/her personal and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law;

(2) shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;

(3) shall avoid using our positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;

(4) shall tutor students only in accordance with local board policies, if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian;

(5) shall not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;

(6) shall not lend a student money except in clear and occasional circumstances, such as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;

(7) shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:

(a) all forms of sexual touching, sexual relations or romantic relations;

(b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;

(c) any open displays of affection toward mostly-boys or mostly-girls; and

(d) offering or giving a ride to a student unless absolutely unavoidable, such as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements;

(8) shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:

- (a) making any sexual advances, requests for sexual favors, repeated sexual references, any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them; and
- (b) creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) or Subparagraph (a) of Paragraph (8), Subsection B of 6.60.9.9 NMAC, above.
- C. Standard II: Duty to the profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession, and must strive consistently in educating the children of New Mexico, all of whom will one-day shape the future. To satisfy this obligation, we:
- (1) shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;
 - (2) shall not orally or in writing misrepresent our professional qualifications;
 - (3) shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history;
 - (4) shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;
 - (5) shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;
 - (6) shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;
 - (7) shall not knowingly make false or derogatory personal comments about an educational colleague, although first amendment protected comments on or off campus are not prohibited;
 - (8) shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100, excluding approved educational awards, honoraria, plaques, trophies, and prizes;
 - (9) shall avoid conduct connected with official duties that is unfair, improper, illegal or gives the appearance of being improper or illegal;
 - (10) shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:
 - (a) making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above;
 - (b) making any other verbal gesture or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;
 - (c) displaying or distributing any sexually oriented materials where the above-named individuals can see them; and
 - (d) creating an intimidating, hostile, or offensive work/school environment by engaging in any of the prohibited behaviors set forth at Subparagraphs (a), (b) or (c), Paragraph (10), Subsection C of 6.60.9.9 NMAC, above;
 - (11) shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 *et seq.*), or contacting appropriate school human resources personnel;

- (12) shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;
- (13) shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;
- (14) shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
- (15) shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
- (16) shall not engage in any outside employment:
- (a) the performance of which conflicts with our public school duties, such as where a licensed educator takes a private job that would require performance in the very school district where he/she is employed;
 - (b) where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties; and
 - (c) that impairs our physical ability to perform our school duties;
- (17) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
- (a) in connection with our official school duties;
 - (b) in connection with another licensed person's official school duties;
 - (c) in connection with any standardized or non-standardized testing;
 - (d) in connection with any school application or disclosure process; and
 - (e) in connection with any writing submitted to the public education department related to our initial or continued licensure, including endorsements;
- (18) shall not in connection with any state board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test-registering;
- (19) shall not engage in any conduct or make any statement:
- (a) that would breach the security of any standardized or non-standardized tests;
 - (b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
 - (c) that would give students an unfair advantage in taking a standardized or non-standardized test;
 - (d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test; and
 - (e) that would assist students in obtaining services or benefits for which they do not qualify or are not entitled;
- (20) shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;

- (21) shall not hold, or continue to hold, employment for which educator licensure or certification is required when the individual knew, should have known or is informed by the PED, that the individual does not hold the required credentials; and
- (22) shall not use school information technology equipment, hardware, software or internet access to view, download, display, store or print pornographic images or advertisements, nude images, or sexually explicit depictions or language;
- (23) shall not engage in unprofessional conduct, which conduct shall include but not be limited to the following:
- (a) striking, assaulting or restraining a student for no valid reason;
 - (b) using any written or spoken words in public schools or at school events that are inflammatory, derogatory or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability;
 - (c) bringing firearms onto school property or possessing them on school property, except with proper authorization;
 - (d) possessing or consuming alcohol beverages at school;
 - (e) possessing or using illegal drugs;
 - (f) being under the influence of alcohol or illegal drugs at school;
 - (g) actively obstructing an investigation into the possible unethical or illegal conduct of a school employee; and
 - (h) engaging in favoritism or preferential treatment toward any school employee or applicant in regards to that individual's hiring, discipline, terms of employment, working conditions or work performance due to that individual's familial relationship with the licensee;
- (24) shall report any knowledge of inappropriate contact, as provided by Paragraph (7) of Subsection B of 6.60.9 NMAC with a student or other school employee to the local school authority within 30 days of obtaining such knowledge.

[6.60.9.9 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.10 FAILURE TO COMPLY WITH THIS CODE: The PED finds that adherence to this code of ethical responsibility has a significant bearing on licensed personnel's competence, turpitude or the proper performance of their duties. It makes the same finding for any other person providing instructional or education-related services in a school who holds any license, certificate or written authority issued by the instructional or education-related services in a school who hold any license, certificate or written authority issued by the PED. Both the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents. However, the standards of professional conduct establish minimal standards of acceptable professional conduct with which all educators and administrators are required to comply. Therefore, the PED through the educator ethics bureau may revoke, suspend or take other appropriate action against any educator license of any person, or may deny applications for initial licensure or continuing licensure to any person, who is within the scope of this rule, and who after hearing, is found to have engaged in ethical misconduct, by failing to comply with one or more of the enumerated provisions of the standards of professional conduct set forth in 6.60.9.9 NMAC, above, exclusive of the preamble. All hearings and attendant notices shall be conducted and served pursuant to the Uniform Licensing Act 61-1-1 through 61-1-31, NMSA 1978 and either 6.68.2 NMAC or 6.68.3 NMAC.

[6.60.9.10 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.11 DISSEMINATION OF THIS CODE: The PED shall adopt measures to ensure that this code of ethical responsibility receives the widest possible dissemination to all persons falling within its scope. Such measures include but are not limited to:

- A. providing information about the code of ethical responsibility directly through the PED and the PED's application process;
- B. providing information about the code of ethical responsibility to all school districts, charter schools, and non-public schools accredited by the PED;
- C. notifying any school district, charter school or private school accredited by the PED of the decision and order of the PED after the PED has taken final licensure action against one of that school's PED licensed employees based in whole or in part on a failure to comply with the standards of professional conduct;
- D. any other reasonable measure that is calculated to result in the widest dissemination of the PED's code of ethical responsibility and notification of the consequences of failure to comply with the standards of professional conduct.

[6.60.9.11 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.12 REPORTING REQUIREMENT: It is the duty of each school superintendent or charter school administrator to provide prompt written notification to the director of the educator ethics bureau after taking final action to discharge or terminate the employment, based in whole or in part on a violation of the standards of professional conduct in this rule, of any certified or licensed school employee, or any other person providing instructional or education-related services in a school under written authority of the PED.

[6.60.9.12 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

HISTORY OF 6.60.9 NMAC:

PRE-NMAC REGULATORY FILING HISTORY: The material in this part was derived from that previously filed with the State Records Center and Archives under:

SBE Regulation No. 90-4, Professional Licensure Unit Operational Bylaws of the Professional Standards Commission including Code of Ethics of the Education profession, filed November 21, 1990.

SBE Regulation No. 93-16, Professional Licensure Unit Operational By laws of the Professional Standards Commission including Code of Ethics of the Education Profession, filed July 20, 1993.

NMAC HISTORY:

6 NMAC 4.2.1.1, Operational Bylaws of the Professional Standards Commission Including Code of Ethics of the Education Profession, filed December 11, 1998.

HISTORY OF REPEALED MATERIAL: [RESERVED]

TITLE 6 PRIMARY AND SECONDARY EDUCATION

CHAPTER 60 SCHOOL PERSONNEL-GENERAL PROVISIONS

PART 9 LICENSURE REQUIREMENTS, CODE OF ETHICAL RESPONSIBILITY OF THE EDUCATION PROFESSION

6.60.9.1 ISSUING AGENCY: Public Education Department

[6.60.9.1 NMAC - N, 04-30-01; A, 10-17-05]

6.60.9.2 SCOPE: All licensed personnel. The New Mexico public education department (PED) hereby sets minimal standards of accepted ethical behavior and professional conduct in education that are applicable to all licensed school personnel, instructional personnel under contract, including any other person who provides instructional or education-related services in a school and who holds any license, certificate or written authority issued by the PED.

[6.60.9.2 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.3 STATUTORY AUTHORITY: Sections 22-2-1B, 22-2-2J and 22-10A-31 NMSA 1978.

[6.60.9.3 NMAC - N, 04-30-01; A, 10-17-05]

6.60.9.4 DURATION: Permanent

[6.60.9.4 NMAC - N, 04-30-01]

6.60.9.5 EFFECTIVE DATE: April 30, 2001, unless a later date is specified at the end of a section.

[6.60.9.5 NMAC - N, 04-30-01]

6.60.9.6 OBJECTIVE: The PED seeks to make ethical values and ethical leadership an integral part of the day to day activities of schools, and holds all persons within the scope of this rule accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The PED accepts the recommendations of its professional practices and standards council and the ethics subcommittee that a code of ethics and standards of professional conduct applicable to the education profession will infuse the learning environment with choices and values designed to assist in shaping young minds into educated, responsible citizens.

[6.60.9.6 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.7 DEFINITIONS: "Ethical misconduct" means behavior or conduct engaged in by a licensed or certified school employee that violates the minimal standards of accepted ethical behavior and professional conduct listed in the standards of professional conduct section of this rule, or that constitutes the grounds for revoking licensure listed in 6.63.8 NMAC except for failure to meet level 3-A competencies.

[6.60.9.7 NMAC - N, 10-31-06]

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

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

- (1) deal justly and considerately with each student;
- (2) encourage the student to study and express varying points of view and respect his/her right to form his/her own judgment;
- (3) conduct conferences with or concerning students in an appropriate place and manner;
- (4) seek constantly to improve learning facilities and opportunities.

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

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- (3) acknowledge the right and responsibility of the public to participate in the formulation of educational policy;
- (4) evaluate through appropriate professional procedures conditions within a district or institution of learning, make known serious deficiencies, and take action deemed necessary and proper;
- (5) assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates or partisan activities;
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- (4) accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

- (5) refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student;
- (6) refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues;
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- (3) fill no vacancy except where the terms, conditions, and policies are known;
- (4) adhere to and respect the conditions of a contract or to the terms of an appointment until either has been terminated legally or by mutual consent;
- (5) give prompt notice of any change in availability of service, in status of applications, or in change in position;
- (6) conduct professional business through recognized educational and professional channels.

[6.60.9.8 NMAC - N, 04-30-01]

6.60.9.9 STANDARDS OF PROFESSIONAL CONDUCT:

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(2) Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are:

respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all, and personal integrity. (3) In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, but also it stimulates us to discuss the professional implications of our ethical choices and ethical recommendations, causes us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

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- (2) shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
- (3) shall avoid using our positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;
- (4) shall tutor students only in accordance with local board policies, if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian;
- (5) shall not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;
- (6) shall not lend a student money except in clear and occasional circumstances, such as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;
- (7) shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:
 - (a) all forms of sexual touching, sexual relations or romantic relations;
 - (b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;
 - (c) any open displays of affection toward mostly-boys or mostly-girls; and
 - (d) offering or giving a ride to a student unless absolutely unavoidable, such as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements;
- (8) shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:
 - (a) making any sexual advances, requests for sexual favors, repeated sexual references, any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them; and

(b) creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) or Subparagraph (a) of Paragraph (8), Subsection B of 6.60.9.9 NMAC, above.

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

- (1) shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;
- (2) shall not orally or in writing misrepresent our professional qualifications;
- (3) shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history;
- (4) shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;
- (5) shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;
- (6) shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;
- (7) shall not knowingly make false or derogatory personal comments about an educational colleague, although first amendment protected comments on or off campus are not prohibited;
- (8) shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100, excluding approved educational awards, honoraria, plaques, trophies, and prizes;
- (9) shall avoid conduct connected with official duties that is unfair, improper, illegal or gives the appearance of being improper or illegal;
- (10) shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:
 - (a) making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above;
 - (b) making any other verbal gesture or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;
 - (c) displaying or distributing any sexually oriented materials where the above-named individuals can see them; and
 - (d) creating an intimidating, hostile, or offensive work/school environment by engaging in any of the prohibited behaviors set forth at Subparagraphs (a), (b) or (c), Paragraph (10), Subsection C of 6.60.9.9 NMAC, above;
- (11) shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 *et seq.*), or contacting appropriate school human resources personnel;
- (12) shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;

- (13) shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;
- (14) shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
- (15) shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
- (16) shall not engage in any outside employment:
- (a) the performance of which conflicts with our public school duties, such as where a licensed educator takes a private job that would require performance in the very school district where he/she is employed;
 - (b) where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties; and
 - (c) that impairs our physical ability to perform our school duties;
- (17) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
- (a) in connection with our official school duties;
 - (b) in connection with another licensed person's official school duties;
 - (c) in connection with any standardized or non-standardized testing;
 - (d) in connection with any school application or disclosure process; and
 - (e) in connection with any writing submitted to the public education department related to our initial or continued licensure, including endorsements;
- (18) shall not in connection with any state board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test-registering;
- (19) shall not engage in any conduct or make any statement:
- (a) that would breach the security of any standardized or non-standardized tests;
 - (b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
 - (c) that would give students an unfair advantage in taking a standardized or non-standardized test;
 - (d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test; and
 - (e) that would assist students in obtaining services or benefits for which they do not qualify or are not entitled;
- (20) shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;
- (21) shall not hold, or continue to hold, employment for which educator licensure or certification is required when the individual knew, should have known or is informed by the PED, that the individual does not hold the required credentials; and

- (22) shall not use school information technology equipment, hardware, software or internet access to view, download, display, store or print pornographic images or advertisements, nude images, or sexually explicit depictions or language;
- (23) shall not engage in unprofessional conduct, which conduct shall include but not be limited to the following:
- (a) striking, assaulting or restraining a student for no valid reason;
 - (b) using any written or spoken words in public schools or at school events that are inflammatory, derogatory or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability;
 - (c) bringing firearms onto school property or possessing them on school property, except with proper authorization;
 - (d) possessing or consuming alcohol beverages at school;
 - (e) possessing or using illegal drugs;
 - (f) being under the influence of alcohol or illegal drugs at school;
 - (g) actively obstructing an investigation into the possible unethical or illegal conduct of a school employee; and
 - (h) engaging in favoritism or preferential treatment toward any school employee or applicant in regards to that individual's hiring, discipline, terms of employment, working conditions or work performance due to that individual's familial relationship with the licensee;
- (24) shall report any knowledge of inappropriate contact, as provided by Paragraph (7) of Subsection B of 6.60.9 NMAC with a student or other school employee to the local school authority within 30 days of obtaining such knowledge.

[6.60.9.9 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.10 FAILURE TO COMPLY WITH THIS CODE: The PED finds that adherence to this code of ethical responsibility has a significant bearing on licensed personnel's competence, turpitude or the proper performance of their duties. It makes the same finding for any other person providing instructional or education-related services in a school who holds any license, certificate or written authority issued by the instructional or education-related services in a school who hold any license, certificate or written authority issued by the PED. Both the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents. However, the standards of professional conduct establish minimal standards of acceptable professional conduct with which all educators and administrators are required to comply. Therefore, the PED through the educator ethics bureau may revoke, suspend or take other appropriate action against any educator license of any person, or may deny applications for initial licensure or continuing licensure to any person, who is within the scope of this rule, and who after hearing, is found to have engaged in ethical misconduct, by failing to comply with one or more of the enumerated provisions of the standards of professional conduct set forth in 6.60.9.9 NMAC, above, exclusive of the preamble. All hearings and attendant notices shall be conducted and served pursuant to the Uniform Licensing Act 61-1-1 through 61-1-31, NMSA 1978 and either 6.68.2 NMAC or 6.68.3 NMAC.

[6.60.9.10 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.11 DISSEMINATION OF THIS CODE: The PED shall adopt measures to ensure that this code of ethical responsibility receives the widest possible dissemination to all persons falling within its scope. Such measures include but are not limited to:

- A. providing information about the code of ethical responsibility directly through the PED and the PED's application process;

B. providing information about the code of ethical responsibility to all school districts, charter schools, and non-public schools accredited by the PED;

C. notifying any school district, charter school or private school accredited by the PED of the decision and order of the PED after the PED has taken final licensure action against one of that school's PED licensed employees based in whole or in part on a failure to comply with the standards of professional conduct;

D. any other reasonable measure that is calculated to result in the widest dissemination of the PED's code of ethical responsibility and notification of the consequences of failure to comply with the standards of professional conduct.

[6.60.9.11 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

6.60.9.12 REPORTING REQUIREMENT: It is the duty of each school superintendent or charter school administrator to provide prompt written notification to the director of the educator ethics bureau after taking final action to discharge or terminate the employment, based in whole or in part on a violation of the standards of professional conduct in this rule, of any certified or licensed school employee, or any other person providing instructional or education-related services in a school under written authority of the PED.

[6.60.9.12 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

HISTORY OF 6.60.9 NMAC:

PRE-NMAC REGULATORY FILING HISTORY: The material in this part was derived from that previously filed with the State Records Center and Archives under:

SBE Regulation No. 90-4, Professional Licensure Unit Operational Bylaws of the Professional Standards Commission including Code of Ethics of the Education profession, filed November 21, 1990.

SBE Regulation No. 93-16, Professional Licensure Unit Operational By laws of the Professional Standards Commission including Code of Ethics of the Education Profession, filed July 20, 1993.

NMAC HISTORY:

6 NMAC 4.2.1.1, Operational Bylaws of the Professional Standards Commission Including Code of Ethics of the Education Profession, filed December 11, 1998.

HISTORY OF REPEALED MATERIAL: [RESERVED]