



*Mescalero Apache
School*

"Home of the Chiefs"

Policy Manual

MESCALERO APACHE SCHOOL POLICY MANUAL TABLE OF CONTENTS

Updated August 2012

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MESCALERO APACHE SCHOOL POLICY MANUAL VERIFICATION



Mission Statement Of Mescalero Apache School

The mission of the Mescalero Apache School is to execute a comprehensive educational program by placing strong emphasis on academic curriculum as measured by state, national, and Bureau of Indian Education standards, and to infuse the Apache language, culture and traditions of the Mescalero Apache Tribe. In addition, the Mescalero Apache School will foster an environment where students, parents, staff and the community are partners in the educational process and support system that will ensure that all students are prepared for post-secondary education and/or gainful employment upon graduation from the Mescalero Apache School.



Revised April 28, 2009



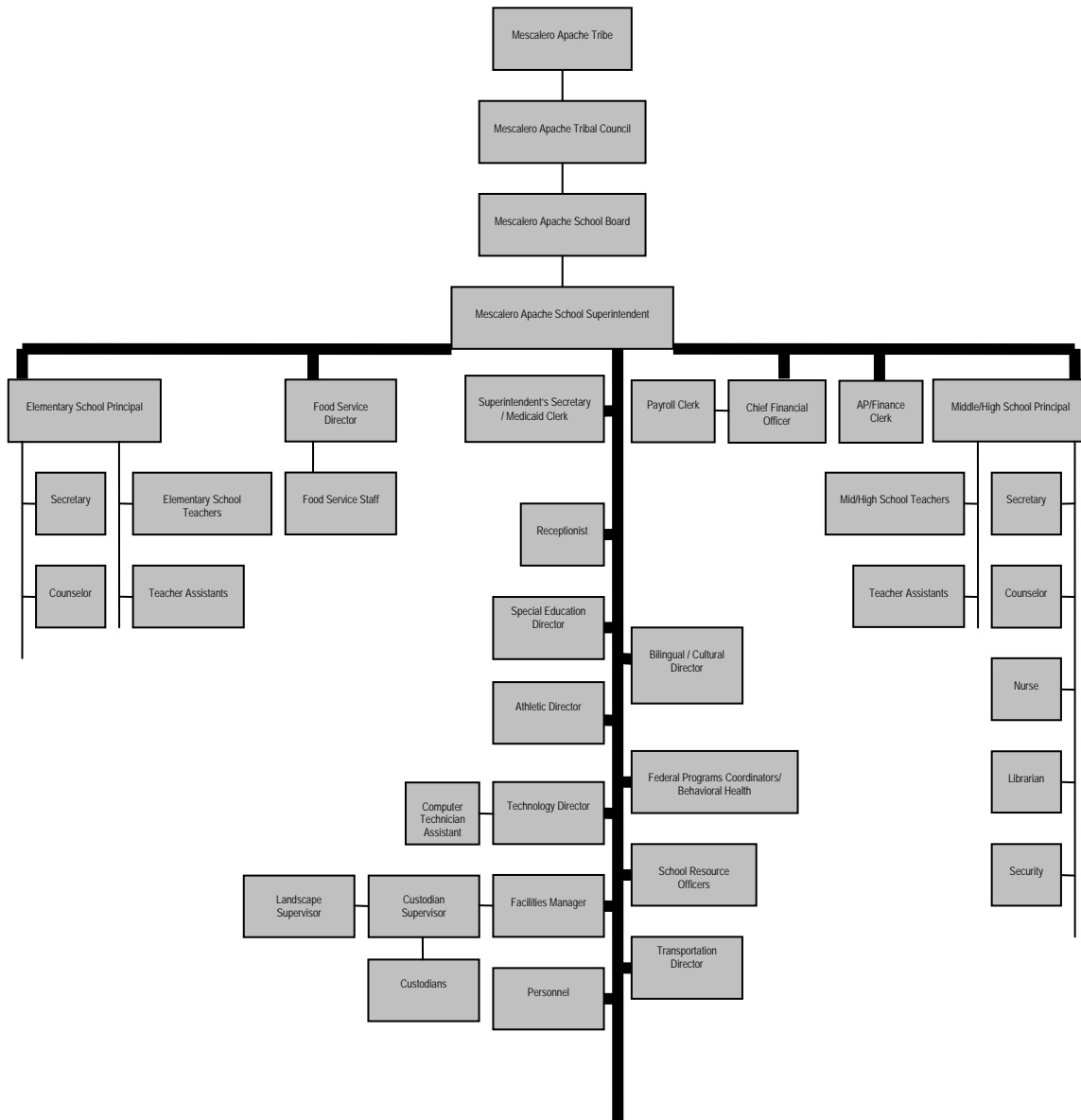
Goals Of Mescalero Apache School

- All Mescalero students will become responsible and respectable toward self and others.*
- All Mescalero students will become familiar with and knowledgeable of the Mescalero Apache Culture.*
- Mescalero students will improve in targeted areas (i.e., reading, writing, and mathematics).*



Revised 3/14/05

Mescalero Apache School Organizational Chart



SECTION 1: SCHOOL BOARD

1.1 Mescalero Apache Tribe – Ordinance No.: 04-03

1.2 Yearly Review of Policies

The School Board will review policies annually to determine the need for change.

1.3 Compensation for School Board Members

School Board Members shall not receive any salary for their services, but may receive a fixed sum for attendance at meetings of the School Board at the following rates:

Regular Meeting	\$100.00
Special Meeting	\$50.00
Special Sessions (i.e., Trainings)	\$100.00

The above payment for Special Sessions will not be paid when a per diem is paid instead. GSA mileage rate will be used for round trip travel when using personal vehicles.

1.4 Regular Meetings

The School Board will meet once each month during the school year. The Board's regular monthly meeting shall be held the 4th Tuesday of each month, unless rescheduled. The meeting date will be advertised at least three days prior to the meeting. All meetings are open to the public, unless otherwise designated. The Mescalero Apache School Board meetings will be conducted according to those portions of Roberts Rules of Order revised as published by the New Mexico School Boards Association.

1.4a Agenda

The School Board President and Superintendent will be responsible for setting the agenda. Other School Board Members wishing to have items placed on the agenda will contact the School Board President. The deadline for having items considered for the agenda is Thursday at 4:30 P.M. PRIOR to the School Board meeting. No items will be added to the proposed agenda following the deadline. The proposed agenda shall be posted with notice of the meeting or the notice shall state that the proposed agenda is available in the School office.

1.4b Voting Procedures

1. The School Board must act as a body.
2. The School Board should proceed in the most efficient manner possible.
3. The School Board must act by at least a majority of a quorum of its members.
4. All members should have an equal opportunity to participate in decision-making.
5. Board actions shall be proposed by motion. Any member, including the President, may make a motion. A motion need not be seconded. There can only be one motion at a time, and a substantive motion is out of order while another substantive motion is pending.
6. A motion shall be adopted by a quorum, present and voting.
7. The President shall state the motion and then open the floor to debate on it. The President shall preside over the debate according to the following general principles:
 - a. The member who made the motion is entitled to speak first.
 - b. A member who has not spoken on the issue shall be recognized to speak before someone who has already spoken.
 - c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

1.4c Minutes

Minutes of all regular and special board meetings and records of all School Board transactions shall be kept by the Secretary with the help of the Superintendent's Secretary. These minutes will be kept on file in the Superintendent's office.

1.4d Executive Sessions

School Board Members may vote to go into an Executive Session. Executive Sessions may be called for the following reasons only: Personnel, Pending Litigation, OR Student Discipline or Welfare. No official action can be taken. All official actions must be taken in an open meeting.

1.4e Special Meetings

Special Meetings may be called by posting a notice 24 hours in advance.

1.5 School Board Officers

The School Board will elect a President, Vice-President, Secretary, and other officers as deemed necessary. Reorganization or election of officers will be held at the regular board meeting on the 4th Tuesday of June following the election.

1.5a President

The President will be responsible for conducting meetings as outlined in Roberts Rules of Order Revised as published by the New Mexico School Boards Association and working with the Superintendent in developing the agenda. The President is responsible for signing off on official School Board documents.

1.5b Vice-President

The Vice-President serves in capacity of the President in the absence of the President.

1.5c Secretary

The Secretary is responsible to see that minutes of all official board meetings are taken and kept on file at the Superintendent's office. He/she will be responsible for signing legal documents when required. In the absence of the President, and Vice-President, the Secretary will preside over meetings.

1.6 Approval of Handbooks and Directives

Handbooks and other directives prepared other than at the school office level, shall be presented to the Superintendent for approval prior to publication. The Superintendent shall ensure that all handbooks and other directives are consistent with School Board policies and administrative regulations. The School Board reserves the right to review all administrative regulations and procedures, and shall require revision of them when, in the Board's judgment, they are inconsistent with policies set by the Board. The Superintendent shall provide a copy of each school regulation to each Board Member upon publication. Before issuance, regulations shall be properly titled and coded in conformance with the policy classification system selected by the Board.

1.7 School Board / Superintendent Relationships

The establishment of policies is the responsibility of the School, and the execution of those policies shall be a function of the Superintendent.

The Superintendent shall be the chief executive officer of the School Board and will be responsible for the professional leadership and skill necessary to translate the policies of the board into Administrative action.

School Board Policy manuals will be on hand at every School Board meeting for reference.

1.8 School Board – Staff Communication

Communications regarding School business from any employee or group of employees shall be brought before the School Board through the Superintendent except as otherwise specifically provided herein. Any employee or group of employees desiring to address the School Board regarding School business shall direct their communication to the School Board through the Superintendent and not to individual School Board Members. All such communication shall be in writing. The School Board shall consider no anonymous correspondence.

Employees who wish to address the School Board in the employee's capacity as a parent or community member, rather than as an employee, should so state in addressing the Board.

1.9 Public Complaints About School Personnel

Constructive criticism of the school is welcome when it is motivated by a sincere desire to improve the quality of the education program.

1.9a Complaints or Criticisms of School Employees

Complaints or criticism regarding School employees other than the Superintendent shall be directed to the Superintendent for consideration or further referral to the employee's supervisor. The Superintendent or supervisor of the employee against whom the complaint or criticism is directed shall take no action regarding a complaint or criticism without providing the employee in question notice of the nature of the complaint or criticism and an opportunity to respond to the complaint or criticism. If a matter has been referred to the supervisor of the employee in question, the employee may appeal the supervisor's action to the Superintendent. The Superintendent's disposition of the complaint or criticism shall be final.

1.9b Complaints or Criticisms of the Superintendent

Complaints or criticisms regarding the Superintendent shall be directed to the Board or one of its members in writing, and shall recommend what action the complaining party wishes the Board to take.

A complaint or criticism regarding the Superintendent directed to an individual Board member shall be referred to the Board by that member in Executive Session at the next scheduled meeting of the Board, or as soon thereafter as possible.

If following consideration of the complaint or criticism in executive session, the Board wishes to address the complaint or criticism, it shall so state by resolution adopted by majority vote. If the Board votes to address the complaint or criticism, an executive session shall be held at the next regular Board meeting, or as soon thereafter as possible, at which the complaining party is offered the opportunity to address the Board about the matter in the presence of the Superintendent, and the Superintendent is offered the opportunity to respond in the presence of the complaining party.

If, following the informal hearing, the Board wishes to address the matter formally, it shall schedule a date for a further meeting at which a formal evidentiary hearing is to be held in executive session, followed by the Board action on the matter. Such hearing will be scheduled at the next regular Board meeting, or as soon thereafter practicable. At the hearing, the complaining party and the Superintendent shall each be offered the opportunity (1) to be represented by a person chosen by each, (2) to offer witnesses under oath and other evidence on the behalf of each, and (3) to cross-examine the witnesses of the other party. The complaining party shall have the burden of persuading the Board of the truth of his or her complaint or criticism, and that the action requested of the Board is warranted. Following the hearing, the Board shall vote in open session on whether to adopt the action requested by the complaint.

1.10 Representing the School Board

No individual member of the School Board will attempt to “speak for” the School Board except when directly authorized to do so by majority vote of the Board. For example, the School Board may ask a member (often the School Board President) to explain to the community an action the School Board has taken or a resolution it has passed.

Other than instances in which the Board has formally authorized a member to speak on its behalf each Board will make clear in his or her communications that such communications express his or her opinions and viewpoints only and not those of the School Board.

Only the School Board, meeting as a legal body, has the authority to issue directives, establish policies, delegate authority, etc. Individual School Board Members shall not take individual action regarding problems and complaints, but shall refer all such matters to the Board for further consideration or action.

1.10a Transaction of Business

The School Board shall take no action on behalf of the School except in a duly called meeting of the Board at which a quorum is present and the action is adopted by the vote of a majority of members present.

1.11 Conflicts of Interest

No Board member may participate in any Board discussion or Board actions regarding any matter related to employing or the employment status of a close relative of such member, and such member shall excuse himself and leave the meeting room during any such discussion or action.

For purposes of this policy, a “close relative” is defined as a husband, wife, father, mother, brother, sister, daughter, son, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, grandparents and first cousins.

1.12 Expectations of School Board Members

In order to make clear the responsibility members of the Board bear to the School, the following outlines the expectations of the Board of each of its members.

An Effective School Board Member:

1. attends all meetings of the School Board;
2. is legally a School Board Member only when the Board of Education is in session; no one person, unless authorized, should speak on behalf of the School Board;
3. recognizes his or her responsibility is not to run the schools, but to see that they are run well by others;
4. is well acquainted with school policies;
5. voices his or her opinions frankly in School Board Meetings and votes for what is in the best interest for the children of the school;
6. is flexible and realizes there are times when changes must be made, in the best interest of the children and school;
7. maintains the confidentiality of matters deemed confidential by law or by Board policy, especially in processes involving personnel, legal matters, and land acquisition;
8. is interested in obtaining facts, but remembers that the administration has the responsibility of operating the school, and should not spend a great deal of time gathering data to make reports for the School Board.
9. knows that the reputation of the entire school is affected by his/her behavior and attitude;
10. relies upon fact not fiction, sorts out rumors from realism, and relies upon funding process; and knows the difference between the two;
11. refers all complaints and requests to the appropriate Administrative Officer;
12. is careful to maintain respectful relations with other School Board Members and administration regardless of disagreements;
13. uses good ethical and moral judgment in all decisions that he or she makes.

SECTION 2: ADMINISTRATION

2.1 Policy Dissemination

The Superintendent shall maintain a current policy manual that contains the policies and administrative regulations of the school.

The manual is intended both as a tool for school management and as a source of information to patrons, staff, and others about how the school operates. To that end, each School Board Member and Administrator shall have ready access to the manual. In addition, a manual shall be available in the school library, and at such other places as the Superintendent may determine, for the use of staff members, students, and patrons.

All policy manuals shall remain the property of the Mescalero Apache School. They shall be subject to recall at any time.

The School Board's policy manual shall be considered a public record and shall be open for inspection at the School Administration Office during regular business hours.

The master copy of the manual shall be maintained in the Administration Office. This copy supercedes all other copies, and shall be used to resolve any discrepancies in language existing in other copies.

The manual is available on the Mescalero Apache School's computer network.

For every new school year, all employees of the Mescalero Apache School shall (after reading the manual) print, sign, and date the Mescalero Apache School Policy Manual Verification form which is located at the end of the manual and submit the form to the Personnel Coordinator.

2.2 Policy Implementation

The Superintendent has the responsibility for carrying out, through administrative regulations, the policies established by the Mescalero Apache School Board.

The policies developed by the School Board and the administrative regulations developed to implement policy are designed to promote an effective school system. All employees and students shall comply with the School Board policies and Administrative regulations.

Principals, Directors, and others designated by the Superintendent shall establish procedures for conducting activities within their individual units that are consistent with administrative regulations and School Board Policies.

2.3 Administration in Absence of Policy

Recognizing that no set of policies can address all problems or circumstances likely to present themselves, the Board acknowledges that the Superintendent will have to address many problems and circumstances on the basis of his or her judgment and experience as the chief education professional of the School.

In dealing with such situations, however, the Superintendent may recognize the need for further policy development, and, in such instances, should, in consultation with the Board's legal counsel, present proposed policies.

2.4 Delegated Authority

The School Board delegates all administrative functions to the Superintendent, retaining for itself, overall governance, policy development, and the employment of the Superintendent.

2.5 Mescalero Apache School Disaster Plan

The Superintendent will be responsible for the development and implementation of emergency procedures.

Section 3: BUSINESS & OPERATIONS

3.1 Payday Schedules

Salary checks shall be issued on a schedule of 26 paydays for all employees. A schedule will be posted at the beginning of each year.

Employees who resign during the school year shall receive their final check when all requirements are fulfilled.

Resigning and terminated employees who complete the school year contract shall receive their final check when all requirements have been fulfilled.

3.2 Payment Procedures

The School Board directs the prompt payment of bills, after due care has been taken to assure that Requisitions, Purchase Orders, and Invoices are in order.

The Superintendent and Business Manager shall review purchase invoices to determine that items or services are among those budgeted, itemized goods or services have been satisfactorily supplied, funds are available to cover payment, and invoices are in order and for the contracted amounts.

3.3 Purchasing

3.3a Introduction

In order to ensure compliance with all Federal and Tribal laws, Mescalero Apache School Board will purchase supplies, materials, and equipment. Services will be made through the Mescalero Apache School's Purchasing Department, unless otherwise stated in these procedures.

3.3b School Board Policy: Preamble to School Board Policy Manual

It is the policy of the School Board that all employees comply with local board policies as a condition of their employment, meeting all standards of behavior and performance.

3.3c Purchasing Policies

The Purchasing Cycle includes:

- **Identify the need for a service or a product;**
- **Obtain Administrative approval to purchase at the best determined obtainable price;**
- **Process the appropriate Business/Finance document;**
- **Receive the goods or service;**
- **Pay the vendor the agreed upon price.**

1. In obtaining quotes, bids, and proposals, Mescalero Apache School will not favor one firm, individual, or company over another in obtaining information for preparation of specifications. Bids and quotes will be awarded to the lowest responsible bidder, giving due consideration to price, quality of product, and time of delivery.
2. Purchases shall be made at the lowest prices possible, quality and availability being equal. Therefore, quotations should be obtained from three or more competitive vendors whenever possible to determine the best obtainable price. The Purchaser will obtain sealed bids/quotes on all solicitations greater than \$25,000.
3. UNDER NO CIRCUMSTANCES should a Mescalero Apache School's official, representative, or employee accept the responsibility of delivering a sealed bid, proposal, or formal quotation to the Purchasing Agent.
4. No employee of the Mescalero Apache School, in particular those engaged in the procurement function, including the Purchaser, shall accept favors, gifts, or gratuities either directly or indirectly from any vendor, representative, or business firm.
5. Only the Mescalero Apache School Board, Superintendent, or their designated representatives may sign a contract, which legally binds Mescalero Apache School. Mescalero Apache School is exempt from all applicable Federal and State Taxes. New Mexico Gross Receipts Tax (NMGRT) should be paid on services and construction projects only. THE EXEMPTION FROM ALL FED/STATE TAXES IS UNDER REVIEW.

6. Acceptance of any bid, which is not a low bid, meeting specifications or are of a questionable nature, shall be determined by the School Board. All details regarding bids, including reasons for rejection, shall be provided to the School Board at the regular monthly meeting.

3.3d Procurement with Federal Funds

Procurement with Federal Funds shall be conducted in accordance with mandatory applicable Federal laws or regulations.

3.3e Vendors

All vendors will be assigned a vendor number by the Finance Department before a purchase order and/or payment is processed.

3.3f Purchasing Guidelines

The school warehouse should be the first source for all purchases. Purchases not available through the school warehouse must comply with school procedures and the procurement code.

Any school employee without an approved Purchase Order and/or Contract shall make no purchase. The Purchase Order number should appear on the vendor's invoice. Should an employee make an unauthorized purchase prior to the approval of the Purchase Order and/or Contract, such employee shall be liable for the payment of that purchase.

Purchases shall not be artificially divided to avoid competitive bid requirements. The following are general guidelines to be followed in making purchases:

- **Range**
\$0.00 - \$1,000
- Guidelines**
Best obtainable price, small purchases (\$750 and under within a thirty day period of the same like items) processed on a Purchase Order and approved by the school Administrator.

Dependent upon ACCOUNT NUMBER utilized, other approvals may be required prior to purchase. The school Administrator will be responsible for compliance of school procedures and accurate account number(s) being charged for all purchases.

The following procedures will be updated and revised as soon as the Purchase Order Remote Entry is implemented and procedures are finalized.

\$1,000 - \$5,000

Three documented telephone quotes; processed on a Purchase Requisition through the Finance Department for a Purchase Order.

\$5,000 - \$25,000

Three informal written quotes attached to and processed on a Purchase Requisition through the Finance Department for a Purchase Order.

\$25,000 or more

Sealed bids/quotes will be delegated by the Purchasing Agent.

The Superintendent or designee may waive requirements and procurements less than \$25,000 in the interest of the school.

3.3g Exemptions

1. Purchases of publicly regulated gas, electricity, water, and sewer, and refuse collection services.
2. Purchases of books and periodicals from the publisher or copyright holders thereof.
3. Travel or shipping by common carriers or by private conveyance, or meals and lodging.
4. Contracts with businesses for public school transportation services.

3.3h Sole Source Procurement

A contract may be awarded without competitive sealed bids or competitive sealed proposals of the estimated cost when the Superintendent makes a determination, after conducting a good-faith review of available sources for the required service, construction or item of tangible personal property. Justification for sole source procurements of \$1,000 or more shall be attached to the Purchase Requisition and forwarded to the Finance Office for issuance of a Purchase Order.

3.3i Emergency Procurement

The School may make an emergency procurement when there exists a threat to public health, welfare, safety or property. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- The functioning of operations
- The preservation of protection of property, or
- The health or safety of any person.

3.3j Procurement Under Existing Contracts

Mescalero Apache School is a member of Cooperative Educational Services (CES). CES does large scale bidding over a multi-state area. Mescalero Apache School will participate in their program in many instances. Items that already have a bid and CES's bid or contract numbers will be listed on the Purchase Order.

The following procedures will be updated and revised as soon as the Purchase Order Remote Entry is implemented and procedures are finalized.

3.3k District Purchase Requisitions – Supplement

A typed Requisition is initiated at the School/Department Level and must be approved by the appropriate administrators for all purchases.

3.3l Purchase Orders – Supplement

1. A Purchase Order (PO) is issued from the Finance Office after the Requisition has been approved by the Superintendent.

2. The original copy of the PO is sent to the vendor and a copy is returned to the originating School/Department to be checked and verified for accuracy.
3. If items ordered on a Purchase Order are picked up by a representative of the school or if items are shipped directly to the School, the packing slip and the copy of the Purchase Order must be signed and dated as received. A copy of these must be forwarded to the warehouse immediately upon receipt of the order, or is received at the school at a later date; please copy and forward to the warehouse as received and forward the original invoice to the Finance Office.

3.3m Bids and Proposals

1. Competitive Sealed Bids

Services, construction or purchase of tangible personal property with a value exceeding \$25,000, require the submission of competitive bids.

The notice of Invitation to Bid, for bids with a value exceeding \$25,000, shall be published in a newspaper of general circulation in the Mescalero area not less than 10 days prior to the date scheduled for the opening of the bid. The Finance Office shall send copies of the Invitation to Bid to those vendors who are on the approved vendor list and/or have indicated an interest in a specific bid.

Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. It is the vendor's responsibility to deliver the sealed bid by the date and time designated in the Invitation to Bid; bids received after the scheduled time will not be considered.

The evaluation criteria set forth in the bid shall include, but is not limited to price, quality, and delivery requirements. Criteria not set forth in the Invitation to Bid may not be used in the bid evaluation.

Evaluation of Price

- i. Discounts: Prompt payment discounts will not be considered. Other discounts may not be considered unless specified in the Invitation to Bid. Trade and quantity discounts will be considered in computing the low bid. Such discounts may be shown separately, but must be deducted by the bidder in calculating the unit price.
- ii. Shipping and handling fees will be considered in computing low bid.
- iii. All other criteria being equal, a 5% local preferential allowance will be allowed to vendors with a valid New Mexico certification number.

Samples of items, when required, shall be furnished free of expense to the Mescalero Apache School. Upon vendor request, samples not destroyed or mutilated in testing, will be returned to the vendor at vendor expense. Samples must be clearly labeled with the bid number and the bidder's name.

If the lowest responsible bid has otherwise qualified, and if there is no change in the original terms and conditions, and if the low bid is less than 10% over the budgeted expense, the low bidder may offer and negotiate a lower price to avoid rejection of all bids.

The Mescalero Apache School may reject any or all bids. The reason for the rejection shall be clearly stated and made part of the bid file.

Any Invitation to Bid may be re-bid if no bids were received by the scheduled date or if all bids are rejected. If re-bid and no bids are received or all bids are rejected, the procurement may be made in the open market at the best obtainable price.

The successful bidder will be notified and the bid awarded after the bid has been reviewed and approved by the School Board.

2. Competitive Sealed Proposals

Competitive sealed proposals will be used when securing professional services with a cost exceeding \$50,000 or when competitive sealed bids are not practical or in the best interest of the school.

The Request for Proposal (RFP) is used to indicate a competitive sealed proposal procurement. The RFP shall include the following information:

- Specifications for the services or items to be procured;
- Applicable contractual terms and conditions;
- The term of the contract and condition or renewal or extension, if any;
- Instructions and information to offerors;
- All of the evaluation factors and weight of each factor in Evaluating proposals;
- A statement that discussions may be conducted with offerors who submit proposals;
and
- A statement of how proposed costs should be submitted.

Proposals shall remain confidential until after the proposal has been awarded; contents of any proposal shall not be discussed so as to be available to competing offerors during the negotiation process and prior to award.

3.4 Inventories

The Finance Director has the responsibility to assist the Superintendent in maintaining School inventories. A copy of the complete inventory shall be on file in the office of the Superintendent. Capital furniture and equipment items shall be tagged and marked. A physical inventory of all school property shall be conducted bi-annually.

The Superintendent shall implement the procedures, providing reports as requested on the contents of the building.

The Superintendent or his designee shall require any employee who removes an item from the building to have a written request for such removal and it must be signed by the Superintendent.

Individual staff members are financially responsible for any items missing from their inventory.

3.5 Cash in the Building

All monies collected by school employees and students shall be handled in accordance with prudent business procedures. All monies collected shall be receipted, accounted for, and directed without delay to the Finance Office.

In no case shall cash be paid out of money collected.

In no case shall money be left overnight in desks or schoolrooms. All money must be turned in to the office daily.

If procedures are not followed, then the individual involved will be responsible for reimbursement.

3.6 MAS – Fire and Safety Plan

The Superintendent shall develop and implement fire and emergency plans with the approval of the School Board.

Section 4: PERSONNEL

4.1 Personnel Files

All personnel files shall be kept confidential, subject to full administrative access and discretion of the Superintendent. However, all material placed in an employee's personnel file and originating within the school system shall be made available to the employee at his/her request for inspection. The inspection will be in the Personnel Office. Personnel Files are not to be taken out of the Personnel Office.

4.2 Communication

PLEASE USE THE CHAIN OF COMMAND IN YOUR COMMUNICATIONS. In the event that you do not understand a particular communication it is especially important that you seek immediate clarification from your supervisor. School communications from the Administration will be handled through several means, primarily:

- Daily announcements over the P.A. system,
- Daily bulletin,
- Weekly and monthly calendars,
- Bulletins pertaining to special situations or specific groups,
- Faculty meetings,
- Individual memorandums,
- Handbooks,
- Conversations.

The School Board encourages use of both English and Apache.

4.3 Employee Conduct – 1

4.3a Loyalty

Employees shall be expected to demonstrate loyalty to the Tribe, the School, its leaders, and the employee's supervisor. Criticism should be directly discussed with those persons involved and not publicly or to other staff. Disloyalty shall be grounds for dismissal.

4.3b Outside Employment

Outside employment may be authorized provided it does not affect or interfere with the employee's assigned responsibilities or detract from the employee's on-the-job performance and duty hours.

The Superintendent with the approval of the School Board shall approve authorization for outside employment in writing.

All requests for permission to engage in outside employment shall be in writing which will include:

- The type of work to be engaged in and the task to be performed.
- The hiring organization or employee.
- The hours of work.
- The reason for desiring such employment.

Permission to engage in outside employment may be granted if such employment would not result in any of the following:

- Impairment of the on-the-job efficiency,
- Conflicts of interest,
- Unfavorable publicity or poor public relations.

4.3c Political Activity

No employee may engage in any political activities during work hours, on School grounds, at School activities, or in his or her capacity as a School employee.

"Political activities" include:

- running as a candidate for election to a public office,
- campaigning for or against a candidate or slate of candidates in partisan elections,
- making campaign speeches,
- collecting contributions or selling tickets to political fund-raising functions,
- distributing campaign material in partisan elections,
- organizing or managing political rallies or meetings,
- circulating nominating positions,
- working to register voters for one party only, and/or
- wearing political buttons at work.

"Political activities" do not include participation on a cattleman's association, REA Board, and other similar non-partisan community boards.

Employees wishing to run for the Mescalero Apache Tribal Council must take a leave of absence for the duration of the campaign. Employees of the school in policy-making positions shall resign their positions upon successful election to the Tribal Council.

4.3d Confidential Information

No employee may disclose or discuss confidential information in the possession of the School with any person except:

- Other School employees in conjunction with, and within the scope of, the official duties of such employees. Such confidential information includes information the source of which is personnel files and records, student files and records, and other information identified as confidential by School policy or in School manuals; or
- Third parties who are entitled to the information, such as a parent or other party entitled to confidential student information pursuant to the Family Education Rights and Privacy Act.

4.3e Association with Other Employees

All employees shall treat their fellow employees with courtesy and respect, regardless of personal or professional differences. Although employees may and should seek to work out differences with each other as they arise, employees should avoid expressing complaints of dissatisfactions except to supervisors, or otherwise creating dissension among co-workers.

Non-Discrimination:

Discrimination on the basis of race, color, national origin, gender, age, religion, disability, or political affiliation is prohibited pursuant to School policy, and employees who engage in discriminatory conduct or speech on such basis shall be subject to discipline.

Employees shall act as to support rather than obstruct co-workers in fulfilling their responsibilities.

Employees shall hold themselves responsible for the quality and extent of services they perform.

Employees shall treat co-workers with the utmost respect.

Employees shall assume responsibility for sharing pertinent knowledge with co-workers.

Employees shall respect the privacy and the human dignity of all persons with whom they have contact.

4.3f Internet Use Policy

Employees who are issued a computer account, an email account, and access to the internet must utilize the computers, email, network, and internet for business and educational purposes.

Inappropriate uses include:

1. Playing games;
2. Participating in gambling pools or pyramids;
3. Doing unauthorized downloads;
4. Accessing restricted web sites such as hate, dangerous materials, etc.
5. Accessing pornographic websites;
6. Sending obscene, pornographic, offensive and threatening email on campus to other employees or to off campus email accounts;
7. Using another person's account with or without permission;
8. Developing or executing programs that could harass other users, infiltrate systems, damage, or alter software components. Using the school's computer systems to conduct any of the preceding on computer networks residing off campus. Browsing the school's computer network with the intention of infiltrating systems and electronic data.
9. Seeking confidential information on employees without authorization. Intentionally obtaining copies of or modifying electronic files, passwords, electronic data, or software programs belonging to other employees or that reside on the school's computer network without authorization.
10. Making and distributing copies of programs without the specific permission of the copyright holder or the Mescalero Apache School District.

Employees who are NOT issued a computer account, an email account, and access to the internet should not be utilizing the computer systems or using another person's account to gain access.

The Mescalero Apache School District has the right to access records regarding an employee's use of email, internet electronic data, software programs, and electronic files. Electronic data and electronic files created by the employee for business purposes belong to the Mescalero Apache School District.

Any violation of this policy will include:

1. Letter of warning;
2. Three days of suspension without pay;
3. Discharge.

4.4 Employee Code of Conduct

I.

CODE OF CONDUCT: LICENSED PERSONNEL

The school board recognizes the standards of acceptable 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 services in a school but who does not hold a standard license.

The school board further recognizes the need to adopt local standards of ethical behavior and conduct which, if violated, may constitute just cause for termination or discharge of licensed and non-certified personnel.

As a result, the school board hereby adopts this code of conduct for all licensed personnel of the school and compliance with which is a contractual duty of all licensed personnel of the school.

II.

CODE OF CONDUCT: ALL PERSONNEL

The school board further adopts the following code of conduct **for all employees** establishing standards and expectations for employee behavior which, if violated, may form a basis for discipline, up to and including termination or discharge.

This code highlights employment responsibilities, and sets forth concrete behaviors appropriate for all school personnel. We are committed to this code and understand that it provides minimally-accepted standards of conduct for employees of the school.

To satisfy this obligation, all school employees shall:

A. AS TO STUDENTS:

(1) serve as constructive role models for students of the school; this policy and local community standards;

(2) refrain from disclosing and 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.

(3) not discriminate, or permit students within the employee's control, supervision or responsibility to discriminate against any other student, on the basis of race, color, national origin, ethnicity, sex, disability, religion, or serious medical condition.

(4) avoid using their position as a school employee to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a school employee or student to discipline for misconduct whether or not the student actually engages in the behavior.

(5) fraternize with or tutor students outside school or school-sponsored activities 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.

(6) 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.

(7) not lend a student money except in clear and occasional circumstances, such as instances in which a student may go without food or beverage or be unable to participate in a school activity without such financial assistance, and shall report all such instances and the reason therefore to the employee's supervisor as soon as practicable after the instance.

(8) 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 including but not limited to 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;

d. offering or giving a ride to a student unless absolutely unavoidable, such as instances in which a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements, and shall report all such instances and the reason therefore to the employee's supervisor as soon as practicable after the instance.

e. report any instance to the administration in which the employee reasonably suspects that another employee, student or person has engaged in such behavior toward a student at school or during any school-sponsored activity;

f. abide by the prohibitions of NMSA 1978 Section 30-9-10 which imposes felony sanctions for a school employee to have sexual relations with a student under 18 years of age;

(9) not interfere with a student's right or access to a public education by sexually harassing a student or permitting students within the control, supervision or responsibility of the employee to sexually harass any other student, which includes:

a. avoid making any sexual advances, requests for sexual favors, repeated sexual references, and avoid any name-calling by means of sexual references or references directed at gender-specific students; avoid any other verbal or physical conduct of a physical nature with a student even where the employee believes the student consents or the student actually initiates the activity, and any display or distribution of sexually-oriented materials, or information where students can see them;

b. avoid creating an intimidating, hostile or offensive school environment by, at a minimum, not engaging in any of the prohibited behaviors set forth in subparagraphs (8) or 9(a) above.

c. become familiar with and abides by the School Board's policies related to inappropriate contact with a student or sexual harassment of students by employees or students by students.

d. reports to the administration any instance in which the employee reasonably suspects that a student has been subjected to sexual harassment at school or during school-sponsored activity.

(10) not engage in unauthorized or inappropriate discipline of a student or corporal punishment in excess of, or contrary to, local school board policy, and in exercise of disciplinary action toward students, the employee shall:

a. control anger, de-escalate conflicts and confrontations, avoid losing his or her temper, and refrain from any form of excessive physical discipline or physical or verbal abuse of students. Physical intervention shall be used only to restrain students actively engaged in or threatening physical violence or harm toward himself, other staff members or students. Instances of such physical restraint shall be reported to the administration as soon as practicable.

b. refrain from using derogatory terms, offensive names or nicknames, or vulgar or profane language directed to, in the vicinity of, or when referring to students. School personnel shall further avoid name-calling, racial epithets or racially-insensitive terms, crude anatomical references, racial, ethnic or sexual jokes or slurs, or offensive or pejorative verbal or non-verbal communication, signs or other physical gestures which are likely to elicit a negative response. It shall be the duty of the employee to assure that particular forms of communication as specified herein are appropriate for use in a school setting or in the context in which he or she proposes to use them.

c. Decline to permit himself or herself to be provoked into a response barred by this policy, by student conduct or communication.

(11) not engage in violent or threatening behavior toward students, regardless of provocation, except when required for the immediate defense from serious physical harm of the employee, another student, staff member or authorized person on campus

B. IN GENERAL:

(1) comply with all school board policies and administrative regulations, or if applicable, approved collective bargaining-agreements, setting forth specific employee behavior or conduct standards.

(2) not make a false or misleading statement or fail to disclose a material fact in any application for employment or licensure.

(3) not orally or in writing misrepresent his or her qualifications for an employment position or promotion.

(4) not assist persons in obtaining educational employment that he or she knows to be unqualified in respect to their character, education, or employment history.

(5) not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in the school.

(6) not permit or assist unqualified or unauthorized persons to engage in employment within the school.

(7) not disclose personal, medical, or other confidential information about other employees to anyone unless disclosure is required or authorized by law.

(8) not knowingly make false or derogatory personal comments about an employee, although First Amendment-protected comments on or off campus are not prohibited.

(9) 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 or employment-related awards, honoraria, plaques, trophies, and prizes.

(10) avoid conduct connected with the performance of official duties that is improper, illegal or gives the appearance of being improper or illegal.

(11) not sexually harass any school employee, any school visitor or anyone else whom he or she might encounter in the course of official duties, which includes:

a. avoid making any sexual advances, requests for sexual favors, repeated sexual references, and avoid any name-calling by means of sexual references or references directed at gender-specific individuals; avoid any other verbal or physical conduct of a physical nature with any of the above-named individuals even where the employee believes they consent or they actually initiate the activity, and any display or distribution of sexually-oriented materials or information where the above-named individuals can see them;

b. avoid creating an intimidating, hostile, or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors set forth at subparagraph 11(a) above.

c. become familiar with and abides by the School Board's policies related to sexual harassment of employees.

d. report to the administration any instance in which the employee reasonably suspects that a school employee, school visitor, or other person present at school or a school-sponsored activity has been subjected to sexual harassment.

(12) not engage in inappropriate displays of affection, even with consenting adults, while on school property, during school-sponsored activities or school events off campus.

(13) not use public school property to conduct personal business or personal affairs without permission of a supervisor.

(14) use educational facilities and property only for proper purposes related to legitimate school business or purposes for which they are intended consistent with applicable policy, law and regulation.

(15) 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, disability, religion, or serious medical condition.

(16) not engage in any outside employment:

a. the performance of which conflicts with school employment duties;

b. which uses confidential or privileged information obtained from public school employment as part or all of private employment duties;

c. that impairs the physical ability to perform school employment duties.

(17) not, with the intent to conceal or confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:

a. in connection with official school duties;

b. in connection with another 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;

e. in connection with any writing submitted to the Department of Education related to initial or continued licensure, including endorsements.

(18) not, with the intent to deceive, 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 portions or the entirety of any standardized or non-standardized testing instructions;

c. that would assist students in obtaining services or benefits to which they do not qualify or are not entitled.

(19) not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, disruptive, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace or interfere with or obstruct the lawful mission, processes, procedures or functions of the schools or the School District.

(20) not engage in violent or threatening behavior toward co-workers, supervisors, parents, members of the school community or members of the public, or others with whom the employee has contact in connection with his or her job duties.

(21) not engage in any behavior prohibited by the state's criminal code or conduct which may result in criminal penalties, civil fines or similar sanctions.

(22) respond in a constructive and professional manner to lawful directives, instructions or requests from supervisors or administrators.

III.

PENALTIES FOR FAILURE TO COMPLY WITH THIS CODE

A. The School Board finds that adherence to this Code of Conduct has a significant bearing on a school employee's competence, turpitude or the proper performance of his or her duties. Further, the Code of Conduct is intended to provide a valuable framework of personal ethics to assist employees in their interactions with colleagues, students and parents. However, the Code of Conduct establishes minimal standards of accepted conduct with which all employees are expected and required to comply.

B. The failure to abide by the standards of ethical behavior and conduct set forth in the Code of Conduct may constitute just cause for termination or discharge of personnel subject to this code, by action of the local school board in accordance with applicable statutory procedures.

C. The failure or refusal to abide by the standards of conduct set forth in this code shall constitute insubordination and shall be considered conduct deemed to be outside the normal scope of duties of school personnel and, thus, shall not be subject to the procedures for correction of unsatisfactory work performance applicable to discharge of licensed personnel for unsatisfactory work performance.

4.5 Tardies and Absences

Lateness and absences detract from the teaching/learning environment of the school. School personnel are expected to be at school and ready to work on time. Failure to adhere to school policy by repeated lateness and absenteeism shall result in graduated discipline as follows:

1st incidence = Letter of Warning

2nd incidence = Three Days Suspension without pay

3rd incidence = Dismissal, Discharge, or Termination.

4.6 Employee Absences

In the event of an anticipated absence, an employee shall notify the Principal / Superintendent PERSONALLY the day prior to the absence.

Unanticipated absences shall be reported by telephone to the employee's supervisor no later than 7:00 A.M. the day of the absence.

A "Request for Leave" form must be submitted in connection with all absences from work. A request for leave form shall be submitted 24 hours in advance of an anticipated absence or as soon thereafter as possible. A request for leave form must be submitted for an unanticipated absence immediately upon the employee's return from work.

Failure to provide the notices specified in this section may result in discipline.

CLASSROOM TEACHERS: Classroom teachers who will be absent shall leave their Teacher's Plan Book and Grade Book in an easily accessible location and **LEAVE LESSON PLANS FOR THE SUBSTITUTE**. Teachers are required to have at least two days of usable relevant lesson plans prepared for a substitute at all times.

Failure to have adequate lesson plans prepared for a substitute may result in disciplinary action.

4.7 Leave Policies

All requests for leave shall be submitted to and approved by the employee's supervisor. The supervisor and an Administrative employee keep leave records concurrently.

4.7a Sick Leave

Sick Leave may be accumulated for a total of 120 working days maximum.

Each new employee shall accumulate Sick Leave at the rate of one day per month commencing on the day that the employee reports to duty.

After the first year, the annual ten (10) days of sick leave for 9- and 10-month employees, eleven (11) days of sick leave for 11-month employees, and the twelve (12) days of sick leave for 12-month employees shall be credited on the first day of the school year.

Any employee absent for three or more days on Sick Leave will be required to submit a doctor's statement.

Repeated or chronic absences due to illness may be grounds for the Superintendent to require that the employee submit a doctor's statement for absences of fewer than three days.

All absences on the day or consecutive days prior to or after a holiday, during orientation, or the last day of school shall be documented with a doctor's statement or shall have prior approval from the supervisor.

Sick Leave not used during any fiscal year will be reimbursed at \$50.00 for every 8 hours not used.

Policy Manual Revision

4.7b Sick Leave Bank

A volunteer Sick Leave Bank has been approved according to stipulated guidelines. A MAS employee with extraordinary health or medical problems **involving hospitalization**, such as problematic pregnancy, major illness or injury, or other pertinent emergencies that occur to the employee or an immediate family member, but who lacks adequate leave time, may request sick leave hours from the bank. Any employee needing additional hours beyond the allotted time for maternity leave **is not eligible** for hours from the Sick Leave Bank. Sick leave hours from the bank cannot be used for routine absences. This is to ensure that an equitable opportunity is provided for all contributing employees.

Sick leave hours from the bank can be requested **only if the employee has exhausted any and all leave**, including all accrued sick, personal, comp or vacation leave. An employee is eligible to request Sick Leave Bank hours if he/she has donated a minimum of 8 hours for that current contract year. An administrative secretary will be in charge of keeping track of the individual donors and the total number of hours in the bank.

When requesting hours from the bank, the employee must submit a letter to the Sick Leave Bank committee. The letter must state the number of hours needed, the reason and documentation from a doctor attached to the letter. **An employee may receive up to 80 hours of leave per school year from the bank.** The Sick Leave Bank committee will be in charge of reviewing the letter and documentation and the request for hours from the bank. The committee will then provide the staff member and administration with a letter within one week stating whether the request is granted or denied. If there happens to be a shortage of hours in the bank, the committee will notify all staff members that there is a need for more hours to be contributed at that time.

This is a totally voluntary program. Any staff member wishing to donate hours to the Sick Leave Bank may do so at any time. An employee would be eligible to request hours from the bank eight weeks after donating the minimum 8 hours. A donation of 8 hours would need to be made **each contract year** for an employee to continue to be eligible to request hours from the Sick Leave Bank. Any staff member leaving the district may elect to donate their unused sick leave hours to the bank prior to their departure.

4.7c Subpoenaed Leave

An employee subpoenaed as a witness in court, or appearing as a witness for the School Board without a subpoena, or summoned for jury duty, shall receive no salary deduction for such absence, but any amount received as a witness fee or jury fee must be endorsed to the Mescalero Apache School; except that an employee may retain any fee paid for travel and need allowance.

4.7d Professional Leave

Employees may request leave to attend workshops, conventions, conferences, and/or meetings in which the content will contribute to and enhance employees' professional development. A report to other employees will be required from each employee attending any such conference or meeting.

All requests for Professional Leave must be submitted to the Superintendent for approval or disapproval at least five working days in advance. Each such request shall describe the agenda and content of the conference or meeting, attach descriptive literature from the sponsors of the conference or meeting, and state how the conference or meeting will contribute to the employee's professional development.

The School Board must approve all out-of-state travel for employees to attend conferences or meetings.

4.7e Friday Early Leave

Employees may, as duty permits, leave 10 minutes after student dismissal time on Fridays to take care of personal business including, but not limited to, car care, professional appointments, medical appointments, and personal business transactions. The intent of this policy is to encourage personnel to use non-instructional time for items that require short-term commitments.

4.7f Vacation Leave

The Superintendent will develop and implement procedures for accrual and use of vacation leave. Vacation leave will be available to 12 month employees only.

4.7g Maternity Leave

Maternity leave shall be granted upon written request to the School Board at least one month prior to date needed, and the leave shall not exceed six weeks. The employee shall indicate at this time whether she wishes to terminate employment or apply for maternity leave. The employee must take leave at the 6th month of pregnancy until one month after the pregnancy unless a doctor's note is provided. A pregnant employee shall be allowed to take leave to be charged against Sick Leave, Vacation Leave, and/or Personal Leave for absences related to pregnancy before and after childbirth. When all Sick Leave, Vacation Leave, and Personal Leave have been depleted the employee shall be charged with Leave Without Pay. Any employee needing additional hours beyond the allotted time for maternity leave **is not eligible** for hours from the sick leave bank.

4.7h Bereavement Leave

A maximum of three working days of leave without loss of salary shall be given to an employee upon death of an immediate relative. A member of an immediate family shall include:

- Husband
- Wife
- Father
- Mother
- Brother
- Sister
- Son
- Daughter
- Father-in-law
- Mother-in-law
- Daughter-in-law
- Son-in-law
- Brother-in-law
- Sister-in-law
- Nephew
- Niece
- Aunt
- Uncle
- Grandparents

Funeral leave for relatives other than stated will require the use of personal or sick leave. Leave must include explanation of relationship. The Superintendent may grant additional days for travel emergencies outside the control of the employee or for the employee participation in planning funeral arrangements.

4.7i Personal Leave

9 month, 10 month and 11 month employees shall be allowed 2 days Personal Leave and 12 month employees shall be allowed 3 days Personal Leave per year without loss of pay for an emergency of a personal, religious observances, court appearances, legal and business transactions, serious illness to the immediate family, road failure or transportation breakdown, maternity, bereavement leave extension, or a serious household emergency requiring the presence of the employee. Five days notice shall be given unless there is an emergency. No personal leave shall be taken before or after a holiday. Personal leave not used during any fiscal year will be reimbursed at \$50.00 per every 8 hours not used.

4.7j Compensatory Leave

Compensatory Leave shall be credited to an employee's leave record for the time worked by an employee at the direction of employee's supervisor beyond normal work schedule for the time for which the employee has not been compensated.

No compensatory leave shall be credited to an employee's leave record for time, which was not previously authorized by employee's supervisor.

Employee shall prepare a "Request for Overtime/Comp Time" form and present it to his/her supervisor for approval, prior to crediting of time to the employee's leave record. When an employee desires to take leave, compensatory leave to his/her credit shall be used before using personal or sick leave.

Cash payment for compensatory leave will not be made with the exception of termination of employment at which time accumulated compensatory leave will be paid at the per hour rate as received by the employee on the last full day worked.

4.7k Administrative Leave

Administrative leave policy will cover requests specified by the policy for leave of absence.

Administrative leave shall be granted to an employee at the discretion of the President of the Mescalero Apache Tribe and shall be leave with or without pay based on circumstances relating to each specific request for Administrative leave.

Administrative leave shall be granted for educational purposes, absence from work due to extreme weather conditions, disasters such as floods, or fires, or other natural phenomena which prevents an employee from working or reporting to work, emergency leave, participation in the Tribe's religious ceremonies, or other reasons as may be determined by the President of the Mescalero Apache Tribe.

The employee shall complete and submit a Request for Leave form to the Superintendent for approval and forwarded to the Administration Office to insure that proper credit is given and accurate records are maintained.

4.7l Report Absence of Duty

When it is necessary for any employee to be absent, the employee shall be responsible for notifying the supervisor of such absence by 3:00 P.M. on the day preceding commencement of working day when the employee will be absent, or in an emergency no later than 7:00 A.M. of the day of the absence.

Any of the following failures by a staff member shall result in the forfeiture of his/her salary for each day of absence for which the failure persists:

- Failure to obtain prior approval for applicable leave policies
- Failure to report absences in advance
- Failure to file verification of evidence as required for specified leave policies.

4.7m Job Abandonment

If any employee is off the job for a period of two working days without having made prior arrangements with the Superintendent, it shall be considered AWOL (Absence Without Leave) that the person has abandoned the job and, therefore, is no longer an employee of the school.

4.8 Certified Staff Salary Schedules

4.8a Transfer Experience

The following regulations apply to all certified personnel on the Teacher's Salary Schedule (i.e., librarians, counselors, and teachers):

- Mescalero Apache School will allow new certified staff to the district to transfer a maximum of eight years of verified K-12 State accredited school experience. The school will pay according to this movement on the salary schedule.
- All experience gained in a NCA or State Accredited school experience will be recognized. The employee must have held a valid State certificate at the time of the school experience.
- Continuing certified staff who may qualify for additional movement of the salary schedule must submit a written statement to the Superintendent by June 1 indicating:
 - The specific years of NCA or State Accredited school experience
 - The specific grade levels of State Accredited school experience
 - The specific school location of the State Accredited school experience.

Certified staff must validate full time employment of at least one day over half of a Contract Year in order to qualify for a full step increment. The School Board reserves the right to make the final determination if movement will be granted.

4.8b Horizontal Movement

The school encourages all employees to earn college credit hours leading to an advance degree program. However, it is recognized that at times undergraduate hours or community college hours may meet the needs of a particular staff assignment with more specificity. Horizontal salary schedule advancement credit will be allowed for non-graduate hours under the following restrictions:

- Relevancy – the classes must be related to the individual's assignment or to district goals
- Advanced Approval – the Superintendent must approve undergraduate courses in advance

4.8c Vertical Movement

Vertical movement on the schedules will involve the movement of one vertical step each year of verified State Accredited K-12 experience, provided there is an additional step on the salary schedule. Only extracurricular pay may be paid beyond the maximum listed on the salary schedule. At no time will an individual be allowed to progress more than one vertical step or two horizontal columns per contract year. Progress across the salary

schedule will be allowed in October 15 of each school year with a copy of the official transcript required.

4.8d Superintendent's Notification

Each individual who expects to progress across the salary schedule must notify the Superintendent's office in writing prior to the last working day of the current year. Failure to notify will result in the individual not being able to progress across the salary schedule until the following year. In the case of unusual circumstances, the individual may petition the Superintendent's office to waive this requirement, such petition to be submitted within 30 days after the close of the current year.

Credit hours counted for salary increase above the BA and MA must be turned in to the Superintendent's office by October 15 in order to receive a salary increase for the school year.

4.9 Pay for Teacher Assistants as Substitutes for Classroom Teachers

This policy was rescinded at the July 28, 2009 School Board meeting.

Every effort should be made to acquire a substitute for each classroom if a teacher is unable to be present. If unable to secure a substitute, a teacher assistant may be used to fill in for an absent teacher.

Teacher assistants that have substituted for classroom teachers will be paid, in addition to their regular hourly wage, a substitute stipend of \$25.00 per day.

A timesheet supplement stipend payment form will be completed and turned in at the end of each week after the completion of their substituting.

Payment to Teacher Assistants for substituting will be paid to the Teaching Assistants during pay day week, provided the supplement stipend payment form was completed and turned in the Friday before pay day week. Time on the stipend forms turned in after the Friday before pay day, will be calculated and paid on the following pay day.

4.10 Substitute Teachers Pay

\$55.00 per day (Non-Certified)

\$65.00 after 30 days

\$100.00 per day (Certified Teacher with a valid Teaching License)

4.11 Employee Substance Abuse Policy

A. Substance-Abuse Prohibited

The prevention of substance abuse in the workplace is necessary to a safe and efficient School environment. Accordingly, School policy forbids any employee from possessing, using, distributing, or being under the influence of drugs or alcohol, and from possessing, using, or distributing drug paraphernalia, while on School property and while on School business.

1. If an employee is properly using drugs pursuant to an authorized prescription or properly using an over-the-counter drug, and such use may affect or impair such employee's performance of his or her job duties, such employee shall report such use to his or her supervisor. In appropriate cases, the supervisor may limit, modify, or suspend the employee's duties during the time he or she is using the drug, but such use shall not be considered a violation of this policy.

B. Definitions

1. Alcohol: Any liquor, wine, beer, or other beverage containing alcohol.
2. Drugs: Any drug, including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes, and counterfeit (look-alike) substances.
3. Drug paraphernalia: Equipment or apparatus designed for or used for the purpose of measuring, packaging, distributing, or facilitating the use of drugs.
4. Substance abuse: The use of drugs or alcohol in violation of state, or federal, or Tribal law, or in violation of School policy.

C. Enforcement of Policy

1. The School reserves the right to search employees' persons, including purses, briefcases, etc., when there is a reasonable suspicion that this policy has been violated by the employee to be searched.

2. A pat-down search of an employee may be conducted in private by an authorized School representative of the same sex as the employee, with a witness present, whenever such representative has a reasonable suspicion that such employee is in possession of illegal or unauthorized materials. The employee may be asked to remove outerwear such as a coat, jacket, sweater, etc., so that such may be searched, to turn out the pockets of remaining clothing, and to open and empty items such as purses, briefcases, etc.

3. Desks, lockers, and similar storage facilities are School property and remain at all times under the control of the School; however, employees are expected to assume full responsibility for the security of their lockers, desks, and similar facilities. Periodic general inspection of such facilities may be conducted by authorized School representatives for any reason, at any time, without notice and without consent.

4. Employees are permitted to park on School premises as a matter of privilege. The School retains the right to conduct routine patrols of School parking lots and inspections of the exteriors of vehicles and so much of the interior as may be inspected from outside the vehicle. The interiors of vehicles on School property may be inspected whenever an authorized School representative has a reasonable suspicion that illegal or unauthorized materials are contained in such vehicles. Such patrols and inspections may be conducted without notice, without consent, and without a search warrant.

5. In any of the foregoing searches, the School may utilize dogs, whose reliability and accuracy for detecting contraband has been established, to aid in the search for contraband on School property, and in vehicles present on School property. The dogs shall be accompanied by qualified and authorized trainers or handlers who will be responsible for the dogs' actions. An indication by the dog that contraband is present on School property or in a vehicle on School property shall be a reasonable cause for a further search by authorized School representatives.

6. The School reserves the right to require the submission of urine samples by all applicants for employment, any randomly selected employee or school board member, or upon reasonable suspicion that an employee is, or has been, impaired on the job, for testing for the use of controlled substances by an authorized testing laboratory.

- a. All testing of applicants, employees, and school board members will be performed by a certified drug testing laboratory pursuant to contract. The testing laboratory chosen to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically validated testing methods.
- b. A refusal to provide a sample, or the alteration or falsification of a specimen or test result, will be treated as a basis for disqualification in the case of an applicant, and as grounds for discipline, including termination, in the case of an employee, and removal from the school board in the case of a school board member.
- c. The testing laboratory will contact the Superintendent or his or her designee with the test results.
 - (1) If a test result is positive in the case of an applicant, the Superintendent or his/her designee will notify the applicant. A

conference to discuss a positive test result may be scheduled at the request of the applicant. If such a conference is requested, the applicant may offer any explanation he or she may have for the positive result. The applicant may also provide any doctor's prescriptions of any medication that the applicant was taking that might have affected the outcome of the test and may request that another test be conducted on the remaining portion of the urine sample.

- (2) If a test result is positive in the case of an employee or school board member, the Superintendent or his or her designee will contact the employee or school board member and schedule a conference, at which time the employee or school board member may offer any explanation he or she may have for the positive result. The employee or school board member may also provide any doctor's prescriptions of any medication that the employee or school board member was taking that might have affected the outcome of the test and may request that another test be conducted on the remaining portion of the urine sample.

d. Selection for Random Testing

- (1) On the first day of each month, one number between 1 and 31 will be randomly selected for the date of the unannounced testing for that month. If that day falls on a weekend or a non-work day, an additional number will be drawn until a testing day has been determined.
- (2) 10% percent of the employees then eligible for testing shall be randomly selected to be tested.
- (3) Employees and school board members will be selected by a random selection process on the testing dates. A random number generator will be used to determine which employees are to be tested to ensure employees will have an equal chance of being selected on an unannounced basis for the testing. Employees who are selected to be tested during one test period will be eligible for future tests and if selected may be tested in successive tests.

7. The confidentiality of all information obtained of applicants, employees, or school board members pursuant to this policy will be maintained by the School and its authorized representatives and agents.

D. Penalties for Violations

Employees found to have been in violation of this policy may be subject to discipline, including suspension and discharge. School board members found to have been in violation of this policy may be subject to removal from the school board.

4.12 Smoking on School Premises by Staff Members

The School Board recognizes that smoking during school hours and on school property could prevent health and safety hazards which may result in serious consequences for the smoker, non-smoker, and safety of the school and is; therefore, of concern to the School Board.

For purposes of this policy, “smoking” shall mean all uses of tobacco except ceremonial uses authorized by the Superintendent.

In order to protect students and staff from an environment that may be harmful, and because the School Board cannot, even by omission, condone the use of tobacco because of its possible harm to the personal well being, the School Board prohibits smoking:

1. in classrooms
2. on all school grounds
3. on all school buses
4. in any classrooms, hallways, or instructional areas
5. at all school activities, i.e., games, dances, etc.

Consequences:

If this policy is violated, the following consequences will occur:

1. Letter of warning
2. Three days of suspension without pay
3. Termination or discharge

4.13 Sexual Harassment

Sexual harassment may include, but is not limited to:

- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering gestures, or display of sexually suggestive objects, picture, or cartoons.
- Continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction between peers is not considered sexual harassment).
- Implying or withholding support for an appointment, promotion, or change or assignment; suggesting that a poor performance report will be prepared; suggesting that probation will be failed; implying or actually withholding grades earned or deserved.
- Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee; or engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- Offering or granting favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignment, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.

Any employee who believes he or she has been subjected to sexual harassment, or who has reason to believe that another employee may be a victim of sexual harassment, should immediately report the harassment to the Superintendent, or, if the Superintendent is involved in the matter, to the President of the Board of Education. The Superintendent/Board President, or his/her designee, shall investigate the charge, and make a determination of its validity.

Retaliation against any person who has made a charge of sexual harassment, or against any person who has assisted or been a witness in regard to such a charge, is strictly forbidden, and will subject the person retaliating to the same range of consequences as other violations of this policy, up to and including discharge

4.14 Children of Employees

Employees may not bring their children to work, or allow their children to be present in their work areas, except in instances in which an employee's child is enrolled in the employee's class or programs, or is enrolled in Staff Day Care.

4.15 Staff Health and Safety

All employees shall be covered by worker's compensation insurance for any accident while on assignment, including an accident on school property or while on official business off school property. An employee must report any such accident to the Superintendent or his designee within 24 hours.

Any employee who has an accident, no matter how slight, while on duty, shall notify the Superintendent immediately.

If an employee is injured on the job during the work day:

- The injured employee should go to the school nurse for first aid and then report to their supervisor. Fill out a claim and accident report in the school health office and submit the form to the Superintendent.
- In case of an emergency, if the injury is life threatening, go to the nearest hospital. Arrange to complete the accident form after the emergency treatment.

If an employee is injured on the job during the night or on weekends:

- In case of a life threatening emergency, go to the nearest hospital for treatment.
- In other cases, the employee should call his or her supervisor for directions on what to do next.
- The employee shall arrange to have someone call the school the next working day, and shall report to the school health office to fill out the required forms to be submitted to the Superintendent.

If the above procedures are not followed, the claim for benefits may be denied.

These procedures are applied to all accidents that occur while the employee is on the job, when time is lost, or when the employee files a Workman's Compensation Claim.

The Superintendent for purposes of employment or retention may require employees to submit to such tests or examinations, as a licensed physician deems appropriate.

A complete health examination by a fully licensed physician approved by the Superintendent may be required. This requirement shall be established when, in the opinion of the Superintendent, the employee's ability to fulfill his/her duties are jeopardized by his/her physical or emotional condition. The school, if applicable, as determined by the Superintendent may pay the expense of such examination.

4.16 Staff Protection

Although the school cannot guarantee the safety of its employees from threats or assaults by third parties, any employee who is threatened with harm by any third party individual or group should report such threats immediately to the Superintendent followed by a written report for appropriate action.

4.17 Announcements

All PA announcements from the Elementary School and/or Middle/High School shall be made by that school's Principal. All PA announcements made in the Administration building shall be made by the Superintendent.

4.18 Leaving the Classroom

No employee assigned to a classroom may leave the classroom unsupervised when students are present. If an employee must leave a classroom in which students are present for unavoidable reasons, the employee shall make arrangements with another employee to watch the class during the absence.

Violation of this policy shall be subject to disciplinary action as determined by the Principal and/or Superintendent.

4.19 Extra Duties

Each staff member shall be required to take various duties on a rotating basis. Other duties shall be scheduled on need. If you have a commitment, then you will be responsible for getting a replacement.

4.20 Duty/Supervision Responsibilities

Supervising students in the classroom, in hallways, in special rooms, on the school premises and at school activities is the responsibility of all staff.

4.21 Equipment and School Property Care

Each teacher plays an important role in maintaining a suitable physical environment for learning and for developing good standards of housekeeping and respect for property among students. Needed equipment repairs should be brought to the attention of the Administration Office and a work order completed by the teacher.

4.22 Keys

Keys will be issued to all rooms and storages to which employees need access. Take every precaution to insure the security of our facilities by keeping keys in a safe place – not on top of or in your desk. Under no circumstances should keys be loaned to students. You are responsible for all keys issued to you. Do not give them to anyone.

If a key breaks off in a lock, do not take the broken part out of the lock. Do not throw away the broken pieces. Notify the Administration Office.

You will be financially responsible for the replacement of all necessary keys or lock re-keying.

4.23 Line and Staff Relations

Unless other wise specifically limited by statute or School Board action, any of the power and duties specifically assigned to the Superintendent may be delegated to others serving under the Superintendent. However, the Superintendent shall continue to be responsible to the School Board for the satisfactory execution of the delegated power and duties.

Lines of authority shall be clearly outlined by the Superintendent by means of organizational charts, job descriptions, and Administrative regulations and procedures.

4.24 Evaluation of Instructional Programs

The instructional programs of the school shall be regularly evaluated and periodic reports shall be provided to the School Board by the Superintendent. Evaluations by outside agencies shall be obtained only under exceptional circumstances in the discretion of the Superintendent or the School Board.

4.25 Evaluation of Professional Staff

Procedures and standards for evaluations shall be developed and adopted by the Superintendent with the consent of the School Board.

4.25a Administration

In line with the existing practice of continuous evaluations of all aspects of the total educational program, including student progress, personnel, curriculum, and facilities, the Superintendent will ensure that a formal process of evaluating all Administrators is conducted annually for the improvement of the quality of the educational program in the school.

4.25b Superintendent

The School Board will conduct an evaluation of the Superintendent twice each year. In the Fall, the School Board will consult with the Superintendent and identify a reasonable number of goals for accomplishment by the Superintendent during the upcoming school year. The School Board's Spring evaluation of the Superintendent shall include assessment of the extent of the accomplishment of the goals.

4.25c Teaching Personnel

All classroom teachers, teaching assistants, and other non-administrative staff members shall be evaluated at least annually.

4.26 Gifts

Staff members shall not accept gifts of significant value from parents, students, or patrons, but acceptance of minor tokens of appreciation or affection shall not constitute violation of this policy.

Staff members shall not give gifts to any student unless all similarly situated students receive or are offered the same gift for the same reason.

4.27 Solicitations

NO school employee shall use his/her position in the Mescalero Apache School system to influence parents or pupils to purchase books or other merchandise, except for materials approved by the Superintendent for use in the classroom,

Solicitation of employees and/or pupils by any profit, non- profit, or charitable groups, institutions, or organizations must have the advance, written approval of the Superintendent.

No other solicitations shall be made by or of employees during official duty time.

4.28 Faculty Dress

The Mescalero Apache Tribe has taken great responsibility assuring that the children of Mescalero receive a quality education competitive to any institution in the State of New Mexico. Careful selection of staff has been done with consideration to licensure and experience. These individuals have further been selected for the contributions they bring to the students of Mescalero. In order to accurately address professionalism, the attitude and manner in which we greet the students and community are vital to school success. Staff will demonstrate professionalism as educators conforming to the following dress restrictions:

All clothing worn by staff shall be clean and in good repair- worn or torn clothing is not acceptable;

- Although comfortable slacks, blouses, dress, skirts, and colored jeans promote comfort while interacting with students, the following items of clothing are prohibited:
 - Blue Jeans
 - T-Shirts or sweat pants
 - Tennis shoes or hiking shoes resembling tennis shoes
 - Shorts or cut-offs
 - Revealing garments
 - Provocative clothing
- Visible “pierced” jewelry in the tongue, lips, nose, eyebrow, cheek is or anywhere is prohibited. Nothing in this policy shall contradict the student dress policy.
- Vocational staff may wear jeans and work shoes/boots. Physical education staff may wear tennis shoes and wind suits.
- School colors may be worn on Fridays which include:
 - Wind suits (school colors)
 - Tennis shoes not excessively worn or damaged
 - T-shirts with school emblem
 - Jeans without holes, tears, patches, or very worn or faded spots.

4.29 Personal Record Information

Employees shall report changes of name, address, telephone number, W-4 Form information, person to notify in case of emergency, etc., to the attention of the Administration-Personnel Office immediately, as they occur.

NOTE: Information pertaining to race, color, age, sex, or handicap is requested in order to comply with Federal, State, or local regulations, and is used for statistical purposes only. In no case is such information used in a discriminatory manner.

4.30 Background Investigations

An applicant recommended for hire will be required to undergo a background investigation pursuant to 25 CFR Ch.1, Part 63 to determine the minimum standards of character for employment and suitability for working in a school setting. Employees in a position which requires regular contact with or control over children may be subject to periodic reinvestigations.

A new background check will be conducted on all existing employees every 5 years.

4.30a Volunteer, Chaperone, and Visitor Policy

In order to comply with Federal Laws (*P.L. 101-630, 25 CFR 63, and P.L. 101-647*) pertaining to background investigations and to maintain proper management systems to document compliance, all volunteers, chaperones, visitors, and patrons associated with school programs and who have regular contact or control over Indian children must:

- Sign-in at the Administrative Offices,
- Wear a visitor's or volunteer's pass at all times while on campus.
- Be in the presence of a school employee (*who has a favorable background investigation*) until a current Criminal History Background investigation is completed by the Personnel Office.

School programs and activities include but are not limited to:

- Family and Childhood Education (FACE)
- Day Care
- Classroom
- Overnight athletic trips
- Overnight school activity trips

4.30b UNDER CONSTRUCTION

4.31 Termination and Demotion Policy

Staff members with the school two years or less are considered “at-will employees” and may be terminated or demoted at any time without statement of cause or procedural requirements.

Staff members who have been employed with the school for two or more full consecutive school years may be terminated or demoted for cause and are entitled to an evidentiary hearing with the School Board if requested. The Superintendent shall develop procedures for this hearing subject to approval by the School Board.

4.32 Job Requirements

4.32a Teacher Assistants

The Mescalero Apache School Board expects continuing education and improvement of staff; therefore, it is required that all existing Teacher Assistants successfully complete an Associate of Arts Degree in Education by the Fall of 2005 as per Federal Mandate NCLB. Documentation must be submitted on regular intervals to the Personnel Director to show progress towards required certification.

4.32b Apache Language Teachers

The Mescalero Apache School Board expects continuing education and improvement of staff; therefore, it is required that all Apache Language Teachers successfully complete a Bachelor of Science Degree in Education with an emphasis in Bilingual Education by the Fall of 2005. The same expectations will be required of new employees within a six-year period from date of hire. Documentation must be submitted on regular intervals to the Personnel Director to show progress towards required certification.

4.32c Child Care Employees

All child care employees shall have at least a CDA.

4.33 Employee Grievance Resolution Procedure

EMPLOYEE GRIEVANCE RESOLUTION PROCEDURE

A. Purpose

The purpose of this policy is to provide a procedure for the reporting and resolution of legitimate employment-related concerns of the employees of the Mescalero Apache School at the earliest possible time and with the least possible expense, disruption and friction. The Board recognizes that most personnel difficulties encountered by employees arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before far more serious difficulties result.

B. Definitions and Limitations

1. "Grievant" shall mean an employee who is personally and directly affected by a condition for which he or she seeks a resolution.
2. A "grievance" shall be an allegation by an employee that the treatment he or she has received from a supervisor is unfair or improper, or that there has been a violation, a misinterpretation or an inequitable application of Board policy, administrative rules, or procedures, that directly and adversely affects the grievant. A single grievance may be submitted jointly by more than one grievant.
3. "Resolution(s)" shall be the proposed written decision by the appropriate administrator(s), grievance review committee or Board, in response to the grievance.
4. "Parties in interest" shall be the grievant and the supervisor or other employee(s) of the School whose conduct or actions are the subject of the grievance.
5. The following situations are not covered by this grievance procedure and are therefore not grievable under this policy:
 - (a) the discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor;
 - (b) any personnel decision made by the Superintendent or the Board, including, but not limited to, a refusal to employ or to re-employ, a discharge, a demotion, or any other action directly and adversely affecting the employment of an employee;

- (c) situations in which the Superintendent and Board are without authority to act;
 - (d) situations in which the remedy for the alleged violation exclusively resides in some person, agency, or authority other than the Board;
 - (e) situations as to which a different procedure or remedy has been provided by the Board (*e.g.*, attaching a response to an evaluation with which the employee disagrees, for inclusion in the personnel file);
 - (f) situations as to which the procedure within the School is prescribed by Tribal or federal authority; and
 - (g) situations involving a grievance by a contractor with the School.
6. A grievance cannot be filed by a former employee after notice of termination or discharge of employment has been given.

C. General Procedural Requirements

1. A grievance must be initiated at Level 1, as provided in Section D, within ten (10) work days of the date upon which the grievant became aware of the circumstances which gave rise to the grievance.

2. No persons shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of his or her use of this grievance procedure.

3. Whenever possible, any grievance conference or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.

4. A grievant requiring the attendance and testimony of other employees shall have the right to bring such witnesses as are willing to testify in his or her behalf, and any necessary substitutes or released time shall be provided and the expense borne by the School when hearings must be scheduled during the school day.

5. A separate file shall be maintained by the School for grievances. All documents produced during the processing of a grievance shall be filed therein. All parties shall maintain confidentiality with regard to the proceedings and the resolution of the grievance shall not be made public unless agreed to by the grievant and the Superintendent, or unless the grievant pursues the matter beyond this policy.

6. Nothing contained herein shall be construed to limit in any way the ability of the School and the grievant to resolve any grievance by informal means, and nothing herein shall be construed as requiring resort to the formal procedures when grievable problems arise.

7. A grievant may terminate the process at any level if he or she indicates in writing a desire to do so, accepts the resolution at that level, or fails to pursue his or her grievance by filing at the next level within the specified time limit.

8. All grievances shall be filed and processed on grievance forms prepared by the School and available in the office of each principal or in the School's central office.

9. The time limits at any level may be extended by mutual agreement between the grievant, on one hand and the supervisor, superintendent, review committee or Board on the other.

10. Except as otherwise provided herein, unless a party can demonstrate prejudice arising from a departure from the procedures established in this policy, such departure shall be presumed to be harmless error.

D. Procedural Steps

1. Level 1 (Informal Conference)

Prior to the filing of a formal written grievance, the grievant shall first discuss his or her grievance with his or her immediate supervisor in a good faith attempt to resolve the grievance prior to the filing of a formal grievance. In the case of a claim of sexual harassment in which the grievant's supervisor is the subject of the claim, the grievant may initiate the grievance at the next supervisory level above that of the subject supervisor.

2. Level 2 (Supervisor)

If the grievant is not satisfied with the discussion and disposition of his or her grievance at Level 1, he or she may file a written grievance with his or her immediate supervisor within five (5) work days of the disposition. The immediate supervisor shall communicate his or her proposed resolution in writing to the grievant within five (5) work days from the filing of the written grievance. Although no hearing or conference is required at this level, the immediate supervisor shall have the discretion to require a hearing or conference and gather such evidence prior to the preparation of the decision as he or she, in his or her discretion, feels would assist in any appropriate resolution of the grievance. The hearing or conference shall be as informal as possible and shall be conducted as the immediate supervisor, in his or her discretion, feels is appropriate for a full understanding of the grievance, and the evidence supporting the position of the grievant.

3. Level 3 (Superintendent)

If the grievant is not satisfied with the resolution of the grievance at Level 2, or if the supervisor fails to issue a proposed resolution within the time limit set forth above, the grievant may file the grievance with the Superintendent, within five (5) work days after the resolution was rendered or was due, if none was received. The Superintendent shall conduct a closed informal hearing with the parties in interest to the grievance within five (5) working days after receipt of the grievance. The hearing by the Superintendent shall be as informal as possible and shall be conducted as he or she feels is appropriate for a full understanding of the grievance. The Superintendent shall have the right to ask any questions of the interested parties as he or she deems necessary. Within five (5) work days following the hearing, the Superintendent shall render his or her written proposed resolution to the grievant.

4. Level 4 (School Board)

a. If the grievant is not satisfied with the resolution of the grievance at Level 3, or if the Superintendent fails to issue a proposed resolution within the specified time limit, the grievant may make a written request to the Superintendent for a hearing with the School Board within three (3) work days after the Superintendent's resolution was rendered or was due, if none was received.

b. At its sole option, the Board may appoint a Grievance Review Committee to hear the grievance. The Grievance Review Committee shall be composed of three (3) persons, one from each of the following staff categories:

- (1) Certified School Instructor;
- (2) Administrator (other than the Superintendent or Building Administrator involved); and
- (3) One (1) non-certified employee of the School.

c. The members shall be appointed by the Board. The Committee shall select its Chairperson prior to the processing of any grievance. The Chairperson of the Committee shall schedule an informal hearing within five (5) work days of the appointment of the Committee. If a Committee member is unable to participate in the informal hearing, the Chairperson shall designate a substitute from within the employee category of the non-attending member. The procedure for the hearing shall be as follows:

- (1) The grievant shall present his/her grievance first, through testimony, witnesses, documents, etc. Cross-examination shall not be allowed by the other party in interest.
- (2) The other party or parties in interest shall present their responses to the grievance. Cross-examination shall not be allowed.
- (3) The Committee may ask any questions that it deems necessary.
- (4) Arrangements to make a taped recording or to keep minutes of the proceeding shall be made by the Chairperson. A verbatim written transcript is not required, but any minutes or other written record shall fairly reflect the substance of the hearing.
- (5) Within five (5) work days following the date of the hearing, the Committee shall transmit its findings and recommendations for proposed resolutions to the Board. At the next regular Board meeting following receipt of the findings and recommendations, the Board shall vote either to accept the recommendations of the Committee by a majority vote or to hear the grievance itself.

d. The holding of a hearing by the Board is discretionary with the Board, and such decision shall be made by the Board at its next regularly scheduled meeting after receipt of the written request for a hearing. If the Board rules that it is appropriate to hear the grievance, it shall set the date for such hearing and the parties in interest shall be notified by the Superintendent. The parties in interest shall submit written statements of position which shall be delivered to the Board members at least five (5) work days prior to the hearing. In addition, any

other documentary evidence desired to be reviewed by the Board shall be submitted at this time. The hearing shall be conducted as follows:

(1) Each party in interest to the grievance shall have the opportunity to present oral statements limited to 30 minutes each. The presentation shall be limited to a review of evidence previously presented, unless the Board, in its discretion, allows new evidence to be presented during the hearing. Evidence may not be cross-examined by the other party in interest.

(2) Since grievances are "personnel matters," the hearing may be conducted in an executive session, if the grievant so requests and the Board votes to close the hearing. The grievant may demand that the hearing be held in open session, in which case the hearing must be open.

(3) The Board may make such inquiries of any party in interest as it deems necessary or appropriate.

(4) The Board shall render a written decision within a reasonable time. In arriving at its decision, the Board has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested.

GRIEVANCE FORM

GRIEVANT: _____

POSITION: _____

STATEMENT OF GRIEVANCE

A. Date cause of grievance occurred: _____

B. Date of informal discussion with Party in interest: _____

C. Description of grievance: _____

(attach additional pages, if necessary)

D. Relief sought: _____

Date

Signature of Grievant

LEVEL 2
GRIEVANCE PROCEDURE
RESOLUTION

Supervisor: _____

Date Received: _____

Hearing Date (if any): _____

Resolution of Supervisor: _____

Date of Resolution

Signature of Supervisor

POSITION OF GRIEVANT

_____ I am satisfied with the resolution of the Supervisor.

_____ I am not satisfied with the resolution of the Supervisor and hereby appeal the resolution to Level 3.

Date

Signature of Grievant

**LEVEL 3
GRIEVANCE PROCEDURE
RESOLUTION**

Superintendent: _____

Date Received: _____

Hearing Date (if any): _____

Resolution of Superintendent: _____

Date of Resolution

Signature of Superintendent

POSITION OF GRIEVANT

_____ I am satisfied with the resolution of the Superintendent.

_____ I am not satisfied with the resolution of the Superintendent and hereby request a Level 4 hearing before the Board of Education.

Date

Signature of Grievant

LEVEL 4
GRIEVANCE PROCEDURE
DECISION OF GRIEVANCE COMMITTEE OR BOARD OF EDUCATION

Date Received: _____

Hearing Date (if any): _____

Decision of Committee/Board of Education: _____

Date of Decision

Signature of Chair/President

Section 5: **INSTRUCTION**

5.1 **Parent Conferences**

Communication between parents and teachers is essential to the effective education of students. Teachers may arrange for conferences with parents at any time in their discretion. Parents who wish to have a conference with a teacher or teachers may schedule an appointment with the administrative office.

5.2 Grading Procedures

5.2a Percentage Scale

The grading period shall be 9 weeks. A semester examination is required to be given in each course.

Grades are figured on the following basis:

A	90% – 100%
B	80% – 89%
C	70% – 79%
D	60% – 69%
F	59% and below

A minimum of two grades per week must appear in the grade book to justify the 9 weeks and semester grades. Teachers must report failing students to the office at the middle of each 9 weeks. If a student's grade is failing by the 5th week or each nine week grading period, the teacher must mail written notice of the failing status of the student to the student's parents no later than five school days after the end of the 5th week.

5.2b Point Scale for MAS High School Credit

Advanced coursework shall be defined as those courses which are taken at one grade level or more above those taken by age/grade peers as part of the general curriculum **OR** those courses designated as advanced in the course descriptions.

Advanced Coursework Point Scale:

A	5.0
B	4.0
C	3.0
D	2.0
F	0.0

General Education coursework shall be defined as those courses which are taken at the grade level for which a student is enrolled and which comparable age/grade level peers are enrolled.

General Coursework Point Scale:

A	4.0
B	3.0
C	2.0
D	1.0
F	0.0

5.3 **Progress Reports**

Progress reports are to be mailed to each student and/or parent the fifth week of each 9-week grading period.

5.4 Lesson Planning

Each teacher is required to make lesson plans for each school day on a weekly basis and, in the event of absence, to have such plans readily available for the substitute teacher. Lesson plans should be a guide for the organization of all activities. Plans should be flexible enough to take advantage of “teachable moments” without disregarding course objectives. Lesson plans for each week are due on the preceding Friday.

5.5 Guest Speakers

Teachers shall notify the Principal of all guest speakers appearing on the campus at least 5 days in advance of such appearance, and shall include in such notice the speaker' name, the topic to be covered, a background of the speaker, and what class he/she will be speaking to. If, in the cases of speakers or topics that might be considered controversial by some segments of the community, the Principal shall provide notice to the Superintendent prior to the speaker's appearance on campus.

5.6 Movies

Teachers who wish to show movies in class shall submit a written request to the Principal one week prior to the date the movie is to be shown, stating the relevance of the movie to the subject matter and the objective of the showing in the lesson plans.

5.7 Field Trips

Field trips shall be considered based upon the following criteria:

- Field trips shall not interfere with the regular transportation of students, unless granted special approval by Administration.
- Field trips shall be at minimal loss of school time and expense.
- All proposed field trips must receive prior approval of Administration.
- Specialty programs will be allowed additional days based on their program needs and with the approval of the Superintendent.
- Each grade will be allowed one full day and two half-day field trips.
- Field trips should be age-appropriate and related to the curriculum at each grade level.
- The School Board must approve all out-of-state travel.

Field Trip Procedures are as follows:

- A Field Trip Request Form shall be submitted to the Principal at least two weeks in advance.
- A Transportation Request Form shall be submitted along with the Field Trip Request Form. The Principal will forward the Transportation Request Form to the Transportation Director for approval prior to approve the Field Trip Request.
Only after the field trip sponsor has received written approval of the field trip and transportation will a completed Sack Lunch Request Form will be given to the Food Service Director. This Sack Lunch Request must be turned in 10 days prior to the field trip.
- A parent permission slip must be completed if the field trip extends past the regular school day.
- An appropriate number of chaperones shall be obtained for all field trips. It is highly recommended that there be no more than 10 students for each adult on the field trip.
- All staff shall be required to act as a chaperone.
- All individuals participating in the Field Trip must use school vehicles.

5.8 Teacher Guidelines to Student Retention Process

The student retention policies for Elementary and Middle School students are in policies **6.8 a-c**. Teachers are to use the guidelines for the retention process which are policies **5.8a** and **5.8b**.

5.8a Elementary School Student Retention Process Form

STUDENT NAME: _____

TEACHER: _____ DATE: _____

Prior to December: Begin retention paperwork process with Records Review Packet on computer in Teacher/Staff folder. Begin log of parental contacts. At least three (3) parental contacts will need to be made before December.

DECEMBER:

- _____ Teacher assessment of school progress to date
- _____ Log of 3 prior contacts made with parent regarding concerns (Document all notes, calls, and/or attempts made)
- _____ Advise Principal and SAT (Student Assistance Team) in writing of possible retention candidate

JANUARY

- _____ Teacher will arrange a conference with parent and SAT Committee no later than January 31st.
- _____ Develop intervention plan with parent, teacher, and SAT Committee members to be placed into effect immediately. Case consultant will be assigned at this time.

FEBRUARY

- _____ Written progress reports to parents and SAT Committee (a minimum of 2 times monthly) and copy of each progress report placed in student packet.

MARCH

- _____ As year progresses reassess intervention plan with assigned consultant as needed and document
- _____ Meet with SAT Committee if necessary
- _____ Teacher completes student retention worksheet with all necessary documentation by March 31st.

APRIL

- _____ 1st week of April return completed packets to SAT Chairperson
- _____ 2nd SAT meeting with parent and teacher to review results of remediation plan (case consultant sets up this meeting)
- _____ Decision for retention will be made and parent/guardian will be notified

Retention in grade _____ for following school year _____

MAY

- _____ If parental contacts have failed, then parent/guardian will be notified by certified mail to address information provided by parent/guardian when enrolling student

5.8a Continued.

_____ If parental contacts have failed, then Parent/Guardian will be notified by certified mail to address information provided by parent/guardian when enrolling student.

_____ All necessary documentation, copy or remediation plan and results, and student report card will be filed in student cumulative folder. Retention packet, including remediation plan and results, and a copy of student report card will be filed in Special Education Director's office.

_____ Any returned letters and certified signature cards will be placed in retention packet. A copy of the returned letter and/or card will be placed in the student's cumulative folder.

*****FINAL DECISION FOR RETENTION WILL BE WITH THE MESCALERO
APACHE SCHOOL BOARD AND TRIBAL COUNCIL*****

5.8b Middle School Student Retention Process Form

STUDENT NAME: _____ TEACHER: _____

DATE: _____

JANUARY

_____ Referral to SAT team with teacher documentation

FEBRUARY

_____ Mailed parent written notification

_____ Remedial plan developed by teachers

_____ Held conference with student

MARCH

_____ Parent/Teacher Conference held – 3rd nine weeks

_____ A.) Review student's progress

_____ B.) Review consideration for retention

_____ C.) Give 2nd written notice

MAY

_____ Name of student given to Principal

_____ Retention committee will meet in May as soon as final grades have been determined so that a recommendation for retention can be made. Parent or Guardian will be notified in writing of final decision.

*****FINAL DECISION FOR RETENTION WILL BE WITH THE MESCALERO
APACHE SCHOOL*****

Section 6: STUDENT POLICIES

6.1 Student Chemical Dependency Policy

The Mescalero Apache School District recognizes that chemical dependency is a treatable health problem, which does not respect any group or age.

Health problems of youth are primarily the responsibility of the home and community, but schools share in that responsibility because chemical dependency use problems often interfere with school behavior, student learning, and the fullest possible development of each student.

The responsibility for a chemical dependency awareness program for students in the school setting is a shared one.

The certified staff is responsible for assisting in program development and for implementing the adopted program.

The parent and community are responsible for learning about the school dependency awareness program and cooperating in its implementation.

The student is responsible for cooperating in the implementation of the school-provided program, learning from it, and participating actively in its various components as necessary.

Preventive chemical dependency education shall be stressed in the curriculum at various grade levels at the discretion of the Principal. The curriculum shall be reviewed and modified, as needed, on a regular basis.

Modifications in existing school programs should be made to include the strands of knowledge and strategies of teaching which accent preventive chemical dependency education at all grade levels.

If a student's behavior and/or achievement indicate possible chemical abuse or dependency, designated school personnel shall share this concern with the family and student.

The parents and the student will be presented several alternatives for chemical dependency assessment, diagnosis, and possible treatment. Existing therapeutic relationships will be identified, encouraged, and facilitated wherever possible.

If the student and family fail to seek treatment and/or the chemical dependency symptoms persist, one or more of the following actions shall be taken:

- A referral may be made to Tribal Human Services.
- A peace officer or health officer will be called to Mescalero Apache School in those cases where it is determined the student's behavior may be endangering himself or other persons or property.

- Additional appropriate actions shall be taken according to provisions within the district student discipline policy.

The district will provide counseling and support groups on each campus for students who are affected by chemical dependency/abuse.

6.1a Statement of Policy

Chemical abuse by students is injurious to health and harmful to learning.

State law passed in the Spring of 1987, Chapter 295, and Mescalero Tribal laws and ordinances set forth requirements for school personnel to help resolve problems created by chemical abuse by students.

Mescalero Apache School district personnel are expected to follow the provisions of the law.

6.1b Statement of Procedures

The Principal in each school is required to establish a student assistance team (SAT).

The responsibility of the student assistance team is as follows:

“... for addressing reports of chemical abuse problems and making recommendations for appropriate response to the individually reported cases.”

This team must be composed of classroom teachers, administrators, and to the extent possible, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff.

This team, which may be a new stand-alone unit to carry out the intent of the law or another team with comparable membership that is already in existence for another purpose, may be assigned that additional responsibility of carrying out the intent of Chapter 295.

Appropriate responses will take in consideration guidelines and procedures developed by the student assistance team as well as the memorandum of understanding in this same regard that it is worked out between school personnel and law enforcement agencies.

Any school employee who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school – related activities, shall immediately notify the Principal or Security.

6.1c Definitions

“Drugs” – use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and

causes social dysfunction in academic, school, or social or socially disordering behavior, to the extent that the minor's normal function in academic, school, or social activities is chronically impaired.

“Contraband” – property that is illegal to possess under State Law and/or Mescalero Apache Tribal laws and ordinances.

6.2 District Policy Statement

A student found in possession of, selling, distributing, and/or under the influence of mood altering chemicals (including alcohol and tobacco), will be suspended from school. This includes violations in or on school property, or away from school property while participating in a school – sponsored activity and/or on school buses/vehicles. If probable cause is established, a student will submit to a drug test. The police will be called at the time of the suspension and all paraphernalia and substances will be turned over to them and the incident will be recorded. Parents will be called and asked to come to school immediately to remove the student. If the student is incapable of transporting him/herself, and/or if the parents cannot come to school or refuse to come to school, transportation will be arranged.

6.2a Penalties

First Violation:

Penalty: The student will be suspended (Out of School Suspension-OSS) from classes for 5 school days. Prior to his/her reinstatement to classes, the student and parent must participate in a Principal's conference.

Support Requirements: The student must confer with the social worker. If warranted, an assessment with a release of information will be required and/or an intervention group may be recommended. Other groups may also be recommended.

Second Violation:

Penalty: The student will be suspended (Out of School Suspension-OSS) for 7 school days. Prior to his/her reinstatement to classes, the student and a parent must participate in a Principal's conference and schedule and complete a parent/student counseling session with school social worker prior to student being readmitted within those 7 days. Parents must provide written statement from Tribal Court documenting parent contact was made.

Student will not be allowed to return to school until support requirements are met. Failure to comply with the evaluation recommendations will result in further disciplinary action.

Third Violation:

Penalty: The student will be suspended (Out of School Suspension-OSS) from classes for up to 9 days. The high school administration will make either a recommendation to the Superintendent that the student be expelled from school for the remainder of the school year or a recommendation for placement in the Alternative Placement Program. During the time required for the expulsion process, any student receiving Special Education Services designated by law will be provided.

6.3 Superintendent of Designee Action Statement

Alternative placement will be at the discretion of the building Principal. Student is subject up to a 2-month placement in the alternative classroom. At the end of the alternative placement and prior to return to normal campus activities, the student and parent must participate in a conference with the High School Principal and abide by all recommendations, which may include assessment and participation in an intervention group.

If agreement to the 2-month alternative program is reached and student has an infraction during this time, there will be a recommendation from the building Principal to the Superintendent for expulsion. The Superintendent or designee will offer to meet with the student and parent in a conference to determine whether to proceed with expulsion.

6.4 Dress Code Policy

6.4a General Policy

The Mescalero Apache School is committed to providing the best quality of education possible for members of the Mescalero community. To further that policy, a student dress code is adopted to insure that student appearance does not interfere or distract from the education process.

Students at Mescalero Apache School shall observe standards of dress and appearance that are appropriate for the best possible educational environment, that do not distract from the educational process and that enhance the image of the Mescalero Apache School.

6.4b Clothing

Mescalero Apache School expects its students' dress to be neat, clean, and appropriate. Students shall wear shoes at all times.

The following items of clothing are deemed to be disruptive of the educational process and are not allowed on the campus of Mescalero Apache School:

- See-through clothing, skirts whose hem stops more than three inches above the top of the kneecap, mini shorts that do not extend more than ten inches from the waist, tank tops, muscle shirts, over the shoulder or low cut blouses, tops that do not reach the waistband of pants or skirts, clothing worn in such a way that underclothing is exposed, shredded or holey jeans, or any clothing that does not provide reasonable coverage of the body as defined by the Principal.

The following items of clothing are deemed to be injurious to a positive educational environment and are not allowed on the campus of the Mescalero Apache School;

- Clothing and tattoos that display phrases, names, graphics, or slogans that promote the use of alcohol, drugs or tobacco, are sexually suggestive, or are satanic, obscene, vulgar, romanticize death, or are abusive in nature.
- Clothing that identifies a person as a gang affiliate, promotes gang membership or contains gang references. The Principal shall have the sole authority to declare whether or not clothing identifies, promotes or refers to gang membership or affiliation.
- Clothing that "sags" or which is worn with the waistband more than 4 inches below the top of the hip bone, belts that extend more than 8 inches beyond the buckle.

6.4c Non-clothing Items and Appearances that are Disruptive to the Educational Process or are Injurious to the Educational Environment of the Mescalero Apache School:

Sunglasses may not be worn in the classrooms of the Mescalero Apache School without a prescription on file at the Principal's Office.

Tattoos depicting satanic, sexually suggestive, vulgar or abuse themes, must be covered by clothing and out of sight at all times while on the campus of the Mescalero Apache School.

Jewelry that can be used as a weapon or which can inflict injury are not allowed on the campus of the Mescalero Apache School.

Hats, caps, bandanas, hoods and hairnets may not be worn at any time in the buildings of the Mescalero Apache School.

Electronic devices are not allowed on campus. This includes cell phones and any device that plays music.

Body piercing(s) other than pierced ears shall not be exhibited or exposed while on the campus of the Mescalero Apache School.

6.4d Authority / Consequences

The Principal shall have sole authority to determine whether the clothing or appearances are disruptive to the educational process or detract from a positive educational environment. Failure to comply will result in an automatic 3 day OSS. This will include jewelry, hats, caps, bandanas, and hairnets.

Clothing

- First violation shall result in clothing being turned inside out or changed, whichever is appropriate.
- Second violation and any violation thereafter shall result in 3 days OSS.

Jewelry, Hats, Caps, Bandanas, and Hairnets

- First violation shall result in student handing over the offending item(s).
- The second violation shall result in 3 days OSS.
- The third violation shall result in placement to the Alternative Placement Program for 10 school days.

Electronic Devices

- First violation of use of electronic devices will involve a warning and taking the item away. The Parent/Guardian must come to reclaim the item. If the student refuses to turn over the item to the staff member, this will result in an automatic 3 days OSS.
- The second violation will result in 3 days OSS.
- The third violation shall result in placement to the Alternative Placement Program for 10 school days.

Continued violations (more than 3) of this dress and accessory policy shall be referred by the Principal to the Superintendent with a recommendation for expulsion.

6.5 Dispensing of Medication

6.5a Prescription Medication

The Mescalero Apache School has neither the responsibility nor authority to administer medication at school.

No medication shall be taken during the school day unless prescribed by a physician licensed in the United States.

If a student must receive medication in school, it is the parent's responsibility to ensure that the medication arrives at school in the properly labeled container with all required documentation to the school nurse or other designated school employee as follows:

- A signed, dated order by the physician with specific directions and times for administration of the medication in school.
- A completed Mescalero Authorization to Administer Medication Form, signed by parent or guardian, requesting that the medication be given during the school day (such forms shall be filed with the school nurse).
- The medication must be in a container appropriately labeled by the pharmacist or physician and deposited with the school nurse or Principal.

NOTE: A high school student may bring one pill to school and carry it on his/her person to be taken at the appropriate time if #1 and #2 have occurred.

It is the student's responsibility to go to the nurse or designated school employee to receive the medication at the appropriate time. It is the parent's responsibility to assure that his/her child is reporting for the medication at the appropriate time.

The school nurse or other designated school employee may assist the student in taking the prescribed medication as stated by child's physician (pursuant to #1 above).

The parent is invited to school to administer medication to his/her child, subject to prior arrangement.

6.5b Non-Prescription Medications

The above procedure will also apply to non-prescription medications administered to students in pre-school through 8th Grade.

NOTE: These students are required to have a doctor's order and parent authorization when non-prescription medications are needed during school hours.

Students in grades 9 – 12 may keep non-prescription medication with them under the following conditions:

- The school nurse or designated employee must have a signed authorization from the parent or guardian identifying the medication and the reason for taking it.
- Only the student should keep enough medication for one day.

6.5c NM Department of Health: Over-the-Counter Medication Administration in the School Setting

The school nurse may administer a single dose of the following appropriate medications *before* contacting the child's parents:

- Antacids: Roloids, Tums, etc.
- Cough, cold medications: cough syrup, lozenges, etc.
- Topical first aid cream/spray or anti bacterial ointment (such as triple antibiotic, polymixin-bacitracin, or bacitracin; polymixin-bacitracin are preferable because of potential for neomycin allergy)

6.6 First Aid

If a student becomes injured or ill during the school day or while attending a school sponsored activity, it shall be the responsibility of any staff member present to notify the school nurse or Principal immediately and to seek to keep the student as stable and as comfortable as possible until aid arrives.

First Aid procedures shall be based on the following fundamental concepts:

The school is responsible for the emergency handling of accidents and sudden illness occurring at the school or on school property. The school is not responsible for subsequent treatment, but may promote transportation of students to receive said treatment.

At the time of an emergency the school has the responsibility for:

- Caring for the child.
- Notifying the child's parents or guardian, or if they cannot be reached, following of directions given on the child's enrollment card.
- In extreme cases, getting the child under professional care with or without family permission.
- Every child shall have an emergency parental permission slip in his/her folder.
- In the absence of family transportation or ambulance service, the school nurse, staff member may have to transport the sick or injured child to his/her home, to the physician's office, or to a medical facility. An adult shall accompany a sick or injured child from the school.
- In case of any serious injury, illness, the parent or responsible person shall be notified as soon as possible. However, emergency care of the child has priority.
- A written report of an accident shall be made to the Superintendent as soon as possible, but no later than noon of the school day following the incident.

6.7 Accident Reports

An accident report shall be filed on every accident that takes place on school property or at any school sponsored activity, or that involves a school vehicle, students or staff on school sponsored trips, including staff members on authorized business trips.

An Accident Report shall be completed by the employee at the scene of the accident who was in the best position to observe what happened, or, if no employees witnessed the accident, which is principally responsible for the student or students involved. The accident report shall include identification of all witnesses to the accident.

A written report of an accident shall be made to the Superintendent as soon as possible, but no later than noon of the school day following the accident.

The school administration shall establish procedures for the filing of accident reports and shall make sure reports include details that might be helpful in preventing similar accidents in the future, are needed for filing insurance claims, and might be important in case of litigation.

Employees are to report to the Administrative Office any accidents that occur while a student is at school.

Children who are ill shall be sent to Principal's Office with an appropriate pass. If a student is sent home, the teacher shall be notified. Students are discharged to go home only from the Principal's Office and with a parent's knowledge.

Any special health concern should be reported to the Principal's Office.

6.8 Attendance Policy Grades K-12

The attendance policies below were approved in a regularly scheduled school board meeting on July 1, 2008.

6.8a Attendance Policy Grades 7-12

In order for students to receive the maximum benefit for instruction, they must be in class, must arrive on time and must be prepared to learn. This is not possible if the student is late or absent. The school hours are from 8:00 a.m.-3:15 p.m. To this end, the following policy concerning absences is now in effect.

Absences will require a note from the parent, guardian, doctor, or hospital. Parents/guardians should save such documentation for future reference. Bring a note. An unexplained absence adversely affects attaining credit.

A student is allowed a total of twelve (12) absences (explained, unexplained, or OSS) in each class per semester. Three tardies count as an absence. If a student is late for class fifteen (15) minutes or less, the student will be counted tardy. If a student is more than fifteen (15) minutes late for class, he will be counted absent. All work missed during the twelve (12) absences may be made up. Warning notices will be sent home after the sixth (6th) and tenth (10th) absences.

After ten (10) *consecutive* days of absences, regardless of the reason, a student will be disenrolled from school.

Notification of loss of credit will be made by mail on the thirteenth (13th) absence to the address of record in the student's file. The student/parent/guardian will have the right to appeal as long as there have not been more than fifteen (15) absences. On the sixteenth (16th) absence, the student will no longer be allowed to appeal. The appeal letter must be addressed to the Attendance Committee within one (1) week of receipt of the letter. The Attendance Committee shall hear the appeal.

On appeal, the Attendance Committee may consider extraordinary circumstances, such as hospitalization of the student, a death in the student's immediate family (not to exceed five (5) days), or absences for that student's coming of age ceremony. Extraordinary circumstances will also include any student who attends a coming of age ceremony for his/her sister. **[See guidelines for coming of age ceremony and other cultural ceremonies for approved absences.]** The committee may waive some or all of those extraordinary absences, but is not required to do so. If a student is absent for a catastrophic reason, parents/guardians must submit written notification to the Principal as soon as possible. The Attendance Committee's decision is final.

6.8b Attendance Policy Grades K-6

In order for students to receive the maximum benefit for instruction, they must be in class, must arrive on time and must be prepared to learn. This is not possible if the student is late or absent. The school hours are from 8:00 a.m.-3:15 p.m. To this end, the following policy concerning absences is now in effect.

Absences will require a note from the parent, guardian, doctor, or hospital. Parents/guardians should save such documentation for future reference.

A student is allowed a total of twelve (12) absences per semester regardless of the reason. Three tardies count as an absence. If a student arrives for school between 8:15-11:00 a.m., that late arrival will count as a tardy. If a student arrives after 11:00 a.m., the student will be counted absent. All work missed during the twelve (12) absences may be made up. Warning notices will be sent home after the sixth (6th) and tenth (10th) absences.

After ten (10) *consecutive* days of absences, regardless of the reason, a student will be disenrolled from school.

Notification of retention will be made by mail on the thirteenth (13th) absence to the address of record in the student's file. The student/parent/guardian will have the right to appeal as long as there have not been more than fifteen (15) absences. On the sixteenth (16th) absence, the student will no longer be allowed to appeal. The appeal letter must be addressed to the Attendance Committee within one (1) week of receipt of the letter. The Attendance Committee shall hear the appeal.

On appeal, the Attendance Committee may consider extraordinary circumstances, such as hospitalization of the student, a death in the student's immediate family (not to exceed five (5) days), or absences for that student's coming of age ceremony. Extraordinary circumstances will also include any student who attends a coming of age ceremony for his/her sister. **[See guidelines for coming of age ceremony and other cultural ceremonies for approved absences.]** The committee may waive some or all of those extraordinary absences, but is not required to do so. If a student is absent for a catastrophic reason, parents/guardians must submit written notification to the Principal as soon as possible. The Attendance Committee's decision is final.

6.8c Attendance Policy for Coming of Age Ceremony and Other Tribal Ceremonies, Feasts, and Activities

1. Girls that are slated to take part in their coming of age ceremony will be allowed to take the time necessary for their particular feast days if it happens to occur during the school year. This time will include the four days prior to their feast, the four days of their feast, and the four days following their feast. Keep in mind that some of these 12 days will include a weekend.

1. a. Girls will not be allowed an excused absence to take care of preparation of said feast; such as wood gathering, grocery shopping, gathering of teepee poles, butchering, trying on buckskin dresses, etc. These matters need to be taken care of during non-school contact time.

1. b. A valid written statement from the parent needs to be sent to the school prior for said feast days requesting excused absences for their child.

2. Individual family members that are closely related to the girl having her feast will be allowed an excused absence to assist in the four actual feast days. All other absences related to the feast will not be excused, but unexcused.

2. a. Individual family members that are closely related to the girl having her feast will not be allowed an excused absence to take care of preparation of said feast; such as wood gathering, butchering, shopping, gathering of teepee poles, trying on buckskin dresses, etc. These matters need to be taken care of during non-school contact time.

2. b. A valid written statement from the parent needs to be sent to the school prior to said feast days requesting an excused absence.

3. Tribally recognized feast days will be considered an excused absence if said feast is held on a school day and if the school is not dismissed for said feast day.

4. Absences due to preparation of any type of feast, other than a puberty ceremony, will be considered unexcused. The exception being numbers one and two above.

5. Absences that run congruently with a tribal dividend day will be considered an unexcused absence, unless a valid doctor's note is provided.

6.8 ELEMENTARY & MIDDLE SCHOOL RETENTION POLICY UNDER CONSTRUCTION

6.9 Student Vehicle Policy

Mescalero Apache School recognizes that students have vehicles and that those vehicles are used for transportation to and from school and school events. Mescalero Apache School further recognizes that student use of a vehicle on the Mescalero Apache School campus is a privilege and that misuse of vehicle or violation of this policy can result in a withdrawal of the student privilege at the discretion of the high school principal.

All student vehicles parked on the Mescalero Apache School campus shall display a permit issued by the high school principal's office. Failure to display the permit shall result in the impoundment of the vehicle. In order for a permit to be issued, the student operator must provide the principal's office with a copy of the registration for the vehicle, proof of liability insurance, and the student operator's driver license.

All traffic laws set forth in the Mescalero Tribal Code, Chapter 12, shall apply on the Mescalero Apache School campus. For special safety reasons, the Mescalero Apache School establishes these additional regulations:

- The speed limit on the Mescalero Apache School campus is established at 10 miles per hour.
- There shall be no more than 3 occupants including the operator in the front seat of any vehicle driven on the Mescalero Apache School campus.
- There shall be no passengers allowed to ride in the back of a pickup on the Mescalero Apache School campus.

Any student operator cited by a BIA, Tribal, or State Law Enforcement Officer for violations of Chapter 12, Mescalero Tribal Code, occurring on the Mescalero Apache School Campus shall automatically have their privilege to drive on the Mescalero Apache School campus rescinded.

The Mescalero Apache School Board shall have the right to amend or modify any portion of this policy with the consent of the Mescalero Apache Tribal Council.

6.10 Internet Use Policy

6.10a Purpose

The purpose of this policy is to provide a guide for staff and students on the use of the Internet.

6.10b Goals

1. State the rules for use of the Internet as a route of access to the World Wide Technology Web.
2. Increase the ability of staff and students to communicate world wide while enhancing their learning and computer skills.
3. Utilize this policy as a guide for classroom management while incorporating the Internet into lesson plans.

6.10c Acceptable Use Policy

- * Use of the Internet computers only for instructional, research and administrative purposes.
- *Follow established procedures.
- *Adhere to copyright policies.
- *Respect the system integrity and resources.
- *Respect the people responsible for overseeing the lab and administering the network.
- *Have students respect the privacy of other students' accounts.

6.10d Unacceptable Use Policy

Inappropriate Use includes:

- playing games,
- participating in gambling pools or pyramids,
- unauthorized downloads,
- accessing restricted web sites such as hate, dangerous materials, etc. WebPages,
- accessing pornographic web sites,
- chatting on-line,
- use of another person's account,
- intentionally seek information on, obtain copies of, or modify files, passwords, data or programs belonging to other users,
- developing or executing programs that could harass other users, infiltrate systems, damage, or alter software components,
- make and distribute copies of programs without the specific permission of the copyright holder, and/or
- using the Internet without a lesson plan objective or research objective.

6.10e Student / Parent Internet Use Contract

Internet

1. The Internet is a tool used for learning.
2. Nobody is allowed on the Internet without having an account.
3. Students need to have parent permission to get an account. Forms are available from your teacher or your principal's secretary.
4. Students return your permission slips to your principal's secretary.
5. Keep the Internet Use Policy for your records.

STUDENT INTERNET CONTRACT

Date _____

Grade _____

I, _____ have read and agree to follow the Internet policy of the Mescalero Apache School. I understand that breaking the policy will result in losing my Internet privileges.

Parent Contract:

I, _____ the parent/guardian of _____ agree to let he/she use the Internet for educational purposes. I have read and understand the Internet Policy.

6.11 Chief Athletic Code of Ethics

Student Name _____

Chief Athletic Code of Ethics

We believe to have a successful team we need to have total commitment to the team. We believe that, with this kind of commitment, we can be successful and achieve all of our goals.

We believe the most important part of our teams is attitude on the field, in the gym, and in the classroom.

Poor attitudes are a display of selfishness and will not be tolerated. It is your responsibility as a Mescalero Apache School athlete and a student to follow the rules and guidelines that have been laid out for our school and our athletic program.

- 1. Follow all New Mexico Activities Association rules and regulations.**
- 2. Mescalero Apache School regulations:**
 - a. Must be in school on game days and attend all of your classes unless you have approval by the principal.**
 - b. Students in ISS or OSS will not be allowed to participate in athletic events on the day.**
 - c. You are expected to treat teammates, managers, coaches, teachers, and community members with total respect.**

Substance Abuse

First Violation

Consequence: After confirmation of the first violation the student shall lose eligibility for the next two consecutive interscholastic events or two weeks of as season in which the student is a participant, whichever is greater. No exception is permitted even though a student becomes a participant in a treatment program. It is recommended that, when appropriate, the school refer a student to a community agency or a professional individual outside the school for assessment of potential chemical abuse or misuse.

Second Violation

Consequence: After confirmation of the second violation the student shall lose eligibility for the next six consecutive interscholastic events of which the student is a participant. No exception for a student who becomes a participant in a treatment program. Before being re-admitted to activities following suspension for the second violation the student shall show evidence in writing that he/she has sought or has received counseling from a community agency or professional individual such as a drug counselor, medical doctor, psychiatrist, or psychologist.

Third Violation

Consequence: After the third or subsequent violations, the student shall lose eligibility for the remainder of the school year in any interscholastic events of which the student is a participant. If after the third or subsequent violations, the student on her/his own volition becomes a participant in a chemical dependency program or treatment program, the student may be certified for reinstatement in NMAA activities upon a 30-day completion of said program. The director or a counselor of a chemical dependency treatment center must issue such certification.

Confirmation means: you are seen using by a faculty member, have in possession, admission of guilt, or arrested by police for abuse of drugs or alcohol.

If an athlete is in violation of any offense during an off season, to include the summer break, the penalty will be assessed for the next athletic event in which the student participates.

A student has two weeks from the beginning of school to select a sport in which to participate. After two weeks have passed, no changes are allowed. Students that are cut from a team will be placed appropriately by the administration.

Each coach shall establish his/her own rules. The third violation of those rules will result in the athlete's suspension from the next athletic event.

If a student quits a sport for a reason other than injury, ineligibility or circumstances beyond his/her control, that student will not be allowed to participate in another sport for the rest of the year. If a student quits in a spring sport, they will not be allowed to participate in a sport until the end of the following school semester.

All students will participate in a random drug –testing program administered by Mescalero Apache School.

For positive testing consequences refer to: Student / School Board Policy Handbook 6.11e VIII

To letter in any Mescalero Apache School sport:

You must play in at least 25% of games, meets, or matches.

You must complete the entire season.

You must compete in District, Regional, and State playoffs (as far as your team progresses).

Mescalero Apache School is liable for athletes to an athletic event and the trip home from an athletic event. All students must ride the bus to an athletic event and home from said event unless prior arrangements have been made with the principal and the principal has informed the coach.

I, the Parent of _____, have read this Athletic Code of Ethics and will ensure that my child complies with the code of ethics and will abide by said rules.

Student's Signature

Date

Parent / Guardian's Signature

Date

6.11a Interscholastic Eligibility: Parental Consent

A statement must be on file in the school office, signed by the student’s parents or guardian, that there are no objections to the student participating in athletic contests or to the school releasing to the Association information on the student when needed to determine eligibility. (Form C.28)

6.11b Interscholastic Eligibility: Physical Fitness

The student must be physically fit. This fitness must be based on a physical examination of the student occurring after April 1 and must be verified in writing by a licensed medical / osteopathic physician / physician’s assistant or nurse practitioner to the extent authorized by their practice act and licensing authority. The physical is through the following school year. The certificate of examination must be on file in the school office. This requirement applies to cheer / drill participants as well.

“SBE Regulation No. 95-11 Section IV A. also allows student fitness to be verified in writing by a licensed chiropractic physician to the extent authorized by their practice act and licensing authority.”

6.11c Interscholastic Eligibility: Age

A student becoming 19 years of age after August 31 of the current school year is eligible for the entire school year. A student who is 19 years of age or older prior to September 1, 12:01 A.M Midnight-MDT, is ineligible.

Informal Petitions: A student’s school may file an informal petition with the New Mexico Activities Association requesting an exception to interscholastic eligibility age requirements where the application of such age requirements would perpetuate past discrimination on the basis of a disability.

6.11d Interscholastic Eligibility: Scholarship

A student shall have passed a minimum of 4 classes, not failed more than 1, and had a grade point average of 2.0 or better for the most immediate previous grading period or cumulative provision may be applied only to the beginning a semester of grade 8. The cumulative provision may be applied only to the beginning a semester and only semester grades are to be used, (specific period grades – 6 or 9 weeks – are not applicable to this provision). During the current semester, the student must pass a minimum of 4 classes, not fail more than 1 class, and maintain a grade point average overall of 2.0 or better per grading period during the semester (traditional scheduling).

NOTE #1: All class work counted for eligibility must be acceptable for graduation.

NOTE #2: The grade point average is based on a 4.0 scale with an allowance for consideration of honor points.

**6.11e Mescalero Apache School
Athletic Drug Testing Policy**

I. A STATEMENT OF NEED AND PURPOSE

Recognizing that observed and suspected use of alcohol and illegal drugs by Mescalero Apache School student athletes is increasing, a program of deterrence will be instituted as a pro-active approach to a truly drug free school. Likewise, through participation in athletics, students using illegal drugs pose a threat to their own health and safety, as well as to that of other students. The purpose of this program is threefold: (1) to provide for the health and safety of all Student Athletes; (2) to undermine the effects of peer pressure by providing a legitimate reason for Student Athletes to refuse to use illegal drugs; and (3) to encourage Student Athletes who use drugs to participate in drug treatment programs. The program is non-punitive. It is designed to create a safe, drug free, environment for student athletes and assist them in getting help when needed.

II. OBJECTIVES

- a. To provide a deterrent to the use of illegal drugs by students participating in athletes at Mescalero Apache Middle/High School, Grades 8 – 12.
- b. To give students a valid reason to resist peer pressure to use illegal drugs.
- c. To prevent injury, illness, and harm as a result of drug use and its effects.
- d. To educate students as to the serious physical, mental, and emotional harm caused by the use of illegal drugs.

III. ATHLETIC PROGRAM

The Mescalero Apache School athletic program is an activity sponsored by the New Mexico Activities Association (NMAA), the Mescalero Apache School Board of Education, or an activity sanctioned by the Mescalero Apache School Board of Education.

IV. SELECTION FOR TESTING

- a. All students in grades 8 – 12 who wish to participate in the Mescalero Apache Middle/High School in-season or off-season athletic program must declare that intention at the time of their registration for school each year. They will then be subject to the random testing program for the entire school year, or for as long as they participate in the program. Any student athlete not involved in an in or off season program at the time of a particular random test period will not be subject to the random drug test. Students who request to declare the intentions after their enrollment in school must have an acceptable reason for not doing so at the appropriate time and must be approved by the coach(es) of the sport(s) in question, the athletic director, and the principal. Students who declare late will then be subject to the random testing program for as long as they participate in the program.
- b. At least 10% and not more than 25% of student athletes shall be randomly selected to be tested for drug use at each test which shall be conducted up to 18 times per year. The

percentage may be different for each test. The principal and athletic director shall determine the percentage of students to be tested and the date of each test.

- c. Students who are selected to be tested during one test period will be eligible for future tests and, if selected, may be tested in consecutive tests.

V. DRUGS TO BE TESTED

- a. Drugs which an individual may not buy, possess, use, sell, or distribute under the Federal or New Mexico Laws. Such drugs include, but are not limited to: marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, and propoxyphene.
- b. All prescription drugs that were obtained without authorization.
- c. All prescription and over-the-counter drugs that are being used in an abusive manner.
- d. Performance-enhancing drugs.
- e. Tests for alcohol use may be by means of a breathalyzer or saliva test.

VI. SAMPLE COLLECTION AND TESTING PROCEDURES

- a. All athletic participants and their parents or guardians shall be provided with a copy of the "Athletic Drug Testing Policy" and a copy of the "Athletic Drug Testing Consent Form" which shall be signed and dated by the student and his/her parent(s)/guardian(s). The students will be given a copy of the "Athletic Drug Testing Policy" and a copy of the "Athletic Drug Testing Consent Form" when registering for an athletic class. The consent form must be signed and in the possession of the coach, athletic director, or principal prior to a student athlete participating in any in-season or off-season practice.
- b. A percentage of student athletes in each in-season or off-season program will be selected on a random basis. The principal and the athletic director will determine a percentage of student names to be drawn at random to provide a sample for drug testing.
- c. Students who are asked to be tested for drug use will be required to provide a sample within the 60 minutes of the time that they are requested to do so. Refusal to provide a sample will be treated as resignation from all athletic programs at the Mescalero Apache Middle/High School.
- d. All aspects of the drug testing program will be conducted in a manner that will safeguard the personal and privacy rights of the students to the maximum degree possible.
- e. The athletic director shall accompany the students to the school nurse's office where the sample is to be produced under the supervision and presence of the school nurse. The school nurse shall not observe the student while the sample is being produced, but shall remain within hearing distance in order to guard against tampered samples and to ensure an accurate chain of custody of the sample.

- f. If at any time during the sampling procedure the school nurse has reason to believe that student is tampering with the sample, the school nurse may inform the athletic director and principal who will determine if a new sample should be obtained.
- g. The school nurse shall give each student a form on which the student may list any medications he/she has taken or any other legitimate reasons for having been in contact with illegal drugs or performance-enhancing drugs in the preceding four (4) days.
- h. All samples having a positive result will be identified with students' social security numbers, sealed, and submitted to a licensed professional for testing. Any licensed professional chosen by the school district to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper control, and scientifically validated testing methods.
- i. The licensed professional will promptly contact the school nurse to confirm the positive drug test. The athletic director and principal will promptly contact the student and the student's parent(s)/guardian(s), if the student is under the age of 18, and schedule a conference at which time the student or parent(s) may offer any explanation of the positive result. Parents and guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the drug or alcohol test and may request that another test be conducted on the remaining portion of the sample. Any such re-test shall be at the expense of the parent or guardian. The principal will assess disciplinary sanctions for being under the influence of drugs or alcohol while at school or a school-related activity according to the Code of Conduct.

VII. SANCTIONS FOR POSITIVE TESTING

All offenses are cumulative for the student's enrollment in grades 8 – 12 in the Mescalero Apache School. A student who tests positive on a drug test will be subject to the sanctions contained herein.

First Offense: The student will:

1. Be suspended from all athletic programs for a period of six (6) weeks commencing with the confirmation of a positive drug/alcohol test.
2. Submit to weekly drug testing for six weeks, at the parent's/guardian's expense and participate in a drug assistance program that is designed to meet the needs of the student through mandatory counseling. A student may, at the parent's/guardian's expense, elect to pursue private counseling to fulfill this requirement. A student who is unable to afford private counseling may be eligible to receive private counseling as set up through the school counselor. As a condition of continued participation in athletics, students who elect to participate in private counseling are required to submit verification that they have received the required counseling. At the end of the six weeks, if the students have completed a counseling program and have tested negative on all drug tests, they may resume participation in the athletic program.
3. Failure to comply with the provisions above will remove the student from athletic

competition/practice for the remainder of the semester. If the suspension occurs during the last six weeks of a semester, the suspension shall extend into the next semester.

Second Offense In Any Two Consecutive Years: The student:

1. Will be suspended from all athletic programs for the remainder of the current school year; however, if the suspension occurs during the last six weeks of the school year, the suspension shall extend to the end of the next semester.
2. Must successfully complete, at the parent's/guardian's expense, an approved drug education/counseling program.
3. Will be subject to bi-monthly drug testing during the period of suspension at the parent's/guardian's expense and must test negative on each one.
4. Failure to comply with the provisions above will remove the student from athletic

Third Offense In Any Two Consecutive Calendar Years: The Student:

1. Will be suspended from all athletic programs for the remainder of the current school year and the next school year.
2. Must successfully complete, at the parent's/guardian's expense, an approved drug education/counseling program.
3. Will be subject to bi-monthly drug testing during the period of suspension at the parent's/guardian's expense and must test negative on each one.
4. Failure to comply with the provisions above will remove the student from athletic competition/practice for an additional semester.

VIII. APPEALS

A student may appeal a suspension under this policy to the Superintendent by filing a written notice within five (5) days of the positive report of drug use. The student will remain suspended pending the appeal. The Superintendent shall conduct an investigation to determine whether the original finding and suspension were justified. The Superintendent's decision may be appealed in accordance with the existing school policy.

IX. VOLUNTEERING FOR HELP COMPONENT

Athletes with drug dependence may voluntarily be tested and obtain intervention. Athletes who voluntarily come forward and ask for help for their drug problem should be given help without automatic loss of eligibility.

Program Purpose

Coaches occupy special roles in the lives of athletes. Often an athlete will choose to talk about a personal problem with his or her coach while at the same time that athlete feels uncomfortable about discussing the same problem with a parent or another important adult in his or her life. Our coaches want to maintain this position so that student athletes feel free to talk about problems such as use of or a dependency on drugs. This program allows the athlete to voluntarily come forward and ask for help.

Informing Athletes About the Volunteer Program

The coaches would inform the athletes at the beginning of the practice season if they have a problem with drugs to come see a coach. The coach will also let the athletes know that there are others they may talk to about their drug use related problems including the athletic director, the school nurse, or any of the administrators. The athletes will be given a copy of this outline to help explain the voluntary program.

Initial Steps

The coach (or other staff member identified above) would first meet with the athlete to discuss the problem. With the consent of the athlete, the coach would arrange for a meeting with the parents, if the student is under the age of 18, and possible other school personnel. The coach then would become involved in helping the athlete and family take the first steps to getting trained professional help for the athlete. Eventually, the family would select an agency from the approved provider list to get an assessment and begin an intervention program. If the athlete changes his or her mind, the coach will ask for evidence (a negative sample) before any further participation or competition is allowed. This would be necessary because if the coach played an athlete that he or she knows is using illegal drugs, then that puts the athletes and the school at risk.

Volunteering to be Tested

When the athlete volunteers for help, a drug test is conducted as the first step in the intervention process. Does the athlete remain subject to the Random Drug Testing? The answer is "NO" because the athlete will be required to submit to at least two tests after the initial screen. The athlete would first be referred to a local provider for testing for drugs listed in Section V of this policy. The sample to be tested would be drawn at the school and sent to the lab doing the work for the Random Drug Testing Program.

A positive test of a volunteer athlete would not be used to automatically remove eligibility for six weeks. Instead the test results would be used to help the provider to complete an assessment on the extent of the person's drug problem. The assessment is necessary before an intervention program is designed.

The volunteer athlete would remain a part of the team, but would not practice or compete until a negative sample is verified by the district's lab. This second test is at the parent's/guardian's expense. The athlete regains eligibility immediately upon lab verification of the negative sample.

Status of Volunteer Athlete Regaining Eligibility

The status as one who volunteers for help continues until the end of the season. If the season ends before six weeks, the status continues into the next season of that athlete's competition. Once the volunteer athlete regains eligibility, at least two tests have been conducted. One additional test at district expense will be conducted within four weeks of the athlete's return to competition.

Once the volunteer athlete has had two successive negative tests, the athlete is returned to the random testing program.

For clarification, if the initial positive sample is among the drugs listed in Section V of this policy, retesting will be limited to such drugs. Once six weeks or the season is over (which ever is longer) the volunteer athlete will be again subject to random testing.

6.11f Mescalero Apache School
ATHLETIC DRUG TESTING CONSENT FORM

Each student participating in the Mescalero Apache Middle/High School athletic program shall be provided with a copy of the "Athletic Drug Testing Policy" and the "Athletic Drug Testing Consent Form" which shall be read, signed, and dated by the student athlete, parent or custodial guardian, and coach before the student shall be eligible to practice or participate in any athletic program. The consent shall be to provide a sample as chosen by the random selection basis and at any time requested to be tested for illegal drugs, prescription and over-the-counter drugs used in an abusive manner, performance-enhancing drugs, and alcohol. No student shall be allowed to practice or participate in any athletic program until the student has returned the properly signed Drug Testing Consent Form.

Student's Last Name	First Name	Middle Name	Social Security #
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I understand after having read the "Athletic Drug Testing Policy" and the "Athletic Drug Testing Consent Form" that, out of concern for my safety and health, the Mescalero Apache School enforces the rules applying to the use of illegal drugs, prescription and over-the-counter drugs used in an abusive manner, performance-enhancing drugs, and alcohol. I realize that the personal decisions that I make daily in regard to the use of illegal drugs, prescription and over-the-counter drugs used in an abusive manner, performance-enhancing drugs, and alcohol may affect my health and well-being as well as the possible endangerment of those around me and will reflect upon the Mescalero Apache School athletic program with which I am associated. If I choose to violate school policy regarding the use of illegal drugs, prescription and over-the-counter drugs used in an abusive manner, performance-enhancing drugs, and alcohol, I understand that I will be subject to the restrictions of my participation as outlined in the policy.

Signature of Student	Date
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I have read and understand the Mescalero Apache School "Athletic Drug Testing Policy" and the "Athletic Drug Testing Consent Form." I desire that _____ participate in athletics offered by the Mescalero Apache School and we hereby agree for him/her to be subject to its terms. I accept the method of obtaining samples, testing, and analysis of such specimens, and all other aspects of the program. I further agree and consent to the reporting of the results as provided in the program. My child _____ is taking or has taken the following medications in the last 96 hours/4 days:

Signature of Parent or Custodial Guardian	Date
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6.12 Discipline Policy

6.12.1a Policy Statement---Elementary PK-5

Good discipline creates a desirable teaching / learning environment, provides control, and leads to each students attaining a measure of self-control. Discipline need not be punishment, but should lead toward respect for law, authority, property, the rights of others, and toward responsibility for self. An individual's right to an education should not be denied because of the disruptive behavior or other students. Student behavior that is disruptive to the classroom and/or school in general will be considered as interfering with the educational process.

When inappropriate behavior, as described in 6.12c through 6.12k below, occurs, the Student will be referred to the building administrator who will take the following steps:

- c.1 Collect the information needed to clarify the situation that resulted in the inappropriate behavior so that the context and sequence of events are understood, and the reasons why the behavior occurred (if apparent) are determined.
- c.2 Except when required by law, determine and implement the student-specific administrative response(s) to the offense, guided by the consequence(s) described in 6.12c through 6.12k below.
- c.3 Decide if the student needs to be referred to the Building-level Student Assistance Team (SAT) so that it can begin an evaluation process resulting in an intervention plan that is available, if possible, prior to the student's return (in the case of a student suspension—OSS).
- c.4 Determine, in the case of an OSS or an In-School Suspension (ISS) how the student will be re-entered into the homeroom or classroom(s). This may include one or more of the following:
 - A conference with the student or student and parent/guardian with one or more of the following: the building administrator, counselor, classroom teacher(s) other school staff.
 - A conference with the student and other students who were involved in the incident (e.g., for a teasing, bullying, or fight situation) to debrief/resolve the incident with one or more of the following: the building administrator, counselor, classroom teachers(s) other school staff.
 - In the case of, for example, School Property Damage or related offenses, a community service or another activity where the

student repairs the damage or restores the setting to its original state.

- A student to an individual (student, teacher, other), student to small group, or student to large group apology.
- Time and opportunity to practice the desired or expected behaviors (that would prevent a reoccurrence of the inappropriate behavior) in the setting and with the students and/or staff involved in the original offense or situation.

No school shall deny due process or equal protection of the law to any pupil involved in a dismissal proceeding, which may result in suspension, exclusion, or expulsion. Due process will be respected as described in the Fair Dismissal act. The student will have the right to appeal to the Superintendent.

Police will be involved wherever laws have been broken and parents/guardians and students will be made aware of their rights under the law.

All Principals and staff on a school-wide basis will enforce the school-wide discipline policy.

6.12.1b Student Management System and Procedure

If the school feels it needs assistance with the situation (student, family, or guardian), the school shall refer the situation to other available community resources (i.e. Tribal Drug Elimination Program, Tribal Human Services Department, BIA Social Services, Tribal Social Services, and Indian Health Service (I.H.S.), Indian Health Services Mental Health Department, Tribal Youth Development Program, Tribal Juvenile Court, Law Enforcement, Mescalero Apache School Counselors (Elementary, Middle, High Schools), Tribal Health Education Program, Tribal Recreation, MAS School Community Liaison Staff, and/or to the MAS At-Risk Counselor.

6.12.1c Disruption

The following kinds of behavior are considered severe disruptions of the teaching/learning situation.

Weapons:

Possession of a weapon will result in immediate confiscation of the weapon. Possession of a weapon with mal-intent will result in one or more of the following:

- An initial suspension (OSS) for up to 5 school days
- Notification of a police officer
- A recommendation to the Superintendent that the student be expelled.

“Possession” – having a weapon on one’s person or in an area subject to one’s control on school property or at a school activity.

“Weapon” – any firearm, whether loaded or unloaded, any device designed as a weapon, or through its use capable of producing great bodily harm or death, any device or instrument which is used to threaten or cause bodily harm or death. Some examples of weapons are guns (including pellet guns), knives, clubs, metal knuckles, num chucks, throwing stars, explosives, and ammunitions, snowballs, and blow darts.

6.12.1d Threat, Extortion and Assault

A threat of bodily harm or death to another person, without material physical contact, or extortion will result in a parent/guardian conference and/or an initial suspension (ISS or OSS) of up to 3 school days.

Every attempt should be made to notify parents.

A student, who threatens bodily harm or death to another person without material physical contact while in possession of a weapon, shall be dealt with under the preceding section of this policy dealing with “Weapons.”

First Offense - Students will be suspended from the classroom (ISS) or from the building (OSS) for a period not to exceed 3 school days.

Two mandatory counseling sessions for parent/student shall be reported upon the student’s return to the school.

Second Offense – Students will be suspended from the building (OSS) for a period not to exceed 3 school days. Two mandatory counseling sessions for the student and/or student and parent shall be reported upon the student’s return to the school (OSS).

Third Offense – The student will be placed on OSS pending a recommendation to the school board for expulsion.

Direct attack with a weapon against or staff member: The student will be placed on OSS, and an administrative decision will be made on a recommendation to the school board for expulsion.

6.12.1e Sexual Assault

Immediate suspension will result with disposition dependent upon offense. This may involve a parent conference, involvement of school support staff, psychological evaluation and/or police referral.

Add: Indecent Exposure/Sexual Harassment

Indecent exposure/sexual harassment will result in a parent/guardian conference, may result in an initial suspension (ISS or OSS) of up to 3 school days, and may result in a behavioral intervention and/or counseling.

6.12.1f Alcohol and Other Drugs

Possession and/or use of alcohol, controlled substances, mood-altering substances, or misuse of prescription drugs will result in a parent/guardian conference; a one-day ISS or OSS and referral to Student Assistance Team (SAT) as appropriate.

6.12.1g Use of Tobacco

Use of tobacco within a school building is not permitted. See section regarding use of tobacco, alcohol, or chemicals for penalties.

6.12.1h Extreme or Continuously Significant Levels of Verbal Abuse and Disrespect of School Personnel & Fellow Students

These behaviors will result in a parent/guardian conference, and/or an initial suspension (ISS or OSS) of up to 3 school days.

6.12.1i Personal Theft (Property Damage)

Personal Theft of money or materials exceeding \$25 in value will result in a parent/guardian conference, and/or initial suspension (ISS or OSS) of up to 3 school days. For theft involving money or materials exceeding \$100, a police referral may be made.

6.12.1j Arson

Student suspension (OSS) from 5 school days. The student will be referred to the police or arson squad and will be held responsible for payment of damages or as determined by the court.

6.12.1k Improper Activation of Fire Alarms

The improper activation of a fire alarm will result in a parent/guardian conference, may result in an initial suspension (ISS or OSS) of up to 3 school days, and may result in a behavioral intervention and/or counseling. A police referral may be made.

6.12.1l Trespassing (Unauthorized Presence)/Break-In

School personnel will invoke the ordinance of the Mescalero Apache Tribe.

6.12.1m Bus Discipline

The Bus contractor is responsible for bus discipline.

6.12.1n Additional Policy Statements and Definitions

Expulsion: The removal of the student from the Mescalero Apache School will be for a stated duration and requires Superintendent action. The Superintendent or the appropriate operations superintendent shall determine if expulsion proceedings shall be undertaken and shall make a recommendation to the School Board concerning the expulsion. In making its decision on the proposed expulsion, the School Board will consider any arguments or other factors brought to its attention at the School Board meeting at which expulsion is considered.

Exclusion: The permanent expulsion of a student from the Mescalero Apache School requires Superintendent action.

Before a disabled student is suspended, the student's actions leading to the possible suspension will be reviewed under the terms of the Pupil Fair Dismissal Act and other relevant State or Federal laws to determine that the problem behavior is unrelated to the student's specific disability or disabilities.

Class Absence Policy: Any student present on school property and not in class or ACC will be considered "DITCHING," which shall result in the student being placed in ISS:

- 1st Violation: 3 days in ISS
- 2nd Violation: 5 days in ISS
- 3rd Violation: other sanctions to be determined by the Superintendent

Any student in ISS due to a class absence violation will not be allowed to attend school activities during or after school.

6.12.1o Procedures to be followed by Building Staff

Each building will have clearly stated discipline and behavior management expectations and procedures to be followed by the staff.

The procedures include the following:

- Problems resolved within the classroom by the teacher using instructional and/or classroom-based interventions
- Parent/teacher cooperation via telephone conversation or conference
- Referral made to student's counselor
- Referral made to building Student Assistance Team (SAT)

6.12.1p Threats of Violence by Students

The School Board finds that threats of violence are disruptive of, and incompatible with, the maintenance of an appropriate educational atmosphere in schools. Particularly in view of the many incidents of actual school violence around the nation in recent years, such threats cannot be ignored as harmless talk. The School Board therefore adopts this policy in regard to threats of violence by students.

1. Threats of violence toward other students, school staff members, or school facilities are prohibited and may result in suspension or expulsion, regardless of whether the student has engaged in such conduct previously.

2. All employees and students are required to report evidence of threats of violence to their building Principal or to the Superintendent. The building Principal or his/her designee shall investigate such reports.
3. All such reports shall be documented by the Superintendent or his/her designee, and, in regard to any that are regarded as not sufficiently credible to warrant investigation, all reasons and bases for such conclusion shall be stated in the documentation.
4. In cases of threats that may constitute a violation of the criminal law, the Superintendent shall notify law enforcement authorities.
5. Regular education students who are charged with violations of this policy shall be placed on short-term suspension pending investigation of the charge. Those found through a due process hearing to have violated this policy shall be subject to discipline, including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).
6. As a condition or conditions of a student's return to school from short-term or long-term suspension for a violation of this policy, the Superintendent or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate:
 - That the parent of such student shall provide a documented opinion by a licensed professional that the student does not represent a threat of harm to himself/herself or to others, and, for a period to be determined by the Superintendent or his/her designee, that the parents provide regular documented updates of such opinion;
 - That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, a parent shall check the student for weapons at home, and shall accompany the student to the school office upon arrival at school at the beginning of each school day, at which time the student shall be searched for weapons or other contraband by school personnel;
 - That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be prohibited from leaving campus during the school day, and that during any non-class time, the student shall remain in a monitored, segregated environment;
 - That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be transported home from school by the parent at the end of the school day;
 - That the parent agree that for a period to be determined by the Superintendent or his/her designee, the student shall not be permitted to participate in any extracurricular activities, or school functions except classroom instruction during the school day; and
 - That the parent agree that, for a period to be determined by the Superintendent or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.
7. In permitting a student to return to school from a short-term or long-term

- suspension, conditions imposed by the Superintendent or his/her designee, including those set forth in paragraph 6, shall be incorporated into a written agreement to be signed by the parents or parent of the student in question.
8. In permitting a student to return to school from a short-term or long-term suspension, the Superintendent or his/her designee shall document the reasons and basis for permitting such return, and such documentation shall include reasons and basis for imposing or not imposing the conditions set forth in paragraph 6.
 9. Similar problems with special education students shall be addressed under the specific procedures applicable to special education students according to State and Federal Law.

6.12.2a Policy Statement – Secondary 6-12

Good discipline creates a desirable teaching/learning environment, provides control, and leads to each student attaining a measure of self-control. Discipline need not be punishment, but should lead toward respect for law, authority, property, the rights of others, and toward responsibility for self. An individual's right to an education should not be denied because of the disruptive behavior of other students. Student behavior that is disruptive to the classroom and/or school in general will be considered as interfering with the educational process.

No school shall deny due process or equal protection of the law to any pupil involved in a dismissal proceeding, which may result in suspension, exclusion, or expulsion. Due process will be respected as described in the Fair Dismissal act. The student will have the right to appeal to the Superintendent.

Police will be involved wherever laws have been broken and parents/guardians and students will be made aware of their rights under the law.

All Principals and staff on a school-wide basis will enforce the school-wide discipline policy.

6.12.2b Student Management System and Procedure

If the school feels it needs assistance with the situation (student, family, or guardian), the school shall refer the situation to other available community resources: for example, the Tribal Drug Elimination Program, Tribal Human Services Department, BIA Social Services, Tribal Social Services, and Indian Health Service (IHS), Indian Health Services Mental Health Department, Tribal Youth Development Program, Tribal Juvenile Court, Law Enforcement, Mescalero Apache School counselors (Elementary, Middle, High Schools), Tribal Health Education Program, Tribal Recreation, MAS School Community Liaison Staff, and/or to the MAS At-Risk Counselor.

6.12.2c Disruption

The following kinds of behavior are considered sever disruptions of the teaching/learning situation.

Weapons:

Possession of a weapon will result in:

- An initial suspension (OSS) for 5 school days
- Confiscation of the weapon
- Notification of a police officer
- A recommendation to the Superintendent that the student be expelled.

“Possession” – having a weapon on one’s person or in an area subject to one’s control on school property or at a school activity.

“Weapon” – any firearm, whether loaded or unloaded, any device designed as a weapon, or through its use capable of producing great bodily harm or death, any device or instrument which is used to threaten or cause bodily harm or death. Some examples of weapons are guns (including pellet guns), knives, clubs, metal knuckles, num chucks, throwing stars, explosives, and ammunitions, snowball, and blow darts.

6.12.2d Assault

A threat of bodily harm or death to another person, without material physical contact, will result in a parent/guardian conference and/or an initial suspension (OSS) of up to 3 school days.

Every attempt should be made to notify parents.

A student, who threatens bodily harm or death to another person without material physical contact while in possession of a weapon, shall be dealt with under the preceding section of this policy dealing with “Weapons.”

First offense – Students in grades 7-12 who engage in fighting with another person will be suspended from school for 5 school days.

Two mandatory counseling sessions for parent/student shall be reported upon the student’s return to the school.

Second Offense – The student will be placed on OSS pending a recommendation to the school board for expulsion.

Direct attack with a weapon against a student or staff member: the student will be placed on OSS pending a recommendation to the school board for expulsion. The same procedure will be followed under the preceding section of this policy dealing with “Weapons.”

Direct attack without a weapon on an adult: the student will be placed on OSS pending a recommendation to the school board for expulsion.

6.12.2e Sexual Assault/Indecent Exposure/Sexual Harassment

Immediate suspension will result with disposition dependent upon offense. This may involve a parent conference, involvement of school support staff, psychological evaluation and/or police referral.

6.12.2f Alcohol and Other Drugs

Possession and/or use of alcohol, controlled substances, mood-altering substances, or misuse of prescription drugs will result in the following consequences:

Secondary students (6-12): See appropriate section 6.2 regarding Middle/High School components.

Sale or attempted sale of alcohol, controlled substances, mood-altering substances or prescription drugs will result in suspension for 5 school days and police referral. The Principal may recommend expulsion.

6.12.2g Use of Tobacco

Use of tobacco within a school building is not permitted. See section regarding use of tobacco, alcohol, or chemicals for penalties.

6.12.2h Verbal Abuse and Disrespect of School Personnel & Fellow Students

Students suspension (OSS) either from the classroom or from its building for 3 school days.

Verbal abuse or disrespect of a fellow student will result in 3 days suspension from the classroom.

6.12.2i Personal Theft (Extortion or Break-In)

Suspension (OSS) from 5 school days. A police referral will be made and parent/guardian will be notified.

6.12.2j School Property Damage (Vandalism, Arson, Theft)

Student suspension (OSS) from 5 school days. The student will be referred to the police or arson squad and will be held responsible for payment of damages or as determined by the court.

6.12.2k Improper Activation of Fire Alarm

Student suspension (consequences) for 5 school days with recommendation for expulsion, and may be referred to the fire marshal. A police referral will be made and parent/guardian will be notified.

6.12.2l Trespassing (Unauthorized Presence)

School personnel will invoke the ordinance of the Mescalero Apache Tribe.

6.12.2m Bus Discipline

The Bus contractor is responsible for bus discipline.

6.12.2n Additional Policy Statements and Definitions

Expulsion: The removal of the student from the Mescalero Apache School for a stated duration and requires Superintendent action. The Superintendent or the appropriate operations Superintendent shall determine if expulsion proceedings shall be undertaken and shall make a recommendation to the School Board concerning the expulsion. In making its decision on the proposed expulsion, the School Board will consider any arguments or other factors brought to its attention at the School Board meeting at which expulsion is considered.

Exclusion: The permanent expulsion of a student from the Mescalero Apache School requires Superintendent action.

Before a handicapped student is suspended, the student's actions leading to the possible suspension will be reviewed under the terms of the Pupil Fair Dismissal Act to determine that the problem behavior is unrelated to the student's specific or disabilities.

Class Absence Policy: Any student present on school property and not in class or ACC will be considered "DITCHING," which shall result in the student being placed in ISS:

- 1st Violation: 3 days in ISS
- 2nd Violation: 5 days in ISS
- 3rd Violation: other sanctions to be determined by the Superintendent

Any student in ISS due to a class absence violation will not be allowed to attend school activities during or after school.

6.12.2o Referral for Repeated Serious Misbehavior

Repeated serious misbehavior will result in one or more of the following:

- Referral to in-school suspension
- Recommendation for expulsion

6.12.2p Procedures to be followed by Building staff

Each building will have clearly stated rules and procedures to be followed by the staff.

The procedures include the following:

- Problems resolved within the classroom by the teacher
- Parent/teacher cooperation via telephone conversation or conference
- Referral made to student's counselor
- Referral made to building administrators

6.12.2q Threats of Violence by Students

The School Board finds that threats of violence are disruptive of, and incompatible with, the maintenance of an appropriate educational atmosphere in schools. Particularly in view of the many incidents of actual school violence around the nation in recent years, such

threats cannot be ignored as harmless talk. The School Board therefore adopts this policy in regard to threats of violence by students.

1. Threats of violence toward other students, school staff members, or school facilities are prohibited and may result in suspension or expulsion, regardless of whether the student has engaged in such conduct previously.
2. All employees and students are required to report evidence of threats of violence to their building Principal or to the Superintendent. The building Principal or his/her designee shall investigate such reports.
3. All such reports shall be documented by the Superintendent or his/her designee, and, in regard to any that are regarded as not sufficiently credible to warrant investigation, all reasons and bases for such conclusion shall be stated in the documentation.
4. In cases of threats that may constitute a violation of the criminal law, the Superintendent shall notify law enforcement authorities.
5. Regular education students who are charged with violations of this policy shall be placed on short-term suspension pending investigation of the charge. Those found through a due process hearing to have violated this policy shall be subject to discipline, including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).
6. As a condition or conditions of a student's return to school from short-term or long-term suspension for a violation of this policy, the Superintendent or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate:
 - That the parent of such student shall provide a documented opinion by a licensed professional that the student does not represent a threat of harm to himself/herself or to others, and, for a period to be determined by the Superintendent or his/her designee, that the parents provide regular documented updates of such opinion;
 - That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, a parent shall check the student for weapons at home, beginning of each school day, at which time the student shall be searched for weapons or other contraband by school personnel;
 - That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be prohibited from leaving campus during the school day, and that during any non-class time, the student shall remain in a monitored, segregated environment;
 - That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be transported home from school by the parent at the end of the school day;

- That the parent agree that for a period to be determined by the Superintendent or his/her designee, the student shall not be permitted to participate in an extracurricular activities, or school functions except classroom instruction during the school day; and
- That the parent agree that, for a period to be determined by the Superintendent or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.

7. In permitting a student to return to school from a short-term or long-term suspension, Conditions imposed by the Superintendent or his/her designee, including those set forth in paragraph 6, shall be incorporated into a written agreement to be signed by the parents or parent of the student in question.

8. In permitting a student to return to school from a short-term or long-term suspension, the Superintendent or his/her designee shall document the reasons and basis for permitting such return, and such documentation shall include reasons and basis for imposing or not imposing the conditions set forth in paragraph 6..

9. Similar problems with special education students shall be addressed under the specific procedures applicable to special education students according to State and Federal Law.

Other Student

6.13a After School Activities

All after school activities must be approved by the principal two weeks in advance.

Security at after school activities, as well as regular visits from uniformed law officers, if available, must be arranged by the students and sponsors. There will be a minimum of three teachers and three community members at any school activity. Students and sponsors must arrange for these people. Students and sponsors must show that these arrangements have been made three days before the day of the scheduled dance.

Students not in attendance at school the day of the activity will not be allowed to attend the dance.

Students who wish to bring a guest that is not a Mescalero Apache School student may bring one guest who must be attending school and must bring his/her school ID. The student must let the dance sponsor know the name of his/her guest before the dance. The student will be responsible for the behavior of his/her guest and will be asked to leave with the guest if any violations occur.

Any student found in possession of/or under the influence of/or suspected influence of any illegal substances will be turned over to the police.

Any student asked to leave for behavior reasons will not receive a refund. They will also be banned from all dances for the remainder of the year subject to review of the principal.

Any student in possession of a weapon at any dance will be immediately turned over to the law enforcement officers and will be immediately expelled from school for the remainder of the school year.

6.13b Visitors

Students who are not enrolled in Mescalero Apache School must receive an approval from the Principal's Office before they may visit any area of the school. Parents are encouraged to visit, but must first check-in at the Administration Office.

Students who wish to bring a visitor to school must receive approval of the Principal's Office at least one school day prior to the visit. No visitors will be allowed prior to the end of the 1st and 2nd semesters.

6.13c Organizations

Successful performance in the classroom is the first obligation of our students. The activities program is designed to offer opportunities for additional exploring, developing, and widening the students' range of interest and to help the student develop leadership and poise. Participation in extra curricular activities enables students to learn how to better plan and work with others. Clubs may meet during the lunch period, the scheduled

activity periods, or after regular school hours. Students who want to form a new club shall meet with the principal for assistance, and obtain approval from the Student Council.

All organizations must have a faculty sponsor.

All clubs must have on file a constitution, a list of officers, a working budget, and a membership roster.

Each club should perform at least one service function per semester. All projects and fundraising activities should be approved and scheduled in advance and listed on the school calendar.

6.13d School-Sponsored Student Activities or Trips

1. When Are Student Activities and Trips “School Sponsored”

The Mescalero Apache School Board recognizes the importance of off-site student activities and trips as a means of complementing the on-site instructional program.

Parents and students are hereby notified, however, that no activity or trip is to be considered “School sponsored” unless it has received the written “Final Approval” of the administration as being in compliance with this policy. Parents or students who are in doubt as to whether an activity or trip is School sponsored are advised to request a copy of the written “Final Approval” for the activity or trip in question from the staff member who is sponsoring the activity or trip.

Any off-site student activity or trip involving students or staff that does not conform to the requirements of the policy is not “School-sponsored.”

Employees of the school who, on their own behalf or on behalf of non-School organizations or groups, are involved in sponsorship, promotion, facilitation, or participation in activities or trips that will or may include students of the School, are prohibited from doing so while on duty or while on School premises, and shall at all times avoid and correct any suggestions to students or their parents that School employee participation implicates the sponsorship or involvement of the School.

2. Planning and Approval of Off-Site Student Activities and Trips

A well planned, properly conducted, and carefully supervised trip is a vital part of the curriculum.

3. Sponsor Required

No off-site student activities or trips shall receive Preliminary Approval, Final Approval, or Board Approval unless it is under the control of Sponsor/Sponsors. A sponsor must be a certified employee of the School. ALL CHAPERONES **MUST** HAVE A BACKGROUND CHECK ON FILE WITH THE PERSONNEL COORDINATOR FOR ALL OVERNIGHT TRIPS.

4. Requirement of Preliminary Proposal and Preliminary Approval

Before initiating or discussing an activity or trip with students, the sponsor must submit a written preliminary proposal on an approved form to the building principal, setting forth the following:

1. A detailed description of the activity or trip, and specification of its educational purpose and value;
2. The dates and times of the activity or trip;
3. The number of students and chaperones expected to participate;
4. The locations of the activity or trip;
5. What school facilities, transportation, and staff will be needed;
6. Participation fees to be charged to participating students and the cost basis of such fees;
7. A proposed budget for the activity or trip, if school activity funding is requested;
8. Whether a fundraiser will be used to generate revenue for the activity, and if so, a detailed description of the fundraising method proposed;
9. Identifications of any applicable rules or regulations for participation;
10. Whether the activity will involve student absences from instructional time, and if so, how much;
11. Whether the trip will require meals or overnight accommodations, and if so, how meals and accommodations are proposed to be provided;
12. Whether the trip will require out-of-state travel;
13. Any features of the activity or trip that may be considered unusual or requiring special attention, or that may affect the safety of students or other participating;
14. Signature of the sponsor

The sponsor must obtain the principal's written "Preliminary Approval" of the proposal before proceeding with further planning for the trip. All modifications required by the principal as conditions of Preliminary Approval shall be noted on the Preliminary Proposal or upon an amended version of the Preliminary Proposal.

It shall be the responsibility of the sponsor to complete all arrangements for the proposed activity or trip consistent with the preliminary proposal, including obtaining parent/guardian permission or consent forms from the participating students, collection fees from participating students, accounting for and submitting such money according to school policy and procedure, arranging for transportation in keeping with the requirements of this policy, and obtaining the written approval of the principal for departures from the preliminary proposal.

Only the school principal, or his/her designee, shall be authorized to grant preliminary approval to a school sponsored student activity trip. If a designee is used, a confirming memo from the designee shall be submitted to the superintendent.

5. Final Approval of Off-Site Activities and Trips by The Superintendent

Upon completion of the planning and arrangement for the trip, and no later than five school days before the proposed activity or trip, the sponsor shall submit a final proposal on an approved form for the final approval by the superintendent, or his/her designee. The final proposal shall set forth the final information, and identify the arrangements made, with respect to each of the areas listed in the preliminary proposal. A preliminary agenda or itinerary must be submitted for emergency purposes.

No sponsor may proceed with an activity or trip until he/she has received such final approval in writing.

If the final proposal is disapproved, the superintendent/designee may refer the final proposal back to the sponsor for modification and re-submission.

6. Activities and Trips Requiring Final Approval by The Board

All out-of-state or overnight student trips must also be approved by vote of the school board prior to actual departure, with the exception of:

1. Athletic trips scheduled by the Athletic Director's office;
2. Local field trips which are not overnight;
3. Field trips in the contiguous area which are not overnight;
4. Trips for participation in activities recognized and governed by the New Mexico Activities Association including annual competitive events, and school, regional, or state competition.

Overnight or out-of-state student activity trips that are educational in nature and are received for board approval during the interim period between board meetings due to late notification by the sponsoring agency, but require approval prior to the next regularly scheduled board meeting, will be evaluated by the superintendent, or his designee, and approved or disapproved. The trips will be evaluated independently and approved or disapproved based on each trip's merits by the superintendent on behalf of the board. These trips will be placed on the succeeding board agenda for ratification and noted by policy identification number for the information of the board.

If the superintendent/designee approves, but the final proposal also requires board approval, the final proposal shall be placed on the next board meeting agenda for consideration by the board.

7. Scheduling and Coordination of Approved Activities and Trips:

The appropriate principal shall notify the sponsor of final approval of the activity or trip by the superintendent or the board.

Upon final approval by the superintendent/designee, or, if necessary, by the board, the superintendent shall forward the approved final proposal to the transportation office, principal, and activities and athletics department, as appropriate, for final scheduling of the trip.

The principal and sponsor shall coordinate scheduling with the transportation office and assure proper follow-up planning of school sponsored or sanctioned off-site student activities and trips.

8. Supervision

It shall be the responsibility of the sponsor to make arrangements for the requisite number of suitable adult chaperones to accompany and supervise the students.

The individuals proposed to serve as chaperones must be either school employees or parents of students participating in the activity or trip, and must be approved by the principal.

Male and female adult chaperones shall accompany mixed groups of male and female students.

Parents who serve as chaperones as part of a school sponsored activity or trip shall be familiar with and enforce policies and procedures of the school and will adhere to the policies and procedures that govern school personnel.

The number of chaperones to supervise mixed groups of male and female students as part of an activity or trip shall be no less than one chaperone for each fifteen students, and at least one chaperone of each sex. When the student group is a same sex group, the ratio shall be no less than one chaperone for each twenty-five students. Bus driver(s) shall not be counted as chaperones for the purpose of calculating the chaperon-student ratio.

9. Transportation

Appropriate transportation must be used for off-site activities and trips.

Buses and other school vehicles used shall conform to the New Mexico School Bus Standards and School Bus Phase-out regulations of the State Department of Education.

Students may transport themselves to and from school activities within the school day in private vehicles only with the written permission of the student's parents or legal guardian and upon submission of proof of insurance, which shall be kept on file in the principal's office. Students are prohibited from transporting other students in a private vehicle to and from school activities within the school day. No student may transport themselves or other students as part of overnight activities or trips. Students violating this policy will be subject to disciplinary sanctions as set forth in the student/parent handbook.

In instances in which a regular school bus or activity bus is unavailable or its use is not practical or cost-effective to provide transportation for student activity trips, State Board of Education Regulation No. 95-1 permits the use of school-owned or privately owned vehicles with a rated capacity of 9 or fewer occupants to transport students on school sponsored activity trips, so long as the vehicle used meets Federal Motor Vehicle Safety Standards for the category of vehicle.

The superintendent shall be responsible for designating a school employee, who has a NM Motor Vehicle Driver Record on file with the Personnel Coordinator, to administer activity trip transportation and the use of school owned vehicles or privately owned vehicles, whenever reimbursement for per diem or mileage for such trips is anticipated.

A school employee shall be designated the responsible individual for all such trips.

School owned vehicles shall be used and preferred over the use of privately owned vehicles, whenever possible.

The responsible employee shall assure that the driver of any school owned or privately owned vehicle used on such a trip has in his/her possession during the trip a valid and current drivers license, proof of minimum liability insurance for the vehicle. The superintendent or his designated representative shall approve all drivers.

The number of occupants of any school owned or privately owned vehicle shall not exceed nine, including driver. The number of occupants shall also not exceed the number of available seat belts. Only activity participants shall travel in such vehicles.

The responsible school employee shall assure that an activity trip shall assure that activity trip drivers and activity trip sponsors perform their responsibilities as set forth in Sections 4.4 and 4.5 of the State Board of Education Regulation No. 95-1, respectively.

The responsible school employee shall ensure that no privately owned vehicle which appears to be in unsafe conditions shall be used on any school sponsored activity trip to transport participating students. The use of privately owned vehicles shall be limited to 200 miles one way to any school sponsored activity trip. No school owned or private vehicle shall be used in circumstances where hazardous road conditions exist.

Except as permitted by this policy, a school bus shall be used for school sponsored activity trips. If an activity involves more than nine students, a school bus shall be used unless the superintendent or his designee determines that circumstances exist warranting an exception to this rule. The reason shall be documented.

10. Student Behavior

Student behavior during off-site activities and trips is subject to the same policies, rules, requirements, and expectations that apply to students at school.

11. Parent/Guardian Permission Forms

The sponsor of the off-site activity or trip shall be responsible for obtaining parent/guardian permission consent forms, in a form approved by the school, for all students, and submitting all such forms to the principal prior to the activity or trip. Such forms shall be kept on file in the principal's office.

It shall also be the responsibility of the sponsor to ensure that no student is permitted to participate in the activity or trip except those who have submitted parent/guardian permission consent forms.

The superintendent shall annually review parent/guardian permission consent forms to ensure that the form appropriately addresses notice, consent, waivers for liability, and consent to emergency medical care, and shall approve and issue such forms for use.

12. Emergencies

During the activity or trip, the sponsor shall notify the principal or superintendent in the event of any significant injury to a student, chaperone, or school employee, or of any similar emergency, as soon as practically possible. As part of such notification, the sponsor and principal or superintendent shall determine whose responsibility it shall be to notify the parents of involved students and the spouses or families of involved chaperones or employees.

13. Release of Students

The sponsor shall not release a student to any person prior to the conclusion of the trip, provided, that the sponsor may release a student to the student's parent/guardian prior to the conclusion of the activity or trip upon the permission of the principal. A parent or guardian seeking the release of their student prior to the conclusion of the activity or trip must personally contact the principal for such permission.

The sponsor may not release a student to any person other than the student's parents or guardian, unless the parent/guardian has submitted written and signed authorization to the principal that the student may be released to another identified individual.

14. Trips Only Indirectly Related to the School Program

Subject to full compliance with the other conditions and procedures of this policy, school sponsorship may be extended to an activity or trip that is only indirectly related to the educational mission of the school when requested by a recognized student group or organization upon the following additional conditions:

1. The group or organization shall be responsible for raising funds sufficient to meet all costs of the activity or trip;
2. No regular instructional time shall be missed as a result of the activity or trip.
3. The Administrative Office shall either approve or disapprove the request.

15. Activities and Trips Prohibited

Approval shall not be granted for any activity or trip which will expose students or others to unnecessary risk of harm (example: extreme sports competitions, sales of dangerous items such as fireworks as a fundraiser.)

Approval shall not be granted for any activity or trip, which violates any applicable state or federal law or regulation (example: NMAA rules, Title I requirements – for example, an activity which females are excluded.)

Approval shall not be granted for any activity or trip, the educational value of which is insufficient in the discretion of the principal or the superintendent, or as part of which students may be exposed to circumstances, environments, information, or situations inappropriate to their age level and maturity.

16. Conformance with State Department of Education Regulations

It shall be the responsibility of the superintendent/designee to ensure that all school sponsored off-site student activities or trips abide by and conform to the most recently published rules and regulations regarding student transportation and student travel by the State Department of Education and the School Board's policy on student activity trips.

The school's Transportation Office shall maintain a copy of the most recently published rules and regulations regarding student transportation and student activity travel by the State Department of Education. Additionally, the Transportation Offices shall make available to each school principal a copy of the most recently published rules and regulations and local policy regarding student transportation and student activity travel.

17. Other Regulations Governing Activity Trips

The following regulations shall be observed during school sponsored student activity trips. The superintendent or designee shall develop appropriate forms for use in approval of school sponsored activities or school activity trips.

1. All laws, regulations and normal operating procedures shall be observed. Maximum speed shall not exceed the posted limit.
2. A school bus on an activity trip may be fueled with passengers on board when it is not practical to unload.
3. Bus drivers on all authorized activity trips shall carry an authorization form signed by the Athletic/Activities Director or the Director of Transportation, which shall be presented to law enforcement upon request.
4. School sponsored student transportation shall include only currently enrolled students and approved sponsors and chaperones, and shall be paid for from operational, activity, or other funds controlled by the school on a properly documented basis. The FACE program will be the only exception to this policy.
5. Provisions shall be made for meals at properly scheduled intervals.
6. Bus contractors are to be held responsible for the servicing, preventive maintenance, care and operation of their activity vehicles. Bus contractors must also make certain that their vehicles used in activities meet the inspection requirements established by the State School Bus Transportation Division.
7. A driver operating a motor vehicle for the purpose of transporting students to or from a school sponsored activity shall not have more than 10 hours total driving time, or more that 8 hours continuous driving time. A driver shall not be permitted to be on duty a total of more that 15 hours in a 24 hour period.
8. When a driver is off duty, he/she is relieved of all responsibility for the care and custody of the vehicle, its accessories, or any cargo or passengers.
9. The duration of the driver's relief from duties shall be specified adequate period of time to allow the driver to rest and to pursue activities of his or her choosing off the premises where the vehicle is situated.
10. On trips of 2 hours or more, the bus driver should allow the bus driver and passengers to leave the bus for at least ten minutes. On trips of five hours or more, the bus driver and sponsor shall assure a rest stop for student meals of at least forty-five minutes.

18. Cancellation of Activities or Trips Due to Hazardous Travel Conditions

If school is canceled due to hazardous road conditions, all school sponsored athletics and student activity trips will also be canceled.

The superintendent or his/her designee, in his/her discretion, is authorized to cancel student athletic and activity trips due to hazardous road conditions, or for other substantial reasons in the interests of the school.

6.13 Graduation Requirements

Successful completion of a minimum of twenty-six (26) credits shall be required for graduation. In order to participate in graduation ceremonies, a student must have all required credits. These credits shall be as follows:

- 4 credits in English, with a major emphasis on grammar and literature;
- 3 credits in Mathematics;
- 2 credits in Science, one of which shall have a laboratory component; (*requirement for the Class of 2007-2008; 3 credits are required for the class of 2009 plus*)
- 3 credits in Social Science, which shall include World History/Geography, United States History/Geography, and Government/Economics;
- 1 credit in Physical Education;
- All students must take Apache I and either Apache II or Spanish;
- ½ credit in Health Education;
- 1 credit in Computer Education (*1 credit required for the class of 2007-2008; the requirement for the class of 2009 plus will require ½ credit*);
- New Mexico History (*½ credit required for the class of 2009 plus*);
- 5 ½ elective credits (*required for the class of 2007-2008; class of 2009 plus will require 7 ½ elective credits*);
- 80 hrs. of Community Service;
- 4 credits in Reading as defined by the Superintendent with the approval of the School Board; (*requirement for the Class of 2007-2008 and 1 credit for the class of 2009 plus*)

Only the following elective classes shall be counted toward meeting the requirements for graduation:

- Practical and Fine Arts
- Health, Physical, and Vocational Education
- Languages other than English
- Speech
- Drama
- Mathematics
- Science
- English
- Social Sciences
- Computer Sciences
- Accelerated Reader (AR)

A student may earn only one elective credit as a Teacher Assistant.

Electives approved by the School Board pursuant to the following criteria may be counted toward meeting the requirement for the 5 ½ elective credits (*requirement for the class of 2007-2008 is 5 ½ credits; requirement for the class of 2009 plus are 7 ½ credits of elective credits*):

- The program of classes must include a written curriculum.
- The course must be taught by an appropriately licensed instructor.

- The course must be in compliance with applicable State and Federal regulations, statutes, standards, and guidelines.

11th and 12th grade students may do correspondence study *not* to exceed 2 credits per school year. Credits earned through correspondence study may be accepted if such credits are from schools approved or accredited by the National Home Study Council, the State Board of Education of the state in which they are located, or by a college or university which is regionally accredited for such purposes.

Beginning with 2009-2010, a minimum of twenty-five credits (25) shall be required for graduation. In school year 2010-2011, a minimum of twenty-four credits (24) shall be required for graduation. Note: Course offerings for 2010-2011 are subject to change as per State requirements.

2009-2010 (25 credits)

4 English (with major emphasis on grammar and literature)

4 Mathematics

3 Science (including two lab sciences)

3.5 Social Studies (including World History/Geography, U.S. History, Gov't/Economics, and 1/2 in New Mexico History)

1 P.E.

2 Apache I, Apache II, or Spanish

.5 Health

.5 Computer Education

6.5 electives (includes one online course)

80 hours of community service are also required.

2010-2011 (24 credits)

The requirements are the same as the 2009-2010 school year except:

1 credit in Apache I, Apache II, or Spanish

7.5 elective credits

No requirements for Health or Computer Education

80 hours of community are still required.

6.14a Upward Bound Program

Students currently enrolled at Mescalero Apache School will receive one elective credit for completing the Upward Bound Summer Program; 240 contact hours of High School level classes. A student can repeat the program for up to four years for a total of four elective credits. The Upward Bound Program has been very successful in increasing student academic success and would be very beneficial to the students of Mescalero Apache Schools.

6.14b Post-Secondary Concurrent Enrollment

Students currently enrolled at Mescalero Apache School who complete three college credits will receive one credit in the corresponding High School subject. For example, a college algebra class which is worth three credits would be equal to one full year of High School algebra which is worth one credit.

Enabling our advanced academic students to attend post-secondary classes for High School credit would be beneficial in many ways. First students would continue to be challenged. Secondly, students would become familiar with the college atmosphere and demands of post-secondary education. This would encourage more students to attend post-secondary schools and provide a much needed foundation before transitioning to college from High School.

6.14 Classification Policy

Students with the following number of credits earned will be classified as stated below:

- 0 – 6 credits Freshman
- 6.5 – 12 credits Sophomore
- 12.5 – 18 credits Junior
- 18.5 – 26 credits Senior

6.15 Four Year Plan

All 8th grade students must complete a four-year plan and this plan requires a parent signature. At the completion of each year, the parent will be required to sign the four-year plan. The purpose is to verify with parents the progress and future expectations for graduation.

6.16 Parent Involvement Policy

6.17 Parent Involvement Policy

MESCALERO APACHE SCHOOL Parent Involvement Policy

It is the goal of the Mescalero Schools to develop strong partnerships with the home. Parents and schools working as partners increase student achievement and develop positive student attitudes about self and school.

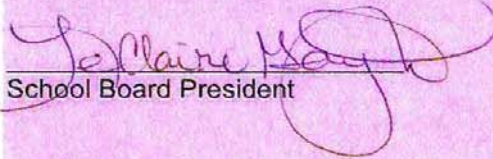
The key factor in home-school partnerships is the relationship between the teacher and the parents. Teachers are professionals who manage a variety of instructional resources. Parents are an essential resource in the learning process of their children. Organizational support from the school board, district level administrators and support staff all enable teachers to effectively develop the partnerships needed to ensure student success.

The partnership between home and school will be supported by:

1. Developing a process that continuously assesses, plans, and implements strategies that build the partnership.
 - A district-wide steering committee of parents, teachers, and administrators will conduct an annual survey of the content and effectiveness of parent involvement activities in increasing participation of parents and whether there are barriers to greater participation. The results of the survey will be used by the steering committee to guide overall program efforts, to recommend strategies for school improvement and to revise the district parent involvement policy, as needed.
 - All staff are expected to be parent involvement facilitators, who will assist in parent-home partnerships through supportive planning and implementation of effective programs. All involved in the parent involvement process will work in collaboration with other community resource persons/programs.
 - Direct service to families through programs designed to reduce barriers to student learning will be delivered. Those services will include counseling, agency referrals, advocacy and relationship building to encourage positive attitudes toward education and to promote the concepts of parents as the child's first teacher.
2. Developing Parent-School Compacts to strengthen communication between the home and school.
 - The parent-school compacts are to be developed with the premise that parents are full partners in their child's education.

- The compacts are to be reviewed and revised on an annual basis to meet the changing needs of parents and the schools, by all who have been involved in the school improvement process.
3. Developing opportunities for the full participation of all parents including those who lack literacy skills, language skills, are disabled or are economically disadvantaged.
- Specific methods for accommodating parents' needs will be regularly practiced by all involved in parent-home communication.

Full realization of the partnerships between homes and the Mescalero Apache School will be achieved through the ongoing commitment and active participation by all who are involved; and will continue to be a primary focus of the school.


School Board President

7.10.12
Date



6.18 Attendance Age Requirement

To be able to attend Mescalero Apache School, a student must turn 5 years of age *prior* to December 31st of that year.

6.19 Anti-Bullying Policy

Purpose

The Mescalero Apache School Board of Education supports and is committed to a climate conducive to teaching and learning that is safe from threats, harassment, violence, name - calling, intimidation, racial discrimination and harassment or any form of bullying behavior.

School officials, employees and volunteers shall not permit or tolerate bullying, intimidation and hostile and offensive conduct and shall immediately follow school protocol for to report such conduct and is responsible for immediate intervention or stopping such conduct that is threatening, found or reasonably known or suspected to be occurring.

Any acts of bullying that originates while a student is waiting to be transported to school such as the school bus pick – up area(s), and or while in the care of the bus contractor or any other none authorized school transporter, whether transporting children who attend MAS in a normal school day and to or from school are not subject to this policy or the responsibility of MAS and are subject to the transporters rules and regulations.

Definitions

“Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to hurt a person(s) body, feelings and or belongings causing distress upon one or more students in school, on school grounds, in school vehicles, at school sponsored activities or sanctioned events. Bullying includes but is not limited to, unwanted teasing, threatening, stalking, and cyber-stalking, theft, public humiliation, hazing, harassment, destruction or unwanted marking of personal property, psychological or intellectual intimidation, name-calling, gossiping and rumoring, spreading falsehoods about a student or students immediate family members, social alienation verbal or written aggression but not limited to any act motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory handicap or other distinguishing characteristics. Bullying involves an abuse of power by the bully which can be physical (intentionally hurting or threatening to hurt a person’s body or personal property) or psychological (Intentionally hurting a person’s emotional or mental health)”.

“Verbal Bullying” means the mean spirited nature, chronic, habitual or recurring use of names or comments, gossiping, name calling, inappropriate verbal language, cussing, to or about a student regarding the student’s physical appearance, handicaps, mental status (i.e., retarded, gay,

loser etc.), racial differences that has or creates an intimidating, hostile, or offensive academic environment that unreasonably and adversely interferes and effects an individuals academic performance and or academic opportunities.

“Written Bullying” means any written format whether by paper and pencil/pen or any form of writing device to include the use of an electronic form that is written or duplicated to isolate and/or create an intimidating, hostile or offensive academic environment that unreasonably and adversely interferes and effects an individuals academic performance and or academic opportunities.

“Intimidation” / “Menacing” This is a sub-class of bullying that involves the threat of physical harm and includes act(s) of taunting intimidation such as gesturing to physically harm another person, staring down a person, known gang “signing”, any act intended to tamper, substantially damage or interfere with another’s property and which creates an intimidating, hostile or offensive academic environment that unreasonably and adversely interferes and effects an individuals academic performance and or academic opportunities.

Electronic Social Media Bullying means any electronic written, verbal, or pictorial communication conveyed through any form of electronic device, medium, or cyber – technology, including but not limited to desktop, tablet or laptop computers, the internet, email, instant messaging, websites, web-cameras, chat rooms, social networking sites (e.g., Face book, My Space, Twitter), cell phones or other digital devices, text messaging sexting (Sexting, is a contraction of “sex” and “text messaging”, and is the transmission of sexually provocative digital photographs via cell phone, ipod, ipad,).

“Cyber – Bullying” means harassment that occurs via the internet, cell phones or electronic media devices and the communication transmitted is used to intentionally harm others through hostile behavior such as sending text messages and posting derogatory comments and images on electronic media intended to hurt, make fun or embarrass another person. Cyber – Bullying is not limited to posting rumors or gossip about a person on the internet, through text messaging or other electronic media bringing about hatred in other’s minds; or it may go to the extent of personally identifying victims and publishing materials severely defaming and humiliating them.

Reporting, Investigation, and Standards

A. Reporting by a Parent:

1. It is the express policy of the MAS Board of Education to encourage parents / guardians who feel that their children that attend MAS have been or are victims of such conduct prohibited by this policy to report such claims directly to the school administrator where the victimized child/children is attending. The parent(s)/guardian of record will receive a timely response from the proper school administrator as to the action taken by MAS. The proper MAS administrator/designee will maintain the required documentation as to the receipt and disposition of all action taken on the incident.

2. Reporting by a Student:

It is the expressed policy of the MAS Board of Education to encourage students who are victims of such conduct prohibited by this policy to report such claims to a teacher, principal, counselor staff member of such conduct of the Mescalero Apache School which they attend. Every effort will be made to maintain the necessary and required confidentiality of the reporting student. Required MAS documentation will be maintained by the MAS building administrator / designee. Parental contact will be made and documented if investigation warrants such action.

3. Reporting by a School Employee:

Any employee who, as a result of observation or a report has reason to believe that a student is a victim of conduct prohibited by this policy, whether the conduct is by another student(s) or by an employee of MAS is obligated to report in writing what action the reporting employee has taken to investigate, and or resolve the issue if possible. The reporting employee shall immediately and or before the end of the school day turn in a written copy of her/his report to their building principle. The building principal or his/her designee will determine if further investigation is required and will as soon as possible, but no later than 3 working days from occurrence of the reported incident, will verbally, in person or by telephone, notify the alleged victim's parents/guardian of the incident and investigation. Written notice will supplement verbal notice. Such written notice must be provided within 3 working days of the incident. (All levels of contact/communication with parents will be documented describing the date, time and occurrence of contact)

4. Nothing in this policy will prevent any person from reporting directly to the office of Superintendent. Nothing in this policy will prevent a parent from pursuing a complaint with law enforcement or other legal action.

5. Only the building principal and or his/her designee in consultation with the Superintendent of MAS will determine if the violation is of such serious nature that law enforcement will be informed to further assist or to turn over said investigation for criminal investigation and police action.

6. Every effort will be made be made by the MAS Principal and/or a designee to inform the parents and students involved of the alleged victim and alleged perpetrators of the investigative process and disciplinary as per this policy. A written record of the process will be maintained by the principal/designee.

7. Confidentiality will be maintained by those who have a need to know of all action taken in investigative process and resolution of any complaint will be maintained as per FERPA and school confidentiality policy and federal law.

8. It is the intent and recommendation of the Mescalero Apache school Board of Education that all staff members by trained of the contents of this policy at the beginning of the school year. Training is further recommended of this policy for all new employees hired throughout the year and any sub and or volunteer at MAS. All employees trained on this

policy will specifically sign and attest that they have received training and understand the sanctions for violating this policy.

9. It is the intent of the Mescalero Apache School Board of Education that the Superintendent of MAS on a yearly basis and as needed provide scientifically based training and where appropriate and if available such programs should include culturally appropriate support in the training process. Training will also be class level appropriate as the student's progress in grade and age.

B. Sanctions for Failure to Report Bullying

Any employee who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this policy, shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable MAS procedural requirements.

Discipline

Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students or the school environment. Accordingly, there is no one response to bullying. While conduct that rises to the level of "bullying" as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out of school suspension, or expulsion) is a matter for the professional discretion of the building principal. (Example: a bullying offense committed by an elementary child is not necessarily equal to an offense of equal name as might be committed by an upper class student).

Students whose behavior is found to be in violation of this policy will be subject to discipline, up and including recommendation for expulsion. Individuals who engage in prohibited conduct also may be referred to law enforcement officials.

Documentation submitted must indicate that the steps indicated below for each infraction have been followed, and that students have been allowed due process as described below:

Students have:

- been informed of accusations
- been given factual basis for the accusations
- had the opportunity to admit or to deny accusations
- had the opportunity to present their perception of the situation

Disciplinary plan of action for "Bullying":

1. Verbal

1. First offense will result in written warning. Parental contact is required.

2. Second offense will result in 3 – days ISS. Parental contact is required.
3. Third offense will result in 1- day OSS. Perpetrator must return with parent to meet with principal and counselor to set a plan for corrective action and review future consequences.

2. Electronic Expression / Cyber bullying. If the offense is found to have originated in the community and the issue created by that offense are brought into the school and disrupt the educational process of student(s) such act will be reported to the victim's parents. School personnel will follow the investigative and reporting process of this policy to further determine if cyber – bullying is occurring on school premises. If the MAS investigation finds that as a result of the off premises cyber - bullying is or has occurred on MAS premises, the MAS disciplinary process will be followed. If the offense occurs in school, the source of media used will be confiscated, (where a school computer is being used by a student to cyber – bully another person, the student transmitting the cyber messages will lose all privileges to the use of in school computers, and the student(s) found to be involved and depending on the degree of bullying found on the media student(s) will:

1. First Offense will result in written warning and confiscation of media device to be picked up by the parent.
2. Second offense will result in 3 – days ISS. Parental contact and electronic device to be held by principal and returned to parent at the end of the school year.
3. Third Offense will result in 1 day OSS confiscation of device and Student must return with the parent to meet with the principal and Set a corrective plan of action.

3. Written

1. Same as for “Verbal

4. Intimidation/Menacing

1. First Offense will result in written warning and parent contact.
2. Second offense and 3days ISS and parent contact.
3. Third offense 1day OSS and parent must come in with the student and meet with the principal to set a corrective plan of action.

All students (victim and perpetrators) found to be in violation of this policy in any form of Bulling, must attend counseling to be given by the school counselor on the effects of bullying as part of the disciplinary action. Written documentation as to the lessons learned by the students will be maintained by school counselor as part of the counseling process only not violating the counseling student ethics to limits of confidentiality.

The principal/designee has the option of adding additional days of OSS after the third offense as part of the corrective plan of action and up to recommendation to the superintendent for expulsion or exclusion.

Mescalero Apache School Report of Bullying/Harassment

Reporting an act of Bullying:

All District faculty and staff are required and must report in writing, any allegations of bullying as per MAS Policy to the principal/designee or appropriate district administrator. This form must be completed by the end of the day in which the incident/complaint was received and submitted as per policy by the end of the school day. (Please review the MAS Policy for possible staff consequences for failure to report as required).

PART I – TO BE COMPLETED BY PERSON RECEIVING THE COMPLAINT/ALLEGATION:

Complainant Name _____ (Please identify if Faculty/Staff, Student, Parent, Other. If parent/other get telephone number) _____

Complainant school location: Elementary, Middle, High School: _____

PART II – INFORMATION ON VICTIM:

Name of Child _____ Gender: ___F ___M Grade _____

Where and When (date and time) Alleged incident occurred _____

Name of Person who did the alleged bullying/harassment _____
Grade _____ School _____

PART III – OTHER INDIVIDUALS INVOLVED. Please identify if involved as alleged victims, perpetrator, and/or harassers. (Write their name, involvement, and school).

- 1.
- 2.
- 3.
- 4.

PART IV – INCIDENT INFORMATION: Describe the incident(s) as clearly as possible, including such details as what force, if any was used; any verbal statements (i.e. threats, requests demands, if any physical contact was involved attach additional paper if necessary).

PART V – RESOLUTION: If a resolution was reached please explain. If issues are not resolved at the faculty/staff level but was referred to the building principal/designee so note. If resolved so note to include how it was resolved and turn in to principal/designee to contact the parent/guardian and note below in PART VI.

Signature of Person completing the report: _____
Date: _____
Time: _____

Signature of Person receiving the report: _____
Date: _____
Time: _____

Section 7: CAFETERIA

Section 8: FACILITIES

8.1 Maintenance

All maintenance work shall be accomplished through a work order, except in cases of extreme emergency. Work order forms are available in the principal's office.

8.2 Policy on Use of School Facilities

8.2a Purpose and Scope

This policy is adopted to govern uses of the buildings and other facilities of the Mescalero Apache Schools (the school) by non- school connected persons and organizations. It does not apply to the school's own curricular or extracurricular activities, or to the use of school facilities by recognized student groups or by organizations which operate as recognized adjuncts to the school's regulations. Nor does this policy apply to leases of the school facilities that are not needed for school purposes, which are covered in individual lease agreements.

8.2b Statement of General Policy

The school facilities are principally for the educational benefit of the students of the school. An institution such as the school, however, may also enhance the quality of life in the community it serves by making its facilities available to non- school groups for appropriate community oriented activities.

It is therefore the policy of the Mescalero Apache School Board that the school buildings and facilities should be available, subject to reasonable conditions, to non-school persons and organizations for activities that foster the educational, cultural, recreational, civic, moral, religious or social development of the community when the facilities are not otherwise needed for school related purposes. The board believes that the provisions set forth below represent a reasonable accommodation between those community interest and the school's interests in protecting its property, in preserving its limited financial resources for its primary educational mission, and in preventing its facilities from being used for activities that pose undue risks of harm to persons or property or from exploitation for purely commercial purposes.

8.2c Allowable Uses of School Facilities

1. Permissible Uses in General

The school program and school-related activities shall always have priority for the use of School Facilities. Subject to those priorities and the further requirements set forth below, school facilities may be used by non-school persons or organizations for the following types of activities:

- a. Nonprofit and noncommercial activities, which are intended to promote the educational, cultural, recreational, civic, moral, spiritual or social development or well-being of the participants or the community;
- b. Fund-raising, profit-making or commercially oriented activities if the entire net proceeds will be applied solely to support the types of activities described in a. above; or
- c. Superintendent determines if the activity will significantly enhance the educational, cultural, recreational, civic or social development or well being of

the community or of participants in the activity. Commercially oriented activities or activities conducted primarily for profit or gain are not permissible uses unless the superintendent makes such a determination.

2. Limitations on Otherwise Permissible Uses

A requested use, which would otherwise be permissible under the standards set forth above, shall nevertheless be denied if the proposed activity would involve any of the following:

- a. A reasonably foreseeable risk, above and beyond the normal risks accompanying any gathering of people in a public place, of harm to the health, safety, well-being or property of nonparticipating members of the public or of students or school personnel assigned to the facility to be used;
- b. A reasonably foreseeable risk, above and beyond the normal risks accompanying any gathering of people in a public place, of harm to the health, safety, well-being or property of any participant in the activity, unless the applicant, in addition to complying with all other requirements of this policy, also provides satisfactory proof of adequate insurance coverage and of any other safeguards against liability on the school's part which the superintendent may reasonably require under the circumstances of a given case;
- c. A reasonably foreseeable risk that state or federal laws or applicable local ordinances would be violated by or in the course of the requested activity;
- d. A reasonably foreseeable risk that the school property would be damaged or that the carrying capacity of a requested facility would be exceeded by the proposed activity. Unless the applicant also makes additional arrangements which the superintendent considers satisfactory under the circumstances;
- e. The consumption of alcoholic beverages or the use of other intoxicants as a planned part of the activity;
- f. For any other good reason the superintendent or his/her designee considers administratively reasonable and in the best interest of the school under the circumstances of a particular case, provided that any such denial, the reason(s) for such denial, and the basis for such reason(s) shall be committed in writing by the superintendent or his/her designee and submitted to the party requesting the use of school facilities.

8.2d Further Conditions on Permissible Uses

A proposed use of school facilities, which is permissible under the standard described above may only take place if all the conditions set forth below are also satisfied.

1. Application for Use

A non school connected individual, group or entity desiring to use school facilities for a permissible purpose shall initiate a request for approval by completing a written application in a form prescribed by the superintendent. The application shall provide such information as is required to assess the proposed activity in light of this policy and to ascertain what demands the requested use would place on school facilities, staff, and other resources.

The superintendent or his/her designee may require the applicant to provide such additional information as is reasonably needed for these purposes. A request may be disapproved if an applicant refuses to provide sufficient information to permit an adequate assessment to be made.

The superintendent or his/her designee may also require an applicant to provide such additional information and assurances as are contemplated under the standards set forth above for the protection of the school, its property, participating individuals or members of the public. A request may be disapproved if, after the submission of sufficient information to permit an adequate assessment, the superintendent or his/her designee believes that inadequate provisions have been made for protecting persons, or property of the school.

2. Use Agreement

As part of the application process, each applicant shall also sign a written use agreement in a form approved by the board. At a minimum, the agreement shall include appropriate provisions to ensure that the applicant:

- a. Will abide by all School Board Policies and administrative regulations;
- b. Will pay an appropriate charge for use of the facilities, as further described in **3.** below;
- c. Will provide adequate supervision and control to prevent injury to persons or loss of or damage to property;
- d. Will repair or otherwise make good for any loss of or damage to school property which results from the proposed activity;
- e. Will defend and hold the School Board and its employees and agents harmless from any claims for legal liability arising from the proposed activity;
- f. Will provide satisfactory proof of adequate insurance coverage, and will make such other arrangements as may be reasonably required by the school to satisfy the concerns addressed in the foregoing standards; and
- g. Will regard any permission granted for a requested use as personal to the applicant and not transferable to any other person, group, or organization.

The agreement may also include any other provisions which the School Board deems appropriate.

3. Charges for Use

The Superintendent shall develop and present for School Board approval a schedule of charges to defray the school's estimated actual costs for various types of uses, including compensation of any custodial or other school staff whose services are required.

The schedule may provide that all or part of such charges may be waived for uses by public agencies or entities. It may also provide for reimbursement through in-kind contributions of equivalent value to the school from nonprofit community groups whose resources do not reasonably permit cash reimbursement.

In addition to the required reimbursement of direct costs by all groups, the schedule may also provide for an additional charge as rent for the use of school facilities for primarily commercial or profit making activities which have been certified for permissible uses by the Superintendent.

8.2e Administrative Procedures and Regulations

1. Development of regulations

The Superintendent by regulation shall prescribe such administrative procedures, forms, and operational details as he or she deems desirable to implement this policy. The regulations may authorize administrators or employees who have charge of school buildings or facilities to approve requests to use those facilities.

2. Advance Approval Required

No requested use of school facilities may occur unless the Superintendent or his/her designee has approved the request in writing. Applicants shall be responsible for submitting requests a reasonable time in advance to permit adequate review pursuant to any procedures or timetables set forth in applicable regulations and in light of the nature of the proposed use.

3. Disapproval; Review

The superintendent or an authorized designee may disapprove an application on any basis provided in this policy or for noncompliance with any provisions of applicable regulations. An applicant whose request is denied by a designee may have the decision reviewed by the Superintendent on request. An applicant whose request is denied by the Superintendent may have the decisions reviewed by the School Board at the next reasonably available opportunity following a timely request for review.

8.2f AGREEMENT FOR NON-SCHOOL RELATED USE OF SCHOOL PROPERTY

NOTE TO APPLICANT: This agreement is required part of an application by a non- school connected person, group or organization for permission to use a building or other facility of the Mescalero Apache School. It contains legally significant promises that all applicants must make before a request to use school facilities may even be considered. Do not sign this agreement unless you have read it and the policies and regulations, which you must agree to follow as conditions for approval of your request.

1. **Request for Approval:** The undersigned person(s) or organization(s), hereafter called Applicant, hereby request approval to use a facility or facilities described in the accompanying application for the activity or activities described therein.
2. **Adherence to School Policy and Regulations:** Applicant has read the school's policy and regulations governing the use of school facilities for non-school related activities, and agrees to adhere to all applicable requirements of them in exchange for the schools approval of this request.
3. **Explicit Agreements:** Without limiting the generality of the foregoing paragraph, but merely to eliminate any possible misunderstanding as to the basic requirements, Applicant expressly agrees:
 - To pay the applicable charges for use of the facilities and for any necessary services of school employees as provided in the current approved schedule of charges;
 - To provide adequate supervision and control of the proposed activity to prevent injury to persons or loss of or damage to property;
 - To repair or otherwise make good for any loss of or damage to the school's property which results from the proposed activity;
 - To define and hold the school harmless, as further specified below, from any claims for legal liability arising from the proposed activity;
 - To provide satisfactory proof of adequate insurance coverage, if required, and to make other arrangements which are reasonably required by school to satisfy the concerns addressed in the board's policy;
 - To consider the school's approval, if granted, as a personal privilege which may not be transferred to any other person or organization.
4. **Save Harmless Agreement and Covenant Not to Sue:** The undersigned applicant, in consideration of being permitted to use facilities of the school on the date(s) set forth and for the activity/activities described in the accompanying applications, does hereby covenant and agree that the school and its board, officers, employees, agents, members, or representatives (herein collectively referred to as "school") shall not be liable for any loss, damage, injury or liability of any kind to any person or property caused by or rising from any use of the premises of the school, or any part thereof, or any building, structure or improvement thereon, or any equipment to be used therein thereafter collectively "the premises"), or because of the premises being out of repair, or arising from any act or omission of the school, nor shall the school be liable for any loss, damage or injury from any cause whatsoever to the property or person of the applicant or any of its officers, agents, employees, members or representatives, or to other persons entering upon or using the premises, or to any property stored or placed thereon, as a result of the applicant's activities.

Notwithstanding anything to the contrary herein contained and irrespective of any insurance carried by the applicant for the benefit of any of the above enumerated entities, the undersigned applicant agrees to protect, indemnify, covenants not to sue and hold the school and the premises harmless from any and all damages or liabilities or whatsoever nature arising out of or in connections with the applicant's proposed activities pursuant to this request or arising from any state or conditions of the premises or any part thereof.

DATED: _____

APPLICANT & NAME OF ACTIVITY: _____
(TYPE/PRINT NAME OF APPLICANT & ACTIVITY)

DATE(S) & TIMES OF FACILITY USAGE: _____

REQUESTED FACILITY (PLEASE CIRCLE):
AUDITORIUM MAIN GYM PRACTICE GYM CAFETERIA FOOTBALL FIELD SOFTBALL FIELD
BASEBALL FIELD OTHER: _____

I HAVE READ AND UNDERSTAND both of the foregoing agreement and the school's policy governing the use of school facilities by non-school groups. I specifically understand that I/We will be solely liable for any personal injury, property damage or other legal harms arising from my/our use of the facilities, and AGREE that I/We will protect the school from any loss resulting from my/our activities, as more fully set forth above.

*If I am signing on behalf of an organizational applicant, I also warrant that I am authorized to bind the organizations to this agreement.

Name (typed/printed)

Signature

Date

Title (if applicable)

Address: _____

Daytime Phone: _____ Evening Phone: _____

For School:

APPROVED

DISAPPROVED

APPROVED CONDITIONALLY

**Include brief statement of reasons for disapproval or further conditions for approval;
attach additional explanation if necessary.

Superintendent

Date

Section 9 TRANSPORTATION

9.1 Activity Bus Policy

When scheduling conflicts arise concerning the use of the activity bus, the following criteria will be used to resolve the issue:

1. Varsity or equivalent activity will have first priority.
2. If a conflict still exists then the group traveling the farthest will have priority.

9.2 Use of School Vehicles

Vehicles leased or purchases by the school are to be used only by school staff or elected officials of the school. Vehicles are not to be loaned out to any individuals or agencies for Insurance and Liability purposes.

All operators must have a valid New Mexico License and be twenty-one years of age or older.

All operators must comply with all check-out procedure requirements, which include completing a *Transportation Request Form*.

Mescalero Apache School Policy Manual Verification

The Mescalero Apache School Policy Manual has been developed over a period of years. Each year the manual must be reviewed by all personnel. It is the responsibility of all personnel to become thoroughly familiar with the entire manual and to commit to the adherence of the Policies defined and approved by the School Board.

This signature page has been developed to comply with appropriate documentation of that task.

Signature verifies the reading of and adherence to Mescalero Apache School Policies and Procedures.

Name of Employee _____

Employee Signature _____

Date _____

School Year _____

******After reading all policies, please print, sign, and date this page. Then submit this page to the Personnel Office.***