



GOVERNING COUNCIL HANDBOOK



MORENO VALLEY HIGH SCHOOL
PO Box 1037 56 Camino Grande
Angel Fire, New Mexico 87710-1037
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MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

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**2011 – 2012
School Year**

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COUNCIL MEMBER DIRECTORY

Seat 1

EMPTY POSITION

Term Expires July 2014 Next: 2017

Seat 3

Pauline Hardsteen, Vice President

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Term Expires July 2012 Next: 2015

Seat 5

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Term Expires July 2012 Next: 2015

Seat 7

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Term Expires July 2013 Next: 2016

Seat 9

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Term Expires July 2013 Next: 2016

Director, Non voting member

Jacque Boyd, Ph.D.

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Seat 2

EMPTY POSITION

Term Expires July 2014 Next: 2017

Seat 4

Kelly Orndorff, Treasurer

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Term Expires July 2014 Next: 2017

Seat 6

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Term Expires July 2012 Next: 2015

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Bill Bishop, Secretary

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Term Expires July 2013 Next: 2016

Past President

Smith Holt, Ph.D., President, Advisory only

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This position is filled by the outgoing Pres.

Faculty Representative, Non voting mem.

Linda Colenda

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STANDING BOARD COMMITTEES

GOALS:

- Average optimum committee size 3 to 5 members.
- One member of each committee should be a parent/community member.

Audit	Mark Stewart, Kelly Orndorff, Dr. Jacque Boyd, Joyce Burke, Domingo Sanchez
Charter Renewal	Mark Stewart, Joe Phillips, Dr. Jacque Boyd
Facilities	Mark Stewart, Ed Johnson, Dr. Jacque Boyd
Finance	Mark Stewart, Bill Bishop, Dr. Jacque Boyd, Joyce Burke, Domingo Sanchez

AD-HOC BOARD COMMITTEES

There are no ad-hoc committees at this time.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

BUDGET / AUDIT

Funds and Functions

Operational

- 11-000-01 - Direct Instruction
- 11-000-02 - Instructional Support
- 11-000-03 - Administration
- 11-000-04 - Business and Support Services
- 11-000-05 - Maintenance and Plant
- 11-000-06 - Food Services
- 11-000-07 - Athletics
- 11-000-08 - Non Instructional Student Support
- 11-000-12 - Non-Operating

Instructional Materials

- 14-000-01 - Direct Instruction
- 14-000-02 - Instructional Support

Federal Stimulus - Charter School

- 24-146-01 - Direct Instruction
- 24-146-02 - Instructional Support

There may be other Funds and Functions that you can use to purchase goods and services. Please refer to your budget document to guide you.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

STAFF & FACULTY DIRECTORY

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TECHNOLOGY SERVICES

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Custodian

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BOARD MEETINGS

- **CMS Monthly Board Meetings:**

- Held the second Wednesday of the month at 7:00 PM. Meetings are held at Eagle Nest Elementary/Middle School and Cimarron Middle School alternating locations.

▪ July 13, 2011	Cimarron
▪ August 10, 2011	Eagle Nest
▪ September 14, 2011	Cimarron
▪ October 12, 2011	MVHS
▪ November 9, 2011	Cimarron
▪ December 14, 2011	Eagle Nest
▪ January 11, 2012	MVHS
▪ February 8, 2012	Eagle Nest
▪ March 14, 2012	Cimarron
▪ April 11, 2012	Eagle Nest
▪ May 9, 2012	Cimarron
▪ June 13, 2012	Eagle Nest

- **MVHS Governing Council Monthly Meetings:**

- Monthly meetings are held the third Tuesday of the month at 6:00 PM. Meetings are held at MVHS.

▪ July 19, 2011
▪ August 23, 2011
▪ September 20, 2011
▪ October 18, 2011
▪ November 15, 2011
▪ December 20, 2011
▪ January 17, 2012
▪ February 21, 2012
▪ March 20, 2012
▪ April 17, 2012
▪ May 15, 2012
▪ June 19, 2012
▪ Annual Meeting, July 17, 2012

- **MVHS Special Meetings**

- Scheduled as needed.

- **MVHS Retreats.**

- The fall retreat is held in October.

- **MVHS Committee Meetings**

- Scheduled as needed.

GOVERNING COUNCIL HANDBOOK



Reference Section

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

STATEMENT OF PHILOSOPHY

The mission of Moreno Valley High School as stated in the Charter is “to provide a world-class public education for students of all abilities and backgrounds and to create a partnership among parents, teachers, students and community members that maximizes student potential.” But what does it mean “to provide a world-class education?” And what kind of partnership can maximize student potential?

A world-class education provides young people with the skills necessary not just to survive but to thrive in a rapidly-changing world. We recognize that due to technological, political and market changes individuals need to develop habits of mind that enable them to adapt. They need to be “lifelong learners,” responsive to the situations life presents. Furthermore, these habits of mind can enable individuals to solve not only practical problems but intra and interpersonal problems that inevitably arise in life.

These habits of mind include, but are not limited to: identifying and framing questions, research, hypothesizing, experimentation, short and long-range planning, logical thinking, imaginative/creative thinking, introspection, self-discipline, and non-verbal physical learning. Essential to solving many problems is the ability to work with others, imbued with the value of mutual respect, which requires the development of communication skills of all kinds. These habits will be learned across all disciplines.

A world-class education provides an accepting environment in which these processes can be learned and developed through practice. The process begins with the developmental and ability level of the student and proceeds from there, respecting different learning styles as well as various social and economic backgrounds.

A world class education proceeds from the belief that all students are best served by a school that demands rigorous thought and imposes challenging academic standards. No matter how skillfully and rigorously it is meted out, an educational model that prepares a student for a specific end -- either further academic study or a career in tradecraft -- is limiting and is therefore incompatible with a world-class education.

A world-class education provides skills that enable a person to move from this school towards his/her goals, whatever they may be. Therefore, it is not elitist, but provides the essential framework from which students may make responsible decisions in their lives.

By adhering to high standards and developing an excellent reputation the school becomes a springboard for students into post-secondary opportunities of all kinds.

A world class education develops a community that supports and values learning. All members of the school community -- educators, parents, administrators and interested individuals -- work together to develop that vision, beginning with a dedication toward open collaborative communication imbued with mutual respect.

Moreno Valley High School is an essential element of the Angel Fire Community. However, because of its innovative methodology it attracts students from surrounding communities, thereby providing school choice. One goal of this program is to influence and disseminate educational innovation to other communities in New Mexico.

The primary means for implementing this philosophy and goals is the Paideia Program, a methodology that embodies three approaches to teaching: Socratic Seminar, Academic Coaching and Didactic Learning. We rededicate ourselves unreservedly to this method.

The Paideia methodology allows us to satisfy both the state's mandate as well as the school's Mission: "to provide a world-class public education for students of all abilities and backgrounds, and to create a partnership among parents, teachers, students and community members that maximizes student potential."

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MISSION STATEMENT

The mission of Moreno Valley High School is to provide a world-class public education for students of all abilities and backgrounds and to create a partnership among parents, teachers, students and community members that maximizes student potential.

We believe that parental involvement is essential for academic success. MVHS supports innovation, critical thinking, and active student participation. We will foster an environment where educators, parents and students work together, thereby strengthening our community.

The primary means for implementing our mission is through the Paideia Program, a curriculum that embodies three approaches to teaching: Socratic Seminar, Academic Coaching and Interactive Learning. The curriculum aligns with NM State Standards and Benchmarks and is designed to meet or exceed state requirements for graduation.

MVHS goals are to prepare each graduate to be a lifelong learner, to be a responsible citizen, and to earn a living. We will have reached these goals when MVHS graduates demonstrate preparedness to enter a college or profession of their choice. Student achievement will be assessed by administering state standardized tests as well as methods developed internally by staff that are designed to measure student mastery of state and school competencies.

The vision of MVHS is to cultivate a high school where thoughtful conversation spills over into the lunchroom and soccer field, and where the pursuit of intellectual curiosity is perceived as a pleasure. Our vision is to foster students who are enthusiastic about learning and a school community dedicated to the process of lifelong learning.

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HISTORY OF MVHS

Started in 2002, Moreno Valley High School (MVHS) teaches our students through the Paideia or Socratic Practice method. The work of our students is learning: learning to write, to speak and mostly to think. MVHS initially offered grades 9 – 11 and then expanded to include the 12th grade in 2003 – 2004 school year.

MVHS offers many extra-curricular activities: competitive teams for volleyball, basketball, golf, and track and field. We also support club sports in skiing, snowboarding and mountain biking. Our students learn that vigorous mental play is as valuable, and as enjoyable, as athletic competition and produces the same benefits: a brighter, more optimistic sense of self; an enthusiasm for living; and ultimately, a longer, healthier life.

Students are also responsible for creating our student government, student yearbook, newspaper, science fair, theatre productions and instrumental and vocal music performances. Additional activities include a business and entrepreneurs' club, a computer science club, and a Variety Show each semester.

We moved to our 77-acre campus at the beginning of the 2004 school year. Located within the Village of Angel Fire, it is a peaceful, private setting with plans for an athletic complex, theatre, classrooms and nature walks. The campus also offers spectacular views of Wheeler Peak and the Moreno Valley.

Because the Cimarron District School Board is our Charter Authorizing Agency, MVHS is a Cimarron District High School. However, the 1999 Charter Schools Act allows all charter schools to form and maintain their own independent system of governance, ordinarily called a Governing Council. The MVHS Governing Council defines the daily life of MVHS, which allows us to tailor the school to reflect the needs and wishes of the MVHS community.

Seven individuals from the community are currently working as members of the MVHS Governing Council. In just a few short months, the Governing Council established a working relationship with the Cimarron School District, hired a Program Director to tailor our academic curriculum to fit the needs of our students and teachers, and hired our faculty. The Council meets on the second Thursday of each month at 7:00 PM at the high school. A work session begins at 6:00 PM.

The Moreno Valley Education Foundation (MVEF) is a not-for-profit corporation that was established in 2001. The MVEF is the fundraising arm of Moreno Valley High School, and is governed by a volunteer board of community members. The MVEF has two major goals: 1) to raise funds to supplement the operating budget of the Moreno Valley High School and; 2) to raise funds to build a permanent high school facility.

In just one year, the MVEF has raised over \$750,000 in cash and property to benefit Moreno Valley High School. One hundred percent of all contributions go to Moreno Valley High School, and are tax deductible under the codes of the Internal Revenue Service.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

FOUNDERS

Rachel Bayon

Debra Bingham

Richard Bingham

Barbara Cottam

Linda Couhig

Mark Couhig

Jason Evans

Susan Gaffney, DMV

Lisa S. Grover, Ph.D.

Julie S. Moser

Laurence A. Parnes

Lynda Perry

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

CHARTER

The Charter is available on CD.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

BY-LAWS

Governing Council Regulations

Adopted February 21, 2002

Amended July, 2004 (Annotated 7/10/03)

ARTICLE I NAME, LOCATION, SCHOOL ADMINISTRATOR

SECTION 1. NAME

The name of the organization shall be Moreno Valley High School.

SECTION 2. LOCATION

The location of the facility shall be in the Cimarron Municipal School District.

SECTION 3. FISCAL YEAR

The Governing Council shall determine the charter school's fiscal year.

SECTION 4. SCHOOL ADMINISTRATOR

The School Administrator shall serve in the role (traditionally held by a School Principal) as chief administrator for the day-to-day operations of the charter school, as well as provide such other services and duties as shall be assigned by the Governing Council. The School Administrator may also serve as supplementary teacher and student advisor. At all times, the School Administrator shall account to and serve at the direction of the Governing Council and may be removed by a majority vote of the Governing Council, with or without cause, whenever in its judgment the best interests of the school are served by such action.

SECTION 5. FOUNDING CITIZENS

For the term that begins upon the approval of the Charter and ends July 1, 2004, all members of the Governing Council shall be appointed by the founding citizens of the charter school, as listed in the charter application. In order to protect the mission and goals of Moreno Valley High School, for this term, which includes the period from the date of approval to July 1, 2004, at least four (4) members of the Governing Council shall be founding citizens of Moreno Valley High School. The remaining positions may be filled by founding citizens, non-founding citizens, employees, and parents of Moreno Valley High School. After July 1, 2004, positions that become available on the Governing Council shall be filled by the remaining majority vote of the Governing Council.

SECTION 6. ELECTION

After at least July 1, 2004, the members of the Governing Council shall be selected by election of the (Voting) members. Each member shall have one vote for the purpose of said election. Each candidate for the Governing Council position shall submit a brief resume and a list of goals and objectives for serving on the Governing Council.

After July 1, 2004, at least one of the elected members of the Governing Council shall be an employee of the Charter School. At least one member of the Governing Council shall be a parent of a MVHS student. If no parent or employee is available to fulfill each respective seat on the Governing Council, then other citizens in the community may be elected.

ARTICLE II MEMBERSHIP

SECTION 1. NUMBER

A Governing Council consisting of a minimum of seven (7) members shall govern Moreno Valley High School.

There may also be a non-voting, ex-officio member of the Governing Council who may be appointed by the Cimarron Municipal School Board in agreement with the (Voting) members of the Governing Council.

SECTION 2. TERM

A Governing Council Member shall hold office for three years from the date of their first election. Members may serve no more than two elected terms during an eight-year period.

Terms of Governing Council members shall be staggered so that approximately one third of the terms expire each year. The seats on the Governing Council shall be assigned as follows:

- Seat 1 term expires in 2014 and every three years following
- Seat 2 term expires in 2014 and every three years following
- Seat 3 term expires in 2012 and every three years following
- Seat 4 term expires in 2014 and every three years following
- Seat 5 term expires in 2012 and every three years following
- Seat 6 term expires in 2012 and every three years following
- Seat 7 term expires in 2013 and every three years following
- Seat 8 term expires in 2013 and every three years following
- Seat 9 term expires in 2013 and every three years following

Members chosen to expand the size of the Governing Council after the initial seven shall fill seats eight and nine.

If a Governing Council member shall resign, the member’s seat shall be filled until the expiry of the term. If that period is less than nine months, it shall not count against the two term limit.

Those members chosen to serve on the Governing Council’s initial term shall be assigned seats at the 2003 Annual Meeting.

Note: Term seats were assigned to members at that February, 2005 meeting as follows:

- | | | |
|-------------------------|--------------------------|------------------------|
| Seat 1, 2008 - TBD | Seat 4, 2006 – Holt | Seat 7, 2007 - Bingham |
| Seat 2, 2008 - Cockburn | Seat 5, 2006 – Franklin | Seat 8, 2007 - Sobin |
| Seat 3, 2008 - Cox | Seat 6, 2006 – McDermott | Seat 9, 2007 - TBD |

Council seats shall terminate in the years noted above at the end of the annual meeting each

year. In the event that a member has not served the maximum time as stated earlier in this Section, he or she may apply to retain his or her seat. The seat may be retained by a majority vote of the remaining Council members present.

In the event that a seat is not retained, the seat shall be filled as provided for in Article I Section 6. The Council may agree to allow the outgoing member to retain his or her seat until it is filled.

New members shall take their seats at the end of the meeting at which they were elected.

SECTION 3. GENERAL POWERS AND DUTIES

The general property, business and affairs of the charter school shall be managed by the MVHS Governing Council. Without limiting the generality of the foregoing, the Governing Council may exercise all such powers of the School as are provided by the State Board of Education, Cimarron Municipal Schools Board of Education, the MVHS Charter Application, and these bylaws. The Governing Council shall assign duties and responsibilities to appropriate committees as necessary. If necessary, the duties and responsibilities of committees may be reassigned or resumed, at any time, at the discretion of the Governing Council.

SECTION 4. RESIGNATION FROM MEMBERSHIP

Any member desiring to resign from the MVHS Governing Council shall submit his/her resignation in writing to the Recording Secretary, who shall present it to the Governing Council for action.

SECTION 5. REMOVAL OF COUNCIL MEMBER

A member may be removed by a majority vote of the remaining MVHS Governing Council members.

ARTICLE III OFFICERS

SECTION I. PRESIDENT

The President or Vice President shall act as the liaison between the Governing Council and the School Administrator and Business Manager. He/she shall coordinate all orders and resolutions of the Council with the Administrator and Business Manager, and shall review progress with these individuals at Governing Council meetings. The President and the Treasurer shall execute contracts approved by a majority vote of the Governing Council. The President and/or Vice President shall have the authority to call Special Meetings.

SECTION 2. VICE PRESIDENT

The Vice President shall have all powers and perform all duties of the President in the absence, resignation, or incapacity of the President. The Vice President shall perform all other such duties as from time to time may be assigned to him/her by the Governing Council with his/her concurrence.

SECTION 3. SECRETARY

The Secretary shall keep full minutes of all meetings of the Governing Council. The Secretary shall attend the meetings of the Governing Council and shall act as clerk thereof and record all the acts and votes and minutes of all meetings in one or more books to be kept solely for that purpose. The Secretary shall provide copies of all meeting minutes to each Council member. The Secretary shall see that all notices of meetings are duly given in accordance with the provisions of the bylaws and as required by law.

SECTION 4. TREASURER

The Treasurer shall oversee the maintenance of records for all revenues and expenditures of the charter school, maintain accurate and up-to-date records of the school budget, and oversee the monthly status of said records. The Treasurer may accept on behalf of the school any contribution, gift, grant, bequest or device for the general purpose or the special purpose of the school, and shall report such gifts to the Governing Council at the next regular meeting. The Treasurer shall be the second required signature on all disbursement checks in excess of \$1,500.00.

SECTION 5. OFFICER ELECTION

All (Voting) members of the Governing Council shall elect the officers. Officers shall serve a term of office for one year. No member shall hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office.

ARTICLE IV MEETINGS

SECTION 1. MEETING SCHEDULE

The regular meetings of the MVHS Governing Council shall be held on the third Tuesday of each month, at 6:00 PM.

SECTION 2. SPECIAL MEETINGS

Special meetings may be called by either the President or Vice-President. The purpose of the meeting shall be stated in the call. A public three-day notice of special meetings shall be given whenever possible.

SECTION 3. EMERGENCY MEETINGS

Emergency meetings may be called by the President or Vice President. The purpose of emergency meetings shall comply with the circumstances outlined in the New Mexico Open Meetings Act. Twenty-four hour notice must be given for all emergency meetings.

SECTION 4. QUORUM

Four (4) members of the MVHS Governing Council shall constitute a quorum.

SECTION 5. OPEN MEETINGS ACT

A resolution to abide by the Open Meetings Act shall be adopted annually by the Governing

Council.

SECTION 6. PARTICIPATION VIA TELEPHONE

A member may participate in a meeting of the Council via telephone and constitute part of the quorum of that meeting if a speakerphone or other mechanism is provided so all members of the council as well as others attending the meeting can hear the member and he or she can hear the other council members. Any such participation shall be in full accordance with the New Mexico Open Meetings Act.

ARTICLE V COMMITTEES

SECTION 1. COMMITTEES

- A. Ad-hoc and standing committees shall be appointed at the sole discretion of the MVHS Governing Council, from time to time when it is deemed necessary to carry on the work of the MVHS Governing Council. The Governing Council shall approve the chairpersons of all committees.
- B. An Executive Committee shall have and exercise in the intervals between MVHS Governing Council meetings all the powers of the Council which may be lawfully delegated in the management of the business and affairs of the Charter School. Such powers as may be specified from time to time by majority vote of the Governing Council members.

ARTICLE VI PARLIAMENTARY AUTHORITY

SECTION 1. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised, shall govern the MVHS Governing Council in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the MVHS Governing Council may adopt.

ARTICLE VII AMENDMENTS

SECTION 1. AMENDMENT OF REGULATIONS

These Regulations may be amended at any regular meeting of the MVHS Governing Council by a majority vote of the Council, provided that the amendment has been submitted in writing.

ARTICLE VIII ANNUAL MEETING

On or before the third Tuesday in July the Council shall hold an Annual Meeting. The agenda for the Annual Meeting shall include: election of officers, affirmation of adherence to the New Mexico Open Meetings Act and any other business as specified by the Council from time to time. The Annual meeting may be a Special Meeting or a Regular Meeting as prescribed in Article IV.

Article IX. NEPOTISM

1. MVHS Governing Council Members and their immediate family members (as defined below) will be excluded from consideration for employment by MVHS, except as provided by Article I, Section 5 or 6.
2. Employees shall not hold a position with MVHS while they or members of their immediate family (as defined below) serve on the Governing Council, except as provided by Article I, Section 5 or 6.
3. Members of the immediate family of any MVHS employee will not be hired in the same department, division, program or facility where such has the potential for creating an adverse effect on supervision, safety, security, morale or involves potential conflicts of interest without the written prior approval of the Governing Council.
4. If two (2) employees marry or become related, or cohabit, only one (1) of the employees will be permitted to stay with Moreno Valley High School, unless they have requested and received prior written approval from the Governing Council.
5. No MVHS employee or member of the immediate family of any MVHS employee shall be a member of the Board of Moreno Valley Education Foundation, without prior written approval from the Governing Council.
6. In Sections 1-5 above, immediate family includes the following: husband, wife, son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, grandchildren, stepchildren, and step-parents.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

SECTION 9 OF THE CHARTER GOVERNANCE AND SCHOOL OPERATION, MVHS CHARTER APPLICATION

9.0 GOVERNANCE AND SCHOOL OPERATION

Pursuant to the 1999 Charter Schools Act, MVHS will be a public school defined uniquely by a charter that allows the school to operate in an autonomous manner while remaining within the school district. School centered governance, site-based and autonomous fiscal management, and an innovative and separate educational program are primary characteristics of MVHS.

The 1999 Charter Schools Act empowers the MVHS Governing Council to exercise all authority in school matters, except those as prescribed by the State Board of Education and other applicable state and federal laws and regulations.

A School Administrator and Business Manager will run the day-to-day operations of MVHS. These two individuals will work closely with and directly report to the MVHS Governing Council.

9.1. Selection and Size of MVHS Governing Council

Initial membership of the interim Governing Council shall consist of seven members selected by the founding citizens of MVHS (see appendix for draft of by-laws). Thereafter, the voting members of the MVHS Governing Council will recruit and select members from the communities represented in the MVHS student population. The size of the Governing Council will remain at a minimum of seven voting members.

Members should reflect the experience necessary for the general operation of a school, and may include business people, parents, and retired citizens. All Members will demonstrate a firm commitment to upholding the MVHS Mission Statement and Vision outlined in this charter application. Other initial criteria for selecting members may include but not be limited to: willingness to commit time and energy, expertise in a variety of areas related to proper school operations, absence of conflict of interest, and a commitment to providing the best education to all students in the Cimarron School District.

Interim Governing Council Member shall hold the appointed office for a two-year term. Four of these members shall be founding members of MVHS. Thereafter, membership to the Governing Council shall be by majority vote of current members of the Governing Council. Members may serve no more than two elected terms during any six-year period.

Vacancies occurring in the membership shall be filled at an open meeting in which a quorum of the remaining voting members is present. Vacancies shall be filled by a majority vote of the remaining members. A qualified person shall be appointed to fill the vacancy until the term is complete. Upon completion of the term, the appointed individual shall seek re-election by the other voting members of the Governing Council.

Individuals wishing to serve on the Governing Council shall submit their names, brief resumes, and a short statement outlining their interests, goals and/or objectives in serving on the

Governing Council.

The MVHS Governing Council will encourage Student Representatives to attend each Governing Council meeting. Student Representatives will be non-voting members whose primary responsibility will be to bring forth ideas and concerns from the student population.

The MVHS Governing Council, at their sole discretion, will appoint and assign committees as needed.

9.2. Meetings

The MVHS Governing Council will meet no less than one time each month, for a regular meeting, according to a schedule approved yearly by the Governing Council. The MVHS Governing Council, upon approval of the charter application, shall decide the time and place of meetings. A quorum must be present in order to vote on school matters, and all actions taken by the Governing Council shall require a majority vote. A quorum shall consist of four voting members. The general rules of procedure will be governed by a modified version of Robert's Rules of Order, upon the approval of the Governing Council.

The MVHS Governing Council shall transact all business at a legal meeting of the Council. No member of the Council shall have power to act in the name of the Council outside Governing Council meetings.

In order to ensure the greatest possible access to all information pertaining to MVHS, the MVHS Governing Council acknowledges and agrees that it is subject to the provisions of the Open Meetings Act, and that it will comply with the provisions of such Act in all activities. The Governing Council will adopt an Open Meetings Notice Resolution annually, and will otherwise comply with the provisions of the Open Meetings Act.

When needed, the Governing Council may proceed into Executive Session as provided by Act. An executive session may be called for consideration of subjects allowable under the Open Meetings Act, including personnel matters, litigation, and acquisitions or sales of real property. Final action on matters discussed in executive session shall be taken in open meeting if required by the Act. Matters discussed in executive session shall remain confidential among the members. Only those persons invited by the Governing Council may attend executive sessions. Members of the Governing Council will be expected to adhere to the Code of Ethics for New Mexico School Board Members.

All meetings will be advertised in the local media and/or by flyers posted throughout the District in a timely manner and according to the provisions of the Open Meetings Act. An agenda shall be made public and contain the list of specific items of business to be discussed. An individual may request an item to be placed on the agenda by notifying a designated member of the MVHS Governing Council. A finalized specific agenda shall be made available no less than twenty-four hours prior to the scheduled meeting, and shall be posted in the MVHS administrative office or in an heretofore agreed upon visible place within the boundaries of the Cimarron School District.

Opportunity for comments from members of the school community and the public shall form part of the publicized agenda.

9.3. Parental, Professional Educator and Community Involvement

The MVHS Governing Council recognizes that a student's education is best met through a partnership between the family, school administrators, families and community. MVHS views this relationship as the most productive means of extending the educational process for each student (see appendix for flow chart).

One of the goals of the MVHS Governing Council shall be to interpret the educational program to the school community and community at large and to invite participation and commentary on matters relating to both. The Governing Council shall make every reasonable effort to determine how citizens feel about the school, especially on how they wish the school to operate. The Governing Council shall also seek to earn understanding from the community on the needs of financial support, volunteer commitments and cooperation with the Cimarron School District for the good of all students.

All public school records may be accessed through the School Administrator. A monthly report of receipts and expenditures shall be made available.

The Governing Council, along with the School Administrator and Business Manager, shall be responsible for communicating school related news to professional educators, parents, and general community members.

Parents will be sought to serve on the Governing Council. Parents not serving on the Governing Council will be encouraged to participate fully in the daily operation of MVHS. This may include on-site volunteerism, assistance in supervising events and special projects, and service on school organizations and committees. Other components of parental involvement may include:

- Communicating concerns and needs to the school;
- Assuring student attendance, with absences not exceeding 8 days per school year;
- Supporting and assisting homework assignments;
- Participating in school conferences;
- Participating in the development of the Student Learning Plan (SLP) and/or the student's Individualized Education Plan (IEP);
- Participating in disciplinary action and corrective action;
- Supporting adherence to the school dress code; and
- Partnering with students and teachers to create an educational environment in which students have the tools and resources to achieve excellence in learning and personal development.

Parents of MVHS students will be asked to serve on the Advisory Committee that reports directly to the MVHS Governing Council. Parents will also team with each student's advisor to develop a student's individual Student Learning Plan. Upon approval of the Governing Council, the parent of each respective student may sign a contract outlining parental responsibility for committing a specified number of volunteer hours to the school. The Governing Council may request parents to serve on committees in establishing policies and procedures for the school. However, final decisions concerning MVHS policies, procedures and budgets rest with the MVHS Governance Council.

All professional educators will be offered training in implementing and/or enhancing the MVHS chosen curriculum, the Paideia Program, and will be required to fulfill on-going professional

development consistent with the school's mission statement. Professional educators shall adopt the Paideia Program and shall use their professional opinion as to how to tailor the Program to individual student needs. Along with satisfying state requirements for student testing, professional educators will be encouraged to develop their own means of assessing student performance.

Professional educators will also act as Student Advisors in order to help ensure the smooth implementation and operation of the MVHS curriculum. As Student Advisors, Professional Educators will be assigned a certain number of students. The Student Advisor will without interruption follow their assigned students throughout their years of attending MVHS, or until graduation. The Professional Educator will also be part of the team (along with parents and/or Speech, Occupation and Physical Therapists) to develop individual Student Learning Plans (SLP) or Individualized Educational Programs (IEP) for Special Education Students.

The Student Advisor will also help in identifying students deemed at-risk. When applicable, the Student Advisor will serve as the liaison between the home and school so as to help address issues that may prevent a student from achieving academically. These issues may revolve around drug abuse, family conflicts or medical problems.

Community members within both the Moreno Valley and Cimarron School District will be asked to support the operation of the school in the areas of time, talent and/or treasury. MVHS will look to the community for ideas in developing student responsibility models, good citizenship, career shadowing, school-to work programs, and sharing of expertise. In this effort, prominent business people will be encouraged to serve on the Governing Council, or donate expertise in curriculum development, finance and accounting, and administrative background, or any other area, to the school. MVHS shall seek to develop a solid working relationship with area Chambers of Commerce, civic organizations, and other business and organizations that support charter schools. Specific community involvement in the school may include:

- Establishing a community advisory panel to provide insight concerning economic, environmental, business and academic areas relevant to MVHS;
- Initiating school-to work programs;
- Developing a yearly career day program;
- Attending and/or sponsoring student exhibitions and programs;
- Sponsoring a school charter on behalf of student civic organizations.

The MVHS Governing Council shall provide the MVHS Community with an annual School Report Card. The School Report Card will be made available each year at an open meeting hosted by the MVHS Governing Council, in which dialogue and feedback will be requested about the school.

9.4. Role of the Governing Council in Policy Making, Personnel Decisions, etc.

The decisions and role of the MVHS Governance Council in areas such as development and implementation of MVHS policies, personnel decisions, budgeting, curriculum, personnel evaluations and compensation, and employee contracts shall rest with the voting members of the Governing Council. As a courtesy, the MVHS Governing Council shall supply the Cimarron School Board of Education written copies of all policies. As much as possible, MVHS policies shall coincide with those of the Cimarron School District. In exercising these powers, MVHS shall comply with all applicable state and federal Acts.

The role of the MVHS Governing Council in the State Board of Education mandates of required content standards, benchmarks, performance standards, state accreditation, standardized testing and the school report card shall be one of assuring complete compliance.

Parental, community and professional educator input shall be very influential in establishing policies and procedures for the school. To this end the Governing Council will establish a standing advisory committee, including respective parental and community members, as well as ad-hoc committees. Citizens interested in serving on of these committees shall be asked to submit their names and areas of interest, and shall be appointed by the Governing Council as needed. Service on these committees shall not total more than two years.

The MVHS Governing Council will make known and delegate all programs, policies, procedures, fiscal and otherwise, to the School Administrator and Business Manager, who will then be responsible for their implementation and administration on a day-to-day basis. Appropriate methods of implementing the school's programs, policies and procedures shall be reviewed and discussed annually, most likely at the beginning of the school year, with all professional educators, staff and students. The policies shall be reviewed at least annually for compliance with all state and federal Acts and regulations. Copies of all policies and procedures shall be distributed to each professional educator and staff member, and shall be kept in each classroom and on file in the Administrator's office.

The role of the MVHS Governing Council in establishing a good working relationship with the Cimarron School District shall be one that facilitates mutual understanding of the concerns, opinions, needs, and ideas of each entity, in order to maximize student success at each site.

9.5. Relationship between the Charter School Governing Council and the Cimarron Board of Education

The relationship between the MVHS Governing Council and the Cimarron Board of Education will be one that focuses on the academic success of each student. As much as possible, the policies and procedures, curriculum, school day and calendar of each school will reflect each other so as to maximize the opportunities available to each student.

Upon approval of this Charter Application, and according to the 1999 Charter Schools Act, the Charter Contract will be between the MVHS Governing Council and the Cimarron School District. The contract will be legally binding pursuant to the provisions provided by this Act.

As a matter of courtesy, MVHS may furnish the Cimarron Board of Education with written copies of all policies or procedures upon request.

Quarterly meetings between MVHS and the District will be held every year. Additional meetings may be called by either Board of Education or by the MVHS Governing Council at a mutually agreed time upon thirty (30) days notice and shall be conducted in accordance with the Open Meetings Act.

Subject to approval by the Governing Council, the President of the MVHS Governing Council shall be designated as the contact person for communicating with the Cimarron School Board of Education.

Any disputes arising between MVHS Governing Council and the Cimarron Board of Education

shall be resolved as described below:

For a dispute initiated by MVHS, the MVHS Governing Council will submit in writing to the Cimarron Board of Education a detail of the issue in dispute, including a proposed resolution for consideration, which stipulates a response deadline. The Cimarron Board of Education will then have until the stipulated deadline to respond. At any time during this process, either party may request formal mediation through a neutral third party. If no mutually agreeable resolution is reached, the matter will be submitted to binding arbitration under the laws of the state of New Mexico.

In the same way, should the Cimarron Board of Education initiate a dispute, the Members will submit in writing to the MVHS Governing Council a detail of the issue in dispute, including a proposed resolution for consideration and a response deadline. The MVHS Governing Council will then have until the stipulated deadline to respond. At any time during this process, either party can request formal mediation through a neutral third party. If no mutually agreeable resolution is reached, the matter will be submitted to binding arbitration under the laws of the state of New Mexico. To the extent that any period of time is not provided for by applicable law, all disputes shall be submitted within 30 days of the circumstances giving rise to the dispute. Similarly, a response shall be made within 30 days of receiving the dispute. Any request for mediation or arbitration shall be made in writing and shall be considered waived if not made within 90 days after submission of the written dispute, unless a different timeframe is agreed upon in writing by the parties.

Procedures for Revocation or Nonrenewal of the Charter Contract

- A. If the Board observes that a violation of the Charter has occurred, the Board will give written notice to the Governing Council of a special meeting between Board and Governing Council in order to identify and discuss the problem, at least 10 days in advance of the meeting.
- B. If, after the above-mentioned meeting, the Board determines that the Charter School has committed any of the four types of violations mentioned in 22-8B-12D, the Board will give the Governing Council a written notice of the violation, including the time and date of the violation, and how it violates the law.
- C. The cases of material violations of the charter contract, failure to meet generally accepted standards of fiscal management, or violation of a provision of law from which the charter school was not specifically exempted, the Charter School will have 60 days from the date of receipt of the written notice of violation to remedy the deficiency.
- D. In the case of failure to meet or make substantial progress toward state board minimum educational standards or student performance standards identified in the charter application, the Charter School will have one (1) calendar year from the date of the written notice of violation to remedy the deficiency.
- E. If the Board believes that the Charter School failed to remedy the deficiency within the time frame specified in C and D above, the Board may begin revocation or failure to renew proceedings as required by state statute or regulation, in particular sec. 22-8B-12.
- F. A decision to revoke or not renew a charter may be appealed by the governing body of the charter school pursuant to Section 7 [22-8B-7 NMSA 1978] of the 1999 Charter Schools Act.

9.6. How Decisions Will Be Made and By Whom

The MVHS Governing Council shall follow a traditional model of governance. The voting members serving on the Governing Council shall elect a President, Vice-President, Secretary, and Treasurer.

The MVHS Governing Council shall exercise all such powers of MVHS as provided by the State Board of Education, Cimarron Municipal School District and the draft of By-Laws of the MVHS Governing Council attached as an in appendix. These powers will include all educational, business and financial affairs of the school. Certain legal powers and prerogatives assigned by Law cannot be delegated to others. All actions taken by the MVHS Governing Council shall require a majority vote by the voting members.

The formal adoption of any proposed policy, position, resolution, rule, regulation or formal action will occur only when a quorum of voting Members is present. A quorum shall consist of four voting Governing Council Members. In accordance with the Open Meetings Act, all meetings of the majority of the Members of the Governing Council shall be open to the public, except those of executive session, as provided by Act.

Committees to the MVHS Governing Council shall take into consideration specific tasks assigned to them. Appointment or removal of members of a given committee will be by a majority vote of the MVHS Governing Council. Recommendations submitted to the Governing Council by committees shall be based upon proven research and fact. Final decisions regarding the recommendations of committees shall rest with the MVHS Governing Council.

All meetings of committees appointed by the MVHS Governing Council shall comply with the requirements of the Open Meetings Act.

9.7. Decisions for Which the Governing Council Is Responsible

The decisions for which the MVHS Governing Council shall be responsible include but are not limited to: determining the general policies of the school; evaluating the effectiveness of these policies in terms of the school's overall achievement; administering the educational, sports and activities programs, managing the business of the school as related to financial resources, accepting and maintaining facility and equipment; and authorizing employment upon the recommendation of the school administrator. Other decisions may include ensuring the school's success, financial viability, and overseeing the disposition of resources.

The MVHS Governing Council is responsible for overseeing the school's faithfulness to its Charter and ensuring legal adherence to essential statutory and regulatory requirements as prescribed by both state and federal Laws. The MVHS Governing Council shall also initiate and finalize the process for the renewal of the Charter.

In addition, the MVHS Governing Council shall have authority to make final decisions, in compliance to all applicable laws and regulations, concerning these and other school-related matters:

- implementation of the MVHS mission statement;
- budget preparation and final decision making;
- policy development;
- assessment of attainment of MVHS educational goals and objectives;

- maintenance of student records and files consistent with state and federal laws and regulations;
- maintenance of evaluations of the School Administrator and Business Manager;
- contracts for goods and services;
- final approval of personnel selection and determination of compensation;
- maintenance of reports on the instructional program, budget management, facility and equipment;
- procurement of Insurance: MVHS will participate in the New Mexico Public School Insurance Authority;
- lease of facility for school purposes;
- purchase or lease of furniture and equipment;
- procurement of instructional materials and supplies; and
- oversight of the use of grant money, donations and fundraising funds

MVHS will operate in compliance with all district, federal, state and local laws, unless specifically waived. MVHS will request waivers from specific District regulations and/or the State Board of Education now and at a later date. All waivers not listed in this application will be submitted in writing to the appropriate party. The request for waiver will include reasons why MVHS is in need of or desires the waiver.

The Cimarron School District shall not unreasonably withhold waivers from MVHS, which action would conflict with the ability of MVHS to operate within the intent of the 1999 Charter Schools Act.

MVHS will operate as a nonsectarian, non-religious, non-home based public school and will comply with all applicable federal, state and local acts, rules and regulations including, without limitation, the Constitutional provisions prohibiting discrimination on the basis of race, color, national and ethnic origin, disability, age, creed, gender, religion or ancestry.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

NEW MEXICO OPEN MEETINGS ACT

THE OPEN MEETINGS ACT

NMSA 1978, Chapter 10, Article 15

A Compliance Guide for New Mexico Public Officials and Citizens.

I. INTRODUCTION

The "Open Meetings Act," NMSA 1978, Sections 10-15-1 to 10-15-4, is known as a "sunshine law." All states have such laws, which are essentially motivated by the belief that the democratic ideal is best served by a well-informed public. Sunshine laws generally require that public business be conducted in full public view, that the actions of public bodies be taken openly, and that the deliberations of public bodies be open to the public.

The Attorney General is authorized by Section 10-15-3(B) of the Act to enforce its provisions. Accordingly, this Compliance Guide has been prepared by the Attorney General to provide assistance in the application of the provisions of the Act to all boards and commissions of the state, counties, municipalities, school districts, conservation districts, irrigation districts, housing authorities, councils of government and other public bodies that are responsible to the public and subject to the Act. It should be noted that many of the issues discussed in this Guide have not been the subjects of judicial interpretation. By necessity, therefore, the Guide in most respects represents the views of the Attorney General. Although the Attorney General believes the construction of the Open Meetings Act reflected in the Guide is correct, it is always possible that a court faced with the same issues would disagree with the Attorney General's interpretation.

New Mexico's "Open Meetings Act" addresses four areas. The first defines the basic policy of the state with respect to meetings of non-legislative public bodies and how it is to be applied in conducting public business; the second defines the policy as it applies to meetings of standing committees of the state legislature; the third addresses the effect that violating the law may have on the validity of actions taken by public bodies; and the fourth defines the penalty for violation of the law. These areas are discussed sequentially in the text of this Guide.

The Open Meetings Act was most recently amended during the 1997 and 1999 legislative sessions. The amendments establish procedures individual citizens are to follow when they bring private lawsuits against public bodies for enforcement of the Act, and permit those citizens to collect attorney fees when they prevail. The amendments also add exceptions from the Act's public meetings requirement for certain meetings of the Gaming Control Board and of public hospital boards.

For ease of understanding, the text in this Guide is divided into three areas:

- 1) **The Law, as written, is in bold type.**
- 2) Commentary or explanation is in regular type.
- 3) *Examples of when the law would and would not apply are in italic type.*

II. 10-15-1. Formation of Public Policy

A. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meetings. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.

B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.

C. If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

D. Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

E. A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

F. Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four hours prior to the meeting. Except for emergency matters, a public body shall take

action only on items appearing on the agenda. For purposes of this Subsection, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

G. The board, commission or other policy-making body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

H. The provisions of Subsections A, B and G of this section do not apply to:

(1) Meetings pertaining to issuance, suspension, renewal or revocation of a license except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting;

(2) limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this Subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;

(3) deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, an "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;

(4) the discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise;

(5) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policy-making body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;

(6) that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand hundred dollars (\$2,500) that can be made only from once source and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;

- (7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;**
- (8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body;**
- (9) those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed; and**
- (10) that portion of a meeting of the gaming control board dealing with information made confidential pursuant to the provisions of the Gaming Control Act.**

I. If any meeting is closed pursuant to the exclusions contained in Subsection H of this section, the closure:

(1) If made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; and

(2) if called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

J. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes.

10-15-1.1. Short Title.

NMSA 1978, Chapter 10, Article 15 may be cited as the "Open Meetings Act."

10-15-2. State Legislature; Meetings.

A. All meetings of a quorum of members of any committee or policymaking body of the state legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such committee or body are declared to be public meetings open to the public at all times.

B. The provisions of Subsection A of this section shall not apply to matters relating to personnel, or matters adjudicatory in nature, or any bill, resolution or other legislative matter not yet presented to either house of the legislature or general appropriation bills.

C. For the purpose of this section, "meeting" means a gathering of the members called by the presiding officer of a standing committee.

10-15-3. Invalid Actions; Standing.

A. No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1.

B. All provisions of the Open Meetings Act shall be enforced by the attorney general or by the district attorney in the county of jurisdiction. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts, provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.

C. The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall

award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.

D. No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings.

10-15-4. Penalty.

Any person violating any of the provisions of NMSA 1978, Section 10-15-1 or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

Commentary: It is common practice for public bodies to adopt Robert's Rules of Order or a similar code of parliamentary procedure to govern the process for calling and conducting meetings and taking action. The public body must take care not to violate the Open Meetings Act in its attempt to comply with its own parliamentary rules. The Open Meetings Act is mandatory and will supersede any such local policy or procedure. Note as well that, on the one hand, a violation of the Open Meetings Act will void the action taken, while, on the other hand, actions that do not comply with a body's own parliamentary rules may not be invalidated where there is no statutory violation.

III. SECTION 10-15-1. FORMATION OF PUBLIC POLICY

A. STATE POLICY ON OPEN MEETINGS.

The Law

In recognition of the fact that a representative government is dependent upon an informed

electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meetings. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.

Reasonable efforts shall be made to accommodate the use of audio and video recording devices.

Commentary: This Subsection states the basic open meetings policy of the state. The Act generally prohibits a public body from conducting public business in secret or in closed meetings and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen. Unless a public body cannot reasonably do so, it must permit members of the public attending its meetings to record or video tape the proceedings. The Act does not require a public body to allow members of the public to speak at its meetings.

The courts and the legislature are excluded from the provisions of the Act that apply to other public bodies. Provisions of the Act specifically applicable to the legislature are discussed in Section IV.

Example 1#: A county manager needs the immediate approval of the board of county commissioners before executing a contract and calls the commissioners individually by telephone to secure such approval. Such a telephone poll as a substitute for official board action violates the intent of the Act. However, the board may avoid such hazards if it discusses the anticipated contract at a properly convened meeting and delegates to the county manager, its chief administrative officer, the authority to execute in the board's name. The county manager is not absolutely precluded from telephoning individual commissioners. The telephone poll is improper in this example because it is used to secure the approval of or final action by the board outside of an open meeting.

Example 2#: The city council is contemplating an ordinance adopting an 11:00 p.m. curfew for all persons under 18 years of age. Hundreds of residents attend the first meeting on the ordinance, carrying placards for and against it. The audience becomes loud and agitated and the local police remove several people for making threats against the council. The meeting lasts until 2:15 a.m. At the next meeting on the ordinance, the council limits presentations to those persons whose remarks are submitted to the council five days in advance of the meeting and places a five minute limit on such remarks.

Such restrictions are permitted. The Open Meetings Act requires only that persons be permitted to "attend and listen." An open public meeting is not necessarily an open forum and, so long as the Act is complied with, public bodies may limit or not allow public debate and may take steps necessary to maintain public order.

Example 3#: The Disciplinary Board established by the State Supreme Court to investigate attorney misconduct holds a meeting to discuss hearing procedures. Because the Board is established by the Supreme Court and is an agency of the court, it is not subject to the Open Meetings Act under the express exemption for courts. Although exempt from the Act's coverage, the Supreme Court is free to promulgate regulations covering whether and when the Board's meetings are open to the public and requirements for public notice.

Commentary: As a policy statement, Subsection A generally sets forth the spirit or intent of the law and serves as the guiding principle to be followed in applying the particular provisions of the Act. Where a situation is not specifically covered by the Act, doubt as to the proper course of action should be resolved in favor of openness whenever possible. Compliance with the Act is not just a matter of adhering to the Act's specific requirements, but contemplates a more flexible obligation of public bodies

to open their deliberations to public scrutiny.

B. PUBLIC MEETINGS SUBJECT TO THE ACT.

The Law: All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.

Commentary: This Subsection defines those meetings that are required to be open to the public, unless otherwise excepted from this requirement by the Constitution or another provision of the Act or an express and unavoidable conflict with more specific language in another law. The provisions of the Act apply to any meeting of a quorum of a policymaking public body held for the purpose of:

- (a) formulating public policy, or
- (b) discussing public business, or
- (c) taking any action that the body has authority to take.

Example 4#: Mr. Green and Ms. Thomas, two members of the five-member board of directors for the ZZZ Domestic Mutual Water Users Association (a public body established under the Sanitary Projects Act), have a telephone conversation during which they decide that the board should discharge the Association's executive director. Mr. Green writes a letter to the director terminating her employment, signs the letter, and passes it on to Ms. Thomas. Ms. Thomas signs the letter and delivers it to a third board member, who signs it and delivers it to a fourth board member for his signature. The fifth board member does not participate in the termination action.

The board's action violates the Open Meetings Act. The letter discharging the executive director and signed by four of the board members amounts to action by a quorum of the board outside of a properly noticed and conducted public meeting. It makes no difference for purposes of the Act that the four members who made up the quorum were not together in the same place when they discussed and signed the letter.

Example 5#: Mr. Jones and Mr. Smith both serve on a board of county commissioners and constitute a quorum of that board. Jones and Smith are also in the same business and frequently run into each other in the course of a business day. Moreover, they are friends and see each other at various social functions. The Open Meetings Act is not intended to alter the business or social relationships of these men so long as they are not meeting in their capacity as county commissioners for the purpose of conducting public business. Should public business arise in such business or social settings, the two men should avoid discussing the matter between themselves. Rather, the matter should be raised, discussed and decided in an open meeting of the board.

Commentary: The Act broadly covers every kind of public body that can be characterized as "policymaking," including those that perform administrative adjudicatory functions. Administrative adjudicatory functions generally include holding trial-type hearings to consider facts and reaching conclusions regarding individual legal rights, duties or privileges.

Because the statute specifically refers only to meetings of a quorum of the members of a public body, meetings of a committee of a public body that is composed of less than a quorum of the members or of non-members of the public body are not subject to the provisions of the Act, provided the committee engages solely in fact-finding for the body or simply executes the policy decisions or final actions of the public body.

A committee established for fact-finding purposes by a board or commission should be distinguished from committees performing the same functions created by statute. In the latter situation, a committee would be a public body subject to the Open Meetings Act because the legislature considered the committee's functions important enough to provide it with a separate existence as a public body, and the committee is not simply created by a public body as a means to carry out that body's business.

In some situations, even a non-statutory committee appointed by a public body may constitute a "policymaking body" subject to the Open Meetings Act if it makes any decisions on behalf of, formulates recommendations which are binding in any legal or practical way on, or otherwise establishes policy for the public body. A public body may not evade its obligations under the Open Meetings Act by delegating its responsibilities for making decisions and taking final action to a committee. This is true even when the public body delegates its authority for holding a meeting or hearing to a single individual. If a hearing would be subject to the Open Meetings Act if convened by the public body, the hearing cannot be closed simply because the public body appoints a single hearing officer to hold the hearing in its place.

Excepted from this rule are hearing officers specifically authorized by statute. In those situations, the legislature has placed responsibility for holding a hearing with either the public body or the hearing officer, and the hearing officer's authority to hold a hearing is not based solely on delegation by the public body. Because, under these circumstances, the hearing officer acts under separate authority rather than as a replacement for the public body and because such a statutory hearing officer is not itself a public body, a hearing held by the hearing officer would not be subject to the Act. Provisions of law besides the Open Meetings Act may, however, require the proceedings to be open. For example, all hearings under the Uniform Licensing Act, including those conducted by a hearing officer, must be open to the public. See NMSA 1978, Section 61-1-7.

Of course, where the chief policymaking official of an agency is a single individual, the Act does not apply because the official is not a public body, complete decision making authority is vested solely in the official, and no deliberation or vote is necessary for effective action.

Example 6#: The governor, the superintendent of insurance and the chief of the state police get together to discuss issues about which the three are concerned. These persons, although public officials, do not constitute a "public body" and therefore their meeting is not subject to the provisions of the Act.

Example 7#: The parents in a school district have been asked by the superintendent to form a group to study the district's athletic programs and make recommendations to the school board. The group's recommendations are not binding on the board. Because they act solely in an advisory capacity, and have no authority to make decisions on behalf of the board, the parents do not constitute a policymaking body of the school district and their meetings are not subject to the provisions of the Act.

Example 8#: Three members of an eight-member state licensing board are appointed by the chairman as a committee to decide on a final budget. The committee is not given specific budgetary instructions by the board and the committee members use their discretion regarding the specific allocations in the budget. Since the committee independently develops a budget for the board, the budget discussions

conducted and decisions made by the committee are meetings of a policymaking body subject to the Act's requirements.

Example 9#: The Public Regulation Commission is a full-time salaried commission regularly engaged in the conduct of public business, i.e., utility rate regulation. Because the Commission is authorized to take final action and formulate policy, any meeting of a quorum of the members at which public business is discussed, even where no action is taken or policy actually formulated, is subject to the provisions of the Act.

Example 10#: A private non-profit health services corporation receives state and federal funding for its program. Unless a specific contractual provision or a statutory mandate independent of the Open Meetings Act imposes the duty of open meetings, a meeting of a quorum of the board of directors of the corporation is not subject to the provisions of the Act because the board of directors is not a board of the state, county, district or other political subdivision.

Example 11#: A cabinet secretary regularly meets with his key staff on Monday mornings to go over department affairs. From time to time, he may also invite interested legislators and persons from the private sector to advise him and his staff on particular matters. The decision-making authority of the department is nevertheless vested in the secretary, and the assembled Monday group, although influential, remains advisory. These meetings, therefore, are not subject to the Act.

Example 12#: A board of county commissioners is specifically required by statute to issue a particular order upon the occurrence of certain conditions. The duty to issue the order is purely ministerial; i.e., the board may not exercise any discretion or independent judgment. No decision or deliberation of the board is necessary or permitted. The board, at a meeting properly convened according to the Act, may authorize one member or an administrator to issue the order when the requisite conditions occur, and the official action may be taken without a subsequent meeting that would otherwise be subject to the Act.

Example 13#: Pursuant to its constitution, the board of regents of a state university delegates its policymaking authority to decide post-graduate curricula to the faculty senate of the respective post-graduate departments. Meetings of the faculty senate for the purpose of exercising that authority are subject to the Open Meetings Act.

Example 14#: A five-member city council creates an "advisory committee" composed of two city council members and other city officials to evaluate bidders on city contracts and to recommend a limited number of the bidders to the city council for final selection. By delegating authority to the committee to narrow the choices of potential contractors for the council's consideration, the city council vests the committee with decision-making authority and subjects its meetings to the Open Meetings Act's requirements.

Example 15#: A state commission establishes a search committee composed of experts in the field regulated by the commission to review and evaluate applications for positions on the commission's staff. A provision in the commission's by-laws provides that the search committee's final recommendation on whom to hire is binding on the commission unless the commission receives reliable information from an independent source affecting the finalist's qualifications. Because the commission has delegated virtually all of its decision-making authority to the search committee, the committee's meetings are subject to the Open Meetings Act.

If the search committee's recommendations were not expressly binding on the commission, but the commission routinely adopted the committee's final recommendation without reviewing the other applicants, the committee's meetings still would be subject to the Open Meetings Act. Although not required to by any express provision, the commission, as a matter of practice, would be delegating to the

committee its authority to select employees.

Example 16#: A state board appoints a committee composed of two board members (less than a quorum of the board) and several members of the public to draft proposed regulations in accordance with the board's instructions regarding the substance of the regulations. The board will review the proposed regulations, make all final decisions regarding the text of the regulations and determine whether to hold a public hearing on them. Provided the committee is not statutorily created and charged with drafting regulations for the board, meetings of the committee to draft the regulations will not be subject to the Open Meetings Act.

Example 17#: Pursuant to statute, two incorporated villages establish an intercommunity water supply association empowered to provide a supply of water to the villages' inhabitants. The villages are the association's only members and each village appoints three persons to serve at its pleasure as commissioners of the association. To fulfill its duties, the association is granted certain government powers, including the power of eminent domain. Because it is formed by public bodies and is authorized to perform certain functions on behalf of those bodies, the association also is a public body subject to the Open Meetings Act.

C. TELEPHONE CONFERENCES.

The Law: If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

Commentary: This provision sets forth requirements for members of a public body who attend a meeting by conference call. The Act does not itself authorize attendance by telephone. But if members of a public body have independent authority by law or regulation to participate in meetings by telephone, the requirements will apply.

Example 18#: The state student loan authority is granted the same powers as are exercised by non-profit organizations incorporated under state law. The Nonprofit Corporation Act provides that "the board of directors ... may participate in a meeting of the board ... by means of a conference telephone or similar communications equipment ... and participation by such means shall constitute presence in person at a meeting." This law authorizes a member of the authority's governing board who is unable to attend a meeting in person to participate by conference telephone if the requirements of the Open Meetings Act are met.

Commentary: Even where attendance by telephone is allowed, it would defeat the purposes of the Open Meetings Act if this were done by a large number of board members. That is why the legislature provided that participation by telephone conference may occur only when "difficult or impossible." Thus, in all cases where it is possible, members of a public body should attend meetings in person. Participation by telephone should occur only when circumstances beyond the member's control would make attendance in person extremely burdensome. The provision is not intended to encourage participation by telephone in cases where personal attendance would be merely inconvenient or would be more efficient or economical for the public body.

D. NOTICE REQUIREMENTS.

The Law: Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

Commentary: This Subsection requires that reasonable notice be given of public meetings at which proposed rules, regulations, resolutions or formal action will be discussed or adopted. In effect, this means a public body must give notice of all public meetings of a quorum of the public body. The notice must include licensed broadcast stations and newspapers of general circulation that have made a written request for notice of the public body's meetings.

Example 19#: The governing body of an irrigation district wishes to call a special meeting to discuss an emergency situation resulting from flood damage. The action of simply calling a meeting is not formal action for purposes of the notice provisions of the Act, since requiring notice of a meeting to call a meeting is obviously impractical. This might be overcome by a policy of the public body authorizing the chairman or president to call such meetings as he or she deems necessary.

Example 20#: A local school board schedules an annual retreat to which professional educators are invited to provide training for the members of the board and to update developments in education. Normally, the board devotes these sessions solely to training of the board members and the district administrators and does not discuss policy or school business. Under such circumstances, the Open Meetings Act would not apply to the training sessions. However, this year the board has scheduled one session of the retreat for revising the board's employee and student handbooks. Since the handbooks are the school district policies and rules of employee and student conduct, the notice, agenda, minutes and other requirements of the Open Meetings Act apply to the sessions at which the handbooks are discussed.

Commentary: This Subsection also requires each public body to determine its notice procedures at least once a year in a public meeting. Accordingly, each public body should adopt an annual resolution or other announcement at a regularly scheduled open meeting stating its procedure for giving notice of meetings. The Act does not impose any specific maximum or minimum requirements, and what constitutes reasonable notice may vary according to the type of meeting or public body. In general, however, a reasonable notice must adequately, accurately, and sufficiently in advance inform the public of the meeting's time, place and date, and should be published or posted in a place and manner accessible to the public.

Example 21#: The mayor of the Village of Las Ropas calls a special meeting of the Board of Trustees. The public meeting notice states that the meeting will be held the following Monday at 8:30 a.m. in the Village Hall. At 4:30 p.m. on the Friday preceding the meeting, the meeting notice is posted on the door of the Village Clerk's office in the Village Hall. The Village Hall closes at 5:00 p.m. on weekdays and is not open at all on weekends. The meeting notice is not reasonable for purposes of the Act because members of the public interested in attending the meeting have no meaningful opportunity to see the notice before the meeting.

Commentary: In most circumstances, the Attorney General will consider reasonable a notice procedure providing ten days' advance notice for regular meetings, three days' prior notice for special meetings and 24 hours' advance notice for emergency meetings. If a public body meets regularly on a specific date,

time and place, e.g., the second Wednesday of each month at 7:00 p.m. at the city auditorium, the public body need not provide ten days' advance notice for each individual meeting but can comply with the reasonable notice requirements of the Open Meetings Act by setting forth the requisite information in the public body's notice resolution and making the resolution available to the public. In each instance, the issue is whether the public body gave the maximum reasonable notice that could have been given under the circumstances. An "emergency meeting" called with little or no notice must involve issues that could not have been anticipated and which, if not addressed immediately by the public body, will threaten the health, safety or property of its citizens, or likely result in substantial financial loss to the public body.

Example 22#: With only one hour's advance notice, a mayor calls an "emergency meeting" of the town's governing board to discuss the purchase of a building. The building's owner has indicated that unless the town council decides to purchase the building in 24 hours, he will offer it to someone else. While the town has no particular need for the building, the mayor thinks it is a good deal. The town's open meetings resolution requires ten days' notice for regular meetings, three days' notice for special meetings, and 24 hours notice, if possible, for emergency meetings. The notice given for the meeting is unreasonable because the circumstances justifying an emergency meeting are not present.

Commentary: The next example illustrates a resolution containing notice procedures that generally will be considered reasonable. (NOTE: Paragraph 7 of the model resolution is intended to comply with the requirements of the federal Americans With Disabilities Act ("ADA"). It is not required by the Open Meetings Act, but we recommend that public bodies subject to the ADA include such a notice in their notice resolutions.)

Example 23#: [NAME OF COMMISSION, BOARD OR AGENCY] RESOLUTION NO. ____

WHEREAS, the _____ met in regular session at _____ on _____, 20 __, at _____, a.m./p.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the _____ to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the _____ that#: 1. All meetings shall be held at _____ at _____ a.m./p.m. or as indicated in the meeting notice.

2. Unless otherwise specified, regular meetings shall be held each month on _____. The agenda will be available at least twenty-four hours prior to the meeting from _____, whose office is located in _____, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda

may be obtained.

3. Special meetings may be called by the Chairman or a majority of the members upon three (3) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four hours before any special meeting.

4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The _____ will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations _____. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

6. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the offices of _____.
Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

7. In addition to the information specified above, all notices shall include the following language:
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact _____ at _____ at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact _____ at _____ if a summary or other type of accessible format is needed.

8. The _____ may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the _____ taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is conducted when the _____ is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the

minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in Section 10-15- 1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the _____ in an open public meeting.

Passed by the _____ this day of _____, 20__.

Commentary: As indicated in the model notice resolution set forth above in Example 23, meeting notices must include specified information about agendas and publication of notice is also required for certain closed meetings. The specific provisions of these requirements will be discussed below in Subsections (F) and (I).

E. RECONVENED MEETINGS.

The Law: A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

Commentary: Sometimes, a public body may convene a meeting and then, because of the length of the meeting or other circumstances, be forced to recess and continue the meeting on another day. If this happens, the public body, before recessing the meeting, must state the date, time and place for continuation of the meeting. Immediately after the meeting is recessed, the public body also must post notice of the continuation on or near the door of the place where the meeting originated and in at least one other location where it is likely that people interested in attending the meeting will see the notice. The public body may not discuss items at the reconvened meeting that were not on the agenda of the original meeting.

Example 24#: A municipal zoning commission holds a hearing on a variance request. More people than anticipated appear to provide testimony for and against the variance. The commission wants to be sure that it receives input from all interested parties. At midnight, there are still several people left who wish to testify. The commission votes to recess the meeting and, before recessing, announces that the meeting will be reconvened the following day at 5:30 p.m. in the same room. After the meeting is recessed, a notice stating that the meeting will reconvene at the specified date, time and place is posted next to the door of the place where the meeting was held and on the bulletin board outside the commission's offices.

Example 25#: A state board holds a meeting that is interrupted by a bomb threat in the building. A search of the building reveals that the threat was a crank call, but the search takes two hours to complete. When they return to the meeting, the board members realize that they do not have time to discuss the last item on the agenda. They vote to reconvene the meeting two days later and comply with the requisite notice requirements. The next day, the board's administrator contacts the chair to request a meeting to decide on the purchase of office equipment. Although the board plans to reconvene the following day, it cannot discuss the purchase because it was not on the original meeting's agenda and is not an emergency. Instead, the chair must call a separate special meeting to discuss the purchase or wait to discuss the purchase at the next regular meeting.

F. AGENDA.

The Law: Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this Subsection, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

Commentary: Public bodies must include an agenda in their meeting notices or information on where a copy of the agenda may be obtained. In general, the agenda must be available at least 24 hours before the meeting. At the meeting, the public body may discuss, but cannot take action on, matters that are not listed as specific items of business on the agenda. Action on items outside the agenda must be taken at a subsequent special or regular meeting.

Example 26#: A mutual domestic water users association reserves an hour of its regular board meeting for public comment. During the public comment portion of a meeting, a member of the association complains about frequent interruptions in water service. The topic was not listed on the agenda for the meeting. If they choose, the board members may discuss options for addressing the complaint, but must delay any action on it until a subsequent meeting after the issue is listed on the agenda available to the public 24 hours before the meeting.

Commentary: The agenda must contain "a list of specific items of business to be discussed or transacted at the meeting." This requirement ensures that interested members of the public are given reasonable notice about the topics a public body plans on discussing or addressing at a meeting. Generally, a public body should not describe agenda items in broad or vague terms. Compliance with this requirement is particularly important when a public body intends to act on an agenda item.

Example 27#: The agenda for a school board meeting contains the following items of business#:

1. Old Business
2. New Business
 - a. vending machines in the cafeteria
 - b. personnel matters

Under item 1, the board discusses and acts on three contracts. Under item 2(a), the board discusses and votes to allow vending machines in the middle school cafeteria. Under item 2(b), the board dismisses the director of the district's administrative office and reorganizes the remaining staff positions. The board's vote under item 2(a) is proper. In contrast, the board's actions under items 1 and 2(b) violate the Act because those items were not listed as "specific items of business" on the agenda, as required by the Act. Items 1 and 2(b) are described in such general and vague terms that they do not give the public a reasonably clear idea about the actions the board intended to take at the meeting.

Commentary: The Act relaxes the agenda requirement in cases of emergency. The public body must still provide an agenda for an emergency meeting, but it need not be available 24 hours before the meeting. In addition, if an emergency matter arises too late to appear on a meeting's agenda, the public body is permitted to take action on, as well as discuss, the matter. For purposes of the agenda requirements, an "emergency" is a matter that could not be foreseen by the public body and that requires immediate attention by the public body to avoid imminent personal injury or property damage or substantial financial loss to the public body.

Example 28#: One hour before its regular meeting, a county commission is informed by the president of the bank holding deposits of county funds that the bank is about to fail. Because of certain accounting procedures, the commission's deposits at the bank for the day total \$150,000, or \$50,000 above the amount covered by federal deposit insurance. The county commission may consider and act on the matter at its regular meeting to avoid the \$50,000 loss.

Example 29#: A local school board calls a special meeting with 3 days' notice. The meeting notice states that the only item to be discussed is the need for updated instructional materials for the following school year. The school board is not required to do anything else to comply with the agenda requirement of the Act.

G. MINUTES.

The Law: The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policy- making body.

Commentary: All public bodies subject to the provisions of this Act are required to keep written minutes of all open meetings. (As discussed in the next section, minutes need not be kept during closed sessions.) Minutes of open meetings shall record at least the following information:

- (a) the date, time and place of the meeting;
- (b) the names of all members of the public body in attendance and a list of those members absent;
- (c) a statement of what proposals were considered; and
- (d) a record of any decisions made by the public body and of how each member voted.

This means that minutes must contain a description of the subject of all discussions had by the body, even if no action is taken or considered. The description may be a concise, but accurate, statement of the subject matter discussed and does not have to be a verbatim account of who said what. It may be useful, although it is not required, to also record the other persons invited or present who participate in the deliberations.

A draft copy of the minutes is required to be prepared within ten working days of the meeting. Draft copies of minutes must be available for public inspection and should clearly indicate on the draft that they are not the official minutes and are subject to approval by the public body.

The public body must approve, amend or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until they are approved. Official minutes open to public inspection under this Subsection are also subject to public inspection under the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12.

Example 30#: A quorum of the members of a state commission meet with the commission's staff to discuss some technical matters related to internal management. The matters discussed are not exempted by the Act from the open meetings requirement. The discussions conducted by a quorum of the commission constitute the discussion of public business and minutes must be kept.

Commentary: The statute's requirement that the minutes record how the members voted on proposals does not require a roll call on each vote, so long as the vote of each member may be ascertained. Thus, a

unanimous vote need not be recorded by listing the members. Where the vote is not unanimous, minutes that state "four members in favor, Mr. Jones against the motion" adequately reflects how the members voted so long as the minutes also list the members in attendance. Of course, if a vote taken by roll call is required in a particular situation by the rules of parliamentary procedure or otherwise, the minutes should record the vote of each individual member. The Act's requirement that the minutes show how each member voted on a matter decided by the public body precludes the members from voting anonymously.

Example 31#: At a regular open meeting, the State Astronomy Board elects a chairperson. The members want to vote on the nominees by secret ballot. This is not allowed by the Act because the minutes must reflect how each member voted.

H. EXCEPTIONS.

The Law: The provisions of Subsections A, B and G of this section do not apply to: ...

Commentary: Subsection H prescribes the circumstances under which certain meetings or portions of meetings are not subject to the open meetings and minute-taking requirements of the Open Meetings Act. Because the basic policy established by the Act favors open meetings, the Act must be strictly followed when meetings are to be closed. As a general rule, meetings may only be closed when the matter to be considered falls within one of the enumerated exceptions defined in the Act and discussed in detail below.

A few closures may be implied from or required by other laws or constitutional principles that specifically or necessarily preserve the confidentiality of certain information. Aside from these limited circumstances, however, no exception to the Open Meetings Act can be implied. The following examples illustrate such laws.

Example 32#: Section 12-6-5 of the Audit Act provides that an audit report does not become a public record, i.e., subject to public inspection, until ten days after the auditor releases it to the audited agency. Where the agency being audited is governed by a public body subject to the Open Meetings Act and where release of the report occurs at an exit conference at which a quorum of the members of the body is present, such exit conference need not be open to the public in order to preserve the confidentiality of the information protected by Section 12-6-5.

Example 33#: Section 61-1-7 of the Uniform Licensing Act provides that hearings generally shall be open to the public, but gives a board authority to hold a closed hearing "in cases in which any constitutional right of privacy of an applicant or licensee may be irreparably damaged ... if the board ...so desires and states the reasons for this decision in the record." This provision is consistent with the policy of the Open Meetings Act that permits closure when required by the constitution. Accordingly, a board may close a hearing pursuant to Section 61-1-7 if necessary to safeguard privacy interests protected by the New Mexico or United States Constitutions. See Example 34 below.

Example 34#: A state licensing board holds a hearing at which certain evidence to be presented is alleged to be constitutionally protected. The party making the allegation requests that the hearing be closed during the times the evidence is presented.

The board should determine, through a procedure open to the public, whether disclosure would violate any constitutional rights. In making this determination, the board must apply the constitutional test appropriate to the rights asserted (e.g., in some circumstances the test involves balancing the harm to the party resulting from disclosure against the harm to the public and others from nondisclosure). If the

board decides that disclosure will violate the party's constitutional rights, the board can properly close those portions of any subsequent hearing which involve the protected evidence.

Example 35#: A city housing authority responsible for reviewing and approving applications for subsidized home loans for low-income families must necessarily consider the family's financial records to determine if the family qualifies under the program. Although the housing authority is concerned with preserving the privacy of the applicants, the information required in order to establish eligibility for the loans is not protected and may be discussed in open meetings. As there is no basis for closing the meetings, the housing authority should respect the privacy of the applicants by asking only for the specific information required by the program and no more.

1. LICENSING.

The Law: Meetings pertaining to issuance, suspension, renewal or revocation of a license except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting.

Commentary: This paragraph permits a public body to close a meeting to discuss certain matters pertaining to a particular license. Excepted are hearings conducted to present or rebut evidence in support of disciplinary action against a licensee, which must be open. The public body may close its meeting to deliberate, but all final actions concerning a license must be made in an open meeting. See also the discussion of hearing officers in Section III.B.

Boards subject to the Uniform Licensing Act or the Administrative Procedures Act must comply with applicable procedures required by those acts for the issuance, suspension, renewal or revocation of a license.

Example 36#: The State Board of Psychologist Examiners meets in closed session to discuss an applicant for a license to practice psychology. The applicant has failed the examination for professional practice in psychology required by statute. After its discussion, the Board opens the meeting and votes to deny the application. In this situation, the Uniform Licensing Act does not require a hearing, so the board's action is proper.

Example 37#: To ensure that complaints against licensed practitioners are handled efficiently, the State Board of Medical Examiners establishes a complaint committee. The committee is charged with reviewing complaints made to the Board and deciding which complaints should be presented to the Board for possible action. To decide which complaints will be acted on by the Board, the committee applies criteria established by the Board. Under these circumstances, the committee is executing rather than establishing Board policy and is not subject to the Open Meetings Act.

2. LIMITED PERSONNEL MATTERS.

The Law: Limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this Subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview.

Commentary: This exception permits a public body to close meetings for the purpose of discussing

matters concerning individual employees of the public body. A public policymaking body may not retreat into executive session to discuss personnel policies, procedures, budget items, and other issues not concerning the qualifications or performance of specific individuals. This point is emphasized in Section 10-15-1(B) of the Act (discussed above in Section III.B), which specifies that meetings of a public body held to formulate public policy "including the development of personnel policy, rules, regulations or ordinances" are open meetings.

Example 38#: A county commission wishes to discuss whether its budget permits it to hire additional staff. The meeting cannot be closed under the limited personnel matters exception because the commission is not considering an individual employee.

Example 39#: The governing body of a municipality is considering a contract to retain an attorney to represent the municipality on a part-time basis. The attorney is to be an independent contractor and not an employee of the municipality. This paragraph does not authorize closing a meeting of the governing body to select an attorney because the matter to be considered does not concern a public employee.

Example 40#: A local school board, pursuant to statutory authority, meets to appoint a person to fill a vacancy on the board. This paragraph does not authorize closing the meeting to consider that appointment because a board member is not an employee of the school district.

Example 41#: A city council meets to conduct a performance evaluation of the city manager. The evaluation may be conducted in a closed meeting. Although not expressly listed among the actions justifying closure under the limited personnel matters exception, it is closely related to the specified actions, all of which require discussion of an employee's job performance and qualifications. For example, a performance evaluation likely would provide the basis for any promotion, demotion, dismissal, assignment or resignation.

Example 42#: During its regular meeting, a state commission discusses a contract it has entered into with a person who happens to be employed by a nearby municipality. The state commission cannot close its meeting to discuss the contractor under the limited personnel matters exception. Although the contractor also is a public employee, she is not an employee of the state commission. This exception generally applies only to discussions about individuals employed by the public body invoking the exception.

Commentary: As a general rule, most matters concerning individual public employees could fall within this exception and justify closing a meeting. In all cases, final action on an employee matter falling within this exception must be taken in open session.

Example 43#: A school board meets to consider applicants for the position of superintendent. Discussion of the applicants' qualifications is conducted in closed session but the final decision or vote of the board with respect to hiring one of the applicants as superintendent must be taken in open session.

Example 44#: An administrative licensing board meets in closed session to review complaints against the executive director. The board takes no action. Therefore, nothing need be presented by the board at an open session.

Commentary: It may appear that to require final actions to be taken in open session is a meaningless formality since the actual deliberations may be closed. This requirement, however, serves the purpose of ensuring that all final actions taken on personnel matters are announced publicly and the position of each member on the issue is recorded in the official minutes.

The exception states that it does not preclude an individual employee from demanding an open hearing. This provision does not confer the right to hearing, but when an employee has a statutory or constitutional right to a hearing spelled out under another federal or state law, the public body cannot rely on the limited personnel matters exception to close the hearing if the employee wants it to be open. For example, the requirements of due process of law, a constitutional right, often mandate that before a right or privilege may be denied by a public body, the person possessing or seeking to acquire the right must be provided notice of the anticipated action and an opportunity to be heard prior to a final decision. If an employee of a public body is entitled to such a hearing before the public body can take disciplinary or other adverse action against the employee, the employee may demand and obtain an open hearing.

Example 45#: A board of county commissioners meets to discuss a complaint that a county building inspector had attempted to rob a private citizen while on duty. The board is considering disciplinary action but wishes to wait until law enforcement authorities have completed their investigation. The board meets, goes into executive session, and decides to suspend the employee with pay. The board takes action in open session. The employee demands an immediate open hearing, although the county personnel policy does not provide for a hearing for suspension. If the commission is not required by its policies or the state and federal constitutions to conduct a hearing at this stage, no hearing need be granted.

Example 46#: An employee of AAA City is notified by her supervisor that she was to be terminated for insubordination. Pursuant to the City's personnel policies, the employee requests a post-disciplinary hearing before the City Council. By statute and under the City Charter, the City Council has the power to hire and discharge employees. The City Council delegates its authority to conduct the hearing to a hearing officer. The employee requests a public hearing.

The City's personnel policies give an employee who is discharged the right to a post-disciplinary hearing at the employee's request. Although an individual hearing officer is conducting the hearing, the hearing is subject to the Open Meetings Act because the hearing officer is exercising the City Council's delegated authority to terminate employees. Although the limited personnel matters exception permits a public body to discuss an employee's dismissal, the hearing officer must conduct the hearing in this case in public because the employee has requested an open hearing

Commentary: The limited personnel matters exception confers upon candidates for judicial office the right to a public interview by a commission conducting such interviews.

3. ADMINISTRATIVE ADJUDICATORY DELIBERATIONS.

The Law: Deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, an "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting.

Commentary: This paragraph permits a public body that conducts "administrative adjudicatory proceedings" to close the proceedings to deliberate. Examples of administrative adjudicatory proceedings contemplated by the exception include factual hearings conducted before issuing licenses and permits, licensee and employee disciplinary hearings, hearings like those conducted by the Human Rights Commission to consider alleged civil rights violations, and hearings held to consider wage and

other labor related claims. Like a trial or other court hearing, these proceedings involve the presentation of facts and evidence in a public hearing and a decision maker that must weigh the evidence presented and apply the applicable law, regulation or rule to the particular situation before it.

The exception extends to all administrative adjudicatory proceedings the same right to deliberate in private that the Act specifically provides for licensing and personnel hearings. (See discussion above). It also parallels the same privilege judges and courts have to weigh and consider in private evidence presented during a trial before reaching their final decision. Permitting agencies to deliberate in private under the specified circumstances encourages the thorough and candid consideration of evidence presented through witnesses or otherwise. As with the licensing and personnel exceptions, the actual proceeding where evidence is offered or rebutted and any final action or decision resulting from the proceeding must occur in a public meeting.

Example 47#: The Human Rights Commission receives a complaint alleging that a hotel refused service to the complainant in violation of her civil rights. The Commission schedules a public hearing during which evidence is presented and witnesses testify on both sides of the issue. At the conclusion of the hearing, the Commission may close the hearing to consider the evidence and the credibility of the witnesses to determine what the facts are and how to apply the law. The Commission must vote on and announce its final decision in a public meeting. This may occur either on the same day as the hearing or during a subsequent public meeting.

Commentary: The exception applies only where a public body is required by law to determine individual legal rights, duties or privileges after providing the opportunity for a trial-type hearing. Public bodies may not misuse the exception as a means of avoiding the open meeting requirements. In other words, unless the law mandates that a matter be determined after an administrative adjudicatory proceeding, a public body cannot hold a "hearing" on an issue and then close its meeting to "deliberate" if the issue is one that otherwise would have to be discussed in public and is not one for which the law mandates a trial- type process.

Example 48#: One of the items discussed at a village council meeting is a contract for garbage collection. One councilor suggests that the village hold a hearing to hear each bidder's proposal, and then go into executive session to "deliberate" on which proposal to accept. The councilor's suggestion is voted down after the council's attorney advises that the selection of a contractor is governed by the Procurement Code, which does not authorize an administrative adjudicatory proceeding prior to awarding a contract.

4. PERSONALLY IDENTIFIABLE STUDENT INFORMATION.

The Law: The discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise.

Commentary: This exception is intended to cover discussions that involve personally identifiable information about a student. The exception reflects the protection the federal Family Educational Rights and Privacy Act ("FERPA") provides for similar information in educational records. See 20 U.S.C. Section 1232g. Under FERPA, a school risks losing federal funding if it has a policy or practice of permitting the release of records containing information directly related to a student or "personally identifiable information" contained in those records. Federal regulations promulgated under FERPA define "personally identifiable information" to include a student's name; parent's or other family member's name; the address of a student or student's family; a student's social security number, student number or other personal identifier; and a list of personal characteristics or other information that would make the student's identity easily traceable. 34 C.F.R. Section 99.3.

Essentially, therefore, the exception for meetings to discuss personally identifiable information permits a school board or board of education to close a meeting whenever it discusses an individual student, unless the student, or his parent or guardian, requests that the discussion occur in public. Although the exception does not expressly limit its application, the context of the exception makes clear that it is not meant to apply to any public body that discusses an individual who happens to be a student somewhere. Like FERPA, which applies only to records held by educational agencies and institutions, only those public bodies that govern or regulate school districts or educational institutions, such as local school boards and university boards of regents, can legitimately rely on the exception to close a meeting.

Example 49#: A local school board meets to discuss whether to suspend a high school student. Unless the student or her parents request a public hearing, the school board should hold a closed meeting to discuss the circumstances leading to the disciplinary action and what action is appropriate.

Example 50#: The Real Estate Commission holds a public hearing before revoking a broker's license. The broker is a student at the local community college. The Commission cannot close the hearing on the basis that it will involve the discussion of personally identifiable information about the broker.

Commentary: As with the exception for limited personnel matters, a school board or similar public body cannot rely on this paragraph to close a meeting to discuss or take action on educational policies and procedures, budgetary matters and other issues that involve students generally. The exception applies only to discussions relating to individual students. Other specific statutes governing schools also may require public meetings to discuss general student matters. For example, see NMSA 1978, Section 22-5-4.3 (requiring local school boards to involve parents, school personnel and students in, and to hold public hearings on, the development of student discipline policies).

5. COLLECTIVE BARGAINING.

The Law: Meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present.

Commentary: This exception allows a public body that is involved, or is considering becoming involved, in collective bargaining to discuss its preliminary strategy in closed session and to conduct negotiations with representatives of a collective bargaining unit in closed session. A "bargaining unit" for purposes of the exception is a group of employees with certain occupational characteristics (e.g., blue collar, secretarial, clerical, etc.) that has been confirmed or designated as appropriate for collective bargaining purposes. The "representative of a collective bargaining unit" generally is a labor organization; that is, an organization which has as one of its purposes representing employees with respect to the terms and conditions of employment.

Example 51#: An ad hoc group of employees of a municipality has formed to petition the governing body for increased salaries. Neither the governing body's preliminary discussion of the request nor the negotiations between representatives of the employees' group and the governing body may be conducted in closed session because the group of employees do not constitute a "bargaining unit" or "representatives of the collective bargaining unit."

Example 52#: The governing board of a local school district receives a request from a local chapter of the state's leading teacher's organization to collectively bargain on behalf of teachers in the district. The organization has been certified by the local labor relations board as the teacher's exclusive representative. Discussion of the bargaining request may be conducted in closed session.

Commentary: Before the exception will apply, there must be a labor organization and bargaining unit of the public body's employees in existence. In other words, the exception does not cover discussions of general collective bargaining policy by the public body in anticipation of potential negotiations in the future.

Example 53#: A school board is debating whether to establish a local labor relations board and has before it a draft labor/management relations resolution that would create, and establish procedures for, the local board. The school board may not go into executive session to discuss the resolution under the collective bargaining exception to the Open Meetings Act. At this time, no bargaining unit or representative has proposed negotiations, and the board would be discussing only general collective bargaining policy to be applied in the event such bargaining occurs. Therefore, the discussion must occur in an open meeting.

Commentary: Collective bargaining by public employees generally is governed by the Public Employees Bargaining Act, NMSA 1978, ch. 10, art. 7E. Section 10-7E-17(G) of that Act contains a provision allowing closed meetings in circumstances similar to those set forth in the Open Meetings Act. It provides for closure of the following meetings:

- (1) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between a public employer and the exclusive representative of the public employees of the public employer;
- (2) collective bargaining sessions; and
- (3) consultations and impasse resolution procedures at which the public employer and the exclusive representative of the appropriate bargaining unit are present.

While the first two paragraphs are coextensive with the collective bargaining exception of the Open Meetings Act, the third paragraph describes an additional situation where closure is justified.

6. CERTAIN PURCHASES.

The Law: That portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting.

Commentary: This paragraph authorizes a public body to discuss two types of purchases in closed session. First, the exception permits a closed meeting to discuss:

- (a) a purchase;
- (b) that exceeds \$2,500 in amount; and
- (c) that can only be made from one source.

The final action taken to approve such a purchase must be taken at an open meeting.

Example 54#: The governing board of a municipality is unable to purchase a particular kind of computer equipment compatible with its other equipment but has finally located a party who is willing to lease the equipment to the municipality for six months. The value of the computer equipment if purchased outright is \$20,000 and the total rental amount of the lease is \$2,000. In determining whether discussion of this lease may occur in closed session, the governing body should consider the following:

- (a) Whether term "purchase" used in the exemption includes leases. Because the legislature did

not use a broader term for acquiring property, it might be argued that it did not intend to include pure lease transactions. By contrast, Section 10-15- 1(H)(8) of the Act refers to the "purchase, acquisition or disposal" of real property, clearly indicating the legislature's intent to encompass all means of acquiring real property.

Limiting the meaning of purchase also is consistent with the presumptions that all meetings of a public body are open and that the exceptions be construed narrowly. On the other hand, the terms "purchases" and "one source" in the exception indicate that the legislature had the Public Purchases Act (now the Procurement Code) in mind when it drafted the exemption. At that time, the Public Purchases Act broadly defined "purchasing" as "procuring" materials and services. There also is no obvious policy reason for including purchases but not leases within the exemption.

Accordingly, it is reasonable to conclude that, when it drafted the exemption, the legislature intended that the term "purchases" be employed broadly to include leases.

(b) The amount of the lease. Regardless of the value of the computer, the amount actually to be expended by the municipality pursuant to the lease is \$2,000.

(c) Available sources. Under these facts, there would appear to be only a single source.

The governing body could not discuss this lease in closed session because, although the transaction arguably may be a purchase for purposes of the exception and can be made from only one source, the amount to be expended does not exceed \$2,500.

Example 55#: A board of county commissioners is considering the purchase of a particular dump truck for \$30,000. While there are comparable trucks made by several manufacturers that would serve the same purpose, the governing body desires one particular model since it is the same brand as the county's existing dumpsters. However, so long as there are comparable models available from other sources this may not be considered a purchase from a single source for purposes of the Act, and must be discussed in open session.

Commentary: As with the exception for limited personnel matters, the requirement that the actual approval of the purchase be made in open session may appear to be a mere formality; but again, this requirement makes the particular action taken by the governing body a matter of public record and informs the public about how each member of the body voted.

Example 56#: In closed session, a school board discusses the controversial purchase of a \$2,750 painting of a cougar to hang in the auditorium as the symbol of the high school basketball team. The painting is available from only one artist. The closed session is proper, but when the discussion is finally concluded, the board must convene in open session to vote on the proposed purchase.

Commentary: The second situation where a public body may close a meeting under this paragraph is intended to parallel the similar protection provided under Section 13-1-116 of the Procurement Code. That provision states that the contents of proposals submitted in response to a public agency's request for proposals "shall not be disclosed so as to be available to competing offerors during the negotiation process." In addition to enhancing a public body's ability to get the best deal, this exception also tends to level the playing field for offerors.

Example 57#: A water district issues a request for proposals for auditing services. It receives six proposals, none of which exactly fit the district's needs. The district's governing board may hold a closed session to discuss the offers and decide how to handle negotiations with the individual offerors.

Commentary: Once the negotiating process is finished, there is no longer a need for the exception and the agency's final action to select a contractor must be taken in an open meeting.

7. LITIGATION.

The Law: Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant.

Commentary: This exception to the Act is intended to incorporate into the open meetings law the attorney-client privilege protecting confidential communications between attorneys and their public agency clients for the limited purpose of allowing a public body to meet in closed session with legal counsel to discuss threatened or pending litigation involving the public body. Public bodies, no less than private parties to litigation, are entitled to effective representation of counsel, including the opportunity to confer without disclosing the substance of the discussion.

However, public bodies may invoke the attorney-client privilege to close a meeting only when the public body is involved in a lawsuit or faced with an actual or credible threat of litigation. Absent such a threat, the exception does not protect discussions about "possible" or "potential" litigation.

Generally, the public body's attorney should be present in the closed meeting, either in person or by telephone. In certain limited situations, it may be permissible for a public body to close a meeting to discuss legal advice about litigation that is given by letter or other written memorandum. In all cases, however, to legitimately invoke the pending litigation exception, the closed discussion must involve communications between the public body and its attorney.

Example 58#: A local school board meets to discuss the award of a contract to one of several bidders. The board members would like to close the meeting pursuant to this exception on the theory that it is always possible that one of the unsuccessful bidders may threaten litigation. If there is no actual and credible threat of litigation by one of the bidders, this would be an unwarranted extension of the exception and the meeting may not be closed.

Example 59#: The city council is conducting a hearing on proposed zoning regulations. Several witnesses raise plausible questions about the legality of one of the proposed rules and state that they definitely would challenge the rules in court if adopted. At the hearing or at a later time, the council may meet in closed session with its attorney to evaluate the legality of the proposed rule and make the determination as to whether it could be defended in court.

Example 60#: The attorney for a licensing board feels that a recent Supreme Court decision may affect the validity of certain of the board's regulations. Absent a pending lawsuit on this issue in which the board may participate or a threat of litigation, the board and its attorney may not meet in closed session to discuss the impact of the court decision and whether it is necessary to amend the regulations to prevent a possible legal action from being filed against the board.

Example 61#: A municipality and a rancher have both claimed ownership of a particular piece of property. They are attempting to negotiate a settlement of the dispute to avoid having to go to court. The governing body of the municipality properly meets in closed session with its attorney to determine how much they are willing to give up to reach a settlement. Later, at a subsequent meeting, the governing body may go into executive session to discuss a letter from the attorney setting forth the proposed settlement terms and her advice regarding acceptance of the terms.

Example 62#: A teacher who was terminated by a school board has brought an action for breach of contract against the board. The lower court decided in favor of the teacher. The school board and its attorney may meet in closed session to determine whether or not to appeal to a higher court.

Commentary: This exception does not apply only when a public body is sued or is threatened with litigation. It also may be used to close a meeting when the public body wants to consult with its attorney about a lawsuit the public body has initiated or is considering initiating against a defendant.

Example 63#: The result of a lawsuit filed by an individual against another individual will substantially affect a licensing board's ability to apply certain laws. The board, although not a party to that litigation, may meet in closed session with its attorney to discuss filing a brief as amicus curiae (friend of the court).

Commentary: It is important to note that this exception allows a public body to rely on attorney-client privilege to close a meeting only when the public body is involved in pending or threatened litigation. There is no exception for attorney-client privileged discussions generally. Thus, aside from discussions with its attorney that are otherwise excepted from the Act, the public body will either have to hold those discussions in an open meeting or rely on other means to protect its communications with its attorney that do not violate the Act. For example, the attorney might communicate with each member of the public body individually through one-on-one conversations or letters. Keep in mind, however, that if the attorney's advice is discussed among a quorum of the public body's members--in person, by e-mail, by telephone or otherwise--the discussion must be conducted in accordance with the Act, including the requirements for a public meeting, unless it falls within one of the Act's exceptions.

Example 64#: A five-member state commission wants to make a gift of public money to a worthy charity. The commission's attorney is concerned that the gift may violate the state constitution. She sends a letter to each individual commissioner voicing her concerns. The topic of the gift is placed on the agenda for the next commission meeting. The commissioners' discussion of the gift at that meeting must occur in public, even if they discuss the attorney's advice regarding the gift, because the topic is not covered by one of the Act's exceptions.

8. REAL PROPERTY AND WATER RIGHTS.

The Law: Meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

Commentary: This exception is intended to enable a public body to consider the purchase, acquisition or disposal of real property or water rights without the risk of alerting those who could take action that would result in lost opportunities or greater costs to the public body.

Example 65#: A board of county commissioners is considering acquiring land for a playground and purchasing playground equipment. The discussion concerning the acquisition of the land may be conducted in closed session. The discussion concerning the purchase of the equipment may not be held in closed session because the equipment is not "real property." The board would likely decide whether to acquire the land and complete that transaction before the open discussion of the equipment to avoid losing the advantage of confidentiality as to the land purchase.

Example 66#: A city council is considering leasing some of its water rights to another entity. The lease constitutes the "disposal" of water rights and discussion of the transaction may be conducted in closed session.

Example 67#: A state hospital is considering the purchase of an industrial laundry business. If the transaction involves the acquisition of real estate along with the business, the hospital board may discuss that part of the transaction in a private meeting. However, other aspects of the purchase, such as

the washing machines, the business' goodwill, and the operation of the business are not real estate and would not be covered by this paragraph. These other aspects would have to be discussed in a public session unless another exception applies, such as the exception for sole source purchases in excess of \$2,500.

9. CERTAIN PUBLIC HOSPITAL BOARD DISCUSSIONS.

The Law: Those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed.

Commentary: This exception applies to certain topics discussed by public hospital boards and committees. The legislature may have thought that in these limited instances, the policies favoring open meetings were outweighed by considerations such as the hospital's ability to compete with private health care providers.

Example 68#: The governing board of a county hospital leased to a private corporation meets to discuss its employee drug abuse policies. Unless otherwise excepted by the Act, the discussion must be held in open session because the matters discussed do not involve the board's strategic or long-range business plans or trade secrets.

I. CLOSED MEETINGS.

Commentary: Before meeting in closed session, a public body must follow the procedures specified in Section 10-15-1(I). As discussed below, there are different procedures for closing an open meeting and for holding a closed meeting separately from an open meeting.

1. CLOSING AN OPEN MEETING.

The Law: If any meeting is closed pursuant to the exclusions contained in Subsection H of this section, the closure: (1) If made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.

Commentary: The agenda of a meeting of a public body normally covers various topics, some of which may fall within the enumerated exceptions to the open meeting requirement of the Act. When an item is presented for discussion that may be considered in closed session, a motion for closure must be made by a member of the public body stating the authority for closure and the reason for closing the meeting with reasonable specificity. The subject announced will comply with the "reasonable specificity" requirement if it provides sufficient information to give the public a general idea about what will be discussed without compromising the confidentiality conferred by the exception. For example, a motion might be stated: "I move that the commission convene in closed session as authorized by the limited personnel matters exception to discuss possible disciplinary action against an employee." Or, "I move that the board discuss the case of X vs. The County with the board's attorney in executive session as authorized by Section 10-15-1(H)(7) of the Open Meetings Act."

A roll call vote of the members present must be taken on the motion and the vote of each individual member recorded in the minutes. If the motion is approved, the public body shall convene in closed session to consider only the item or items covered by the motion voted on prior to closing the meeting.

Example 69#: Item 6 on the agenda of a regular open meeting of a municipality's governing board states: "Purchase of Property for New Courthouse." A member of the governing body moves that the meeting be closed pursuant to Section 10-15-1(H)(8) to consider the purchase of real property for the new courthouse. The motion is duly seconded and a roll call vote is taken. The minutes reflect that each of the members present voted in favor of the motion. This procedure would comply with the requirements of this Subsection.

Example 70#: A city council has been sued for breach of contract by a former employee. During an open meeting of the council, one member moves to close the meeting to discuss the status of the case with the city attorney, citing both the limited personnel and litigation exceptions. If the council votes to defeat the motion, the matter is discussed in open session. If the motion passes, any final action taken by the council involving the hiring, promotion, demotion, dismissal, assignment or resignation of the former employee must be taken in open session, due to the restriction of Section 10-15-1(H)(2). A final decision as to how to defend the charges alleged in the lawsuit, however, could remain confidential under the litigation exception.

Commentary: Unless an action requiring a vote in public is to be taken, the public body may adjourn the public meeting when it goes into closed session and not return to public session after it completes its closed meeting. If the public body does reopen the meeting after a closed session, the Act does not have any requirements for returning to open session and the public body may follow whatever procedures it deems appropriate.

2. CALLING A CLOSED MEETING OUTSIDE AN OPEN MEETING.

The Law: If any meeting is closed pursuant to the exclusions contained in Subsection (H) of this section, the closure: ... (2) If called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

Commentary: It may sometimes be the case that a public body needs to meet in a special meeting to discuss only a matter that is covered by one of the exceptions defined in Section 10-15-1(H). Under those limited circumstances, the public body must give notice of the meeting to its members and to the public in accordance with its policy regarding notice of special meetings or as may be reasonable under the circumstances. Such notice must state the exception to the Open Meetings Act or other legal authority that authorizes the closed meeting and must state the subject to be discussed with reasonable specificity. When noticed properly, these closed meetings may take place without having an open session before or after the meeting.

Example 71#: A county commission's resolution provides that the chair may call a special meeting on three days' notice by posting the notice of the meeting at the county courthouse and publishing the notice in the local daily newspaper. The chairman discovers that the board must make an immediate decision with respect to the purchase of some land in the county and determines that it is necessary to call a special meeting for that purpose. In addition to the date, time and place of the meeting, the notice states the following in compliance with Section 10-15-1(I)(2)#: **THIS MEETING IS CALLED TO DISCUSS THE PURCHASE OF LAND AND SHALL BE CLOSED TO THE PUBLIC PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(8).**

Commentary: At a closed meeting held outside of an open meeting, topics that are not covered in the notice may not be discussed and no ordinary business, such as the approval of minutes from the last

meeting, may be conducted.

Example 72#: A member of a municipality's governing board is informed at 6:00 p.m. Sunday that the municipality's police officers have called for a wildcat strike to show their disapproval of the board's latest salary offer made during a particularly heated collective bargaining session. The strike is planned for Monday morning.

The board's policy for notice of emergency meetings requires the board president to give twenty-four hours notice by local radio announcement of emergency meetings. The board member who received the information calls the board president who gives two hours' notice by radio of an emergency closed meeting to discuss collective bargaining strategy and possible legal actions against the police officers.

Due to the board's interest in planning for such a strike with its attorney, preserving the peace, and protecting its residents from an immediate threat to their security and safety, the two-hour notice is "appropriate under the circumstances."

Commentary: Although not addressed by the Open Meetings Act, one issue that sometimes comes up is whether it is proper for a public body to permit persons other than its members to be present during a closed meeting. There is no single answer to this question, although generally a public body may include anyone it wants in its executive session.

In certain circumstances, however, considerations aside from the Open Meetings Act may affect the permissibility of allowing nonmembers to be present. For example, when a public body holds a closed session pursuant to Section 10-15-1(H)(3) of the Act to deliberate after an administrative adjudicatory proceeding, it probably should exclude other persons (except, perhaps, its attorney) from the closed session. Otherwise, it may give at least the appearance that the public body is improperly and unfairly receiving additional information about the matter before it without the participation of one or more of the parties to the proceeding.

A public body also should use caution when it permits persons other than the body's members and its attorney to attend a meeting that is closed under the litigation exception in Section 10-15-1(H)(7). That exception expressly applies to meetings "subject to the attorney-client privilege," so the public body should consult with its attorney to ensure that the presence of other persons during the closed session will not affect the privilege and, in turn, make the use of the litigation exception improper.

Example 73#: At a teacher disciplinary hearing held by a school board, the superintendent testifies concerning the events resulting in the proceeding. Although the superintendent usually serves as recording secretary for the board, she may not be present during the board's deliberations after the hearing. The board may not hear additional evidence after the close of the hearing, and the presence of the superintendent, a witness in the hearing, during the closed session could be viewed as an unfair influence on the board's discussion and decision concerning the teacher.

Example 74#: During its regular meeting, a county commission goes into executive session to discuss the purchase of land. It permits members of the public attending the meeting to remain during the closed session except those people the commission knows are vehemently opposed to the purchase. This is not proper since the commission is using the executive session to unreasonably exclude only certain members of the public from what would otherwise be a public meeting.

Example 75#: A state board holds a closed meeting to discuss competitive sealed proposals it has received in response to a request for proposals made according to the Procurement Code. During its closed discussion, the board may permit each proposer to come before the board one at a time and

answer questions concerning its proposal.

J. STATEMENT REGARDING CLOSED DISCUSSIONS.

The Law: Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes.

Commentary: The intent of this Subsection is to reinforce the Act's requirement that discussions during closed sessions be limited to topics that are expressly excepted from the open meeting requirements. Because closed meetings or executive sessions are not open, members of the public are naturally curious about their content and suspicious about any perceived misuse of the exceptions allowing closure. It is hoped that by requiring public bodies to include the required statement in their minutes, those bodies will be reminded that there are only a few acceptable justifications for closure and will be less likely to succumb to any temptation to expand closed discussions beyond the topic announced in the motion for or notice of closure.

Example 76#: During its regular monthly meeting, a city council closes its meeting to discuss hiring a city manager. The minutes for the meeting show that a motion was made to go into executive session to discuss hiring a city manager as authorized by the limited personnel matters exception to the Open Meetings Act. The minutes also record the vote of each councilor on the motion to go into executive session. Finally, the minutes state, as required by Section 10-15-1(J): "The only matter discussed during the closed session was the hiring of a city manager."

IV. SECTION 10-15-2. STATE LEGISLATURE; MEETINGS

[Not Applicable]

V. SECTION 10-15-3. INVALID ACTIONS; STANDING

A. INVALID ACTIONS.

The Law: No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1.

Commentary: This Subsection establishes a presumption that actions taken by public bodies have been taken at meetings that conform to the requirements of the Act. Where this is shown not to be the case, the actions of a public body may be held invalid.

Example 84#: A state board with rulemaking authority meets in closed session with its attorney to discuss the legality of its Rule X in light of a legal action brought against the board by several licensees. The attorney advises that Rule X is probably illegal and the lawsuit might be dismissed if Rule X were rescinded. The board votes in closed session to rescind the rule. The action of the board is of no effect because it did not relate directly to the litigation and was not taken in open session. In order for the

rescission to be valid and enforceable, it must be accomplished at a properly noticed open meeting.

Example 85#: A board of county commissioners decides to purchase a piece of land from Mr. Ortiz and enters into an agreement to that effect. Mr. Ortiz later discovers he can sell the land to Mr. Jones for a better price and attempts to invalidate the agreement by alleging that the board improperly closed the meeting for the discussion of the purchase. Under the presumption created by Section 10-15-3(A), the agreement is valid and binding on Mr. Ortiz until it is admitted or proven that the board failed to act in accordance with Section 10-15-1.

Commentary: The presumption of validity established by Section 10-15-3(A) means that any action taken by a public body will stand as valid with respect to the Open Meetings Act unless challenged and proven otherwise. The Act does not, however, specify a time beyond which an action may no longer be challenged. Such a limitation on actions brought to challenge the validity of any rule, regulation, resolution, ordinance or other action taken by a public body will be found in the statutes of limitation enacted by the legislature. Thus, for example, criminal actions brought under Section 10-15-4 of the Act (see Section VI) probably would be barred after two years from the time the violation occurred. See NMSA 1978, Section 30-1-8. Most other non-criminal actions authorized by the Act, unless covered by a more specific statutory limitations period applicable to the public body, would be barred after four years. See NMSA 1978, Section 37-1-4.

B. ENFORCEMENT.

The Law: All provisions of the Open Meetings Act shall be enforced by the attorney general or by the district attorney in the county of jurisdiction. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts, provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.

Commentary: This Subsection charges the Attorney General and district attorneys with the concurrent duty of enforcing the Act. Since enforcement carries with it the duty to interpret the Act, the Attorney General has issued this Compliance Guide so that public bodies that adhere to the interpretations of the Act presented in this Compliance Guide may conduct their affairs in substantial compliance with the Act. Of course, such a guide cannot anticipate all problems or questions that will arise in the course of governmental affairs. Questions raised by a public body about compliance should therefore be addressed initially to the attorney for the public body. If the public body's attorney is unclear about how to proceed, questions may then be addressed to the Attorney General's Office. It is, however, the Attorney General's intent that this Compliance Guide serve to resolve recurring questions concerning the applicability of the law.

A person who believes the Act has been violated may report the violation in writing to the appropriate district attorney or to this Office for investigation and suitable action. The complaint should specify in detail the circumstances giving rise to the alleged violation, including dates and the persons involved. The Attorney General's enforcement power will not be used, however, to resolve the internal disputes and disagreements of a public body or public displeasure with a body's exercise of its discretionary authority.

The Attorney General will exercise her discretion with respect to voiding actions of public bodies and bringing misdemeanor charges for alleged violations of the Act. Unintentional failure to comply with the provisions of the Act may render the actions taken invalid, but will not necessarily lead to prosecution. It

is the intent of the Attorney

General to prosecute misdemeanors only in the case of knowing and either flagrant or repeated violations of the requirements of the Act. The Attorney General will not prosecute where there has been a good faith attempt to comply with the Act.

Example 86#: A city council's notice resolution provides that it shall give public notice of all regular meetings by publication in the local newspaper as well as by posting notice on the three bulletin boards in City Hall. Following an open meeting at which a controversial zoning variance was granted and at which several hundred people appeared to express their views, an opponent of the variance determines that the notice of the meeting, while properly published, was posted on only two bulletin boards. The individual requests that the Attorney General declare the variance invalid and prosecute the city councilors. The Attorney General investigates and determines that the failure to post the notice on the third bulletin board was inadvertent and that the public was adequately notified of the meeting. The Attorney General declines to declare the council's action invalid.

Commentary: In most cases, if a violation is found, the Attorney General will enforce the Act by first advising the public body that, in her opinion, the actions taken at a particular meeting of the public body were not in compliance with the Act and are consequently not valid. Unless the violation was part of a pattern or practice of Open Meetings Act violations, the public body would then be advised to begin again and to consider the intended actions in accordance with the provisions of the Act. This could involve rediscussing issues previously addressed as well as voting again on matters previously voted on in violation of the Act. Should the public body, after such notification, refuse to reconsider its actions in a proper manner or otherwise indicate its intention to continue violating the Act, the Attorney General may file criminal charges or take other action against the public body or those persons allegedly in violation of the Act.

Example 87#: The board of regents of a state educational institution meets in closed session with its attorney pursuant to Section 10-15-1(H)(7) and takes final action to adopt regulations affecting the student body. The student council reports this action to the Attorney General who finds that there was no threatened or pending litigation discussed. The meeting should not have been closed. The Attorney General notifies the regents of these findings and advises them to suspend the regulations and reconsider them in an open session at which time representatives of the student body may attend and listen to the discussion. The regents comply with this advice and no prosecution is initiated.

Example 83#: Two members of a local school board want to replace the superintendent and three members want to retain him. The question of the superintendent's contract is discussed in closed session properly called pursuant to Sections 10-15-1(H)(2) and 10-15-1(I)(1) and the final action to renew the superintendent's contract is taken by vote in open meeting. The two dissenting members now want to invalidate the renewal, and report a violation of the Act alleging that the other three members discussed budgetary matters as well as the superintendent's contract in closed session. They demand an investigation by the Attorney General. If it turns out that the budgetary matters discussed necessarily related to the superintendent's contract, the Attorney General would not involve her office in this manner to participate in a dispute between factions of a board.

Commentary: As an alternative to seeking a legal remedy through the Attorney General or district attorneys, Section 10-15-3(B) permits any individual to apply for enforcement in the district court independently of any enforcement action initiated by the Attorney General or a district attorney. Before an individual initiates a lawsuit against a public body for a violation of the Act, this Subsection requires that:

- (1) the individual provide the public body with written notice of the claimed violation; and
- (2) the public body deny or fail to act on the claimed violation within fifteen days of receiving

the notice.

The Act does not specify the person or persons representing a public body who are responsible for receiving written notices of violations. Therefore, to avoid confusion about whether or not a public body received the required written notice, the notice should be provided to one or more members of the public body, or to other officials representing the public body who can reasonably be expected to alert the public body about the claim.

Example 89#: A county citizen writes to the Attorney General's Office complaining that the county commission violated the Open Meetings Act by holding a secret meeting to discuss economic development within the county. In her complaint, the county citizen states that she discussed the violation with the county manager in a telephone conversation. Two days after writing to the Attorney General's Office, the citizen files a lawsuit in district court against the county commission based on the same claimed violation. The lawsuit is not proper unless, prior to filing it, the citizen also gave the county commission written notice of the claimed violation and the county commission denied or failed to address the violation within 15 days of receiving the notice. The notice to the county manager would not be considered sufficient to meet the requirements of this Subsection because it was verbal rather than written.

Commentary: A public body that receives written notice of a claimed violation has 15 days from the day it receives the notice to cure the violation if the public body decides the claim is valid and wants to avoid a lawsuit. At a meeting held to address the claimed violation, the public body must include a summary of the comments that were made at the meeting where the violation occurred. This does not mean that the public body must necessarily repeat the entire previous meeting. It only needs to summarize the portion or portions of the previous meeting that violated the Open Meetings Act.

Example 90#: A state licensing board holds its regular meeting in May. The meeting is properly noticed and the agenda for the meeting is available to the public 24 hours in advance of the meeting. During the meeting, the board votes to award a contract for a hearing officer.

A few days later, Mr. Grey writes to the chair of the board alleging that the contract award was invalid because it was not listed on the meeting agenda. The chair determines that Mr. Grey is correct and schedules a special meeting of the board within 15 days of receiving Mr. Grey's letter. Proper notice of the meeting is provided to the public and the contract is listed on the agenda. At the meeting, the board repeats its discussion of the contract and votes again to award the contract. This action cures the board's previous violation and precludes any further action concerning the violation in district court.

Example 91#: A town board of trustees holds a meeting without providing any advance notice to the public. A resident of the town notifies the mayor in writing about the violation. Because the board of trustees failed to give prior notice of the meeting, the meeting is invalid and without effect. Within 15 days after receiving the written notice, the board must, after providing proper notice to the public, convene again, summarize all the comments and proposals made at the previous illegal meeting, and take any action or make any decisions made at the previous meeting over again.

Commentary: In some cases, a violation of the Act cannot be effectively addressed by repeating the action at a properly conducted open meeting. In those cases, the requirement for a summary of comments is not applicable.

Example 92#: Ms. Rose writes to the chair of the county commission alleging the commission violated the Open Meetings Act because it did not approve the minutes for its May meeting at the next meeting of a quorum as required by Section 10-15-1(G). The commission holds a meeting within fifteen days after

receiving the notification to address the claimed violation. In this case, the commission agrees that it violated the Act, but because the violation did not occur at the May meeting, the commission cannot cure it by re-taking any action or summarizing any discussion. Instead, it agrees that in the future it will use its best efforts to ensure that minutes are approved at the next meeting of a quorum. Ms. Rose is satisfied with this resolution of her claim.

Commentary: Because the Attorney General and district attorneys cannot be everywhere and resources are limited, private individuals who exercise the option provided under Section 10-15-3(B) and initiate legal action often will be able to obtain more effective and efficient enforcement of the Act. However, while the power to bring private enforcement actions is important, it is not a means to overturn decisions of a public body made in conformity with the Act, but with which the public disagrees.

Example 93#: A local school board meets in closed session to discuss retaining Mr. Jones as the superintendent. After this discussion, the board reconvenes in open session and takes final action to hire Mr. Jones at a higher salary. Many parents disagree and, after following the procedures specified in Section 10-15- 3(B), seek an injunction in district court to stop the contract. As the parents' complaint does not involve any violation of the Act, they have not correctly applied Section 10-15-3(B). The court rejects their application for injunctive relief.

C. DISTRICT COURT JURISDICTION.

The Law: The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.

Commentary: This Subsection confers jurisdiction on the district courts to hear questions concerning purported violations of the Act. Should a district court determine that a public body's actions were illegally taken, it may declare them invalid, thereby overcoming the presumption of validity conferred under Section 10-15-3(A). The court may issue an order enjoining the public body from implementing its illegal action, an order requiring the public body to take action required by the Act or any other appropriate order.

Example 94#: A city council voted in closed session to sell the furnishings of a city-owned building. Twenty days after the city council receives a citizen's written notice of violation and takes no action to address it, the citizen applies to district court to enjoin the sale because the decision to sell was improperly made in a closed meeting. Only the sale of real property may be considered in closed session. The court enjoins the sale and the decision of the city council is nullified. The council must reconsider the sale at an open meeting.

Commentary: This Subsection also provides that a district court shall award individuals who prevail in a court action to enforce the Act their court costs and reasonable attorney fees.

Example 95#: Ms. Garcia learns from the president of a local construction company that the town council has awarded the company a contract to build a public swimming pool. Ms. Garcia writes to the mayor alleging that the town council violated the Open Meetings Act because it awarded the contract outside of a public meeting. The mayor reads Ms. Garcia's letter and forwards it to the other councilors.

The council does not take any steps to address Ms. Garcia's letter. Fifteen days after the mayor received her letter, Ms. Garcia may file a lawsuit against the council to enforce the Act. If she succeeds in proving that a violation occurred, she will be entitled to an award of costs and reasonable attorney fees.

Commentary: If a lawsuit to enforce the Act is brought against a public body, the public body successfully defends itself, and no violation is shown, the public body defendant is entitled to court costs. A prevailing public body defendant is entitled to attorney fees only if the court determines that the person who brought the lawsuit did so without any valid basis or support.

Example 96#: Assume the same facts set forth above in Example 93. At the hearing on the application for injunctive relief, the school board defends itself by alleging that the parents' claims were not supported by any facts showing a violation of the Open Meetings Act. If the parents brought the lawsuit under the Act without any belief that good grounds supported it, the court may find that the lawsuit was frivolous and, in addition to denying the injunction, award the school board its court costs and reasonable attorney fees.

D. OTHER REMEDIES.

The Law: No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings.

Commentary: This Subsection simply makes it clear that the remedies available to challenge a public body's action for violating the Act are not exclusive. The public is not precluded from charging the public body with violation of other laws in connection with the same action.

Example 97#: A board of county commissioners votes to apply the sole source exception stated in Section 10-15- 1(H)(6) to close a meeting to discuss and decide upon the purchase of water fountains from Fountain Company when such fountains are available from other vendors. A competing water fountain vendor charges that the board violated the Open Meetings Act and files suit to overturn the action. If warranted, the competitor might also allege that the board violated the Procurement Code by failing to take bids on this purchase.

VI. SECTION 10-15-4. PENALTY

The Law: Any person violating any of the provisions of NMSA 1978, Section 10-15-1 or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

Commentary: If, after investigating charges that the Act has been violated, the Attorney General finds that the charges are valid and substantial, she may initiate a criminal prosecution against each of those persons responsible for the violation. The public officers or employees charged may be held personally responsible for violations of the Act if it is shown that they intentionally acted in a manner that violated the Act. In addition to the members of the public body, other officials responsible for implementing the Act's provisions may be found liable.

Example 98#: A city clerk is required by law to keep all minutes of the governing body of a municipality. The city clerk might therefore be found liable for failure to have draft minutes available for public inspection as required by Section 10-15-1(G).

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

NEW MEXICO PUBLIC EDUCATION DEPARTMENT SUCCESSFUL CHARTER SCHOOL GOVERNANCE

Successful Charter School Governance:

- Policies and Procedures for the work of the governing board,
- As presented by Dr. Michael A. Kaplan, Ph.D., Director of Alternative Education.

Definitions:

- Policies – broad guidelines and directives that create a framework within which the administrator and his/her staff can discharge their assigned duties with positive direction (Board),
- Procedures – specifically answers the how, where, when, by whom, and by what form things need to be done (Administrator).

The ability of a charter school to carry out its mission depends heavily upon the strength of its governing board/council.

An effective board provides strategic direction for the school:

- Members of the board must be committed to the school's mission,
- Possess substantial leadership skills and expertise,
- Policy making is central to the Board,
- Set policy that guides the school's work, and
- Evaluate both the school and the board/council with an eye towards continuous improvement.

Policies must be:

- Written,
- Kept current,
- Implemented (Board must adopt all Handbooks and Policies),
- Clearly worded (don't use "legalese"),
- Centrally located,
- Organized and accessible,
- Brief, and
- Centered on the larger questions (not the day to day stuff).

Policies should focus on the "Ends" not the "Means":

- Ends are the intended results of the charter school's existence; means are how to get there,
- Primary end is your school's Mission Statement,
- Policies create and recreate the reason for organizational existence,
- Focus on the long term, and
- Measurable.

Policies Alignment:

- Ensure policies do not conflict with the state regulations or laws (e.g. special education

- policy), and
- Ensure policies do not conflict with one another.

Policies Flowchart:

- Develop a decision-making flowchart to depict:
 - From whom issue may originate,
 - What the process is for dealing with issues,
 - Which types of decisions are made by whom,
 - How decisions are made.

Board-Executive/Staff Relations:

- Common problems include:
 - Conflicts over responsibilities,
 - Board member perception that school executive is overstepping boundaries,
 - Staff withholding information from board,
 - Executive perception that the board is not doing enough, and
 - Board is micro-managing.

Strategies to Strengthen the Relationship:

- Implement an effective process for hiring/selecting the school executive,
- Create written job description for board members, executives and staff,
- Create a chart detailing major areas of organizational decision-making,
- Negotiate a communication plan for the board and executive,
- Develop an executive review process, and
- Develop conflict resolution policies.

Executive Limitations:

- The executive carries out the policies of the board (e.g. parent complaint policy),
- The executive should have maximum ability to define the “means” for carrying out policy:
 - Staff reports to the executive, not the board,
 - Executive reports to the board,
 - Board does not meddle in the day to day operations of the school.
- The executive is bound by prudence and accountability when defining the means, and
- Strong boards need strong executives.

Clarity of Roles and Responsibilities:

- An effective governance model requires that everyone is clear and in agreement about their roles and responsibilities.

The Governance Board Should:

- Establish the charter school’s mission and purpose,
- Select the school administrator,
- Support the school administrator and review his/her performance,
- Engage in effective organizational planning,
- Ensure adequate resources (budget),
- Manage resources effectively,
- Determine and monitor policies effecting the charter school’s programs and services,

and

- Enhance the charter school's public image.

Board Membership and Development:

- A strategic plan needs to be in place to address:
 - What the relationship between founder(s), the board, and day to day operators will be,
 - If and how the founder(s) intend to remain involved in the school (e.g. by serving on the governing board or as paid staff),
 - The process for recruiting new board members,
 - The skills and expertise needed on the board,
 - Board committees and their function, and
 - Board transition process of year to year.

Board Committees...

- ...are indispensable – they do the bulk of the work of the charter school board. The board needs to develop a committee structure and policy that enhances the board's overall effectiveness.

Board Committee Structure and Policy:

- Write committee descriptions (purpose, composition, selection of members, specific duties),
- Develop committee structure (including a chair with proven leadership and people skills),
- Define the role of the committee relative to the Board including expectations, and
- Run effective meetings.

Board Member Orientation and Training:

- Assess the orientation and training needs of members (What do you know and what do you need to know?),
- Develop a variety of training strategies,
- Create a Board Member Manual that includes:
 - Copy of the school's charter,
 - Decision-making flowchart,
 - Decision matrix that defines decisions the board is responsible for (e.g. budget, personnel, curriculum), and
 - Board member job description.

Fundraising Responsibilities:

- The Board is ultimately responsible for attracting funding sources to support the charter school,
- Asking for and giving money are not something board members should avoid.

Caution:

- Charter Schools are operating under intense public scrutiny. Opponents continue to raise questions about the legitimacy of the charter school movement.

Legal Concerns:

- Board members must be educated on their legal and financial responsibilities,

- A conflict of interest policy and risk management policy should be developed,
- Board must strictly follow the Open Meetings Act,
- Agendas, and
- Annual calendar.

Board Meetings:

- 10-30-60 Rule:
 - 10 Minutes – Old Business,
 - 30 Minutes – New Business,
 - 60 Minutes – Future Business and Discussion.
- Create agenda that indicates action items,
- Keep minutes, and
- Build in time for public comment.

Community Relationships:

- The charter school can play a critical role in developing partnerships with the community, thus enhancing the school's ability to meet the educational needs of its students.

Board-Community/Parent Relations:

- Common barriers to healthy relationships:
 - The involvement of families and community is overlooked,
 - Parents may not be accustomed to being involved in the school, and
 - Community members may be unaware of the school's mission and the role they can play.

Strategies for Building Relationships with Parents and Community:

- Board must listen to parents and community members and create opportunities for public comment (e.g. as part of the board meeting via surveys and community forums),
- Aboard must inform the community about the charter school, and
- Invite the parents and community members to help raise money, provide technical assistance, and serve on an advisory group or board.

Board Evaluation and Recognition:

- Develop an annual board evaluation that results in feedback to the entire board (e.g. through a self-assessment questionnaire),
- Establish a process for requiring the contributions of board members.

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ROLES OF THE GOVERNING BOARD

The Board of Directors of every nonprofit organization plays many important roles in furthering the purpose of the organization. These may include, but are not limited to, the following.

- ❖ **PLANNER:** for the organization's future.
- ❖ **MONITOR:** of the current goals and objectives.
- ❖ **EVALUATOR:** of management efficiency and program effectiveness.
- ❖ **ORGANIZER:** of community constituencies to assist the organization.
- ❖ **EMPLOYER:** of the personnel at the organization.
- ❖ **MOTIVATOR:** of the staff and volunteers.
- ❖ **FUNDRAISER:** to ensure that all necessary funds are available.
- ❖ **CATALYST:** for long-term organizational change.
- ❖ **PROMOTER:** of the total organization as well as of its activities.
- ❖ **SUPPORTER:** of the organization's programs and services.
- ❖ **PROTECTOR:** of the public interest in exchange for tax-exempt status.
- ❖ **ADVOCATE:** for issues and positions which may affect the organization or its constituents.
- ❖ **ADVISOR:** to the Executive Director on issues which fall within the executive's purview.
- ❖ **LEADER:** to move the organization forward and not allow it to stagnate.
- ❖ **GOVERNOR:** to make corporate decisions.

(Source: Management Cornerstones, Inc. Milwaukee, WI, Revised 1989, 1990, 1995, 2000)

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

NAIS "PRINCIPLES OF GOOD PRACTICE"

Board of Trustees

The board is the guardian of the school's mission. It is the board's responsibility to ensure that the mission is relevant and vital to the community it serves and to monitor the success of the school in fulfilling its mission.

The following principles of good practice are set forth to provide a common perspective on the responsibilities of independent school boards. The board and the head work in partnership in fulfilling these principles.

1. The board adopts a clear statement of the school's mission, vision, and strategic goals and establishes policies and plans consistent with this statement.
2. The board reviews and maintains appropriate bylaws that conform to legal requirements, including duties of loyalty, obedience and care.
3. The board assures that the school and the board operate in compliance with applicable laws and regulations, minimizing exposure to legal action.
4. The board creates a conflict of interest policy that is reviewed with and signed by individual trustees annually.
5. The board accepts accountability for both the financial stability and the financial future of the institution, engaging in strategic financial planning, assuming primary responsibility for the preservation of capital assets and endowments, overseeing operating budgets, and participating actively in fund-raising.
6. The board selects, supports, nurtures, evaluates, and sets appropriate compensation for the head of school.
7. The board recognizes that its primary work and focus are long-range and strategic.
8. The board undertakes formal strategic planning on a periodic basis, sets annual goals related to the plan, and conducts annual written evaluations for the school, the head of school, and the board itself.
9. The board keeps full and accurate records of its meetings, committees, and policies and communicates its decisions widely, while keeping its deliberations confidential.
10. Board composition reflects the strategic expertise, resources and perspectives (past, present, future) needed to achieve the mission and strategic objectives of the school.
11. The board works to ensure all its members are actively involved in the work of the board and its committees.
12. As leader of the school community, the board engages proactively with the head of school in cultivating and maintaining good relations with school constituents as well as the broader community and exhibits best practices relevant to equity, and justice.
13. The board is committed to a program of professional development that includes annual new trustee orientation, ongoing trustee education and evaluation, and board leadership succession planning.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

NAIS TRUSTEES HANDBOOK

School Trustees

The following principles of good practice are set forth to provide a common perspective on the responsibilities of individual members of independent school boards.

1. A trustee actively supports and promotes the school's mission, vision, strategic goals and policy positions.
2. A trustee is knowledgeable about the school's mission and goals, including its commitment to equity and justice, and represents them appropriately and accurately within the community.
3. A trustee stays fully informed about current operations and issues by attending meetings regularly, coming to meetings well prepared, and participating fully in all matters.
4. The board sets policy and focuses on long range and strategic issues. An individual trustee does not become involved directly in specific management, personnel, or curricular issues.
5. The trustee takes care to separate the interests of the school from the specific needs of a particular child or constituency.
6. A trustee accepts and supports board decisions. Once a decision has been made, the board speaks with one voice.
7. A trustee keeps all board deliberations confidential.
8. A trustee guards against conflict of interest, whether personal or business related.
9. A trustee has the responsibility to support the school and its head and to demonstrate that support within the community.
10. Authority is vested in the board as a whole. A trustee who learns of an issue of importance to the school has the obligation to bring it to the head of school, or to the board chair, and must refrain from responding to the situation individually.
11. A trustee contributes to the development program of the school, including strategic planning for development, financial support, and active involvement in annual and capital giving.
12. Each trustee, not just the treasurer and finance committee, has fiduciary responsibility to the school for sound financial management.

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DIVISION OF ROLES BETWEEN BOARD AND ADMINISTRATOR

(Adapted from "Building and Managing an Effective Board of Directors,
The Center for Nonprofit Management in Southern California)

This chart describes the roles and responsibilities of the board and the charter school administrator in critical areas. Review each entry and revise as based on the specific needs and requirements of your charter school. This chart should be reviewed on an annual basis and updated if necessary.

Responsibility	Board of Directors	Administrator
Legal	<p>Exercises fiduciary role to ensure that the charter school is properly managed. The board should have a mechanism to validate information from the administrator.</p> <p>Maintains legal status; insures the proper paperwork is submitted to governmental agencies.</p> <p>Reviews financial and business dealings and exercises proper judgment in self-dealing transactions to avoid any conflicts of interest.</p>	<p>Must provide information to the board to demonstrate that the charter school is well managed.</p> <p>Compiles information for annual filing requirements.</p> <p>Signals to the board if either of the situations is likely to occur.</p>
Finance and Accounting	<p>Approves annual budget.</p> <p>Reviews periodic financial reports (balance sheet, income statement, changes in financial position).</p> <p>Ensures that proper internal controls are in place.</p>	<p>Prepares annual budget with input from staff and finance committee.</p> <p>Oversees preparation of periodic financial reports.</p> <p>Implements proper financial controls.</p>
Planning	<p>Establishes mission and program direction for the charter school and approves goals and objectives designed to achieve those ends.</p> <p>Reviews strategic plan and progress.</p> <p>Assesses compliance/progress in achieving educational and other outcomes agreed to in the charter contract.</p>	<p>Participates in establishing mission and program direction for the charter school.</p> <p>Contributes to vision of the charter school; assists the board in maintaining focus and momentum for the charter school.</p> <p>Develops specific program goals and objectives based on the board specific mission.</p>

	Assesses program evaluation plan.	Develops reports or oversees staff development of reports to demonstrate program progress.
Policy	Develop and adopt written policies.	Identifies need for new policies.
	Responsible for reviewing policies periodically.	Responsible for assuring the implementation of policies and for assisting the board in analyzing policy options.
Personnel	Sets and reviews personnel policies.	Implements personnel policies.
	Hires Charter School Administrator and evaluates the administrator's performance.	Recommends changes in personnel policies to the board.
	Hires and fires personnel based on the recommendation of the Administrator.	Recommends all personnel hires and dismissals.
		Annually evaluates performance of staff members (or delegates to appropriate supervisor).

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THE NATIONAL PAIDEIA CENTER



The Paideia philosophy celebrates the fundamental notion that to be fully educated is a lifelong adventure that only begins with an individual's formal schooling. It is based on the assumption that all human beings are by definition activist learners, capable of a fully humanistic life defined by intellectual growth. Thus, Paideia schools should ultimately be judged by how well they prepare students for a full and active life of the heart and mind.

In 1982, Paideia's original thinker, philosopher Mortimer Adler, joined with a diverse cadre of educators and intellectuals to form the Paideia Group. Its members charged themselves with the task of defining a list of "Paideia Principles" as a summary of ideas introduced by Adler in his seminal work on American education, *The Paideia Proposal*. These principles were to help shape the direction of future endeavors towards improving schools and classrooms.

As a way to create a practical arena for carrying out the Paideia Group's mandate, in 1988 Adler founded the National Paideia Center at the University of North Carolina. Over the ensuing fifteen years, the Center has developed a comprehensive set of programs for schools that integrate and put into practice the century's best concepts in the area of pedagogy, educational leadership, and school reform. Three "Columns of Instruction" form the core of Paideia's methodology: didactic, seminar, and intellectual coaching.

Now, Paideia schools are thriving at all grade levels in a wide variety of districts around the country (see *Sites and Schools*). Each embodies an example in action of Paideia's Essential Elements.

DECLARATION OF PAIDEIA PRINCIPLES

We, the members of the Paideia Group, hold these truths to be the principles of the Paideia Program.

- that all children can learn;
- that, therefore, they all deserve the same quality of schooling, not just the same quantity;
- that the quality of schooling to which they are entitled is what the wisest parents would wish for their own children, the best education for the best being the best education for all;
- that schooling at its best is preparation for becoming generally educated in the course of a whole lifetime, and that schools should be judged on how well they provide such preparation;
- that the three callings for which schooling should prepare all Americans are, (a) to earn a decent livelihood, (b) to be a good citizen of the nation and the world, and (c) to make a good life for one's self;
- that the primary cause of genuine learning is the activity of the learner's own mind, sometimes with the help of a teacher functioning as a secondary and cooperative cause;

- that the three types of teaching that should occur in our schools are didactic teaching of subject matter, coaching that produces the skills of learning, and Socratic questioning in seminar discussion;
- that the results of these three types of teaching should be (a) the acquisition of organized knowledge, (b) the formation of habits of skill in the use of language and mathematics, and (c) the growth of the mind's understanding of basic ideas and issues;
- that each student's achievement of these results would be evaluated in terms of that student's competencies and not solely related to the achievements of other students;
- that the principal of the school should never be a mere administrator, but always a leading teacher who should be cooperatively engaged with the school's teaching staff in planning, reforming, and reorganizing the school as an educational community;
- that the principal and faculty of a school should themselves be actively engaged in learning;
- that the desire to continue their own learning should be the prime motivation of those who dedicate their lives to the profession of teaching.


COLUMNS OF INSTRUCTION

The Paideia classroom features three complementary instructional techniques or columns: didactic instruction of factual information; intellectual coaching of skills; and seminar discussion of ideas, concepts, and values. The Three Columns of Instruction represent the seventh, eighth, and ninth Paideia Principles. Part of the mission of the National Paideia Center is to thoroughly define the Three Columns so that they can be effectively utilized in various learning settings.

DIDACTIC

The Acquisition of
Organized Knowledge

10% – 15%




Didactic Instruction is the delivery of factual information. Lecture, demonstration, videos, and reading are common forms of Didactic Instruction. The goal of Didactic Instruction is for students to acquire the basic "must know information" about a subject. Because Didactic Instruction typically puts students in a passive role, the National Paideia Center advocates limiting Didactic Instruction to 10-15% of instructional time. Assessment and evaluation of Didactic Instruction and factual learning is effectively conducted through traditional short answer and multiple choice tests.

COACHING

Development
of Intellectual Skills

60% – 70%



Intellectual Coaching is guidance through modeling and questioning. Intellectual Coaching may begin with a teacher modeling writing a sentence, reading a paragraph, solving a problem, or hypothesizing about a reaction. Intellectual Coaching often happens by questioning as well as both positive or corrective feedback. The goal of Intellectual Coaching is for students to acquire expertise in skills of learning, such as reading, writing, calculating, and observing. Developing skills in a relevant context occurs in a Paideia Classroom through teacher's development and use of units called Coached Projects. Intellectual Coaching ideally occurs 70% of instructional time. Assessment and evaluation of

Intellectual Coaching is conducted through performance tasks, project work often with the use of checklists and rubrics.

<p>SEMINAR</p> <p>Increased Understanding of Ideas and Values</p> <p>15% – 20%</p> 

Paideia Seminar is a collaborative, intellectual dialogue facilitated by open-ended questions about a text. The goal of Paideia Seminar is for students to expand their understanding of ideas, concepts, and values about the curriculum. The Paideia Seminar nurtures both intellectual and social skills. Paideia Seminars occur approximately 15-20% of instructional time. Assessment and evaluation of Paideia Seminars occurs through pre and post seminar tools and processes including self identified goals, discussion, and writing.

ESSENTIAL ELEMENTS:

Teaching and Learning:

- All teachers in the school use Paideia seminars as a central teaching/learning device.
- All teachers in the school use product-oriented coaching techniques for the majority of the instructional program.
- All teachers in the school use relatively little didactic teaching and that which is used actively engages students.
- The school stresses the same integrated core curriculum for all students, including fine arts, music, foreign language, and the manual arts, giving students the opportunity to explore these areas as they relate to the core academic subjects.
- Assessment of students and teachers is individualized in addition to standardized: emphasizing portfolio and narrative assessments in conjunction with traditional grading and appraisal. Individual growth is consistently stressed.

Culture:

- The school is dedicated to the lifelong learning of all children and all adults.
- Since the goal of schooling is to foster lifelong learning in all involved, the school is full of adults and children who view themselves as constantly growing and learning, whose self-assessment is both demanding and fluid.

Leadership:

- School leaders consistently articulate a common vision aligned with the Paideia philosophy.
- Decisions are made democratically on the basis of what is best for students.
- Students in the school learn to become self-governing, both as individuals and as a group. Students are active participants in the democratic process.
- Leadership is shared such that organizational management and instructional leadership are of the highest quality.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

DIRECTOR COMPETENCIES RUBRIC

- 1) The director demonstrates foresight, examines issues, and takes initiatives to improve the quality of education in the community. Specifically, the director:
 - a) Enables staff, students, parents, and community to build a common vision.
 - b) Works positively with the school's supporters for the purpose of community.
 - c) Articulates a vision and is able to make that vision concrete to others.
 - d) Provides a learning environment and climate where creativity, risk taking, and experimentation are shared by all stakeholders.
 - e) Understands, facilitates, and manages change in self, others, and the organization.
 - f) Participates positively in the promotion of the school.

- 2) The director embraces and encourages the acceptance of diversity. Specifically, the director:
 - a) Models respect, understanding, and appreciation for all people.
 - b) Addresses the special needs of groups and individuals.
 - c) Addresses the needs of multicultural, multilingual, multiracial, and economically diverse populations.
 - d) Promotes and supports recruitment and assignment of diverse staff.
 - e) Demonstrates sensitivity to alternative educational philosophies and methodologies.

- 3) The director uses effective people skills to communicate. Specifically, the director:
 - a) Addresses the needs of staff, students, parents, and community.
 - b) Facilitates communication and the use of problem solving processes to promote teamwork, consensus, and inquiry.
 - c) Assists with the resolution of conflicts and stress.
 - d) Implements the staff evaluation process effectively.
 - e) Writes and speaks appropriately.
 - f) Keeps staff and community informed of pertinent information in a timely manner.
 - g) Utilizes appropriate listening skills.

- 4) The director provides and maintains an environment where optimal student growth can take place. Specifically, the director:
 - a) Understands and supports the goals and purposes of the organization.
 - b) Promotes learning as the primary purpose of the organization.
 - c) Collaborates and networks with community service agencies, other educational organizations and businesses, as appropriate.
 - d) Provides and maintains a safe and healthy environment that promotes positive student behavior.
 - e) Understands and encourages the application of human growth and development principles.
 - f) Assesses and evaluates program and staff effectively.

- 5) The director demonstrates instructional leadership. Specifically, the director:
 - a) Seeks out and provides staff with information on methodology, research, and current educational trends.
 - b) Identifies, accesses, and uses appropriate resources.
 - c) Makes reasonable decisions and accepts responsibility for those decisions.
 - d) Promotes collaboration and mutual sharing among teachers and staff.

- e) Encourages and allows others to lead as appropriate.
 - f) Comprehends effective learning and teaching processes.
- 6) The director demonstrates an understanding of the dynamics of the educational organization. Specifically, the director:
- a) Develops positive school/community relations.
 - b) Demonstrates an understanding of the politics of school governance and operations,
 - c) Informs staff, parents, and community of relevant facts to aid in reaching informed decisions.
 - d) Exhibits skills in comprehending, interpreting, and supporting positions of the organization.
 - e) Exhibits skills in lobbying, negotiating, collective bargaining, policy development, and policy maintenance.
 - f) Exhibits effective public relations skills.
- 7) The director effectively manages the resources for which he/she is responsible including personnel, finances, facilities, programs, and time. Specifically, the director:
- a) Implements district policies, state standards, and federal regulations and laws.
 - b) Organizes, coordinates, and supervises staff assignments and needs.
 - c) Carries out appropriate fiscal procedures.
 - d) Utilizes and maintains facilities.
 - e) Demonstrates efficient time management by establishing schedules and reasonable timelines for completing tasks.
 - f) Utilizes available technology to meet administrative objectives.
 - g) Utilizes participatory management techniques.
- 8) The director uses performance evaluation to improve the educational program. Specifically, the director:
- a) Implements a collaborative process in staff development.
 - b) Identifies and acknowledges *effective performance* in objective terms.
 - c) Assists individual professional development planning.
 - d) Develops, implements and evaluates the staff development program, collaboratively utilizing a variety of resources.
 - e) Follows procedures and participates in training consistent with the state and local Teacher Performance Evaluation
 - f) Provides regular feedback on performance.
- 9) The director maintains a familiarity with current educational issues through a process of ongoing personal development. Specifically, the director:
- a) Meets statutory contact hour requirements.
 - b) Participates in local, state, and other training opportunities.
 - c) Reviews current professional literature.
 - d) Continues to expand knowledge and awareness of programs within the school district.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK TEACHER PERFORMANCE EVALUATION FOR 3-TIERED LICENSURE

The New Mexico 3-Tiered Licensure System created by the passage of HB212 and the Public Education Department Regulation 6.69.4 Performance Evaluation System Requirements for Teachers sets forth specific requirements for a Highly Objective Uniform Statewide Standard of Evaluation (HOUSSE) for teacher licensure. New Mexico Statute 22-10A-4.B states that the New Mexico licensure framework for teachers is a progressive career system in which licensees are required to demonstrate increased competencies and undertake greater responsibilities as they progress through the licensure levels. PED Regulation 6.69.4.8.D states the format for this evaluation shall be established by the department and shall be uniform throughout the state in all public schools.

The 3-Tiered Licensure annual teacher performance evaluation system provides a differentiated approach to teacher performance evaluation in compliance with the requirements on NMSA2210A-4.B for each level of licensure: Level I Provisional Teacher, Level II Professional Teacher, and Level III Master Teacher. The teacher performance evaluation instrument has nine competencies with differentiated indicators for each licensure level. The teacher performance evaluation procedures and the Professional Development Plan (PDP) procedures are also differentiated for each of the three licensure levels.

Required Performance Evaluation Components

Teacher Performance Evaluation Requirement:

PED Regulation Title 6, Chapter 69, art 4: Performance Evaluation System Requirements for Teachers, states *"every public school teacher must have an annual performance evaluation based on an annual professional development plan...Annual performance evaluations shall be based on, among other things, how well the professional development plan was carried out and the measurable objectives were achieved. The school principal shall observe each teacher's classroom practice at least once annually to determine the teacher's ability to demonstrate state adopted competencies and indicators for each teacher's licensure level."* (6.69.4.8.D and 6.69.4.10.C & D)

There are many purposes for evaluation. Among them:

1. To assist in identifying and building upon teacher strengths.
2. To serve as the basis for the improvement of instruction.
3. To develop remediation goals.
4. To enhance the implementation of programs of curriculum.
5. To plan meaningful professional development.
6. To address accountability and teacher quality.
7. To support fair, valid and legal decisions for rehire, promotion decisions or termination.

Documentation Requirement:

1. Professional Development Plan (PDP) - required for every teacher every year
2. Reflection on Annual Professional Development Plan (PDP) - required for every teacher every year
3. Progressive Documentation of Teacher Performance - required for level II or level III licensed teachers for year one and year two of three year cycle.

4. NM Teacher performance Summative Evaluation for Licensure - required every year for level I licensed teachers, required every three years for level II and level III licensed teachers.

Professional Development Plan Requirement:

PED Regulation 6.69.4.10.BI-3 requires that the teacher and the school principal create the Professional Development Plan (PDP) no later than forty (40) days after the first day of each school year. The Plan must have measurable objectives, and must be based on, among other things:

- The nine teacher competencies and indicators for the teacher's licensure level,
- The previous year's annual evaluation (if applicable), and
- Assurance that the teacher is highly qualified in the core academic subjects the teacher teaches.

Classroom Observation Requirements and Data Collection:

PED Regulation 6.69.4.10.D requires that the principal *"observe each teacher's classroom practice at least once annually to determine the teacher's ability to demonstrate state adopted competencies/indicators for each teacher's licensure level"*.

In addition to observations, collection of additional forms of data will assure a valid assessment of each employee's ability to demonstrate the competencies. Options for additional data collection include but are not limited to: review of videotape; written documentation of activities; locally developed survey of staff, students, and/or parents; review of student work and performance; review of the teacher's contribution to the school's vision, mission, and outcomes; portfolios; information gained through peer observation and/or peer coaching; anecdotal records; reflective journals; self-evaluations; instructional artifacts; and other formats satisfactory to the teacher and the principal.

Evaluation Criteria Requirement:

Evaluation for different purposes requires different procedures. The 3-Tier Licensure and Performance Evaluation System emphasizes teacher growth through differentiated teaching indicators that are reflective of the competency levels of teachers and the creation of individual Professional Development Plans.

Each of the three levels of licensure has nine (9) common competencies with differentiation occurring through license level-specific indicators. The performance evaluation system will indicate a teacher's proficiency in these license level-specific indicators and competencies. The nine common competencies are:

1. The teacher accurately demonstrates knowledge of the content area and approved curriculum;
2. The teacher appropriately utilizes a variety of teaching methods and resources for each area taught;
3. The teacher communicates with and obtains feedback from students in a manner that enhances student learning and understanding;
4. The teacher comprehends the principles of student growth, development and learning, and applies them appropriately;
5. The teacher effectively utilizes student assessment techniques and procedures;
6. The teacher manages the educational setting in a manner that promotes positive student behavior, and a safe and healthy environment;
7. The teacher recognizes student diversity and creates an atmosphere conducive to the promotion of positive student involvement and self-concept;
8. The teacher demonstrates a willingness to examine and implement change as

appropriate; and

9. The teacher works productively with colleagues, parents, and community members.

Moreno Valley High School (MVHS) ISD Competencies:

1. The teacher participates positively in the promotion of the school;
2. The teacher works positively with the school's supporters for the purpose of community development.

Assessment Guidelines for Teacher Competencies and Indicators:

The purpose of the Assessment Guidelines for Teacher Competencies and Indicators is to give teachers and administrators a tool to differentiate different levels of performance for Licensure Levels I, II, and III-A. The Assessment Guidelines provide concrete descriptions of effective teaching that develop over time. The descriptions contained in the Assessment Guidelines will accomplish three purposes:

1. Help teachers and administrators evaluate daily teaching practices in order to maintain and advance professional licenses;
2. Help teachers and administrators across the state develop consistent understandings of professional growth and evidence of student learning growth; and
3. Provide educators with professional language to talk about and build evidence for what they know and do that makes a difference for their students.

Training for Teachers and Administrators Requirement:

Training must assure that all participants at the school level understand the purpose of and criteria for performance evaluation through an annual Evaluation Orientation. The Evaluation Orientation must address the Teacher Competencies and Indicators for each level of licensure, and the role of the Professional Development Plan in the Performance Evaluation System. The Evaluation Orientation must also include an overview of the process whereby observations will be made and performance data collected, the forms to be used, and the timeline for completion. All teachers and administrators new to the district must attend the Evaluation Orientation.

Professional Development Plan Procedure

Within the first 40 days of the school year, the teacher and the school principal will establish a PDP utilizing the MVHS PDP format.

- The plan must identify one or more measurable objectives.
- The measurable objectives must be based on the nine teacher competencies and indicators as determined by the teacher and the school principal. All nine competencies do not have to be addressed every year.
- The PDP may include multi-year measurable objectives and a plan to annually review the progress toward meeting measurable objectives.
- The PDP may be correlated with the district and or school's Educational Plan for Student Success (EPSS).

The PDP should include measures for determining progress, at regular intervals, toward meeting the goals.

Once the teacher and the school principal have established the measurable objectives and goals, both parties should collaboratively develop a clearly written plan to include the following:

1. Goals including competencies and indicators to be addressed;
2. Action plan including key actions, person responsible for the actions, resources, timelines, measures to assure desired results have been met; and
3. Observable target or desired results.

Before the end of the school year the teacher and the administrator will meet:

1. To assess how well the PDP was carried out;
2. The extent to which measurable objectives were achieved including a description of student achievement and learning growth; and
3. Will complete the annual formative evaluation of the PDP utilizing the Reflection on Annual Professional Development Plan (PDP) form

The results of the annual formative evaluation of the PDP will be documented on the summative evaluation. [Annually for Level I; every 3 years for Levels II and III].

The PDP process shall be differentiated for level of licensure to meet the varied needs of the teachers at each level.

LEVEL I LICENSE PDP GUIDELINES:

The Level I license PDP process should have a structured focus on feedback and support regarding the teacher's performance on the nine teacher competencies during the first three years of the teacher's career. This focus should include the active involvement of a mentor teacher in the PDP process.

The Level I License PDP goals should focus on the teacher's efforts during the third year to develop a Professional Development Dossier (PDD) for advancement toward a Level II license.

LEVEL II LICENSE PDP GUIDELINES:

The Level II license PDP process may have multi-year objectives and have an option for a collaborative PDP with a colleague.

The Level II license PDP process may also address, after three years of experience as a Level II licensed teacher, the teacher's efforts to develop a Professional Development Dossier (PDD) for advancement to a Level III license.

LEVEL III LICENSE PDP GUIDELINES:

The Level III License PDP Process should empower the teacher's self-directed development of the PDP, allow for multi-year objectives, and have an option for a collaborative PDP with a colleague.

Evaluation Procedures

The principal may complete a summative evaluation and hold a conference with the teacher at any time during the school year.

A summative evaluation of a teacher must be carried out by a licensed administrator.

The summative evaluation shall address how well the professional development plan was carried out and the measurable objectives achieved including a description of student

achievement and learning growth.

Evaluation of Level I Teachers:

Evaluations will be completed annually, and will include:

1. Reflection on Annual Professional Development Plan (PDP) progress toward accomplishing PDP goals and objectives;
2. Documentation of annual observation of classroom practice;
3. Completion of the NM Teacher Performance Summative Evaluation based on Level I Competencies/Indicators.

Progressive Documentation and Evaluation of Level II and Level III Teachers:

Progressive documentation of a teacher's performance and professional development plan is a continuous process by which data are collected and analyzed annually to improve teacher quality. Progressive documentation is a process of ongoing formative evaluation over a three--year period. It includes a running record of authentic information about a teacher's performance in the areas of instruction (Strand A), student learning (Strand B), and professional learning (Strand C).

Progressive documentation includes:

1. Reflection on Annual Professional Development Plan (PDP) progress toward accomplishing PDP goals and objectives;
2. Documentation of annual observation of classroom practice;
3. Other formative performance data;

Unless the principal determines that teacher performance indicates a need for more frequent evaluation, a Summative Performance Evaluation will be completed for Level II and III teachers only at the end of each three-year period based on appropriate Level II or Level III Competencies/Indicators.

PED Relations Regarding Demonstration of Essential Competencies at Level II or III:

If a level II or level III-A teacher does not demonstrate essential competencies for a given school year, the school district shall provide the teacher with professional development and peer intervention, including mentoring, for a period the school principal deems necessary. If by the end of that school year the teacher still fails to demonstrate essential competencies, a district may choose not to contract with that teacher. [ED Regulation 6.69.4.10.E]

If a level III-A teacher does not demonstrate essential competencies at level III-A for a given school year, the school district shall provide the teacher with professional development and peer intervention, including mentoring, for a period the school principal deems necessary. If by the end of the following school year the teacher still fails to demonstrate essential level III-A competencies, the superintendent may recommend to the Secretary of Education of public instruction that the teacher's level III-A license be suspended until such time as the teacher demonstrates the essential competencies a level III-A. Depending on the outcome of any due process proceeding under the Uniform Licensing Act, Sections 61-1-1 through 61-1-31, NMSA 1978, and if the superintendent verifies that the teacher meets the standards for a level II license, the teacher may be issued a level II license during the period of level III-A licensure suspension. A suspended level III-A license may be reinstated by the Secretary of Education of public instruction either upon verification by a local superintendent that the teacher now demonstrates the essential competencies at level ill-A or through the process described in 6.69.4.11 NMAC. [PED Regulation 6.69.4.10F]

Summative Evaluation Conference:

The principal shall conference with the teacher to discuss the results of observations and to review the Summative Evaluation. This conference may be combined with the meeting with the teacher to review the Reflection on Annual Professional Development Plan. A PDP for the next school year may also be initiated in this conference.

The teacher will sign the summative evaluation to indicate that he/she has received a copy of the evaluation. If the teacher refuses to sign for acceptance of the evaluation, a third party will witness that the teacher received a copy of the evaluation and will sign the evaluation as a witness to its delivery. The teacher may provide a written response to summative evaluation within five (5) working days. The teacher's written response will be attached to the summative evaluation in the teacher's personnel file.

The summative evaluation conference shall be a confidential conference between the teacher and the principal unless the parties mutually agree to allow other individuals to attend the conference.

Timeline for Assessment

Signed copies of required written documentation are due in the office of the Director for Human Resources on or before the following:

Professional Development Plan (PDP)	the 40th day of the school year
Reflection of the PDP	April 1st
Progressive Documentation of Teacher Performance, Level II & III	April 1st
Summative Evaluation	April 1st

If any of the above dates fall on a non-working day, the deadlines will be the following working day.

Employees hired after the 40th day of the school year are required to have a PDP within 40 days of first date of employment.

Employees hired before April 1st must have a summative evaluation completed.

A signed copy of the PDP, Reflection of the PDP, Progressive Documentation of Teacher Performance and Summative Evaluation will be placed in the certified school employee's personnel file.

Professional Growth Plan

A Professional Growth Plan maybe initiated whenever the teacher's principal has reason to believe that the teacher's performance may not meet the competency standard for the level of licensure.

A Professional Growth Plan shall be initiated when a teacher receives a "I" rating of "does not meet competency" on the NM Teacher Performance Summative Evaluation.

The teacher's principal may initiate a summative evaluation and a PGP at any time during the year when the principal has reason to believe the teacher's performance may not meet the competency standards for the level of licensure. The PGP is developed collaboratively by the supervisor and the employee. It is the supervisor's responsibility to monitor the implementation

of the PGP and to ensure that help is provided to the employee. It is the employee's responsibility to implement the PGP and to meet the goals of the plan.

The teacher's principal will identify the competency areas where the teacher does not meet competency on a summative evaluation. The teacher will have an opportunity for input into the development of the PGP and will be provided with direction and assistance by teacher's principal. A PGP must be written and implemented within ten (10) working days of a Summative Evaluation with a "1" rating. When the teacher is placed on a PGP, the principal will make a good faith effort appropriate to the circumstances to suggest improvement action and to give the teacher a reasonable amount of time to make the improvements before evaluating the teacher's performance. The expected completion date for the PGP will be stated on the plan. The expected completion date can not be later than April 15th of the school year. A copy of the PGP will be filed in the employee's personnel file in the district Human Resources Office.

Should a teacher on a growth plan transfer to another position in the district, the growth plan will follow the teacher to the new position. The teacher shall continue to implement the PGP and is expected to meet the goals of the plan.

Conferences:

Three or more conferences shall have been held with the employee on a PGP before a notice of intent to non-renew or to discharge is served upon him/her by the local school board. Such conferences shall be held with the teacher's principal and any other resource person(s) as the PGP may designate. The conference during which the principal first makes a rating of "does not meet competency" on the summative evaluation shall be counted as one of the required conferences. Sufficient time shall have elapsed between the conferences to allow the teacher to correct the "does not meet competency" and to have been observed for an adequate time in the performance of his or her duties.

The teacher will be asked to sign the PGP to indicate that he/she has received a copy of the plan. If the teacher refuses to sign for acceptance of the POP, a third party will be asked to witness that the teacher received a copy of the POP and will also sign the PGP as a witness. The teacher may provide a written response to the POP for the teacher's personnel file within five (5) working days.

The PGP conference shall be a confidential conference between the teacher and principal unless the parties mutually agree to allow other individuals to attend the conference.

A copy of the POP shall be kept at the school site, given to the teacher, and a copy shall be placed in the teacher's personnel file at the district central office. The teacher may submit a written rebuttal within ten (10) working days after the conference in which competencies are identified as "does not meet competency".

GOVERNING COUNCIL HANDBOOK



School Handbooks, Policies, & Forms

Moreno Valley High School Student Handbook

2011 - 2012

Director: Jacqueline Boyd, Ph.D.

**Moreno Valley High School
PO Box 1037 56 Camino Grande
Angel Fire, NM 87710
Phone: 575-377-3100 FAX: 575-377-7263
www.mvhsnm.org**

MISSION STATEMENT

The mission of Moreno Valley High School is to provide a world-class public education for students of all abilities and backgrounds and to create a partnership that maximizes student potential among parents, teachers, students and community members.

We believe parental involvement is essential for academic success. MVHS supports innovation, critical thinking, and active student participation. We will foster an environment where educators, parents and students work together, thereby strengthening the community.

The primary means for implementing this mission is through the *Paideia* Program, a curriculum that embodies three approaches to teaching: Didactic Instruction, Intellectual Coaching and Socratic Seminar. The curriculum aligns with NM State Standards and Benchmarks and is designed to meet or exceed state requirements for graduation.

MVHS goals are to prepare each graduate to be a lifelong learner, to be a responsible citizen, and to earn a living. We will have reached these goals when MVHS graduates demonstrate preparedness to enter a college or profession of their choice. Student achievement will be assessed by administering state standardized tests as well as methods developed internally by staff that are designed to measure student mastery of state and school competencies.

The vision of MVHS is to cultivate a high school where thoughtful conversation spills over into the lunchroom and soccer field, and where the pursuit of intellectual curiosity is perceived as a pleasure. Our vision is to foster students who are enthusiastic about learning and a school community dedicated to the process of lifelong learning.

PROGRAM AND PHILOSOPHY

MVHS is a public charter school open to all students in grades nine through twelve of all abilities and backgrounds. It opened in 2002 with 71 students. The primary means for accomplishing the Mission is the *Paideia* Program, which was proposed in 1984 by Mortimer J. Adler and the *Paideia* Group. The *Paideia* Program is a whole school reform model that uses three columns of instruction:

- *Didactic Instruction* – what many people think of as conventional education; direct, lecture-format delivery of factual information
- *Intellectual Coaching* – guides and supports students’ development of curricular skills while applying information often through individual and group projects; in this model teachers model and encourage good thinking habits and questioning techniques
- *Socratic Seminar* – a collaborative, intellectual conversation facilitated by open-ended questions about a text. The conversation is intended to expand understanding of ideas and values. The teacher’s primary role is to ask questions that help students think further about ideas under discussion.

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School Governance

As required by NM State Law and the MVHS Charter, MVHS is governed by a Governing Council. The Governing Council consists of volunteers from the community who perform essential tasks for the school; they are the final voice in many of the decisions and in the future growth of MVHS. Even though Moreno Valley High School is Chartered within the Cimarron School District, the District does everything in their power to protect our autonomy. All information will come to you through MVHS, not the District. All automated calls will come to you through MVHS, not the District. If you have questions concerning the relationship between a Charter school and the Charter authorizer please contact the MVHS Director.

Student Rights and Responsibilities: With Rights Come Responsibilities

MVHS students have the right:

- To a free and appropriate high school education;
- To a safe school environment, free from intimidation, violence and hazardous environmental conditions;
- To request counseling;
- To be guaranteed equal treatment in every aspect of the educational system;
- To an explanation of the basis for any marks received;
- To timely information about school policies and rules;
- To appeal decisions pertaining to absences;
- To make up class work after an excused absence;
- To reasonable, fair and consistent treatment that does not violate students' rights;
- To due process in disciplinary actions;
- To receive educational services, when married and/or pregnant, under the same conditions afforded other students;
- To privacy in personal possessions, subject to the rights of school officials to conduct searches when there are reasonable grounds to suspect that a student has violated or is violating either the law or school rules;
- To participate in authorized student organizations and sports activities, presuming grade eligibility and attendance requirements have been met.

MVHS Students have the responsibility:

- To do their best to achieve excellence in personal conduct and academics;
- To make every effort to graduate from high school;
- To contribute to and assist in creating a good learning environment;
- To attend school and classes every day school is in session, to be on time, and arrive prepared to learn;
- To make every effort to improve their performance upon notification of unsatisfactory progress;
- To respect the individual rights of fellow students, school personnel and others;
- To respect the property of others;
- To exhibit good sportsmanship in all school activities;
- To provide proper identification when necessary;
- To submit required medical reports to the appropriate school personnel;
- To respect school property.

Due Process

This guideline cites standards of conduct, prohibited activities, and disciplinary actions that may be taken for inappropriate behavior. School authorities shall follow procedures that provide a student with due process when taking appropriate disciplinary actions. The following points are intended to acquaint staff, students and parents with these procedures. A fuller explanation of due process procedures is contained in State Board of Education Regulation NMAC Title 6, Chapter 11.

1. A student who is immediately removed from school or class or who is given a temporary suspension shall have a rudimentary hearing with the Director at which the following will occur:
 - a. The student will be notified in writing of the charges against him/her.
 - b. The student shall be told what evidence supports the charge(s), and there will be an opportunity to present his/her version of the facts
 - c. The hearing may be an informal discussion and may follow immediately after the notice of the charges is given, unless the administrative authority decides a delay is essential to permit further exploration of the facts. Before a student is removed from class or school for more than the remainder of a school day, reasonable effort must be made to notify the parent and offer the opportunity for a conference with the parent/student and school personnel
 - d. The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), to call witnesses to verify the student's version of the incident, or to appeal the decision.
2. A student recommended for long-term suspension or expulsion shall have a right to be given notice, a formal hearing, and have the right to appeal. In such cases the student and parent are provided with a copy of State Board of Education Regulation NMAC Title 6, Chapter 11, which contains clear and explicit information as to due process rights.

Academics

Graduation Requirements

MVHS follows the regulations of the North Central Accrediting Association of Secondary Schools and Colleges, the New Mexico Department of Education, and the Moreno Valley High School Charter, regarding high school graduation requirements.

To graduate from MVHS:

Students must meet State as well as MVHS graduation requirements.

A. Number of Credits: All students must earn 24 credits(graduation years 2011 and 2012) and 25 credits (graduation year 2013, 2014 and 2015) to graduate

B. Types of Credits:

- 4 credits of Language Arts
- 3.5 credits of Social Studies to include: New Mexico History (.5 credits), World History, U.S. History, U.S. Government (.5 credits) and Economics (.5 credits)
- 3 credits in Mathematics (one of which must be Algebra I or higher) 4 credits for graduation year 2013, 2014, 2015 through Algebra 2
- 3 credits in Science including one lab science
- 2 credits in the same Foreign Language
- 2 credits in Physical Education
- 1 credit in Music
- 1 credit in Art

- 1 credit in Life Management and Health
- .5 credits in Senior Portfolio
- 3.5 elective credits, to include 2 credits in academic subjects, 1 credit in Fine Arts (music, art, drama) or P.E.

3. All students must complete a Senior Portfolio or Senior Project. Every senior student will be given a packet with the requirements for each option in the spring before their senior year. The packet will contain criteria for completion and timelines that students must meet.

Advisory Class

Goals

- To promote a sense of active involvement within the school community
- To assist students in the development of self-understanding and effective interpersonal relationships
- To guide students in making good decisions related to academic performance and future growth
- To foster communication among students, teachers and parents

Requirement for Attendance

Students are required to take advisory class. The faculty, with input from students, has developed the content of the advisory class over the course of several years. Advisory is intended to be a “homework free” class that attempts to help individualize and personalize the MVHS experience while exploring ideas not covered in regular classes.

Topics/Activities:

- Semester goals (setting and reflections) plus the state-mandated Four Year and Next Step Plans
- Service Learning: individual and group
- School-wide seminars and activities such as Constitution Day
- Class Activities: College/After High School Planning, Preparation for SAT/ACT/PSAT, Learning Styles, Vocations and the Future, and Transition to High School.
- Topics: School, Community, Nation, and International Issues
- Individualized academic counseling
- A single weekly study hall

Grades and Grading

- MVHS offers two grading scales that are shown on the student’s transcript and report cards as a Grade Point Average.

For standard courses:

A= 4.0
B= 3.0
C= 2.0
D= 1.0
F= 0

For Advanced Placement & Honors courses:

A= 5.0
B= 4.0
C= 3.0
D= 2.0
F= 0

- A student who has incomplete grades at the end of a grading period will be given one week to make up the missing work. After one week, the incomplete grade will automatically convert to an “F” on the student’s transcript for that semester, unless a plan for an extension has been approved by the Director.

- Students choosing to withdraw from a class after 2 calendar weeks will have a “WF” (withdraw with an “F”) placed on their transcript for that semester. This grade will be included in the Grade Point Average.
- It is the responsibility of the student to complete a drop/add form for each course they are dropping or adding. The teacher’s signatures, the Dean of Student’s signature and a parent’s signature are required before a change becomes final. Two calendar weeks at the beginning of each semester are the days to change a schedule.
- Academic Achievement:
To recognize students whose work and focus has resulted in high achievement in academics, MVHS will recognize at the graduation ceremony:
 - Summa Cum Laude (with highest honors) students whose overall GPA is a 4.0 or higher
 - Magna Cum Laude (with great honor) students whose overall GPA is a 3.75-3.99
 - Cum Laude (with honor) students whose overall GPA is a 3.5 – 3.74

Grade Change Policy

If a student or parent disputes a quarter, semester or final grade they have 10 days from the issuance of that grade [defined as the “mailing date” on the calendar information provided to all students and parents and demonstrated by the postmark date] to file a dispute with the teacher. If a solution cannot be reached during a conference with the teacher, the student or parent may ask for a conference with the Director. Within five days a conference will be held with the Director. If that conference does not result in a suitable solution the student/parent may take their complaint to the Governing Council. The Governing Council will schedule a hearing within a 45-day period to make a final and binding decision.

Report Cards

MVHS sends home grade reports at mid-quarter, in addition to regular quarterly grades. Parents and students may check a student’s grades and attendance by logging onto PowerSchool. The required passwords and instructions will be sent home with September’s Newsletter. Students receiving a failing grade on Progress Reports or Quarter Grades will be encouraged to have weekly meetings with his/her teacher on Friday afternoons until the grade is raised to a passing grade. Semester grades are the only grades to be recorded on a student’s permanent transcript. Semester grades are used for calculating class rank. Below are ending dates for grade reporting periods and the dates report cards will be mailed to parents:

Grading Period	End of Grading Period	Report Cards Mailed
First Progress Report	Thursday, September 15	Wednesday, September 21
First Quarter	Thursday, October 13	Wednesday, October 19
Second Progress Report	Friday, November 11	Wednesday, November 16
Second Quarter		
First Semester	Thursday, December 15	Wednesday, January 4
Third Progress Report	Thursday, February 2	Wednesday, February 8
Third Quarter	Friday, March 9	Wednesday, March 14
Fourth Progress Report	Thursday, April 19	Wednesday, April 25
Fourth Quarter		
Second Semester	Thursday, May 24	Wednesday, May 30

Credit/No Credit Grading (Pass/Fail)

Students may choose to take one class per semester “Credit/No Credit” rather than the conventional grading system. If the student passes, they will receive credit for the class, but it will have no bearing on the student’s GPA. If the student fails the class, they will not receive credit, and it will not affect the student’s GPA. If a student decides to change a class to the credit/no credit option, this change must be made within the first two weeks of the class. All necessary paperwork must be completed by the student and signed by the student, a parent/guardian, plus the teacher of the class and given to the Dean of Students.

Promotion/Retention

The number of credits a student has earned in high school determines his/her grade classification at the beginning of each year, as follows:

- Freshman.....0 credits
- Sophomore.....6 credits
- Junior12 credits
- Senior18 credits

Other Credits

- Upon successful completion and demonstrated proficiency, students will receive high school credit for pre-approved, advanced eighth grade courses. These will be put into the transcript as Pass/Fail.
- With the Dean of Student’s prior approval, students may receive credit for courses taken with other education institutions during summer vacations.
- Credit may be given for Foreign Language after passing a proficiency test and with the approval of the Dean of Students and the Language Instructor.
- Students may receive credit for Correspondence courses that have an official transcript from the correspondence institution plus prior approval of the Dean of Students.

Student Records

The correct handling of student records is a prime responsibility of all personnel, especially teachers, counselors, and principals. These persons should be thoroughly familiar with the records, how they must be maintained, where they are kept, and how the information may be disclosed to parents, students, school personnel, and persons outside the school system. Confidentiality is of utmost concern. Any questions concerning student records and their management may be directed to the Director and/or the Dean of Students.

MVHS adheres to the Family Education Rights and Privacy Act of 1974. Before releasing any information covered by statute, written consent must be given by the student’s parent or guardian if the student is under 18, or by the student if over 18.

Transcripts: Students and parents requesting official transcripts must complete and submit a Transcript Request Form, which may be obtained at the reception desk in the administration office.

MVHS will honor requests for information by prospective employers or institutions of higher learning. The information will be taken from the student’s cumulative record. This includes the records of a student’s scholastic standing, citizenship, testing information and counseling interviews. By maintaining a good school record, it is possible for a student to get a favorable recommendation for jobs and/or admission to a post-secondary institution.

Attendance Policy

MVHS provides students with a rigorous educational experience that follows the guiding principles of the *Paideia* philosophy. Therefore, classes are designed to actively include students in the acquisition of knowledge and skills, and to minimize instructional strategies that cause students to be passive learners. Students gain academic prowess from dynamic, relevant and authentic learning experiences; these can only happen if students are in the classroom. When a student is not present for a class, it is impossible for the experience to be “made up” by an alternative assignment of lessons or activities. Furthermore, if a student is absent from school, s/he cannot contribute to the class direction, nor can s/he gain from the contributions of peers. Additionally, the State of New Mexico mandates compulsory school attendance.

The New Mexico School Act (Sec. 22-12-1C-7D) states that “Parents, guardians, or others having custody of children of compulsory school age must insure that children in their care attend school, and may be held criminally responsible for causing their children to violate the law. Students also may be subject to a Children’s Court prosecution as delinquent for committing the criminal offense or as a child in need of supervision because of truancy.”

MVHS Attendance Policy

Absences

Excused: **All** excused absences must have a written note submitted to the office:

1. Medical Appointment (with a note from the doctor)
2. Illness (More than 4 days requires a note from the doctor)
3. Diagnostic Testing
4. Death in the Family
5. Religious holidays or religious instruction
6. Family emergency (e.g. car accident, family illness, death)
7. School-related educational activity (e.g. travel for academic or athletic events, travel abroad, etc.

Unexcused

1. An absence that does not have an accompanying written excuse note signed by a parent becomes an unexcused absence after **TWO** days.
2. Any absence that does not fit the prescribed “excused absences” definition is an unexcused absence.
3. An absence that is not school-related is an unexcused absence.
4. Reporting to class 15 minutes late is an unexcused absence. ***The NM Public Education Department requires that each school report unexcused absences of two or more classes up to fifty percent of an instructional day as one-halfday absence, and the unexcused absence of more than fifty percent of an instructional day to be counted as one full-day absence.***

Extended Absences / Illness

1. If students are sick or injured and under a doctor’s care, the school should be notified ASAP and a doctor’s note verifying the illness / treatment, sent to the school.
2. Students who plan to be absent due to a family vacation or other family related reasons that exceeds one week of school may submit an Extended Absence Request Form ten days before an extended absence. If approved by the Director, the student’s absence is excused so long as the student fulfills the requirements of agreements with individual teachers contained in the Extended Absence Request Form. Make up work will be given as

much as possible before the student leaves. All work must be made up within one week of the student's return to school.

Policy Consequences

The New Mexico School Act (Sec. 22-12-1C-7D) states "...a student also may be subject to a Children's Court prosecution as delinquent for committing the criminal offense [excessive absence] or as a child in need of supervision because of truancy."

MVHS is responsible for keeping and maintaining records of a student's attendance and informing students when their attendance is not meeting minimal standards. Parents and students may check absences and tardiness on the PowerSchool site. The following consequences apply to students with unexcused absences or who are habitually absent from school.

Unexcused class absences (cutting class or as defined above)

1. The 1st unexcused absence will result in a brief conference between the student and the Dean of Students.
2. The 2nd unexcused class absence will result in after-school detention for the length of the time missed in class.
3. The 3rd-5th unexcused absence will result in Friday Schools to make up the class time missed.
4. Six or more unexcused absences will result in Friday School and a mandatory parent/student conference with the Director, Dean of Students, and the teacher involved. *The conference will include the development of a corrective action plan which will identify causes for the absences, possible resources to address the causes and actions that will be taken to prevent further absences.*

Students in Need of Early Intervention (Previously defined as Truancy)

1. At the 5th unexcused absence the school sends home a 5-day absence notification; a copy of the notification is included in the student's permanent file;
2. At the 7th unexcused absence the school sends home a 7-day absence notification. *A conference will be scheduled to set up to review the corrective action plan which was set up to identify and remediate the causes for absences.*
3. At the 10th unexcused absence the school sends home a written notice of habitual truancy by certified mail; Credit for the classes affected by the absences is withdrawn pending a student appeal (see below); a copy of the notification is also sent to the Juvenile Probation Parole Office.
4. Any unexcused absence after receipt of the certified letter will result in Informal Truancy Referral to the Juvenile Justice Services – Children, Youth and Families Department plus withdrawal of credit from the class.

Unexcused or Excused Absences – Loss of Credit

1. More than 10 unexcused absences per semester in a class will result in the student losing credit for the class. Credit **MAY** be reinstated through an appeals process if the student has completed all coursework for the missed class(es), the student has a passing grade in the course, AND a written appeal is submitted to the administration.. All appeals must be made in writing to the administration.
2. Students who are habitually absent from any class (including advisory) may be ineligible for extra-curricular activities and will experience the same policy consequences. Students absent the day of extra-curricular activities will not be allowed to participate in those activities.

Morning Tardy:

1. Students who are tardy in the morning for the first period must sign in at the office and request a pass for permission to enter their class late.
2. Per semester, on the fourth morning tardy, an hour of detention will be served after school.
3. Any future morning tardy will result in an hour of detention per tardy.

Policy Requirements for Returning to School

Students returning to school after an absence can avoid the consequences of this policy by submitting a note explaining the absence to the office. Notes are accepted the day of return and the day thereafter. Absences without a note by the end of the second day will remain unexcused. The note must include the following information:

- Student name
- Parent or guardian signature
- An explanation or reason for the absence
- Date(s) of the absence

The student is responsible for all work missed during an absence. The student must consult with his/her teachers and determine all work missed. Teachers will provide students with adequate time to complete missed assignments, at least equivalent to the amount of time missed during the absence, not to exceed 5 days in the case of an extended absence.

Policy Miscellaneous

Student attendance is the number one factor affecting overall achievement. Students are strongly discouraged from leaving campus during the day for any reason other than during the lunch hour. Students should consider the consequences of leaving campus for any reason. Students who leave campus must meet one of the following criteria:

1. The student has parental permission in the form of a written note to leave campus during the school day.
2. The student is leaving campus during lunch. Students who return late from lunch will have their privilege revoked.
3. The student is a senior, leaving campus during study hall, who is passing all classes with a C or better and who has submitted the permission slip for checking out.

Procedures for Seniors Leaving Campus - Study Hall

1. The privilege will be revoked for misuse.
2. The student must sign out and sign in at the office. Failure to do so constitutes misuse.
3. The student must return on time for the next class. Failure to do so constitutes misuse.
4. If a student's study hall falls in the first period, the student must notify his/her study hall teacher the day before the intended absence. Failure to do so constitutes misuse.
5. These procedures apply to study hall only, NOT to advisory or other classes.

Lunch Tardiness

Off campus lunch privilege will be revoked if students habitually return to school late:

- 1st Offense – warning given with late pass to class
- 2nd Offense – One week loss of privilege
- 3rd Offense – Four weeks loss of privilege (Parent Notification)

- 4th Offense – Loss of privilege for the remainder of the semester. If the fourth offense occurs within one month of the end of the semester, there will be a nine-week “carryover” to the next semester. (Parent Notification)

Policy Definitions

- **Student in Need of Early Intervention (formerly TRUANT)** – a student who has accumulated five unexcused absences (class or school day) within a 20-day period
- **Habitual Truant** – a student who misses class ten or more times unexcused (House Bill 106 states “Habitual truants will lose their driving privileges for as many as 90 days if they have 10 unexcused absences in a semester.”)
- **Tuancy** – unexcused absence of a student from school or class that results in the student being declared truant
- **Unexcused Absence** – an absence from school or a class for which the student does not have an allowable excuse.

School Delays/Closures

MVHS follows Cimarron Municipal School District closure decisions since many MVHS students use the District’s bus transportation. In order to inform parents in the event of a school closure or delay, an automatic phone notification system has been implemented. When school is cancelled or delayed, the phone system will begin calling parents at 6:00 a.m. All parents should be called by 6:30 a.m. unless the weather makes a change after that time.

Parents and students should provide and update telephone numbers for the phone system. If cell phone numbers are given, the cell phones should be kept charged and turned on.

Student Activities

- **Co-Curricular Activities:** Co-curricular activities are those activities that are an extension of the classroom, which are required by law, New Mexico educational standards, or local school board policy. These activities should require no more than 20 hours per month of time for a student outside of the regularly scheduled instructional day. These activities may include field trips, practices, meetings, events or performances. Co-curricular activities are required as part of the course grade if a student is to receive credit for the course. Co-curricular activities do not require students to be absent from their other classes.
- **Extra-Curricular Activities:** Extra-curricular activities are school-sponsored activities which are not required by law or New Mexico educational standards. These activities include practices, meetings, events, performances, inter-scholastic competitions (ex. Soccer, basketball, BPA, etc.). By law, school time cannot be used for these activities.
- **Eligibility for Extra-Curricular Activities:** Extra-curricular activities provide worthwhile contributions to student growth and development. However, to be eligible to participate in extra-curricular activities a student must have a C grade or higher in all classes AND a grade point average of 2.0 or better for the previous grading period (progress reports and quarter/semester report cards). Students with D’s are not eligible to participate in extra-curricular activities. For this purpose, the grade point average is based on a 4.0 grading scale, allowing for the consideration of AP points. If a student is deemed eligible for extra-curricular activities, eligibility will remain until the next progress report or report card is published and mailed.

- **Student Organizations:** Students who wish to organize clubs may do so and meet on campus at scheduled times for the purpose of participating in club activities. Students must first have a faculty sponsor and permission from the Director.
- **Fundraising:** Student organizations wishing to sell anything must have the approval of the Director before ordering, purchasing and/or acquiring the items to be sold. Sponsors will be held strictly responsible for collecting all money owed and seeing that all members are held accountable for anything they are selling. The school will not be held responsible for the soliciting of funds or other donations within the school or community by students unless authorized by the Director. Products sold by school organizations must be consistent with the school's nutritional policy.

- **Title IX**

Title IX of the Education Amendments of 1972 prohibits discrimination or exclusion of any student or employee on the basis of sex in any federally-funded education program.

Parent/Teacher/Student Organization [PTSO]

The purpose of the PTSO is to provide a voice in the direction of MVHS, and to be a positive force, creating a partnership among all community members by fostering open communication with all groups integral to the school. The members of PTSO give their time and expertise to further school projects. The PTSO is purely a local organization and does not have the obligation to affiliate with a state or national organization, elect specific officers or adhere to national organizational regulations.

Membership is open to all parents, teachers, students, administration, MVHS Governing Council members, Moreno Valley Educational Foundation members, and to members of the community at large. Meetings will be announced.

School Policies

Nutritional Policy

One of the most important ways in which MVHS can actively help students perform better is to provide them with the physical activity, knowledge of nutrition, and the skills necessary for the healthy growth and development of their minds and bodies. Nutrition education involves both an educational and an implementation process that takes place within the school environment.

MVHS recognizes that:

- Good nutrition is key to optimal growth and development;
- Good nutrition plays a highly significant role, in both short and long-term effects of health;
- There is a demonstrated relationship between students' nutritional practices and their behavior;
- Good nutrition positively influences academic, physical, social and athletic performance;
- Learning nutrition values and behaviors at an early age makes it easier for individuals to make nutritional decisions that lead to positive health outcomes throughout one's lifetime;
- Students can be taught healthy nutrition within their classrooms and healthy nutritional values by examples set within the school environment. This environment includes, but is not limited to: structured/regulated food service programs, informal classroom food programs (e.g. snacks at class parties), use of food in the classroom as a motivational tool, vending machine food distribution, food available at school-sponsored events, and use of foods in fundraisers;

- While school food service programs have a fiscal component, they are basically nutrition programs aimed at helping children learn.

MVHS attempts to provide nutritional integrity in its school and its activities. Nutritional integrity is a guaranteed level of performance that ensures that school-sponsored foods:

1. Meet recommended daily allowances and dietary guidelines
2. Meet federal and state standards/regulations, and
3. Provide for the development of lifelong, healthy eating habits.

Therefore, all school-sponsored activities and efforts that include nutritional components will provide nutritional conditions which are optimum for student learning, growth and development, and which promote a lifelong healthy lifestyle. **For more information about MVHS Nutritional Policy, see the School Policies in the Director’s Office.**

Lunch Policy: Students may choose to eat lunch on or off campus.

On-Campus Lunch: Students who eat lunch on campus must eat in designated areas: the Gathering Hall in the multi-purpose building, outside in the commons area or in other classrooms only if the teacher is present. Students must clean up after themselves, picking up and appropriately disposing of trash, food and crumbs. Students are also responsible for wiping their eating areas and cleaning the microwave ovens.

Off-Campus Lunch

Students who choose to eat lunch off campus, must:

- a. leave and return to campus in a timely, orderly manner;
- b. be on time for class;
- c. be prepared for class;
- d. respect all laws, property rights and norms of polite behavior;
- e. refrain from illegal or intoxicating substances.
- f. have a parent permission slip for off-campus lunch privileges signed and on-file in the office

Off-campus lunch privilege will be revoked if students habitually return to school

late:

1st offense – warning

2nd offense – one week loss of privilege

3rd offense -- four weeks loss of privilege

4th offense – loss of privilege for the remainder of semester. If the fourth

offense occurs within one month of the end of the semester, there will be a nine-week “carryover” to the next semester.

Students who have lost their lunch privilege must report to the Dean of Students at noon. Failure to do so will result in further revocation of off-campus lunch privileges.

Food/Drink in the Classroom

Students are encouraged to bring water to school in clear bottles. No other beverages or food of any kind should be eaten in classrooms. No drink or food should ever be placed or consumed near computers.

Student Dress Policy

MVHS prefers to emphasize general principles in dress policy rather than specific rules. The guideline is that dress should be consistent with adult community standards. Observe how working adults dress and behave, and act accordingly. Typically, there are no specific rules concerning dress in the adult world. However, in most professional settings there are standards of dress that reflect the purpose and values of the work environment. With that in mind, students are expected to be clean, neat, and appropriately dressed in all situations. In the case of a teacher questioning the appropriateness of a

student, the student must be willing to abide by the teacher's request to change clothes.

Electronic Devices

Students may bring electronic devices to school. However, electronic devices are not allowed to be used in a classroom without the explicit permission of the teacher. Otherwise they may be confiscated and kept until the end of the school year. Electronic devices may be stored in backpacks during school hours. Cell phones must be turned off during class. If a cell phone rings during class, it is considered "in use" and will be confiscated.

Opt-Out Policy

Moreno Valley High School Policy for allowing Sexuality Performance Standards Exemption for Health Education.

Parents have the ability to request that their child be exempted from the parts of the required health education curriculum that address the sexuality performance standards. Students should not be exempted from the entire class only the lessons addressing the sexuality performance standards. The following procedure must be followed in order to request and exemption from the parts of the health education curriculum that addresses the sexuality performance standards. This procedure should be looked upon as a partnership between the parents and the school, designed to best meet the needs of each student and family. The following steps must be taken.

- A. The parent must contact the teacher and request a meeting.
- B. The parent and teachers (and administrator if deemed necessary) should review the entire curriculum and come to an agreement to identify specifically what areas of the sexuality performance standards to exempt the student.
- C. The teacher should supply the parents with the state standards that are met by the requested exempt lessons and agree upon an alternative assignment(s) that will meet these standards.
- D. A written agreement should be drawn up that includes the following:
 1. Specific dates the student will be out of class.
 2. Where and to whom the student is to report on these days.
 3. The assignment that has been agreed upon by both teacher and parent(s).
 4. The standards that are being met.
 5. How the student will be evaluated for this assignment.
 6. Principal's approval.

The teacher should make available any resources (lesson plans, books, and videos) that are ordinarily used in the class or are available as alternative materials. However, the parent may use alternative materials that meet the state standards.

If any teacher is presenting material which may be a potential concern to parents a letter will be sent to parents explaining their options. Any communication will be approved by the Director prior to sending to parents.

Student Medications

Any medication that a student must take while at school must be stored in the Director's office during school hours. This includes prescription and over-the-counter medication.

Student Parking

Students may drive their cars to school. They must park in the student parking area west of the school. To register for the privilege of parking, a student must show vehicle registration, proof of insurance, and his/her driver's license to the Director.

Students should drive slowly and watch for pedestrians in the parking lot. Music volume must be kept low enough that it is not heard from the Administration Building. Violation of these courtesies may result in parking privileges being withdrawn.

Students must not loiter in or around vehicles during school hours.

Books and School Equipment

Books and equipment issued to students remain property of MVHS. Students are responsible for the condition of the book while it is in their charge. Damaged books and equipment will be the responsibility of students. MVHS will not send transcripts to subsequent schools or employers unless students have paid any damage or replacement fees.

Computer Use Policy

I. Personal Safety

- A. Students will not post personal contact information about themselves or other people. Personal contact information includes home, school or work addresses, telephone numbers, etc.
- B. Students will not agree to meet with someone they have met online without the approval of their parents or legal guardians.
- C. Students will promptly disclose to a teacher or other administrator or school employee any message they receive that is inappropriate, offensive or makes them feel uncomfortable.

II. Illegal Activities

- A. Users will not attempt to gain unauthorized access to the school's system or to any other computer system through the school's system, or go beyond their authorized access. This includes attempting to log in through another account or accessing or attempting to access another person's files without authorization. Unauthorized access is illegal, even if only for the purpose of browsing.
- B. Users will not deliberately attempt to disrupt the school's system performance or destroy data by spreading computer viruses or by any other means.
- C. Users will not use the school's system to send, receive, view or download any illegal materials or engage in any other illegal act (e.g. arranging for the sale/purchase of drugs, engaging in criminal gang activity, pornography or threatening the safety of another individual).

III. System Security

- A. Users are responsible for the use of their individual account and should take all precautions to prevent others from being able to use their account.
- B. Users will immediately notify the school's Administrative Assistant if they have identified a possible security breach.

IV. Inappropriate Language

- A. Restrictions against inappropriate language apply to public messages, private messages and material posted on Web pages. Students and employees will conduct themselves in a manner that is appropriate and proper as representatives of MVHS.
- B. Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening or disrespectful language.
- C. Users will not post information that, if acted upon, could cause damage or a danger of disruption.
- D. Users will not engage in personal attacks, including prejudicial or discriminatory attacks.

E. Users will not harass other individuals. Harassment in this context is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending them messages, they must stop.

F. Users will not knowingly or recklessly post false or defamatory information about a person or organization.

V. Respect for Privacy

A. Users will not post private information about another person.

VI. Respecting Resource Limits

A. Users will use the school's system only for education and school-sponsored and/or authorized professional activities.

B. Users will not download or transmit large files unless absolutely necessary for school business. If necessary, users will download the file at a time when the system is not being heavily used and immediately remove the file from the system to their personal computer.

C. Users will not engage in "spamming". Spamming is sending an annoying or unnecessary message to a large number of people.

D. Users should use e-mail system only as a transport.

VII. Plagiarism and Copyright Infringement

A. Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or the writings of others and presenting them as if they were original to the user. Users will use proper methods of attribution such as footnotes or bibliography.

B. Users will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed requirement. If the user is unsure whether or not they can use a work, they should request permission from the copyright owner.

VIII. Inappropriate Access to Material

A. MVHS agrees to abide by the Children Internet Protection Act (CIPA).

B. Users will not use the school's system to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). For students, a special exception may be made for hate literature only if the purpose of such access is to conduct research and access is approved both by the teacher and the parents or legal guardians.

C. All resources accessed by students via school computers or other technology equipment must support the curriculum.

IX. Personal Laptop Use at School

A. A student may bring their personal laptop to school for use in class.

B. Any student bringing a personal laptop to school must sign a Laptop Agreement Form and have their laptop examined by the MVHS computer tech. They will be issued a special sign-in for use of their laptop with the school network.

Student Conduct

1. Substance Use/Abuse

MVHS recognizes that alcohol and drug dependency is a health problem. A student's health is primarily the responsibility of the student's family. However, the school shares that responsibility when alcohol and drug use interfere with student learning and behavior at school. MVHS will intervene when students display behaviors of concern, and will make a concerted, consistent effort to educate and assist them.

MVHS will endeavor to educate all students concerning the use/abuse of alcohol and other drugs. Every reasonable effort shall be made to provide all students with an environment free of alcohol and other drugs. MVHS will train its faculty and staff in issues related to alcohol and drug use by youth. MVHS will support community education activities as they relate to the MVHS program.

School authorities shall protect the health, safety and educational rights of all students when prescribing interventions or disciplinary actions for students who use, are under the influence of, or who possess or distribute alcohol or other drugs on school premises, or while engaged in school-sponsored activities.

Prohibition

In accordance with the State Board of Education Regulation 81-3, MVHS prohibits students from using, possessing, distributing or being under the influence of alcohol or other drugs; and from possessing, using or distributing drug paraphernalia while on school property or at school-sponsored activities. Student use or possession of tobacco on campus or at school-sponsored activities is also prohibited.

Definitions

Alcohol – Any liquor, wine, beer or other beverage containing alcohol.

Distribution – Selling, passing on, or giving away alcohol or other drugs.

Drugs – Any drug, including illegal drugs, legal prescriptions, over-the-counter drugs; legal substances that are used for the purpose of getting high, such as spray glues, paints or fixatives; counterfeit (look-alike) substances.

Drug Paraphernalia – Equipment or apparatus designed for the purpose of measuring, packaging, distributing, or using drugs.

SAT (Student Assistance Team) – A group consisting of faculty members and the student, who discusses the student's situation and creates a plan to help the student.

Tobacco – Any product containing tobacco, which can be smoked or used in a non-smoking form, such as snuff, chewing tobacco, etc.

Substance or Drug Use – the use of alcohol or other illegal drugs, which are in violation of state and/or federal laws, or in violation of school policy.

Enforcement

If a faculty or staff member reasonably suspects that a student is in possession of or under the influence of a substance in violation of MVHS policy, any of the following may occur:

- A student may be searched by “pat-down.” Any such search shall be conducted in private by an authorized school official of the same sex as the student to be searched, and in the presence of a witness of the same sex.
- Backpacks and purses may be searched by the Director, regardless of the sex of the student.
- Lockers or similar facilities may be searched.
- Student vehicles may be searched.
- The school administration may use dogs for detecting unauthorized substances.

Consequences

Students, while on school property or attending a school-sponsored or school-sanctioned activity, who possess, distribute, sell, use or give evidence of consumption of alcohol or

other drugs shall be subject to disciplinary actions as detailed in the disciplinary code.

2. Student Assistance Team (SAT)

The Student Assistance Team (SAT) is not a disciplinary body, but rather a means for students to get help for substance use issues, academic issues, attendance issues, and/or behavior issues. Referrals for a SAT can be done by the student, teachers, parents, or any school personnel. All referrals are confidential. The SAT team will meet as soon as possible to identify the issue and present relevant information leading to a plan of action to help the student referred. A Parent/Guardian may appeal the SAT decision by submitting an appeal letter in writing to the Director within three school days of the SAT recommendation. If the Director cannot resolve the issue satisfactorily, the parent may submit a written appeal to the MVHS Governing Council. The Governing Council will review the appeal within eight school days of receipt of the appeal. A hearing will be conducted in accordance with hearing procedures set forth in Public Education Regulation 81-3. The decision of the Governing Council is final.

3. Complaints

- **Student Complaints:**

A student should attempt to respectfully resolve classroom-related issues with the classroom teacher first. If that effort is unsuccessful, the student may discuss the issue with the Director.

After consulting with the teacher and the student, the Director will provide the final decision with respect to the student issue.

- **Parent Complaints:**

Parents should first discuss issues with respect to specific classes with the classroom teacher.

If the issue involves athletics, parents should first discuss the issue with the coach.

If discussion with the teacher or coach does not result in resolution, parents may discuss the issue with the Director, who will make a decision. If parents continue to be dissatisfied with the outcome of that discussion they may appeal that decision to the MVHS Governing Council. In that case, parents should write a letter of appeal fully explaining the situation and a proposed resolution to the President of the Governing Council. This letter should be placed in the Governing Council mailbox located in the Faculty Workroom in the Administration Building. If the Governing Council chooses to hear the appeal, the issue will be placed on the agenda of the next regularly scheduled Governing Council meeting and the issue will be discussed in executive session.

4. Discipline

MVHS was established for the purpose of allowing choice in education for students and their parents. The goal is to maintain a positive, yet well-disciplined learning environment based on mutual respect among staff and students. Students are expected to be responsible as partners in this process. Students and parents should read and sign the MVHS Student Behavioral Contract found at the end of this Handbook.

This policy is based on the premise that rules must be consistently enforced. The rules must be fair and firm, and comply with the individual's constitutional and other legal rights. However, staff members who implement this policy will recognize that there are differences in age and maturity as well as mitigating circumstances that may require different types of disciplinary actions. Therefore, the enforcement of negative consequences will follow the guidelines in this Handbook, while taking into consideration other relevant factors. Guidelines for appropriate

negative consequences are detailed in the MVHS Discipline Code.

A student who chooses to repeatedly break school rules may be subject to expulsion for insubordination.

The MVHS discipline policy fulfills State and District requirements.

Students should be aware that they are under the jurisdiction of MVHS from the time they leave home for school until the time they return home including off-campus lunch. This jurisdiction includes any school-sponsored activity, regardless of time and location.

The right to attend public school is not absolute. It is conditional on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through a legal process. The right to attend public school may be temporarily or permanently lost for violations of school rules. An expulsion from MVHS can jeopardize the student's right to attend Cimarron High School and vice versa.

The enforcement of negative consequences as detailed in this policy may include detention, in-school suspension, Friday School, conferences, suspension, expulsion, or the notification of police authority, when necessary, by school administration when required by school policy or by the New Mexico Criminal Code.

Any discipline problem arising from a Special Education student shall be addressed pursuant to the appropriate statutes and regulations. As allowed by law, these students may be moved to an appropriate alternative educational setting. These students will continue to participate in the general curriculum. For more information, please read the MVHS Special Education policy.

In all situations where a discipline problem arises in a conflict between students or between student and staff, MVHS staff and administration shall make all reasonable efforts to intervene before a situation escalates to physical conflict. Should a situation escalate to physical conflict, staff and administration shall intervene, if possible, in a timely and calm manner, while taking into account the safety of other students and of themselves. Persons involved in a physical conflict shall be separated for a "cool-down" period in separate locations while staff and the Director investigate the facts of the situation.

Possible Disciplinary Actions: Parents are notified in a timely manner of all disciplinary actions.

- Detention: Usually served after school for a specified time.
- Friday School: detention scheduled to take place on a non-school day Friday.
- Suspension: Student is not allowed on school grounds for classes or any school-sponsored activity. Suspensions may be short-term (less than ten days), long-term (ten days or more), or occasionally in-school (not attending classes but in a secluded area on campus).
- Expulsion: Permanent removal of a student from MVHS and the Cimarron Municipal School District. A specified amount of time may be determined by the MVHS Governing Council.
- Incident Reports to the Angel Fire Police Department: Certain actions by law must be referred to local police departments, such as theft, vandalism, assault, etc.

DISCIPLINARY CODE: GUIDELINES FOR DISCIPLINE

Certain offenses may be reported to the police, at the discretion of the school Director (as noted by *), and other offenses MUST be referred to the police (as noted by **).

STUDENT ACTION	DISCIPLINE
Class One Offenses: <ul style="list-style-type: none"> • Dress Code Violation: 	Consequences: <ol style="list-style-type: none"> 1. Conference with Director and parental

<ul style="list-style-type: none"> • Actions that disturb the learning environments inside or outside classrooms 	<p>notification.</p> <ol style="list-style-type: none"> 2. First offense: one hour detention 3. Second offense: one Friday School detention 4. Third offense: suspension depending on severity of offense.
<p>Class Two Offenses:</p> <ul style="list-style-type: none"> • Disrespect toward staff or other students including sexual, racial or religious harassment, bullying, hazing, verbal or physical intimidation.* • Willful Disobedience: failure to follow a reasonable direction issued by authorized school personnel. • Misbehavior on a bus or school vehicle: failure to follow directions of the driver or other school personnel • Verbal Assault: threatening or hostile verbal comments • Vandalism/Graffiti* • Possession of Drug Paraphernalia* • Truancy 	<p>Consequences:</p> <ol style="list-style-type: none"> 1. Conference with Director and parental notification 2. Depending on the severity of the action: <ol style="list-style-type: none"> a. Friday School or one day suspension b. Three day suspension c. Ten Day suspension d. Recommendation of expulsion
<p>Class Four Offenses:</p> <ul style="list-style-type: none"> • Firearms: possession on campus or threatening to use** • Bomb Threat/Arson** • Substance Abuse: Possession and/or use of illegal drugs/alcohol/tobacco or obvious intoxication on school property or school activity.** 	<p>Consequences:</p> <ol style="list-style-type: none"> 1. Conference with Director and Parents. 2. Ten Day Suspension and/or expulsion.
<p>Miscellaneous Offenses:</p> <ul style="list-style-type: none"> • Skateboarding on campus in non-designated areas • Reckless or Illegal Vehicle use on campus • Electronic Devices • Violating Computer Use Agreement* • Academic Cheating: Knowingly using another student's work or allowing your work to be used by another student or using unauthorized information during a test or quiz. • Plagiarism is the unauthorized use or close imitation of the language and 	<p>Consequences:</p> <ul style="list-style-type: none"> • Confiscate skateboard • Restrict use of vehicle; Revoke right to have vehicle on school grounds • Conference/and confiscate; revoke right to have device on campus • Restriction of computer use; possible suspension <ol style="list-style-type: none"> 1. First offense: Failed assignment or test that cannot be made-up. Parental notification. 2. Second offense: Withdrawal from class with a failing grade for the semester. <ul style="list-style-type: none"> • Plagiarism or forgery will result in a zero for the assignment on the first offense. A second offense will result in failure of the class for

thoughts of another author and the representation of them as one's own original work.	the semester.
<ul style="list-style-type: none"> • Forgery 	

Changes to the Handbook

The MVHS administration and Governing Council understand that not every issue can be covered in a handbook. They therefore reserve the right, by verbal or written proclamation to make changes, as needed, to rules or policies. Such changes will have the same weight of enforcement as those contained in this handbook. Students and parents will be informed of changes to the Handbook in a timely manner.

MVHS Student Behavior Contract

I understand that as a student enrolled in this institution of learning I am expected to behave in a civilized, mature manner similar to the best-behaved adults in my community. As an individual who has willingly chosen to attend and be a part of the MVHS community, I hereby make a commitment to respect the learning environment, faculty, staff, volunteers and my peers at all times. I understand that the faculty considers learning to be a sacred activity and I respect their commitment to giving all students the best possible preparation for a successful adult life.

I also understand that, although I may not always agree with everyone in the community, as a responsible citizen thereof it is my responsibility to treat each individual respectfully and to actively encourage my peers to treat each individual respectfully. We are not only responsible for our own behavior; we are also responsible for the ways in which we encourage or discourage the behaviors of others.

Specifically, I understand that respectful behavior in my community consists of:

- Being polite and considerate in my interactions with other people in my community;
- Not insulting, pushing, shoving, shouting at inappropriate times, or otherwise exhibiting rude or distracting behaviors;
- Using the language of politeness, including “please,” “thank you,” and “you’re welcome”;
- Making eye contact when speaking with others;
- Being attentive throughout a given conversation;
- Not breaking off an interaction until the other party has given verbal or non-verbal signals that the interaction has concluded;
- Being attentive and considerate to those around me.

I understand that should I violate these norms of behavior I may face consequences depending on the severity of the offense.

Finally, if I do not agree with the behavioral expectations set at MVHS, I understand that I have educational options other than MHS that may be more appropriate for me. In making a deliberate, conscious decision to attend MVHS, I have hereby also made a conscious decision to do my best to adhere to the behavioral expectations outlined in this contract and throughout the MVHS student handbook

Please read and sign the following consent forms. Detach these pages and give it to your advisory teacher. Please keep the Student Handbook in a safe place for your reference.

MORENO VALLEY HIGH SCHOOL, ANGEL FIRE, NEW MEXICO SCHOOL
DISTRICT WELLNESS POLICY –
SOCIAL AND EMOTIONAL WELL BEING
(ANTI-BULLYING AND ANTI-HAZING POLICY)

When students are afraid to attend school/classes they cannot learn. Bullying prevention programs can help to provide a safe environment in which teachers can teach and students can learn. When a student is intimidated his or her ability to participate in and benefit from the school's educational programs or activities is adversely affected. The goal of this policy is to ensure that procedures are in place to prevent bullying, limit the prevalence of bullying, and to make consequences salient to everyone involved.

Moreno Valley High School believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

Definitions

1. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
2. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
3. "Disability Harassment" is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the district.

Harassment and Disability Harassment include but are not limited to:

- a. Verbal acts, teasing, use of sarcasm, jokes;
 - b. Name-calling, belittling;
 - c. Nonverbal behavior such as graphic or written statements;
 - d. Conduct that is physically threatening, harmful, or humiliating; or
 - e. Inappropriate physical restraint by adults.
4. "Racial Harassment" consists of physical or verbal conduct relating to an individual's race when the conduct:
 - a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
 - b. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
 - c. Otherwise adversely affects an individual's academic opportunities.

5. “Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:
 - a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
 - b. Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual’s education; or
 - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s education, or creating an intimidating, hostile or offensive educational environment.
6. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:
 - a. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
 - b. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 - e. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.

Notice of Prohibition Against Bullying and Anti-Bullying Interventions

1. The prohibition against bullying and hazing shall be publicized by including the following statement in the student handbook(s):

“Bullying behavior by any student in at **Moreno Valley High School** is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “Bullying” or “Hazing” is defined as any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- Placing a student in reasonable fear of physical harm or damage to the student’s property; or

- Physically harming a student or damaging a student's property; or
- Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.”

2. Staff will be reminded at the beginning of each school year about the Anti-Bullying and Anti-Hazing Policy, as well as their responsibilities regarding bullying behavior. A copy of the policy will be disseminated annually.
3. The Anti-Bullying/Anti-Hazing Policy will be available on the **Moreno Valley High School** website, and in all student, staff, and parent handbooks.

Reporting Intimidation, Harassment, or Bullying Behavior

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.
2. The report may be made to any staff member. The staff member will assist the student in reporting to the Director or other district personnel.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required* to promptly notify designated staff.
4. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form available from the Director. A copy of this form will be submitted to the Safe Schools coordinator.
5. School Director or designee is *required* to accept and investigate all reports of intimidation, harassment, hazing or bullying.
6. School Director or designee is *required* to notify the parent or guardian of a student who commits a verified act of intimidation, harassment, hazing or bullying of the response of the school staff and consequences that may result from further acts of bullying.
7. Nothing in this policy shall prevent any person from reporting directly to the office of the Superintendent.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) school staff is *required* to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

Investigating Intimidation, Harassment, or Bullying Behavior

The Director of the Charter School, or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated.

1. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing *prior* to the investigation taking place.
2. The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.
3. The district may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
4. The investigation shall be completed as soon as possible. The Director (or investigator) shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the New Mexico Public Education Department, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the district Safe Schools Coordinator.

Consequences for Bullying, Hazing and Harassment

1. Verified acts of bullying, hazing or harassment shall result in intervention by the Director or his/her designee that is intended to ensure that the prohibition against the behavior is enforced.
2. Intimidating 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. Accordingly, there is no one response to this intimidation. While conduct that rises to the level of "bullying, hazing or harassment" 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 Director.

Consequences for Knowingly Making False Reports

1. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Anti-Bullying included in Health Education Curriculum

"Health Education" is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Bullying behavior is mentioned specifically in many areas of the Health Education performance standards, in all grade levels. All students need to be aware of intimidating behavior beginning in Kindergarten and continuing throughout their school years. It imperative that students are comfortable with understanding, describing, and recognizing intimidating behaviors, and then in the later grades being able to analyze those behaviors and role play refusal skills.

Our curriculum does recognize the importance of bully prevention skills in all grade levels.

Threats of Violence

1. Threats of violence toward other students, school staff, or facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
2. All employees and students are required to report evidence of threats of violence to their principal. Such reports shall be investigated by the principal or designee. All such reports shall be documented by the Director.
3. In cases of threats that may constitute a violation of criminal law, the Director, superintendent or designee shall notify law enforcement authorities.
4. Students who are charged with violation of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due-process hearing, to have violated this regulation shall be subject to discipline, including long-term suspension or expulsion. For Special Education students administrators will consult with the Director of Special Education regarding the appropriate process.

MVHS Student Consent Form

I have reviewed the MVHS Student Handbook including:

- The MVHS Behavioral Standards Contract
- The MVHS Lunch Policy
- The MVHS Electronic Devices Policy
- The MVHS Dress Policy
- The MVHS Student Computer Use Guidelines
- The MVHS Disciplinary Policy
- The MVHS Substance Abuse Policy

I fully support Moreno Valley High School’s policies as outlined in the MVHS Student Handbook and in other communications from the school and will support the school in applying these policies.

Student’s Signature

Date

Student’s Name (printed)

MVHS Parent Consent Form

I have reviewed the MVHS Student Handbook with my son or daughter. I fully support Moreno Valley High School’s policies as outlined in the MVHS Student Handbook and in other communications from the school and will support the school in applying these policies.

Parent’s Signature

Date

Parent’s Name (printed)

MVHS Student Consent Form

I have reviewed the MVHS Anti-Bullying and Anti-Hazing Policy

I fully support Moreno Valley High School's Anti-Bullying and Anti-Hazing Policy and will support the school in applying this policy.

Student's Signature

Date

Student's Name (printed)

MVHS Parent Consent Form

I have reviewed the MVHS Anti-Bullying and Anti-Hazing Policy with my son or daughter. I fully support Moreno Valley High School's Anti-Bullying and Anti-Hazing Policy will support the school in applying these policies.

Parent's Signature

Date

Parent's Name (printed)

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

STUDENT ATHLETIC HANDBOOK

2004-2005

PHILOSOPHY

In keeping with its Athenian roots, Moreno Valley High School believes the purpose of a proper education is to promote a strong mind in a strong body. In the same way our academic program promotes a life-long love of learning, our physical education program is intended to promote life-long health. We also believe that interscholastic athletics and other extra-curricular activities are an important adjunct to a student's educational experience, and we will continue to promote interscholastic sporting teams to the degree that our budget prudently allows.

Participation in sports is a privilege that carries with it responsibilities to the school, to the activity, to other students, to the community and to the athletes themselves.

ELIGIBILITY

GRADES: Students must be passing all classes and have a grade point average of 2.0 or better for the immediately previous grading period (this includes progress reports). The grade point average is based on a 4.0 grading scale with an allowance for consideration of honors points.

ISS: If a student has been assigned to ISS for a second offense, he or she will be removed from the team. The second offense can be because of cumulative behavior issues or because the first offense was serious enough to warrant 2 ISS assignments.

ATTENDANCE: A student may miss no more than thirty (30) minutes of a school day to be eligible to practice or compete in an athletic contest of that day. A student may participate if they have approved a non-illness related absence ahead-of-time with the coach and athletic director (such as medical appointment, school sponsored trip or funeral). If a student has an unexcused absence the day after a competition, that student may not participate in the next game.

HEALTH: The athlete must have on file a completed physical form, releases signed by parents/guardians, and be covered by health and accident insurance.

APPEALS PROCESS FOR DENIAL OF ELIGIBILITY

An appeal of a suspension may be made by the athlete or their parents/guardian by contacting the athletic director within forty-eight (48) hours of the suspension. The parents/guardian, athlete, coach and athletic director will meet to discuss the circumstances surrounding the disciplinary action. If an objection still exists, the next step will consist of a meeting with the director, coach, athlete and his/her parents/ guardian.

GUILD LINES AND POLICIES

Guidelines and policies will be set by each individual coach. These guidelines will be consistent with and support the athletic philosophy and codes of conduct.

TRAVEL REGULATIONS

All athletes will travel both ways on school provided transportation to a contest, unless written notification by parent or legal guardian is given to the coach. Prior notification of the athlete not returning with the team is required. Should an emergency occur causing an athlete miss the school's transportation to an away contest, he/she may be transported to the away site by their parents or legal guardian. Upon arrival, the parent or legal guardian must discuss the emergency with the coach before participation will be allowed.

CODES OF CONDUCT

Athlete code of conduct: As a player representing MVHS on an athletic team, the student-athlete has a responsibility to conduct themselves in the manner outlined below.

1. The MVHS athlete will treat with respect her teammates, coaches, referees and/or officials, opponents, spectators and any others involved in an athletic event and will accept referee's decisions in a proper manner, which includes not arguing or making any verbal or non-verbal gestures which indicate disagreement.

2. The MVHS athlete will treat each opponent as a guest, appreciate the opponent's good play, and congratulate him on good play at the end of the game.

3. The MVHS athlete will encourage and help her teammates and others who may not be as skilled as she.

4. The MVHS athlete will understand that he/she is representing themselves, their family and their community at all times and should not use profanity or vulgarity.

5. The MVHS athlete will attend all practices and games as detailed on the schedule. They will always give their best effort and full attention to their coaches. They will do their best to follow their instruction and will work to personally improve each day.

Coaches code of conduct: As a coach representing MVHS in the athletic arena, each staff member has a responsibility to represent themselves in the manner outlined in this code of conduct:

1. The MVHS coach will treat all players, opposing coaches, referees and/or officials, administrators, and spectators with respect and dignity. The coach will follow the rules and regulations established by the MVHS athletic department and remember that they are an ambassador for MVHS. As such they must conduct themselves in a proper manner when dealing with athletes, parents, and fans. They will set a good example for players and spectators.

2. The MVHS coach will communicate openly and honestly with players, their parents, and officials.

3. An MVHS coach will do his/her best to teach the skills of the sport, along with teamwork and good sportsmanship, through the use of positive motivation.

4. The MVHS coach will never verbally abuse players, or intentionally embarrass them. They will teach by example, maintaining self-control at all times and therefore not embarrassing their team or themselves by yelling or arguing with officials and/or spectators.

5. The MVHS coach will try to not be overly preoccupied with winning. The desire to win must not overcome rational behavior. The coach will measure success by the improvement of each player, and their growth as team members. They will help players appreciate an opponent's good performance and encourage opponents who make mistakes.

6. The MVHS coach will expect good sportsmanship from their athletes, and will show respect to their opponents. They will not intentionally run up scores or attempt to embarrass their opponents in any way.

Parents Code of Conduct: Our athletic programs would not be possible without the support and help of the parents. They have primary responsibility for their child's participation on an athletic team. As a parent representing a MVHS athletic team member, they have a responsibility to represent themselves in the manner outlined in this code of conduct.

1. An MVHS parent/guardian will attend games to encourage and support the athletes and will support their child unconditionally.

2. An MVHS parent/guardian will support the coach in their efforts to teach skills, teamwork and good sportsmanship to the players. Parents will not seek special treatment nor ask for special privileges for their child.

3. An MVHS parent/guardian will root for the school team and applaud the efforts of all the players in the game. Parents should never criticize another player and should recognize and appreciate outstanding plays by either team.

4. An MVHS parent/guardian will not embarrass their child, their school, and themselves by criticizing or yelling at the coaches, officials, players or other spectators. Parents will show respect for the judgment of the officials and shall not question their calls. Parents will not use profane or obscene language and will not verbally assault others or in any other way become generally obnoxious while a spectator at an athletic event.

5. An MVHS parent/guardian will help the team whenever possible by providing their services as requested by the coach or team such as helping with the snack schedule, assisting with after game clean-up, making phone calls, etc. This assistance is in addition to and not in place of the parents' /guardians' responsibility to volunteer at the school.

6. The MVHS parents/guardians will instill good health habits towards food, sleep, and exercise and discourage the use of cigarettes, liquor and drugs.

Moreno Valley High School Employee Handbook 2011-2012

Our handbook is intended to provide employees an overview of the MVHS program and philosophy, and the set of guidelines by which we operate. Federal and State Statute, PED regulations, and Governing Council-approved policy supersede this Handbook. For information that exceeds the scope of this document, please refer to the MVHS Policies and Procedures Manual.

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MISSION STATEMENT

The mission of Moreno Valley High School is to provide a world-class public education for students of all abilities and backgrounds and to create a partnership among parents, teachers, students and community members that maximizes student potential.

We believe that parental involvement is essential for academic success. MVHS supports innovation, critical thinking, and active student participation. We will foster an environment where educators, parents and students work together, thereby strengthening our community.

The primary means for implementing our mission is through the Paideia Program, a curriculum that embodies three approaches to teaching: didactic teaching of subject matter, coaching that produces the skills of learning and Socratic questioning in seminar discussion. The curriculum aligns with NM State Standards and Benchmarks and is designed to meet or exceed state requirements for graduation.

MVHS goals are to prepare each graduate to be a lifelong learner, to be a responsible citizen, and to earn a living. We will have reached these goals when MVHS graduates demonstrate preparedness to enter a college or having a plan or pursuit of further goals as a life-long learner. Student achievement will be assessed by administering state standardized tests as well as methods developed internally by staff that are designed to measure student mastery of state and school competencies.

The vision of MVHS is to cultivate a high school where thoughtful conversation spills over into the lunchroom and soccer field, and where the pursuit of intellectual curiosity is perceived as a pleasure. Our vision is to foster students who are enthusiastic about learning and a school community dedicated to the process of lifelong learning.

PROGRAM AND PHILOSOPHY

MVHS is a public charter school open to all students in grades nine through twelve of all abilities and backgrounds. It opened in 2002 with 71 students. The primary means for accomplishing the mission is the Paideia Program, which was proposed in 1984 by Mortimer J. Adler and The Paideia Group. The Paideia Program is a whole school reform model that uses three columns of instruction:

Didactic Instruction – what many people think of as conventional education; direct, lecture-format delivery of factual information

Intellectual Coaching – guides and supports students’ development of curricular skills while applying information, in this model teachers model good thinking habits and questioning techniques

Socratic Seminar – a collaborative, intellectual conversation facilitated by open-ended questions about a text. The conversation is intended to expand their understanding of ideas and values. The teacher’s primary role is to ask questions that help students think further about ideas under discussion.

Inclusion

Students certified in the special education program will be included in regular curriculum classes according to their abilities and needs, the Least Restrictive Environment (LRE), and all applicable state and federal regulations. Teachers will individualize programs and evaluations according to the students’ needs and their Individualized Educational Plans (IEPs) in a manner that best serves students, using developmentally-appropriate strategies and learning styles. The special education teacher will support general education teachers and special education students in the inclusion, resource and pullout classrooms according to the principles of the Paideia philosophy.

Related Teaching Methods

The teaching of academic content will be integrated with the teaching of skills in every course. Teaching methods may include cooperative learning, team teaching, seminar, coached projects or thematic integration among disciplines. Classroom instruction will be balanced with appropriate community learning activities. MVHS offers as many AP courses as feasible.

MVHS Goals

1. To create a learning community that recognizes and rewards initiative in thought;
2. To create a community that encourages all members to take responsibility for their actions;
3. To encourage creativity and innovation.
4. To develop a cooperative learning community partnership with parents, teachers, students, the Cimarron School District, and other interested individuals to support the students;
5. To foster open collaborative communication imbued with mutual respect between all people in the community;
6. To prepare each student to be a lifelong learner and a responsible, productive citizen.

Graduation Requirements

Moreno Valley High School follows the regulations of the North Central Accrediting Association of Secondary Schools and Colleges, the New Mexico Department of Education, and the Moreno Valley High School Charter as regards high school graduation.

Parent-Teacher Conferences

Moreno Valley High School encourages Parent-Teacher Conferences as necessary for every student. Parents are highly encouraged to participate in Parent-Teacher Conferences.

WORKING CONDITIONS

School Year

The school year for employees shall be administered in accordance with the employees' contracts. The school year for all teachers and certain non-certified positions shall consist of 168 days. Of these, 153 days will be instructional days and the remaining 15 days are in-service or professional development days. The administrator is responsible for establishing the school calendar.

Work Day

A full-time teacher's normal workday shall be a continuous 8.5 hours including lunch. Teachers are expected to be present and ready to perform duties 15 minutes before the beginning of the school day and 15 minutes after the end of the school day. The teachers' professional responsibilities include preparation, parent conferences, student evaluation, staff development, communication and staff meetings. Each teacher employed four or more hours per day shall be entitled to a duty-free uninterrupted lunch period of a minimum of 30 minutes, which may be taken on or off the school grounds at the teacher's discretion. Part-time teachers' workday responsibilities shall be proportional to their contract to be determined by their supervisor. Paraprofessional and school-related employees working full-time shall be provided a daily, continuous, duty-free, uncompensated lunch of at least 30 minutes in duration. Individual employees and the Director may work together to obtain mutually beneficial work hours under special circumstances.

Instructional Day

An instructional day is defined as a day in which the school is open and pupils are under the guidance and direction of teachers. Students should always be under the supervision of a teacher.

Supervision and Duty Schedule

Employees may be required to perform supervisory duties before and after school. It is imperative that employees report for supervision duties in a timely manner to ensure student safety. Parent conferences, doctors appointments and other types of appointments need to be scheduled outside of duty supervision time periods. Employees are responsible for assuring coverage of their supervision duty in the event of their absence.

Providing for Substitute Teachers

Teachers must provide lesson plans for the day. Backup lesson plans should be readily available in the office in the event the teacher is unable to provide lesson plans due to an emergency situation. In the case of an anticipated absence, we ask that teachers either arrange for their own substitutes and inform the Director and office manager of their choice or contact the office manager who will then help them contact a substitute. In the case of illness or an unanticipated absence the teacher must contact the Director who will then make arrangements for contacting a substitute.

The plans for substitutes should include instructional activities appropriate to the students' current learning needs. Substitutes unable to follow a teacher's plans or substitutes who do not follow the established plans should be reported to the Director.

WORKPLACE ENVIRONMENT

School Safety

Moreno Valley High School believes that the safety of its employees, students, and public must be one of the major considerations in all operations. The school will endeavor to provide a safe working and learning environment, to abide by applicable safety rules and regulations, to communicate the

commitment to safety, and insist upon a commitment to safety from employees, students, and visitors to the schools.

The Director or designee will have the overall responsibility for the safety program of the school. General areas of emphasis shall include but are not limited to:

In-service training

Site inspection

Fire prevention

Accident record keeping

Emergency procedures and drills

Traffic safety problems

Prevention/correction activities

Exposure to chemical and material hazards

General safety rules shall be made known to students through the student handbook and school staff. The Director will inform the staff of special regulations. Please report safety hazards to the Director or office manager.

Accidents and Other Medical Emergencies

In case of injury to a student or staff member, first aid should be administered at the first responder's level of expertise. Please be familiar with school/site procedures.

A sick or injured student shall not be allowed to go home, unless it is known that a responsible person will be there when the child arrives.

If the student must go to the hospital, transportation shall be by parent or guardian or by ambulance. School personnel shall not transport a student to the hospital or to the student's home.

Fire Drills

The Director or his/her designee is charged with the responsibility of conducting fire drills in accordance with state law. Fire drills shall be conducted weekly during the first month of school, and monthly thereafter during the school year. The office shall maintain a time-log of conducted fire drills for official inspection. The Director will discuss exact procedures in staff meetings. Teachers are required to see that their room doors are closed after the students exit, to gather the students in their respective classes, to take attendance once they have reconvened in the designated place outside the classroom, and to report any missing students to the designated coordinator of fire drills.

Bomb Threats

All bomb threats must be treated seriously, even those that are suspected to be hoaxes or pranks. Upon receiving a bomb threat, an employee shall immediately contact the Director or his/her designee. If evacuation of the building is necessary, we will follow the fire drill procedures and wait for further instruction by the Director.

Further instructions regarding Bomb Threats are located in the Wellness Policy.

Emergency and Disaster Plan

Personnel employed by the Moreno Valley High School are considered available for emergency assignments during the hours of the normal school day. In case of an emergency, the Director or his/her designee will make employee assignments. If evacuation is necessary, the Emergency Evacuation Plan will be followed. The Director will provide staff with appropriate procedures for their building.

Sexual Harassment

Moreno Valley High School considers sexual harassment in the work and educational environment to be inappropriate and offensive. The Governing Council prohibits sexual harassment of school employees, applicants for employment, or students by any employee, volunteer, or non-employee who conducts business with the school. This policy applies to conduct during and relating to school, school-sponsored activities, and school district business. Violation may result in disciplinary action or ultimate dismissal.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when the conduct has the purpose or effect of having a negative impact on the student's academic or work performance, or of creating an intimidating, hostile or offensive educational or work environment for a student or school/district employee.

It is the policy of MVHS to investigate each complaint promptly and thoroughly. Informal and formal complaints should first be submitted to the Director, who will assist in writing a report. The report must include a thorough account of the alleged harassment (i.e. place, time, action, persons involved). Reports must be filed if an employee has second-hand knowledge of harassment, without exception and within 24 hours. Failure to do so may result in formal disciplinary action.

Smoking

Smoking on school property is prohibited.

Drug-free Schools and Workplace

Moreno Valley High School will take assurances to comply with the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1986, as amended in 1989, and all regulations promulgated hereunder. Use of drugs and alcohol is prohibited on school property or during school sponsored activities. Violation will result in immediate dismissal.

Gambling

Gambling on school property or through the use of school property (i.e. internet, phone, fax, etc.) is prohibited.

Firearms

According to New Mexico Statute 30-7-2.1 it is unlawful to carry a deadly weapon on school premises except by a peace officer; school security personnel; a student, instructor or other school-authorized personnel engaged in army, navy marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction; a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon. Violation will result in immediate dismissal.

Staff Members' Children in the Workplace

We appreciate all of our staff and the fact that those with children have unique childcare concerns. Unfortunately, we do not have appropriate childcare facilities available at our worksite. Arrangements for childcare are the responsibility of the employee. In an emergency an employee's supervisor may permit the employee to bring the child to their school or office if requested by the employee. If the child becomes disruptive to the work environment or is perceived to be a burden to the staff member or other employees, the supervisor may ask that the child be taken home.

Staff-Student Relations

Employees and volunteers of Moreno Valley High School are encouraged to take a sincere professional

interest in students. However, professional ethics require that employees and volunteers avoid social situations through which they could exploit their positions of authority over students.

Personal Appearance

Both the community members and the student population look upon school employees as role models. Therefore, their behaviors and manner of dress will reflect a professional bearing.

Political Activities

The Governing Council endorses the right of all persons to become active in the political activities of the community. School personnel shall not engage in partisan political activity on school premises or during school-sponsored activities.

Use of School Facilities and Equipment

Employees desiring to use school facilities or equipment for other than official school business must obtain authorization from the Director. This includes personal use of the Internet or computer applications provided by the school.

Use of School Vehicles

In order to drive a school vehicle the person must have taken and been certified in the school approved driver's training course. Each person must also have an up-to-date certified first aide class and bus driver's physical on file in the office.

Any person driving a school vehicle is also subject to random drug tests. If a person's name is drawn for the monthly random drug test they must report to the Moreno Valley Health Care facility at the appointed time. The results of the drug test will determine if that person will be allowed to drive the school vehicle.

School vehicles can be reserved by using the notebook schedule in the Commons Area. Each vehicle contains a Vehicle Use Form and a Pre/Post Inspection Trip form which must be filled out and turned into the Office Manager at the end of each trip.

Application of acceptable conduct outlined in the Employee Handbook also carries over to use of school vehicles.

Damage/Loss of Property

Moreno Valley High School will reimburse staff against loss or damage to personal property used in the course of employment arising from fire, theft, or willful damage not to exceed the amount payable for these losses by the School's insurance carrier, on any one occurrence. Personal property utilized in the course of employment must be registered in the Director's office to be covered as described. The Director may refuse to register the personal property based on its value and utility to the educational process.

PROFESSIONAL AND EMPLOYMENT REQUIREMENTS

Equal-Opportunity Employer

Moreno Valley High School is an Equal Opportunity Employer and does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, sexual orientation, disability, handicap, or veteran status in the employment or the provision of services.

Required Documents

The Instructor shall provide the Director with all documents required by law:

Teaching/Administration License
Background Investigation
Fingerprint Background Checks
Criminal History Affidavit
Application and Resume
Official Transcripts
Child Abuse Training
Confidentiality Agreement
Employment Eligibility Verification (Form I-9)
Employee's Withholding Allowance Certificate (Form W-4)

JOB DESCRIPTION – Director

The responsibilities of the Director fall within five major areas:

Educational Leadership
Communication
School and Community Relations
Interaction with Students
Other Management Issues

Educational Leadership

The Director will:

Share leadership in organizational management and instruction
Articulate a common vision/mission aligned with the Paideia philosophy
Make decisions democratically and based on what is best for students
Utilize flexible scheduling based on the instructional needs of the students
Demonstrate ethical and professional standards;
Facilitate the vision of shared leadership at the school site;
Provide learner-centered leadership for staff and students;
Oversee the daily operations to meet building and student goals;
Recognize and account for the process and dynamics of change;
Demonstrate and allow for creativity;
Work to hire and retain high-quality staff and provide appropriate supervision that will ensure professional growth;
Ensure that instructional objectives for a given subject and/or classroom are developed and taught
Evaluate student progress in the instructional program by means that include the maintaining of up-to-date student data. The Director supervises and appraises the performance of the school staff;
Develop and follow a personal professional growth plan;

And monitor student learning.

The Director will work with staff to:

Develop a building vision that sets high expectation for students and staff;

Define the responsibilities and accountability of staff members;

Use multiple sources of data to develop a plan for the improvement of student achievement;

Provide appropriate educational opportunities for all students;

Encourage the use of community resources;

Provide activities, which facilitate the professional growth of the school staff and enhance the quality of the instructional program;

And align and implement National and State standards and assessments within the curriculum.

Communication

The Director will:

Articulate the school's vision and mission;

Communicate to the appropriate audience in an effective and timely manner using a variety of methods;

Cooperate with the community in the use of school facilities, interpret the school program for the community, and maintain communication with community members;

Develop and maintain an atmosphere of openness, confidentiality and trust;

Be clear and concise in written and oral language, using authentic common language, understandable to all stakeholders, with correct grammar; adapt communication style to meet the needs of the audience;

Demonstrate a willingness to work together to reach resolution;

Orient and assist new staff members and new students;

Use appropriate cultural and gender-based norms in communication;

And use humor generously and appropriately

School / Community Relations

The Director will:

Maintain a positive school climate and school morale;

Model shared leadership and decision-making strategies;

Exemplify positive relationships with staff, students, parents (families), and community;

Develop collaborative efforts between the school and community;

Engage the community to build greater ownership for the work of the school;

Encourage and develop parent / guardian involvement / partnerships;

And deal effectively with the media.

Interaction with Students

The Director will:

Develop and implement a positive, effective student management system;

Maintain a safe learning environment for all students;

Create and foster a community of learners;

Encourage students to become self-governing in their behavior of self and toward others;

And work to see that the needs – remediation, special education, and enrichment – of all students are being met.

Other Management Issues

The Director will:

Prioritize issues that arise on a daily basis;

Develop and implement effective student discipline plans;

Develop and implement effective policies for students, parents, faculty and staff for inclusion in handbooks

Develop and implement a building safety / emergency plan;

Develop and administer the school budget;

Assist in the development, revision and evaluation of the curriculum;

Conduct meetings of the staff as necessary for proper functioning of the school;

Assist in the in-service orientation and on-going training of teachers, with special responsibility for staff administrative procedures and instructions;

Work with district and building staff to develop building budgets for the effective use of resources;

Be aware of legal policies regarding, but not limited to, documentation and record retention, data privacy, and IDEA;

Develop plans for securing and allocating financial and human resources and assure that resources are used to meet high standards;

Serve as an ex officio member of all Governing Council and school committees;

Plan and supervise fire drills and an emergency preparedness program as required by law;

Assume responsibility for the implementation and observance of all Governing Council policies and regulations by the school's staff and students;

Supervise the school's educational program and the maintenance of accurate records on the progress and attendance of students;

Establish, implement and evaluate procedures used to carry out the daily routine of the school.

Manage the physical plant operation and planning;

Be aware of the bargaining unit contracts;

Work with student transportation; and work with staff to develop building, class and master schedules.

Identify the annual objectives for the instructional, extracurricular, and athletic programs of the school.

JOB DESCRIPTION -- Teacher

“All genuine learning is active not passive. It involves the use of the mind, not just the memory. It is a process of discovery, in which the student is the main agent, not the teacher.”

~ Mortimer Adler

The responsibilities of the instructor fall within seven major areas:

Instructional Strategies / Leadership
Curriculum Development (Students & Parents)
Classroom Management
Public Relations
Professional Growth
Student Evaluation
Other

The teacher's job is to assure that all students learn the basic and essential skills at each grade level.

Instructional Process

The teacher will:

Utilize seminar as a central teaching and learning device

Utilize product-oriented coaching techniques for the majority of the instructional program

Minimize didactic teaching

Be dedicated to life-long learning

Help students perfect their skills by producing projects of the highest quality

Serve as “master” to apprentice students

Promote active learning

Speak fluently and precisely

Present lessons and activities using concepts and language understandable to the students

Provide relevant examples and demonstrations to illustrate concepts and skills

Assign tasks that students can complete with a high rate of success

Ask appropriate levels of questions that students can answer with a high rate of success

Make transitions between lessons and between instructional activities within lessons efficiently and smoothly

Make sure that assignments are clear; summarize the main points of the lesson at the end of the lesson or instructional activity.

Plan and implement a program of instruction that adheres to the school philosophy, goals and objectives.

Make purposeful and appropriate lesson plans that provide for effective teaching strategies and maximize time on task.

Plan and implement a program of study designed to meet individual needs of students.

Create a classroom environment conducive to learning by employing a variety of appropriate teaching strategies.

Instill enthusiasm for the learning process and the development of good study habits.

Provide progress and interim reports as required.

Prepare substitute folder containing appropriate information as required by the Director.

Plan and prescribe purposeful assignments for paraprofessionals, tutors and volunteers.

Recognize learning problems and make referrals as appropriate.

Demonstrate a strong grasp of subject matter.

Use effective oral and written expression.

Curriculum Development

The teacher will:

Keep current in subject matter knowledge and learning theory and willingly share this knowledge for continual improvement of the school's curriculum.

Assist in the ongoing curriculum revision process, including the revision of written courses of study.

Become acquainted with supplemental services beneficial to students as an extension of regular classroom activities.

Classroom Management

The teacher will:

Aid students in learning to become self-governing, active participants in the democratic process

Develop and consistently apply, in accordance with MVHS guidelines, reasonable rules of classroom behavior and appropriate techniques.

Take necessary and reasonable precautions to protect students, equipment, materials and facilities.

Share responsibility during the school day for the supervision of students in all areas of the school.

Provide for the supervision of assigned students when circumstances require a brief absence from the assignment.

Public Relations / Communications

The teacher will:

Provide feedback on the correctness or incorrectness of in-class work to encourage student growth

Provide prompt feedback on assigned out-of-class work

Uphold and enforce Governing Council policy, administrative procedures, and school rules and regulations, both within the school and to the public.

Maintain appropriate work habits, including regular and punctual attendance and appropriate use of conference and planning time.

Strive to communicate the positive aspects of our school program to the public in word and deed.

Work cooperatively with parents to strengthen the educational program for their children.

Establish and maintain cooperative relationships with other staff members.

Establish a set of rules and procedures that govern the handling of routine administrative matters

Establish a set of rules and procedures that govern student verbal participation and talk during different types of activities—whole-class instruction, small group instruction, etc.

Establish a set of rules and procedures that govern student movement in the classroom during different types of instructional and non-instructional activities

Monitor the behavior of all students during whole-class, small group, and seat work activities, and during transitions between instructional activities

Stop inappropriate behavior promptly and consistently, yet maintain the dignity of the student

Professional Growth

The teacher will:

Continue professional growth through attendance at workshops, seminars, conferences, and/or advanced course work.

Maintain membership in appropriate professional organizations.

Cooperate with the administration in planning appropriate in-service training programs at a school or at the district level.

Attend staff, department, and committee seminars and meetings as required, regardless of whether the teacher is part-time or full-time.

Student Evaluation

The teacher may:

Individualize assessment of student work through the use of portfolio, narrative and traditional assessment techniques

Emphasize individual growth

Evaluate accomplishments of students on a regular basis using multiple assessment methods such as teacher-made tests, samples of students' work, mastery skills check lists, criterion-referenced tests and norm-referenced tests.

Make appropriate adjustments in the instructional program as required by the Director.

Respect the confidentiality of records and information regarding students, parents and teachers in accordance with accepted professional ethics, and state and federal laws.

Use diagnostic information obtained from tests and other assessment procedures to develop and revise objectives and/or tasks;

Maintain accurate records to document student performance;

Develop instructional plans that align objectives, learning strategies, assessment and student needs to the appropriate level of difficulty;

Use available human and material resources to support the instructional program

Other Non-Instructional Duties

The teacher will carry out non-instructional duties as assigned; adhere to established laws, policies, rules, and regulations; follow a plan for professional development (PDP) and demonstrate evidence of growth.

Knowledge, Skills and Abilities

Ability to constantly monitor the safety and well-being of students, particularly when student is participating in an inclusive activity.

Ability to motivate students.

Ability to maintain a clean and orderly environment.

Ability to perform general clerical duties.

Ability to maintain order and discipline in a classroom.

Ability to operate common office machines.

Ability to maintain basic files and records.

Ability to understand and follow oral and written instructions.

Ability to establish and maintain effective working relationships

EMPLOYEE CONTRACTS

All employee contracts between MVHS and certified school personnel must be in writing on forms approved by the Public Education Department. The contract is for a school year, which is specifically defined in the contract.

Faculty are contracted to work a designated number of days before school begins for students. These days are determined by the Director yearly.

This time may involve daily seminars, meetings and trainings as needed to meet state and federal requirements and to ensure quality functioning of the staff during the school year. Extensive time will be provided for classroom preparation.

Contracts will be offered on or before April 1 depending on funding and enrollment figures.

FACULTY/STAFF DEVELOPMENT

Faculty/Staff members are encouraged to continue developing professional skills during their tenure, and are expected to seek out opportunities to do so. The Director will promote opportunities for staff development and provide at least two professional opportunities for the entire staff in continuing Paideia implementation. Regular seminars will be conducted as part of ongoing faculty development.

Each faculty/staff member is expected to complete at least one professional development activity per year, outside those provided by the Director. The activity may be financed by MVHS professional development funds or by personal funds of the faculty member. Documentation of the activity must be provided to the Director for approval. A copy of the documentation will be retained in the faculty/staff member's permanent file.

TRAVEL/TRAINING EXPENSES

MVHS may reimburse employees for expenses incurred for travel in connection with school business or professional training opportunities. The travel must first be approved by the Director in advance, with reimbursement not to exceed State or MVHS per diem and mileage regulations. If the employee is required to belong to an association or organization in conjunction with the professional training opportunity, the employee must pay their own membership fees.

Per Diem. Employees may be eligible for employment-related travel at the school's expense. All reimbursed travel must be approved by the Director prior to the travel date. Generally, all employees will travel on a per diem rate. This means that the school will reimburse them based on the rates for the areas they are traveling to (in-state and out-of-state). This will cover their lodging and food. After completion of a trip, the employee submits to the Business Office the travel grant with any applicable receipts. Reimbursements will be made according to the per diem schedule as stated on the travel request form. Travel Request Forms are available in the Business Office.

Actual Expenses. Paying for actual expenses is a special occurrence that requires written approval from the Director and must be requested prior to the event.

Use of Personal Vehicle. Employees who are required to travel from one location to another during the same day in a personal vehicle will be reimbursed at the rate specified by state DFA Rule for the distance from their first assignment to the location of any additional assignments. Reimbursement for employees who use their personal vehicle requires prior approval from the Director.

PAYROLL

Compensation

MVHS complies with New Mexico State minimum salaries per teacher's tier designation. See salary schedule in Appendix.

Pay Schedule

Checks are deposited directly into employees' accounts every two weeks. The Business Office will arrange for direct deposit.

Mandatory Deductions

1. Federal Income Tax
2. State Income Tax
3. Retiree Health Care Authority
4. State Retirement (ERB)
5. Social Security (FICA)
6. Worker's Compensation Assessment Fees

Optional Deductions

1. Group Insurance (NMPSIA)
2. Voluntary Long-Term Disability (NMPSIA)
3. Additional Life Insurance (NMPSIA)

PERSONNEL FILES

Moreno Valley High School shall maintain a personnel file for each employee that will be kept under the supervision of the Director in accordance with the Record Retention Act. The following types of information will be collected and maintained:

Application and Resume

Education and Training

Job Description

Experience and verification of employment

Payroll

Insurance

Performance

Medical

Safety and Workers Compensation

Attendance

Grievances

Background and Fingerprint Checks (An offer of employment is contingent upon the satisfactory completion of all background investigations.)

Administrators, with approval from the Director and with legitimate school business related to employment, shall have access to an employee's files. An employee shall be permitted to review his/her personnel file after submitting a written request to the Director. The Director or his/her designee shall schedule a meeting to provide for the requested review at a mutually agreeable time within ten (10) working days of the date of the request. Materials directly and solely related to pre-employment references and internal transfers and other related materials shall be removed from the file prior to its review by the employee. No document pertaining to the employee shall be placed in the file maintained in the Office of Human Resources unless a copy has been first given to the employee. Employees shall have the chance to submit a written response to any document placed in his or her file; such a response will be attached to the document to which it relates. No anonymous or unsigned information may be placed in an employee's file. Administrators retain the right to keep personal notes for the purpose of evaluation and an annual evaluation file. Employee insurance information will be kept in a separate file.

Protection of Privacy

MVHS will protect the privacy of current, former and prospective employees to the extent permitted by law. All personnel information retained by MVHS shall be considered confidential unless the Inspection of Public Records Act, 14-2-1, et seq., requires otherwise.

EMPLOYEE BENEFITS AND LEAVE

Definitions

Full Time Equivalency (FTE). Full time equivalency is the standard method of measuring an employee's scheduled work status. For example, an employee scheduled to work 40 hours per week is considered to have an FTE of 1.00. An employee scheduled to work 20 hours per week is considered to have and FTE of .50. Etc.

School Year Employee. An employee who works essentially the same days that students are in school including the days immediately before and after student days for typically less than 200 days per fiscal year.

Extended School Year Employee. An employee who is scheduled to work more than 200 days per fiscal year.

Insurance Benefits

Moreno Valley High School offers the following insurance plans for employees working the minimum qualifying number of hours per week (20 hours for classified employees or .50 FTE for certified employees):

Health Insurance – Medical

Life Insurance

Dental Insurance

Vision Insurance

Worker's Compensation

Paid Leave

The primary purpose of leave time is for use during illness, doctor appointments, medical emergencies, etc. Employees accrue 10 days paid leave per year. Unused leave time will accrue to the next contract

year, although no more than 240 hours may be accrued. All leave time must be approved by the Director. There are two types of paid leave available to employees:

Paid Time Off (PTO) may be used for illness, appointments, or personal days

Professional Leave is used for professional development and training, and does not decrease the employee's available leave time.

Leave Without Pay

If an employee requests leave but has not accumulated sufficient leave time to cover the absence, his/her pay will be reduced by the number of scheduled working hours the employee was absent multiplied by the employee's calculated hourly rate. Leave Without Pay will be granted only in emergencies. All Leave Without Pay must be pre-approved by the Director.

The full text of each leave policy is recorded in the MVHS Policy Manual. Please refer to the manual for clarification, etc.

Sick Leave

Moreno Valley High School grants sick leave to all employees except substitutes, student workers and seasonal employees. Sick leave is allowed for a personal illness, illness within the immediate family or a death in the family.

Maternity Leave

Reasonable leave of absence without compensation will be granted for maternity.

Family Leave

Moreno Valley High School will comply with all provisions of the Family Medical Leave Act of 1993.

Judicial Leave

Employees summoned for jury duty or subpoenaed to testify as a witness in a court case, to which the employee is not a party, will be granted leave with pay minus the amount of compensation paid for serving. Judicial leave will **not** count against the employee's banked hours.

Military Leave

Employees who are called to active duty during the contract year in the United States armed forces shall be given military leave with pay. Reservists called to duty for training shall be given military leave with pay. Such leave shall not exceed 15 working days per federal fiscal year. All additional days the teacher is absent from work will be leave without pay.

Personal Leave

Personal leave is included in the 10 days leave per year and may be deducted from the employee's salary. Personal leave **must** receive prior permission from the Director.

Other Leave

After an employee is employed for the fourth consecutive year in a full-time capacity, it is possible to request leave of absence for academic study, extended illness or community service. Each request will be considered on an individual basis.

TEACHER EVALUATIONS

State Requirement

PED Regulation Title 6, Chapter 69, art 4: Performance Evaluation System Requirements for Teachers states "every public school teacher must have an annual performance evaluation based on an

annual professional development plan. Annual performance evaluations shall be based on, among other things, how well the professional development plan was carried out and the measurable objectives were achieved. The school Director shall observe each teacher's classroom practice at least once annually to determine the teacher's ability to demonstrate state adopted competencies and indicators for each teacher's licensure level." (6.69.4.8D and 6.69.4.10.C & D)

Goals

The evaluation process shall be a positive and constructive tool for the purpose of continuing to improve employee effectiveness by emphasizing strengths and working constructively with weaknesses to enhance the individual's professional performance. Evaluation of employees is the responsibility of the Director. An employee may request and receive an additional observation report by the Director or his/her designee, which will become a part of the teacher's final evaluation.

The evaluation process seeks:

To assist in identifying and building upon teacher strengths.

To serve as the basis for the improvement of instruction.

To develop remediation goals.

To enhance the implementation of curriculum.

To plan meaningful professional development.

To address accountability and teacher quality.

To support fair, valid and legal decision for rehire, promotion and termination.

Required Documentation:

1. Professional Development Plan (PDP) – required of every teacher every year.
2. Reflection on Annual Professional Development Plan (PDP) – required of every teacher every year.
3. Progressive Documentation of Teacher Performance – required for level II and level III teachers for year one and year two of each three-year cycle.
4. New Mexico Teacher Performance Summative Evaluation for Licensure – required every year for level I teachers, every three years for level II and level III teachers.

END-OF-YEAR CHECKOUT

At the end of each year, each teacher is responsible for submitting the following items to the Director:

Inventory of school items in primary classroom and workspace

All school keys

Record Books: Plan Books (Grades and Attendance will be noted on PowerSchool)

Statement of Classroom/Workspace Conditions with repair requests

Copies of Final Exams

Summer Break Purchase Requisitions

STUDENT RELATIONS

Student Records

Any staff member accessing student records is expected to maintain the highest degree of professionalism relating to the use of and maintenance of confidentiality of the material contained within those records. Anyone accessing a student's file must sign the form in the front of the file.

The correct handling of student records is a prime responsibility of all personnel, especially teachers, counselors, and Directors. These persons should be thoroughly familiar with the records, which must be maintained, where they are kept, and how the information may be disclosed to parents, students, school personnel, and persons outside the school system. Any questions concerning student records and their management may be directed to the Director.

Grades

When teachers submit final grades, office personnel will enter them into the students' cumulative files. All grades are maintained on PowerSchool. It is suggested that teachers maintain their grading scales, curriculum syllabus and explanation of grading expectations each year in case it's necessary to re-examine a student's semester or final grades.

Attendance Records

Teachers must maintain accurate attendance records for each of their students through PowerSchool.

Tardy Students. Students entering class after class has begun, regardless of the reason, should be marked tardy. If a student is tardy by more than 15 minutes, the instructor will record an absence. Teachers should send students who are tardy at 1st or 4th period to the office. Teachers may determine their own policy for students who are tardy to their class. That policy must be approved by the Director.

Absent Students. All students who are absent should be marked absent regardless of the reason. All notes from parents or doctors or other explanations regarding the student's absence should be timely submitted to the office.

Extended Absence Request. Students who plan to be absent due to a family vacation or other family related reasons that exceeds one week of school must submit an Extended Absence Request Form (available from the Director) ten days before an extended absence. If approved, the student's absence is excused so long as the student fulfills the requirements of agreements with individual teachers contained in the Extended Absence Request Form. The excused absences will not count toward the ten days that may jeopardize a student's credit.

Student Conduct

The staff shall develop specific written guidelines for personnel to follow as they encourage and maintain acceptable student conduct. These guidelines shall include methods of positive reinforcement for appropriate behavior as well as consequences for inappropriate behavior. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their reasonable and lawful requests and instructions followed by students.

The schools shall strive to provide for the basic welfare, educational opportunity, and safety of all students. Student conduct in the school shall be supervised in an attempt to provide for reasonable order and courtesy and the recognition of student rights and responsibilities.

School authorities shall give clear guidance to staff members concerning discipline procedures, teacher authority, and limitations as to personal actions.

Staff members may use physical restraint/force when handling disruptive students only when necessary for self defense, defense of others, and defense of property or when circumstances render such actions reasonably necessary to aid in enforcing the established rules of conduct. If such action becomes necessary, the employee is required to report the incident to the Director, in writing, within 24 hours of the occurrence.

The Governing Council prohibits the use of corporal punishment, in any form, as a disciplinary action for unacceptable student behavior.

Reporting Substance Abuse

In accordance with State Board of Education Regulation NMAC Title 6, Chapter 11, Moreno Valley High School prohibits students from use, possession, sale, trading, manufacturing, deal, distributing, or transportation of alcohol and/or other illicit drugs and drug analogs on school property, at school, at school-sponsored activities, or in school vehicles. Legal authorities will be contacted by the school in the event that students are found to possess illegal substances or be under the influence of illegal substances on campus.

Reporting Child Abuse and Neglect

In accordance with NMSA 32A.4.3, it is the legal responsibility of all school employees to report suspicion or instances of child abuse or neglect to the Children, Youth, and Families Department or to the police. Failure to make a report is a misdemeanor. School personnel need NOT verify that a child has actually been abused or neglected. Although school personnel may discuss their concerns with their Director, this discussion does not relieve the individual employee of his/her legal responsibility to make a report. Reports may be made anonymously and will remain confidential.

STUDENTS' RIGHTS

Due Process

This guideline cites standards of conduct, prohibited activities, and disciplinary actions that may be taken for inappropriate behavior. School authorities shall follow procedures that provide a student with due process when taking appropriate disciplinary actions. The following points are intended to acquaint staff, students and parents with these procedures. A fuller explanation of due process procedures is contained in State Board of Education Regulation NMAC Title 6, Chapter 11.

1. A student who is immediately removed from school or class or who is given a temporary suspension shall have a rudimentary hearing at which the following will occur:
 - a. The student will be notified of the charges against him/her
 - b. The student shall be told what evidence supports the charge(s), and there will be an opportunity to present his/her version of the facts
 - c. The hearing may be an informal discussion and may follow immediately after the notice of the charges is given, unless the administrative authority decides a delay is essential to permit a further exploration of the facts. Before a student is removed from class or school for more than the remainder of a school day, reasonable effort must be made to notify the parent and offer the opportunity for a conference with the parent/student and school personnel
 - d. The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), to call witnesses to verify the student's version of the incident, or to appeal the decision.
2. A student recommended for long-term suspension or expulsion shall have a right to be given notice, a formal hearing, and have the right to appeal. In such cases the student and parent are provided with a copy of State Board of Education Regulation NMAC Title 6, Chapter 11, which contains clear and explicit information as to due process rights.

Homebound Instruction

Student enrolled in Moreno Valley High School who, for reasons of disciplinary action, illness, or other disabilities, are prevented from attending regular classes in school may receive guidance to complete assignments at home.

Student Assistance Team Referrals (SATs)

When a student shows signs of needing some type of special help, faculty members may refer the student to the Student Assistance Team (SAT) through the Director. The SAT makes referrals for special education services, 504 interventions, Family Counseling services, school social work, English as a Second Language, and other appropriate intervention services.

SAT forms must be filed in the front of the student's cumulative file. The teacher or the SAT coordinator is responsible for making sure this form is filed properly. All teachers and other relevant personnel should be familiar with all SAT procedures. See the Director for specific instructions.

Individual Educational Plans (IEPs)

IEP forms for students that qualify for special education services must be submitted to the Special Education Coordinator. The Special Education Coordinator will be responsible for making sure the IEP forms are filed accordingly. All teachers and other relevant personnel should be familiar with IEP procedures. Instructions are available from the Special Education Coordinator.

FUNDRAISERS

The Director must approve all fundraisers. All fundraisers will be channeled through the Moreno Valley School activity fund. All monies raised through school-sponsored fundraisers become the property of Moreno Valley High School and may be distributed or redistributed at the discretion of the Activity Sponsor and the Director. School guidelines regarding "junk food" shall be observed for fundraising events.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL EMPLOYEE DISPUTE RESOLUTION/GRIEVANCE POLICY

Employee Dispute Resolution/Grievance Policy and Process

PURPOSE:

The purpose of this Policy is to provide an accessible and fair procedure for the reporting and resolution of legitimate employment-related concerns of, or conflicts between, Moreno Valley Charter School employees in a timely and equitable manner. The intent of this process is to support communication and dialogue among Moreno Valley staff, to encourage internal resolution of conflicts between staff/staff and administration/staff and governing council in a safe environment, at the lowest appropriate level, and to clarify the roles of administration and council in dispute resolution. All grievances and disputes shall be processed as provided

herein.

DEFINITIONS:

1. "Day" shall mean working school days and Fridays.
2. A "grievance" shall mean an allegation by an employee or a group of employees with the same claim that there has been a violation, misinterpretation, or inequitable application of any provision of the Handbook, or any other administrative rule, policy, or procedure, which negatively impacts the grievant(s).
3. "Grievant" or "aggrieved party" shall mean an employee or a group of employees who is affected by a grievance as defined above.
4. "Mediation" is the confidential process by which an impartial third party or a team of co-mediators facilitates a mutually acceptable resolution between the parties.
5. "Parties in interest" shall be the grievant and the administrator, governing council member, or other employee(s) of the school whose actions or conduct are the subject of the grievance.
6. "Relief" or "remedy" shall mean the recommended resolution by the grievant.
7. "Resolution" shall mean the written decision by the appropriate authority in response to the grievance.

APPLICABILITY:

The following situations are not grievable under this policy:

1. The contents of an evaluation of any employee by his/her immediate supervisor;
2. Discharge or termination decisions made by the Director or the Governing Council for which recourse is provided through state statute;
3. Situations in which the remedy for the alleged violation resides exclusively in some person, agency, or authority other than Moreno Valley Charter School, its Director or Governing Council;
4. A former employee cannot file a grievance after the effective date of separation from employment.

The following situations are grievable under this policy:

1. Claims of violation or misapplication of the evaluation policy or process;
2. Disciplinary actions of letter of reprimand or written warning or above, including disciplinary actions relating to work performance.

GENERAL PROCEDURES AND REQUIREMENTS:

1. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level shall be maximum, and every effort shall be made to proceed as

- quickly as possible. The time limits specified will be extended if mutually agreed to in writing by the grievant and the administrator receiving the grievance at that level or due to a long holiday.
2. Effort to resolve the grievance through Informal Processes 1 and 2 must be attempted within 8 work days of the act or discovery of the act that caused the grievance. If informal efforts are unsuccessful, the aggrieved employee must file a written grievance within this 8 day period.
 3. No employee shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of his/her use of or participation in this grievance process.
 4. Failure of the grievant to file or appeal the grievance within the time limits specified shall result in dismissal of the grievance, with prejudice (the same incident may not provide the basis for a future grievance). In the event the administrator fails to submit the decision in writing within specified time limits, the grievant may proceed directly to the next level.
 5. Whenever possible, any grievance conference, mediation, or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.
 6. All expenses for release time, substitutes, or coverage shall be borne by the school when hearings, mediation, or conferences must be scheduled during the school day. All expenses for professional mediators or hearing officers shall be borne by the school.
 7. A grievant shall have the right to bring such witnesses as are willing to testify in his/her behalf. Any necessary substitutes or release time for staff who serve as witnesses shall be provided with all expenses borne by the school.
 8. A separate file shall be maintained by the school for grievances. All documents produced during the grievance process, including any documents relating to mediation, shall be filed therein. This file shall not become part of the employee's personnel file and shall not be included when authorized individuals seek legitimate access to the employee's personnel file.
 9. Confidentiality is an essential element to the objectivity and efficacy of the grievance proceedings, and shall be maintained by all parties, including grievant, administrators, and governing council members. Confidentiality shall be construed to mean the exercise of sound judgment regarding the appropriateness of the recipient, context, nature, substance, and intention of disclosure of any details regarding the issue at grievance or the grievance process, by any party to the grievance. The requirement of confidentiality shall not prevent any party to the grievance from discussing the grievance in confidence with trusted friends or colleagues for the purpose of guidance or counsel. Confidentiality requires restraint at all times from discussing the grievance with students, or in any public or community forum, or in a manner to promote divisiveness. All parties are encouraged to recognize the importance of confidentiality in the maintenance of professional relationships within the Moreno Valley school community.
 10. The resolution of the grievance shall be made public only upon written agreement between the grievant and the Director, or unless the grievant pursues outside remedy after exhaustion of the internal grievance process, or as otherwise stipulated in the mediation or hearing settlement.

11. All parties shall maintain confidentiality regarding settlement achieved through mediation. The mediator, mediation process or settlement achieved shall not be subject to review, discovery, witness, or testimony in the event the grievant pursues outside remedy after exhaustion of the internal grievance process.

12. The mediator, hearing officer, or administrator responsible for rendering a decision may not change or add to the handbook, policies, or administrative rules.

13. All grievances shall be processed as provided herein, and shall be filed and processed on grievance forms prepared by the school and available in the office of the Director or from his/her designee.

14. The grievant must exhaust internal remedy through this grievance procedure before seeking remedy in outside administrative agency or court.

15. As the intention of this process is to resolve issues internally, legal counsel shall not be admitted at any level of the grievance proceedings.

PROCESS:

Informal Process 1 - Self Assessment

A. The employee is encouraged to consider, individually and personally, his/her role in the situation creating the concern, conflict, complaint, or grievance. *What are the issues? How did my response, behavior, attitude contribute to the situation? What could I have done differently? What are my motives if I choose to pursue this issue?*

B. The employee may find it appropriate to discuss the situation and to seek guidance in confidence with a trusted colleague or administrator. Such dialogue shall not because for that individual to recuse him/herself from participation or decision-making as called for in subsequent levels of this procedure.

C. If this self-evaluation yields a decision to pursue the issue through this process, the employee is encouraged to do so with the goal of resolution, conciliation, and maintenance of professional and productive working relationships, rather than retribution.

D. The employee with the concern is encouraged to put in writing the issue causing the dispute, and suggested solutions. This document may be for private use, or may be shared in the next step:

Informal Process 2 – Dialogue

A. Prior to the filing of a formal written grievance, and within 8 work days of the act or discovery of the act that caused the conflict or grievance, the employee shall first discuss the issue with the person with whom he/she has the dispute.

B. If the issue is between two employees, a good-faith effort to resolve the issue through dialogue or self-mediation is recommended. To facilitate this dialogue, both employees are encouraged to put in writing the issues causing the dispute, and suggested solutions. The disputants may find this to be a valuable tool to share with each other in order to find common ground upon which to build resolution.

C. If a conflict is not able to be resolved informally, the employee may choose to file a grievance at Formal Level 1.

Formal Level 1- Director

A. If a dispute is not resolved through informal dialogue, and the grievant wishes to proceed with the process, the grievant shall submit the grievance in writing to the Director or administrative designee within four days. The grievant may include documentation and other evidence. The Director or designee, at his/her discretion, may interview witnesses and other parties in interest, and/or may meet with the grievant and/or the other parties in interest.

B. The Director or designee, with the agreement of the parties to the dispute, may conduct a mediation or may proceed directly to Level 2 - Mediation.

C. In any meeting held as part of this level, the grievant or any party in interest may be accompanied by a colleague who will serve as an observer. The observer may not advocate for any party.

D. The Director or designee shall submit his/her response and proposed resolution to the grievant, in writing, within 4 work days of receipt of the written grievance.

Formal Level 2 – Mediation

A. If the grievant is not satisfied with the Director's or administrative designee's response, or if the Director or designee fails to issue a timely written response, and the grievant wishes to proceed with the process, the grievant may, within 4 work days after the decision was received or due, submit a Request for Mediation at Level 2.

B. The Director or designee shall appoint a qualified mediator or co-mediators. The mediator/s may be trained internal mediators, external volunteer community mediators, external professional mediators, or a combination. If any party in interest, including the mediator(s), can demonstrate a conflict of interest, another mediator shall be appointed. Any party may request that the services of a professional mediator be engaged; the Director has the sole discretion and authority to make this determination.

C. The mediator shall be provided with the employee's initial grievance, the supervisor's response, and the employee's Request for Mediation.

D. The mediation shall be conducted within 8 work days of submission of the Request for Mediation. The mediator(s) shall attempt to facilitate resolution by the parties.

E. All parties shall maintain confidentiality regarding settlement achieved through mediation. Any settlement achieved shall be shared only with those who need to know in order to effectuate the settlement, and shall be filed in the separate grievance file.

F. The mediator, mediation process or settlement achieved shall not be subject to review, discovery, witness, or testimony in the event the grievant pursues outside remedy after exhaustion of the internal grievance process.

G. Observers are not part of the mediation process.

Formal Level 3 – Governing Council

A. In the event that a mutually satisfactory resolution is not achieved through mediation, and the grievant wishes to proceed with the process, the grievant may, within 4 work days of the mediation, submit a Request for Hearing to the President of the Governing Council, with a copy to the Director.

B. In the event that the grievant can demonstrate that a settlement achieved through mediation has been violated within 20 working days of the settlement, the grievant may submit a Level 3 Request for Hearing.

C. The President of the Governing Council shall serve as or appoint a Hearing Officer and shall conduct a closed, informal hearing within 8 work days of receipt of the request. The President has the sole discretion and authority to engage the services of a professional external Hearing Officer. An external Hearing Officer shall be required whenever the action of the Governing Council is the subject of the grievance.

D. As an alternative, the President may determine that the hearing shall be held before the entire Council in executive session. Any Council member who is involved in the dispute, or who has a conflict of interest with the grievant or any party in interest, shall disclose such conflict and shall recuse him/herself from the hearing or decision-making process.

E. In the event that release time or substitute employees may be necessary, the parties in interest shall provide a list of witnesses to the Hearing Officer or President a minimum of 2 work days prior to the hearing. The parties shall, at the same time, indicate the name of a representative or advocate, if any. Legal counsel shall not be admitted to the grievance hearing proceedings.

F. The grievant shall submit all documentation and evidence submitted at Formal Level 1 to the Hearing Officer a minimum of 2 work days prior to the hearing. The other parties to the dispute may submit documentation and evidence to the Hearing Officer within this time frame. New evidence or documentation may be submitted only upon 2 days prior notification to both parties, as verified by the Hearing Officer.

G. The procedure for the hearing is as follows:

1. The grievant shall present his/her grievance first, through oral statement, documentation, evidence, testimony of witnesses, etc.
2. The other party(parties) in interest to the grievance shall present their responses, which may also include documentation, evidence, testimony, etc.
3. The Hearing Officer or President may ask any questions deemed necessary of parties or witnesses.
4. The Hearing Officer or President shall make arrangements for a taped recording or written minutes of the proceedings. A verbatim written transcript is not required; any minutes or other written record shall fairly reflect the substance of the hearing.

H. The Hearing Officer or President may not change, add to or delete from existing policies, handbook, administrative rules, or procedures of Moreno Valley Charter School.

I. The Hearing Officer or President shall, within 8 work days after the hearing, render the

decision in writing, setting forth the resolution and reasons therefore, and determination of relief, if appropriate, regardless of the relief requested. The written decision shall be transmitted to the grievant and all parties in interest.

J. All parties shall maintain confidentiality regarding grievance proceedings.

K. Level 3 concludes the Moreno Valley Charter School internal Employee Dispute Resolution/Grievance Process.

**MORENO VALLEY HIGH SCHOOL
GRIEVANCE FORMS**

Grievance Form – Formal Level 1 – Director After thoughtful consideration and efforts at informal dialogue, and with the goal of conciliation and maintenance of professional and productive working relationships, I hereby seek resolution of the following grievance:

Grievant's name : _____

Position: _____ Phone # _____

Directions: *Include time, location, names of witnesses, if any, names of parties in interest.
Attach additional pages, if necessary.
Attach copy of policy, procedure, or rule, if any, claimed to have been violated,
misinterpreted, or inequitably applied.
Attach any additional relevant documentation.
Submit one copy to the Director or administrative designee. Keep one copy.*

Date of incident causing grievance: _____

Describe incident: _____

Names of witnesses _____

Names of other parties involved _____

Describe policy, procedure, or rule, if any, claimed to have been violated, misinterpreted, or misapplied:

Date of Informal Dialogue _____

Names of parties engaging in informal dialogue _____

Relief/remedy sought _____

Signature of Grievant

Date

Signature of Director or administrative designee

Date

Director's Resolution Form – Formal Level 1

Grievant's name : _____

Position: _____ Phone # _____

Date of submission of grievance: _____

Director's response: _____

Relief/remedy _____

Signature of Director or administrative designee

Date

Request for Mediation – Formal Level 2

I have received the Director's or designee's resolution to my grievance. After thoughtful consideration, and with the goal of conciliation and maintenance of professional and productive working relationships, I hereby seek mediation so that mutual resolution may be achieved for this grievance.

Signature of Grievant

Date

Signature of Director or administrative designee

Date

For administrative use:

Mediator assigned _____ Date: _____

Full disclosure of potential conflicts of interest (attach, if any): _____

Accepted by parties: _____ Date: _____

Agreement to mediate signed: _____ Date: _____

Date of mediation: _____

Agreement to Mediate Form – Formal Level 2

1. We, the undersigned parties, are currently engaged in a dispute with one another, and we hereby submit this dispute for mediation.
2. We understand that mediation is a required step in the Moreno Valley Charter School Employee Dispute Resolution/Grievance Policy and Process, and we agree to make a good faith effort to resolve this dispute through mediation in a conciliatory, respectful, professional, and non-adversarial manner. We recognize that we each must acknowledge our share of responsibility for the issues in dispute.
3. We recognize that mediation is a confidential process by which an impartial third party or a team of co-mediators will attempt to facilitate a mutually acceptable resolution. The mediator will not impose a resolution, nor does the mediator have authority to change or add to existing policies or administrative rules. We take full ownership of a settlement thus achieved, including any compromise from our initial request for remedy.
4. The mediator may be a qualified internal mediator, a qualified community volunteer mediator, or a professional external neutral, or a combination. The Director or administrative designee shall have the sole authority to appoint a mediator or to engage the services of a professional external neutral.
5. The name(s) of the mediator(s) has been shared with us. We understand that the mediator(s) have provided full disclosure of any potential conflict, and we can demonstrate no conflict of interest.
6. We agree to maintain confidentiality regarding settlement achieved through mediation. We understand that the mediator(s) shall not discuss the process or substance of the mediation outside of the mediation. We understand that any settlement achieved shall be shared only with those who need to know in order to effectuate the settlement, and shall be filed in the separate grievance file.
7. We agree that the mediator, mediation process or settlement achieved shall not be subject to review, discovery, witness, or testimony in the event that I/we pursue further levels of the Employee Dispute Resolution/Grievance Policy and Process, or outside remedy after exhaustion of the internal grievance process.

Signatures:

Dates:

Grievant

Party in interest

Party in interest

Mediator

Mediator

Request for Hearing Form – Governing Board - Formal Level 3

Submit this form and ALL evidence and documentation, including a copy of the forms and all information submitted to Formal Levels 1 and 2, to the President of the Governing Council within 4 work days of completion of Mediation if settlement was not achieved, or 20 work days if a violation of settlement is claimed. New evidence or documentation may be submitted ONLY upon 2 days' prior notice to all parties, as verified by the Hearing Officer. Submit one copy to the Director or administrative designee. Keep one copy. Attach a copy of the mediation settlement ONLY if a violation of that settlement is claimed.

Grievant's name : _____

Position: _____ Phone # _____

After thoughtful consideration, and with the goal of conciliation and maintenance of professional and productive working relationships, I hereby seek a hearing and request that the President of the Governing Council serve as or appoint a Hearing Officer to determine the resolution to this grievance. I understand that the Hearing Officer may accept, reject, or revise the Director's resolution in part or in whole, or may fashion a remedy to the grievance regardless of the relief requested or previously recommended. I understand that response to this appeal concludes the Moreno Valley Charter School internal employee dispute resolution/grievance process.

Signature of Grievant

Date

Signature of President, Governing Council

Date

For administrative use:

Hearing Officer _____ Date of hearing: _____

Hearing Officer's Resolution Form – Formal Level 3

Please attach additional pages, if necessary. Please send a copy of this resolution to the Director, the Grievant, and all parties in interest within 4 work days of the hearing.

Hearing Officer's response: _____

Determination of relief/remedy: _____

Signature of Hearing Officer

Date

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK STUDENT REMEDIATION POLICY

If a student fails to attain a level of proficiency established by the content standards and the curricular expectations, remediation and academic improvement programs will be available. The following procedures will be followed (in accordance with State Statute 22-2-8.6: Educational content standards; remediation programs; promotion policies; restrictions):

A student may be referred to a SAT per the NMPED SAT Guidelines and/or the student handbook.

A parent or guardian will be notified no later than the end of the second grading period that his or her child is failing to attain appropriate grade level proficiency in content standards.

There will be a meeting between the parent or guardian, the teacher-mentor and the student to discuss possible remediation programs (additional in-school mentoring and tutoring; after-school tutoring; summer school).

Specific academic deficiencies and remediation strategies will be explained to the student's parent or guardian and a written plan developed containing timelines, academic expectations and the measurements to be used to verify that a student has overcome his or her academic deficiencies.

This policy may be amended as needed by the Governing Council.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

SPECIAL EDUCATION MANUAL

REVISED NOVEMBER 1, 2005

SECOND REVISION DECEMBER 13, 2005

I. PURPOSE

The MVHS Special Education Manual has the following purposes:

- A. To guide the MVHS Special Education Program so that services are provided to students with disabilities and gifted students in a manner consistent with Federal and State laws and regulations, as well as the educational values set forth in the MVHS Charter.
- B. To serve as a vehicle of communication between families, MVHS faculty and staff, school district, state and agency personnel regarding local protections and services for students with disabilities.

II. IN GENERAL

The Moreno Valley High school Special Education Policy is congruent with both the New Mexico State Board of Education's Special Education Regulations, 6.31.2 NMAC, the Standards for Excellence, 6.30.2 NMAC, Non-Regulatory Guidance IDEA 2004 (issued August 1, 2005), and the federal Individuals with Disabilities Education Act 2004 (IDEA), 20 U.S.C section 1414, the No Child Left Behind Act of 2001, 20 U.S.C. section 6301 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794 et seq., and the Family Educational Rights and Privacy Act, 20 U.S.C. section 1232 et seq. MVHS has aligned this manual with the Technical Evaluation Assessment Manual, published in August 2005 by the New Mexico PED.

The applicable New Mexico State laws establish a structure in which a charter school is semi-autonomous while functioning under the overall supervision of its local school board. Under IDEA's classification, MVHS is therefore a public school that is part of a Local Educational Agency (LEA), and not a LEA unto itself.

The MVHS Special Education Manual specifically reflects 34 C.F.R. 300.241 (Treatment of Charter Schools and their students), and section 300.312 (Students with disabilities in public charter schools). Under this law, MVHS understands that its LEA shall provide IDEA Part B funds, insure that MVHS students with disabilities are properly served, and file sufficient information with the New Mexico Public Education Department to demonstrate that the requirements of the IDEA and all rules regarding Charter Schools are met.

All students with disabilities attending MVHS and their parents retain all rights under the IDEA. MVHS is primarily responsible for determining and delivering needed services to its students with disabilities, and for compliance with all laws and regulations. However, the Cimarron School District remains secondarily responsible if MVHS should fail to perform one or more of its IDEA obligations.

Any student with disabilities who otherwise qualifies for admission to MVHS will not be denied admission, services or benefits because of his/her disability or exceptionality, or need for special education and related services.

MVHS shares the philosophy and purpose of the stated intent of IDEA 2004. MVHS believes that all students, including those with disabilities, should receive the educational tools they need to lead productive and independent adult lives. To this end, the Governing Council, staff and faculty of MVHS are dedicated to whole-school approaches that support all students. Furthermore, the same high expectations for achievement apply to all MVHS students, including those with disabilities.

Please note that in the Manual, the words “parent” or “parents” means “a parent or legal guardian,” and includes grandparents, stepparents, other relatives, or foster parents.

III. CHILD IDENTIFICATION

In compliance with 6.31.2.10 NMAC and 6.30.2 NMAC MVHS shall conduct activities to locate and evaluate children who are in need of special education and related services.

A. **Child Find**

MVHS will conduct Child Find activities in coordination with the Cimarron School District by conducting public awareness programs and notifying the public of the availability of special education testing and other services at MVHS. MVHS shall assist in identifying unique populations, such as homeless children, migrant children or home-schooled children, and shall make appropriate efforts to inform them of special education services at MVHS.

B. **General Screening**

MVHS will conduct general screening as part of its Educational Plan for Success (EPSS) and Student Assistance Team process to identify student needs in all educational and related areas, including potential needs for special education and related services. MVHS follows the SAT guidelines as set out in the New Mexico PED SAT Handbook.

C. **Request for Initial Evaluation**

Parents, MVHS faculty, a Student Assistance Team (SAT) or the School District (Local Education Agency) may request a screening or initial evaluation.

IV. EVALUATIONS

An evaluation must be completed and an eligibility determination made by the Multi-Disciplinary Team before any student can receive special education services.

A. **Determining the Need for an Evaluation.**

MVHS will identify those students in need of an evaluation through screening, review of various records and parent information. The information shall include:

- 1 The results of screening,
- 2 Reports from outside agencies,
- 3 A statement of language proficiency and dominance,

- 4 A case history from the parents,
- 5 A vision and hearing screening,
- 6 An informal observation of the student,
- 7 Medical information when appropriate.

B. Evaluations in General

When a student has been identified as needing an evaluation, MVHS shall obtain the services of a contract diagnostic agency or diagnostician.

Evaluations will take place within 60 days. Evaluations will be conducted at no cost to parents in compliance with 34 CFR sections 300.532-300.535.

The evaluation will include any and all assessments that are deemed necessary and appropriate to a child's individual situation in all areas of suspected disability. Evaluations will be conducted in such a manner so as not to be discriminatory on a racial or cultural basis and will be administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

C. Evaluation Files Will Contain:

1. The Parent notification referral;
2. Parent Consent for Evaluation;
3. Parent perception of problems and interventions;
4. A summary of the student's attendance history;
5. A statement regarding any cultural, linguistic, environmental or socio-economic factors impacting the student's ability to gain from his/her educational experience;
6. A statement regarding any cultural, linguistic, environmental or socio-economic factors impacting the student's test performance;
7. An observation of test behavior;
8. An Evaluation Report, which conforms to diagnostic standards;
9. A statement indicating the need for specialized instruction;
10. A recommendation for general teaching or environmental strategies;
11. A recommendation for specific general education modifications;
12. Notification of a Multi-Disciplinary Team sent prior to a MDT meeting;
13. Documentation of MDT determination of eligibility;
14. Current IEP, if any;
15. Current Evaluation;
16. Transition Plan.

D. Independent Evaluations

Parents who disagree with evaluation results and/or interpretations have the right to obtain an independent educational evaluation of the child at public expense.

E.. Re-evaluations

Re-evaluations will be conducted no less than once every three years.

Re-evaluations may be conducted at the request of the student's parent or legal guardian, at any time further information will benefit the student's educational program.

V. ELIGIBILITY DETERMINATIONS

A. Current MVHS students

Please note that MVHS students who are referred by a Student Assistance Team (SAT) for Special Education eligibility determination will have received Tier One and Tier Two instruction and interventions before referral. The SAT will submit a complete file prior to the request for screening or initial evaluation as required by 6.13.2.109 (C) NMAC 2005.

Upon completing the administration of tests and other evaluations, the Multi-Disciplinary Team, a group of qualified professionals and the parent/guardian of the student, will determine if the student is a student with a disability and qualified for special education services, as defined in 34 CFR Sec. 300.7 and Paragraph B (1) of 6.31.2.7 NMAC. The student's disability must adversely affect the student's academic performance. This determination shall be made following the procedures set out 34 CFR Secs. 300.534 – 300.535 and any other SBE rules and regulations. The Eligibility Determination shall include a statement regarding the specific educational needs of the student.

B. 504 Plans

If a student has a disability but the disability does not adversely affect educational performance, the student will not be eligible for special education services under IDEA, but may be eligible for protections under Section 504 of the Rehabilitation Act. To be eligible, the student must have a physical or mental impairment that substantially limits at least one major life activity. Major life activities include walking, seeing, hearing, speaking, breathing, sitting, standing, learning, reading, writing, performing math calculations, working, caring for oneself, or performing mentioned tasks. Under Section 504 the student with a disability may receive accommodations and modifications. A parent may request a 504 Plan, or the IEP Team or SAT may recommend one.

C. Transfers:

In the case of a student with a disability who transfers from another school district, either in New Mexico or from another State, to MVHS within the same academic year, and who has an IEP, MVHS shall provide that student with special education services comparable to those described in the previously held IEP, in consultation with the parents/guardians, until MVHS either adopts that IEP or develops a new IEP.

D. Change of Eligibility

Before a student who has had an IEP can be found to be ineligible for special education services, MVHS will have the student reevaluated, and will convene a meeting with the student, the student's parents/guardians and all necessary professional therapists and teachers, as appropriate, to discuss the student's progress and subsequent program. If a student's eligibility for special education is terminated, MVHS shall provide the student with a summary of the student's academic achievement and functional performance, and recommendations on how to assist the student in meeting the student's postsecondary goals.

A student is no longer eligible for Special Education Services upon his/her twenty-second birthday, or upon graduation.

E. Special Rule Regarding Eligibility

If after evaluation procedures, the Multi-Disciplinary Team and/or IEP Team determine that the student's academic delays are due to a lack of teaching in reading or math, or due to limited English proficiency, that student will not be eligible for Special Education services.

F. Rule Regarding Medication.

No student will be required to obtain a prescription for a medication covered by the Controlled Substances Act as a condition of attending school, or receiving an evaluation, or for eligibility for special education services.

VI PLACEMENTS

A. In General

After a student is determined to be eligible for special education services, a determination of the student's placement will be made. MVHS insures that each student's educational placement and services will be provided in the least restrictive environment.

B. Placement at MVHS

As stated in 6.31.2 (2)(c) NMAC, the presumption is that the student will be educated in the school that he or she would attend if non-disabled, unless the student's IEP requires some other arrangement. Since MVHS is a Charter school providing school choice for students from Cimarron and other school districts, MVHS will provide placement for a student with disabilities unless the student's IEP clearly requires some other arrangement.

C. Placement Files must include:

1. Documentation of any special factors affecting school placement,
2. The student's IEP goals and objective aligned to state standards and written in specific, measurable terms, including references to the measurement tool or tools to be used to determine progress.
3. Clear justification for the program placement.

D. Other Placements

If a student's IEP requires another placement, a student may be placed in an appropriate private school or facility in order to fulfill the requirement of the student's IEP, at no cost to the student's parents.

E. Private Schools

If a parent believes that MVHS has failed to provide a free appropriate public education to his or her son or daughter with a disability, and independently places that student with a disability in a private school, MVHS and the Local Education Agency may not be responsible for the student's tuition unless the parent has followed the State and Federal guidelines governing this situation. Briefly, a parent must first notify MVHS of the parent's concerns, and of the parent's intention to enroll the student in a private school at public expense. Please refer to State and Federal regulations that specifically address this situation.

F. Interim Placements

In the case of a student who has violated the MVHS Student Disciplinary Code,

an appropriate interim placement will be determined by the student's IEP Team, as specified in Section VIII of this Manual.

G. Placements during Due Process

During the pendency of any conflict resolution meeting or hearing, a student will remain in their current placement, unless otherwise determined by the IEP Team or a Hearing Officer.

VII. INDIVIDUALIZED EDUCATION PROGRAMS (IEP)

A. Definition

An "individualized education program" or "IEP" means a written statement or educational plan for a student with a disability that is developed, implemented, and revised in compliance with State and Federal law. This program is designed by the IEP Team, which consists of the Special Education teacher, general education teachers, parents/guardians, other professionals with expertise in appropriate areas, and the student, if possible.

B Responsibility for IEP:

MVHS is responsible for developing and implementing an IEP for each student in need of special education services.

MVHS insures that an IEP is developed and implemented for each enrolled student in need of special education who is placed in or referred to a private school by MVHS and the LEA; or who is enrolled in a parochial or other private school, or home school, and who receives special education or related services from MVHS.

B. When IEPs Must Be in Effect:

1. At the beginning of each school year MVHS will have an IEP in effect for each student with a disability who is receiving special education from MVHS.
2. An IEP will be in effect before special education and related services are provided to a student.
3. An IEP will be implemented as soon as possible following the IEP meetings, except when the meetings occur during the summer or a vacation period, or where there are circumstances which require a short delay. There will be no undue delay in providing special education and related services to a student.

D. Meetings

1. In General

MVHS is responsible for initiating and conducting meetings for the purpose of developing, reviewing and revising a student's IEP. A meeting to develop an IEP will be held within 30 calendar days of a determination that the student needs special education and related services.

A meeting to review a student's IEP will be held each year, or anytime

there is new information that would substantially alter the student's educational plan. However, if MVHS and the parents agree, an amendment may be made to the IEP in writing and without the requirement of a meeting.

2. Participants

The IEP Team shall consist of the student, if appropriate; one or both of the student's parents/guardians; the MVHS Special Education teacher; at least one regular education teacher; a person who can interpret the educational implications of test results; a representative of the local education agency; any therapists or other service providers, or transition services personnel as appropriate; and any other advocate or support person the parent chooses to invite.

An IEP Team Member may be excused from attendance at a meeting if there will be no change in the student's goals that that team member would be responsible for, and if the parents and the LEA consents to the excusal. Members who do not attend may provide written input prior to the meeting.

3. Special Provisions for Parents

MVHS will do its best to insure that one or both of the parents of the student with a disability can be present at each meeting, or are afforded the opportunity to participate. MVHS will attempt to schedule meetings at a mutually agreed on time and place.

MVHS will provide written notice to the parents early enough to ensure they will be able to attend. The written notice will specify the purpose, time and location of the meeting, and who will be in attendance.

If the parents can not attend, MVHS will offer other means of attendance, such as conference telephone calls.

If necessary, MVHS will ensure that there will be an appropriate interpreter at a meeting so that the parents and/or student can understand what is being said at the meeting.

MVHS will provide a copy of the Parent's Rights and Responsibilities to parents, and get a signed acknowledgment of receipt of the Rights from the student's parent.

MVHS will provide a copy of all evaluation results to the parents before the meeting.

MVHS will provide a copy of the completed IEP to the parent.

4. If a Parent Will Not Attend

A meeting may be conducted without a parent/guardian present if MVHS is unable to convince the parents they should attend. In this case, MVHS will maintain a detailed record of all attempts to arrange a mutually agreed upon time and place. MVHS will institute procedures

to protect the rights of student when the student' parents are not known.

E. CONTENT OF THE IEP

1. In General:

The IEP Team will take the following into consideration: the student's strengths; the parent's concerns and desires; the student's concerns and desires; the evaluation results; the student's academic, developmental and functional needs; the recommendations of regular and special education teachers; input from therapists and other professionals; and any special social, behavioral or communication factors.

2. The IEP for each student will include:

- a. A statement of the student's present levels of educational performance which accurately describes the impact of the student's disability on the student's performance in the general education curriculum.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability and which enable the student to be involved in and make progress in the general education curriculum;
- c. A statement of how the student's progress will be measured, and when progress reports will be issued;
- d. A statement of special education and related services and supplementary aids and services, based on peer-reviewed research, if possible;
- e. A statement of program modifications and supports to be provided to the student in the Least Restrictive Environment; and the extent to which the student will participate in the general education curriculum;
- f. An explanation of the extent, if any, to which student will not participate with non-disabled students in the regular classroom;
- g. A statement of accommodations the student needs when participating in district-wide or statewide assessments or, in the event the student must take an alternate assessment, a statement as to why the alternate assessment is necessary in accordance with New Mexico law and guidelines.

According to 6.31.2.11 (E) NMAC, students may participate in alternate assessments only if it can be documented that the student's past and present levels of performance in multiple settings indicate the presence of a significant cognitive disability; the student needs intensive, pervasive or extensive levels of support in home, school and

community settings; and the student's current cognitive and adaptive skills and performance levels require direct instruction to accomplish the acquisition, maintenance and generalization of skills in multiple settings.

h. A statement regarding the extent to which the student will be subject to the standard behavioral policies of the school, and if individualized behavioral techniques must be used.

i. The projected date for the beginning of services, and the projected frequency, location and duration of those services.

j. A statement that the student and parents were informed that the student's rights under IDEA will transfer to the student upon the age of majority. MVHS will place this statement in the IEP no later than one year before the student becomes 18. If the parents follow legal procedures to maintain full or partial guardianship, this information will be included in the student's file.

k. A signature page. Each participant present during the IEP meeting will sign, date and indicate their position.

l. When the student is 16, a statement of appropriate measurable postsecondary goals related to training, education, employment and, if appropriate, independent living skills; a plan to provide transition services, including course of study needed to help the student reach those goals; and a graduation plan.

3. Transition Plans

A transition plan will be developed for each MVHS student who receives special education services at MVHS by their fourteenth birthday.

A transition plan is a document that sets out a coordinated and measurable set of goals designed to improve academic and functional skills of the student to facilitate the student's movement from MVHS to post-school activities. The transition plan is based on the individual student's needs, and takes into account the student's strengths, preferences and interests. It may include instruction, related services, community experiences, high-stakes test preparation, acquisition of functional skills, job shadowing or training, social skills, and vocational interest and skills evaluations.

As part of a student's graduation plan, the IEP Team may choose from four graduation options: a standard MVHS diploma, which requires a Senior Portfolio or Project; a standard New Mexico diploma; a Career Readiness Diploma; and an Ability Diploma.

No MVHS student fulfilling one of the graduation pathway requirements will be excluded from participation in graduation activities and ceremonies.

Students with disabilities who have IEP's have a right to special education

services until graduation or the age of 22. After that, persons with disabilities have no right to services, but must prove their eligibility to community programs and services. In order to help students and their families with their transition plans, the Special Education Director will maintain up-to-date information about post high-school community services and their requirements and will share them with students and their families, as appropriate. The Special Education Director will also coordinate with the School Counselor regarding the nature, location and currency of all information regarding post-secondary training opportunities.

If appropriate, the Special Education Director may request that representatives from community programs be present at a student's IEP meeting to assist with the transition plan.

VIII. PROGRAM DELIVERY

A. FAPE

MVHS will provide a free appropriate public education to all students with disabilities.

B. Program Duration

Students with disabilities have a right to attend MVHS until the age of twenty-two, if necessary.

C. Comparable Education

MVHS insures that students with disabilities will have available to them the same variety of educational programs and services that are available to students without disabilities within the jurisdiction of MVHS.

D. Equal Opportunity to Participate

MVHS will provide necessary supports and assistance to students with disabilities so they have an equal opportunity for participation in nonacademic and extracurricular activities. These may include athletics, field trips, clubs, volunteer activities and any service or school-sponsored activity.

E. Physical Education

Physical Education is an integral part of the MVHS curriculum. Students with disabilities shall receive physical education in the general curriculum with students without disabilities, with supports if necessary. If a student with a disability requires a specially designed physical education program, MVHS will provide the service directly or through other public or private programs.

F. Paideia Program

Students with disabilities will participate in the Paideia program at MVHS including Seminar, Coaching, Didactic learning, and Advisory unless otherwise specified in a student's IEP.

G. Length of School Day

MVHS assures that the length of the school day for students who receive special education will be equivalent to that of all other students.

H Extended School Year

MVHS will make extended school year services available to those students with disabilities who meet eligibility criteria. The purpose of an extended school year is to prevent or slow severe skill regression caused by an interruption of special education services during extended periods when school is not in session. The need for extended school year services is based on evidence that the student tends to lose skills when school is not in session, making advancement difficult or impossible.

When a multidisciplinary IEP team determines that a student will need extended school year services, the service will be offered at no cost to the student's family.

I. Least Restrictive Environment

MVHS establishes and implements procedures that meet the requirement of Least Restrictive Environment. To the maximum extent possible, MVHS students with disabilities will be educated with students without disabilities. MVHS insures that special classes, separate schooling or other removal of students with disabilities from the general education environment will occur only when the nature and severity of the disability is such that education in general classes, even when supplementary aides and supports are used, cannot be achieved satisfactorily.

J. Continuum of Service Delivery

MVHS insures that a continuum of alternative service delivery models will be available to meet the needs of students with disabilities for special education and related services.

K. Individualized Education Plan

MVHS will insure that the IEP team creates a plan individualized to the student's needs, and will execute that plan. Special education and related services, and supplementary aids and services, will be based upon peer-reviewed research, to the extent practicable.

L. Teacher Qualifications

MVHS will insure that any Special Education teacher employed by MVHS will be highly qualified, and that all related services personnel and paraprofessionals are certified and licensed according New Mexico standards.

MVHS will insure that all general education teachers will have ongoing professional training for the issues and teaching methods specific to students with special needs, and specific training and support for issues and teaching methods specific to particular students at MVHS.

IX. BEHAVIOR AND DISCIPLINE

A. Comparable Disciplinary Rules

Unless otherwise stipulated by law, a student with an IEP shall be subject

to the same disciplinary rules and requirements as other MVHS students.

B. Functional Behavioral Assessments

When creating or revising an IEP, the IEP Team will consider whether a functional behavioral assessment is necessary, or if other behavioral strategies will be necessary to optimize student learning.

If at any time a student with a disability whose behavior impedes the student's learning or that of others, MVHS will convene a meeting to determine strategies to address that behavior, or to contract for a functional behavioral assessment.

C. Suspension or Expulsion

If a student with a disability subject to the standard MVHS disciplinary code commits a transgression that requires suspension or expulsion, MVHS shall insure that that student continues to receive a free appropriate public education, and related services. If appropriate, the student will receive a functional behavioral assessment, or other psycho-educational evaluation.

D. Qualifications of Evaluator

If at any stage of a student's educational career it is determined that a psycho-evaluation is necessary, MVHS will insure that the evaluator has expertise in that student's particular disability.

E. Violations of Disciplinary Code

Except as noted in subsections J and K below, MVHS will not remove a student with a disability who violates the MVHS disciplinary code from his/her current placement to another interim alternative educational setting, or suspend that student for more than ten school days.

F. Manifestation Determination

Within ten school days of any decision to change the placement of a student with a disability because of a violation of the MVHS disciplinary code, the IEP Team shall convene a Manifestation Determination meeting. The IEP Team will review all relevant information, including information provided by the parents, about the student to determine if the negative behavior was caused by the student's disability. The IEP Team will determine whether the negative behavior was caused by, or had a direct and substantial relationship to the student's disability and/or the negative behavior in question was the direct result of the school's failure to implement the IEP.

If the IEP Team determines that the student's negative behavior was a manifestation of the student's disability, MVHS will contract for a functional behavioral assessment of that student, and implement a behavioral plan based on that assessment.

In the situation where a behavioral plan is already in place, and a student's negative behavior continues, MVHS will review the behavioral interventional plan and modify it to address the behavior.

If the IEP Team determines that the student's negative behavior was not a manifestation of the student's disability, the same disciplinary procedures applicable to children without disabilities will be used.

G. Special Disciplinary Circumstances

MVHS may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is a manifestation of the student's disability if the student:

1. Carries or possesses a weapon to or at school or any school function;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance on school premises or at a school function, except as noted in section L.
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

H. Prescription Drug Exception

If a MVHS student with a disability has been prescribed a controlled substance by a doctor, and the student has possession of the medication at school this is not an illegal possession or use. However, a rule in the MVHS Student Handbook stipulates that all prescription or over-the-counter medications used by students be stored in the Director's Office during school hours.

I. Interim Educational Setting

When a student with a disability needs to be removed from the regular placement to an interim alternative educational setting, the IEP Team shall determine that setting.

J. Reporting of Crimes

MVHS may at its discretion report a crime committed by a student with a disability to the appropriate authorities. If MVHS does so, MVHS will insure that the authorities receive copies of the special education and disciplinary records of the student.

K. Disciplinary Provisions for Students in IEP Process

An MVHS student who has not yet been found eligible for special education will receive the same treatment in disciplinary matters as those who have IEP's if the parent of the student has expressed concern in writing that the student may need special education, or if that parent has requested an evaluation; or if the student's teacher has expressed specific concerns about the student's pattern of behavior.

L. Due Process in Disciplinary Issues

If a parent of a student with a disability disagrees with any decision regarding placement or the manifestation determination, that parent may request a hearing.

M. Determination of New Placement

The IEP Team may determine that MVHS is unable to meet the needs of the student and refer the student to another placement. MVHS will follow the procedures as set out in 6.31.2.J – L NMAC and all relevant Federal rules.

X. GIFTED STUDENTS

A. In General.

MVHS will provide services to all students that qualify as gifted, as defined in 6.31.2.12 NMAC and Sec. 22-1-1(O) NMSA 1978.

Assuming appropriate evaluations, a student may be determined to be both gifted and a student with a disability and be entitled to a free appropriate public education for both reasons.

MVHS may offer gifted programs and services to students who fail to meet State eligibility criteria. However, the State will only provide funds for PED-approved gifted programs for those students who meet the criteria established by the State.

All provisions regarding the initiation and evaluation of IEP's, procedural safeguards and rights apply to gifted students. However, provisions that specify special disciplinary protections and placements to students with disabilities do not apply to gifted students.

B. Definition

A "gifted child" or "gifted student" is a school-age person whose intellectual ability paired with subject-matter aptitude/achievement, creativity/divergent thinking, or problem-solving/critical thinking meets the eligibility criteria determined by the State.

C. Evaluation Procedures

A student's parents, the student, or MVHS teacher or counselor, or SAT may request an evaluation to determine if a student is gifted and in need of special education services to met the student's educational needs.

The Special Education Director will contract with a contract testing service or otherwise administer the testing instruments required by law. The Director will also be responsible for gathering all information required to make an evaluation.

An IEP Team will be created. One member should be a person knowledgeable about gifted programs and the needs of gifted students. In all other ways the constituents of the IEP Team will be equivalent to an IEP Team created for a student with a disability.

The IEP Team will consider documentation and data from multiple sources

including:

1. Standardized measures.
2. Information regarding the student's activities from other sources, such as collections of work, audio/visual tapes, judgment of work by qualified individuals knowledgeable about the student's performance (e.g. artists, musicians, scientists, etc.), interviews and observations.
3. An accurate assessment of a student's ability may be affected by factors including cultural background, linguistic background, socioeconomic status, or disability conditions. The impact of these facts on the evaluation shall be documented and carefully considered when determining whether a student is gifted.
4. The student's ability in all four areas specified in the above definition will be tested and considered.

D Eligibility

A MVHS Student will be determined to be gifted by the IEP Team if any of the following are true:

1. The student shows a score of two standard deviations above the mean on a properly administered measure of intellectual ability and,
2. The student meets eligibility criteria in one of the other three areas:
- 3... The student shows a superior score on a total subject area section of a standardized measure, or as documented from other sources.
4. Outstanding performance on a test of creativity/divergent thinking, or as documented from other sources,
5. An outstanding performance on a test of problem-solving/critical thinking, or as documented from other sources.
6. If the IEP Team determines that a student is gifted, the IEP Team will create and implement an IEP that meets the student's needs.

E. Gifted Program Advisory Committees

MVHS will create one or more advisory committees, consisting of parents, community members, students and school staff members. The membership of the committee(s) will reflect the diversity of the community. The committee will regularly review the goals and priorities of the MVHS Gifted Program, provide information regarding the special situations and needs of gifted persons, and advocate for gifted students, especially those who have been under-represented in gifted services due cultural or socioeconomic backgrounds, or disability.

XI. STUDENT RECORDS

A. Transfers

Whenever a student from MVHS transfers to another school, MVHS will insure that all records, including IEPs will be forwarded promptly upon proper request by the parents or the receiving school.

B. Confidentiality of Personally Identifiable Information

MVHS insures that the following practices and policies regarding personally identifiable information are in place:

1. Parental consent is obtained before personally identifiable information is disclosed to anyone other than officials of public education agencies collecting or using the information'
2. MVHS is required by the NCLB Act to disclose information regarding MVHS students to the Pentagon for use in recruiting students into the Armed Forces.
3. MVHS protects the confidentiality of student records in the collection, storage, disclosure and destruction stages.
4. One official at MVHS is responsible for insuring the confidentiality of student records.
5. All persons collecting or using student records receive training or instruction regarding FERPA.
5. MVHS maintains for public inspection a current listing of the names and positions of those MVHS employees who have access to student records.

B. Access Rights

MVHS will provide to parents on request a list of the types and locations of educational records collected, maintained or used by MVHS.

MVHS permits parents to inspect and review any educational records relating to their students that are collected, maintained, or used by MVHS. MVHS complies with a request without unnecessary delay and before any meeting regarding an IEP.

MVHS presumes that the parent or parents have the authority to inspect and review records relating to his or her student unless MVHS has been advised otherwise under applicable State laws governing such matters as guardianship, custody, separation and divorce.

The right to inspect and review educational records includes:

1. The right to a response from MVHS to reasonable request for explanations and interpretations of records;
2. The right to request that MVHS provide copies of the records if failure to provide copies would effectively prevent the parent(s) from exercising the right to inspect and review the records;
3. The right to have a representative of the parent(s) inspect and review the records.

MVHS keeps a record of parties who obtain access to educational records collected, maintained or used (except access by parents and authorized employees of MVHS), including the name of the party, position or credential of the party, the date and purpose access was given.

D. Records on More Than One Student

If any educational record includes information on more than one student, the parents of those students have the right to inspect and review only the information relating to their student or to be informed of that specific information.

E. Fees

MVHS does not charge a fee to search for or retrieve information for parents, nor does it charge a fee for copies of records if failure to provide copies or to pay a fee would effectively prevent parents from their right to inspect and review the records.

F. Amendment of Records At Parent's Request

Parents who believe that information in their student's record is inaccurate or misleading, or that it violates the privacy or other rights of the student, may request in writing that MVHS to amend the information.

MVHS will answer the request in a reasonable period of time following the receipt of the request. If MVHS decides not to amend the information in accordance with the request, MVHS will inform the parents in writing of the refusal and will advise the parents of their right to a hearing.

G. Hearings

Upon written request, MVHS will provide an hearing to parents to challenge information in the educational records of their student to insure that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student.

The hearing will be conducted according to the procedures under the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99 and 6.5.2 NMAC.

If as a result of the hearing, MVHS determines that the information needs to be changed, it will amend the information accordingly and inform the parents in writing. If as a result of the hearing, MVHS decides that the information does not need to be changed, it will inform the parents of their right to place a statement commenting on the information in the student's record. Any explanation placed in

the record of the student will be maintained by MVHS as part of the record as long as the student's record is kept by MVHS. If the record of the student is disclosed to any party, the explanation will also be disclosed with the record.

H. Destruction of Records

As a matter of policy, MVHS will destroy a student's records when they are no longer needed to provide educational services to that student. However, the records of a student with a disability may be retained permanently unless the parent of the student or the student at age of majority requests that the record be destroyed. Although destruction of records is the best protection against improper and unauthorized disclosure, the records may someday be needed for other purposes such as to obtain social security benefits or other services.

If MVHS receives a request in writing to destroy the records of a student with a disability, it will give the records to the person making the request. However, MVHS will keep a permanent record of a student's name, address, phone number, attendance, grade transcript, grade level completed and year completed.

I. Notice to Parents

The Special Education Coordinator or designee will provide a written notice to parents fully informing them about the requirements pertaining to the confidentiality of student records and their rights under the law in regard to those records.

XII.CONFLICT MANAGEMENT AND RESOLUTION

A. In General

The Staff of MVHS are committed to establishing and maintaining productive working relationships with the parents of all students at MVHS since we believe that such a relationship contributes to the quality of the student's educational experience. To formalize this commitment, MVHS has established a goal of parental involvement in school activities. Furthermore, MVHS has established procedures in the Employee Handbook and Student Handbook that provide students and parents a process through which they can address their concerns.

This is no different for students with disabilities. However, in addition to MVHS procedures MVHS abides by the State and Federal regulations regarding dispute resolution in matters pertaining to special education students.

First, as a proactive measure, the Special Education Director at MVHS maintains open and frequent communication with the parents of students with disabilities to discuss ongoing concerns and accomplishments.

Secondly, MVHS insures that it will maintain a continuum of dispute resolution options for parents and students with disabilities. These include Informal Dispute Resolution procedures, Third-Party assisted intervention, and Formal Dispute Resolution options. The Special Education Director will provide a Notice listing the rights of parents to Due Process at every IEP meeting or whenever a parent requests one.

B. Informal Dispute Resolution Procedures

If a disagreement arises between parents and MVHS over a student's IEP or educational program, and it cannot be resolved through an informal conference, either the parents or MVHS may convene a new IEP meeting at any time to attempt to resolve the issues in question.

C. Third-Party Assisted Intervention

1. To resolve a disagreement, the parents and MVHS may elect to meet with a disinterested party who is under contract with Parents Reaching Out or an alternative dispute resolution provider.

2. To resolve a disagreement, the parents and MVHS may choose mediation; in that case the Special Education Bureau of the Public Education Department ensures that mediation is available to parents and schools who request intervention before filing a state-level complaint or a request for a due process hearing. MVHS will honor any parent's request for mediation and will assist in the process of arranging the meeting. MVHS also will inform the parents of the procedures involved in a mediated intervention.

D. Mediation

In compliance with 6.31.2 (b) NMAC, the parents and MVHS will file a mutual request in writing, signed by both parties, and which contains a statement of the matter in dispute and a description of all attempts to resolve these matters, with the Bureau. The Bureau maintains a list of mediators and will contact MVHS to set up a meeting.

In general:

1. Mediation is voluntary on the part of the parties.
2. The mediation process will not be used to deny or delay a parent's right to a due process hearing.
3. All discussions that occur during the mediation process must be confidential and may not be used in any subsequent due process hearing or civil proceeding.
4. A mediated agreement will be signed by both parties and will be binding and enforceable in any state court or district court of the United States.
5. If the mediated agreement involves IEP issues, the agreement must state that MVHS will convene a meeting to inform the student's service providers of their responsibilities under the new agreement.
6. The mediator will transmit a copy of the written mediation agreement to each party within seven days of the meeting.
- 7.. Each session in the mediation process will be scheduled in a timely manner and held in a location that is convenient to the parties to the dispute.

E. Formal Dispute Resolution

1. Complaint

A State level Complaint may be filed with the Special Education Bureau of the Public Education Department. The Bureau will accept and investigate complaints from organizations or individuals that raise issues covered by state law 6.31.2.13 NMAC. The Complaint must be in writing, submitted to the Special Education Bureau, or the secretary of education in the case of a complaint against the Public Education Department. The Complaint must

include a statement that the PED or MVHS has violated an applicable state law or federal law or regulation. It must contain a statement of the facts on which the allegation is based, and a description of any efforts made to resolve the complaint issues with MVHS. The alleged violation must have occurred not more than one year before the parent knew or should have known about the violation. Finally, the complaint must be signed. The requirements of a Complaint are specifically set out in 6.31.2.13 (H) NMAC.

After receipt of a Complaint, the State will offer to hold a preliminary meeting, and IEP meeting or a mediation. The parents may accept or decline the offer. After an investigation, the Special Education Bureau will issue a written decision that includes findings of fact, conclusions and the reasons for the decision. The decision will be mailed to all parties of the dispute.

According to State law, after a Complaint has been filed the Cimarron School District will offer to convene a Complaint Assistance IEP meeting with the parents to address IEP-related issues. The parents may accept or decline this offer.

2. Due Process Hearing

Parents, their authorized representative, or MVHS may request a due process hearing. A due process hearing is a procedure in which a Hearing Officer hears both sides of an issue and decides the case according to law.

A due process hearing may be requested for relief regarding any issue involving an IEP, including claims for gifted services. However, a Due Process hearing may not be used to hear claims asserting that the Public Education Department should be required to provide direct services to a child, or that the Public Education Department has failed to adequately perform its duty of general supervision over the educational programs for children with disabilities in New Mexico. A Complaint should be filed for those issues.

A request for a hearing must fulfill the legal requirements set out in 6.31.2. (I)(5) NMAC in the request, which should state all relevant facts of the dispute, a statement of the efforts made to resolve the dispute and a proposed resolution, and a request for a Hearing or an Expedited Hearing. The written notice shall be sent to MVHS and to the Special Education Board. Upon receipt, MVHS will send a written response specifically addressing the issues raised in the hearing request. When the Special Education Board receives the request it will appoint a qualified and impartial hearing officer, who will arrange the Hearing time and place. The Hearing will take place according to the rules set out by law.

3. Legal Action

Any party aggrieved by a decision in a Due Process Hearing may file suit in State or Federal court.

XIII.FUNDS

A. Excess Cost

MVHS provides assurance satisfactory to the New Mexico Public Education Department that MVHS will use funds provided under IDEA only for costs which exceed state and local revenue and which are directly attributable to the education of students with disabilities. MVHS annually files an excess cost calculation that is available for review.

B. Non-Supplanting

MVHS provides assurance satisfactory to the New Mexico Public Education Department that MVHS uses funds provided under IDEA to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of students with disabilities, and in no case to supplant those state and local funds.

To meet this requirement, the total amount or average per capita amount of state and local funds budgeted by MVHS for current fiscal year expenditures for the education of students with disabilities will be at least equal to the total amount or average per capita amount of state and local school funds actually expended for the education of students with disabilities in the most recent preceding fiscal year for which the information is available.

Allowance may be made for decreases in enrollment of students with disabilities and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities.

MVHS does not use IDEA funds to displace state and local funds for any particular cost. The intent of this requirement is to insure that IDEA funds are used to increase state and local efforts and are not used to take their place.

Compliance with this requirement is judged with this aim in mind. The supplanting requirement is not intended to inhibit better services to students with disabilities. MVHS annually files maintenance of effort calculation that will be available for review.

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK TECHNOLOGY POLICY

Technology Plan Summary

MVHS recognizes the importance of technology in education. The School also recognizes that technology, in particular computer-based technology, changes rapidly and that needs can change frequently based on available technology.

This plan supports the School's EPSS by providing for faculty, staff and community input, frequent updates of purchasing requests and expert input.

Vision and Mission

MVHS Technology Vision

MVHS integrates cutting-edge technology into its infrastructure and into its academic program ensuring that faculty, staff, and students are completely comfortable with state-of-the-art technology. The MVHS curriculum includes an array of courses that teach both theoretical foundations and contemporary applications of tomorrow's technology. Technical resources should be so integrated into our lives and curriculum that we do not notice their presence.

MVHS Technology Mission

The MVHS technology mission is to enhance learning across the curriculum and in the community by means of current and appropriate technological infrastructure, support staff, professional development, and curriculum integration.

Alignment with NM State Technology Plan Vision

This vision and mission align with the NM State Technology Plan vision: "All New Mexico students have equal access to appropriate educational technology and information resources."

Alignment with EPSS (Charter) Vision and Mission

This vision and mission supports the MVHS mission of providing a world-class public education for students of all abilities and backgrounds. It also supports the MVHS goals for each graduate to make a living, be a responsible citizen, and be a lifelong learner, since in the 21st Century technology literacy is an essential component of success in every arena.

Technology Goals

MVHS has three primary technology goals that guide the School's selection, purchasing, and deployment of technology resources.

Establish and maintain world-class technological infrastructure

Integrate technology across the curriculum in order to enhance student learning

The Director shall be responsible for ensuring that faculty members take the maximum possible advantage of School technology resources.

The school will endeavor to make available appropriate and necessary training for faculty and staff.

When possible and appropriate engage the local community in School technology activities

MVHS realizes that it is in a critical position in the Moreno Valley to provide access to technology resources to the communities of the Valley. The School will work with the District, Eagle Nest School, local community colleges and other local organizations to help provide technology education to the community and to make School resources available whenever possible and appropriate.

Current Capacity

Moreno Valley High School has computer and video resources for seven classrooms, a library, and its administration offices. A partial list of the equipment currently available for faculty, staff and student use includes:

- 35 Desktop computers
- 1 Dell Server
- 2 Macintosh computers
- 26 Laptops (One Mac)
- 11 Interwrite boards with projectors, DVD, VCR, surround sound
- 4 Monochrome Printers
- 1 Copier that is used as an additional printer
- 8 Color Printers
- 2 Data Projectors (in addition to those used by the Interwrite systems)
- 1 Backup system
- 6 Scanners (including one all-in-one device)
- 2 PDAs
- A digital telephone system with 16 instruments.

In addition this is supported by assorted parts, cables, power condition equipment (e.g. UPSs), video and networking hardware.

Increasing Access to Technology Resources

- a. *Racial and Economic Demographics and Characteristics of the Cimarron District and MVHS.* Moreno Valley High School is located in the Cimarron District, which is a rural public school district located in Colfax County, in northern New Mexico. Moreno Valley High School primarily serves the rural communities of Angel Fire, Eagle Nest, and Black Lake, but also draws students from the nearby Questa and Taos school districts. The poverty rate of the Moreno Valley is 38% and the racial composition is 26% Hispanic American, 73% Anglo American, and 1% Native American. The student population of MVHS is 22% Hispanic American, 77% Anglo

American, and 1% Native American, which is reflective of the population of the Moreno Valley. The largely required curriculum at MVHS, and the integration of programming instruction into the regular required Mathematics classes, ensures that all students have exposure to the art of computer programming, not just those who would choose it as an elective. Similarly, the integration of technology in all required subject areas ensures that all students have an equal opportunity to become proficient in the use of a wide array of technological tools.

- b. *Access for Learning Disabled Students.* At Moreno Valley High School, it is the policy to integrate all learning disabled students into the mainstream classrooms, in order to provide the least restrictive learning environment, and to avoid labeling students with temporary learning blocks unnecessarily. Thus learning disabled students have equal access with other students to all technology at MVHS.
- c. *Access for Students Without Home Computers.* To meet the vision and goals of this plan, MVHS desires to make available either computers for loan to students or a computer lab (facility) that can be used after hours by students and community members.
- d. *Access for Limited English Proficiency Students.* LEP students are integrated into the mainstream classrooms at MVHS, while being provided with extra tutoring before, after, and during school in order to assist them in improving their English skills. They have equal access to all technology with other MVHS students. The English as a Second Language tutorials available online have been particularly helpful in enhancing learning for LEP students.
- e. *Teacher Preparedness to Integrate Technology in the Curriculum.* The School realizes that faculty must be properly educated in the use of technological tools (not just computers) in order to effectively use them in their classrooms. To that end the Director will encourage faculty to participate in technology education events.

Future Plans

In support of its goals and vision, the School sees the following needs for deployment in the short term (in no order):

- a. *Videoconferencing capability.* A videoconference capability would reduce travel costs, fuel usage and time away from the School for meetings with the District, PED and other entities. In addition, classrooms equipped with the ability to videoconference could meet with other students in other schools around the US and the world, enhancing both classes.
In the future, the ability to broadcast or multicast courses to shut-in, ill, or otherwise unreachable students would be a great asset. Classroom could also be used to participate in remote courses for high school, college or community courses.
- b. *Replacement of school email and student web pages.* These facilities might be hosted on local school computers or on an third-party service provider.
- c. *Groupware capability.* Such a tool would enable the sharing of activity calendars, homework due dates, and other scheduling information. It should be integrated with the student and faculty email.
- d. *Computers to loan to students.* See Section 5 above.

- e. *Access to on-line libraries and research tools.* As a rural school, we lack easy access to libraries of print materials suitable for high school students' research. With the Internet we can access periodicals and research materials generally available only at university libraries.

Implementation

The Governing Council, faculty and staff of MVHS realize that technology changes rapidly. In the computer field in particular, new developments occur at a sometimes astonishing rate. In order to meet the stated goals of this plan, it is important for it to be flexible.

At the Governing Council's annual meeting in July the Director and the Technology Committee will present a Technology Purchase Plan to the Governing Council for approval. This process shall comply with and in no way interfere with other spending authorizations.

Appendices

Guidelines for Employee E-mail and Computer Use

To maximize the benefits of its computer resources and minimize potential liability, the School has created this policy. All computer users are obligated to use these resources responsibly, professionally, ethically and lawfully. The School's policy on E-mail and Electronic Communications is incorporated herein by reference. All users of computer resources are expected to familiarize themselves with the policy.

You are given access to our computer network to assist you in performing your job. You do not have an expectation of privacy in anything you create, store, send, or receive on the computer system. The computer system belongs to the School and may only be used for business or education program purposes. Without prior written notice, the School may review any material created, stored, sent, or received on its network or through the Internet or any other computer network as well as any material created by any student or employee.

Use of computer resources for any of the following activities is strictly prohibited:

- Sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit; profane, obscene, harassing, fraudulent, intimidating, threatening or potentially violent, racially offensive, defamatory, proselytizing, inappropriate or otherwise unlawful or in violation of School policy;
- Disseminating or storing commercial or personnel advertisements, solicitations, promotions, destructive programs, (including but not limited to, viruses or self replicating code), political or religious information, or any;
- Wasting computer resources by, among other things, sending or forwarding mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, gambling, sending or forwarding jokes, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic;

- Using or copying software including audio (e.g. music) or video in violation of a license agreement or copyright;
- Alteration of the "From:" line or other attribution of origin on your E-mail. Anonymous or pseudonymous messages are forbidden.
- Violating any state, federal, international law or local School policy.
- Installing or using file-sharing programs such as napster or kazaa

If you become aware of someone using computer resources for any of these activities, your are obligated to report the incident immediately to your supervisor.

You should never consider your electronic communications to be either private or secure. Hazards of electronic communication include: storage indefinitely on any number of computers, including that of the recipient; messages may be forwarded to others either electronically or on paper; E-mail may be sent to nonexistent or incorrect user names and may be delivered to persons that you never intended.

In using the E-mail system, you *must THINK before sending a message. It is very important that you use the same care and discretion in drafting E-mail as you would for any other written communication. Anything created or stored on the computer may, and likely will, be reviewed by others.*

Violations of these guidelines will be taken seriously and may result in revocation of E-mail or computer use privileges as well as disciplinary action, including possible termination or discharge, and civil and criminal liability.

This is a reminder that the School provides its computer system and access to E-mail for legitimate purposes only. Every employee is expected to use good judgment when using the E-mail system. Sending chain e-mail or non business or non program related mass E-mail violates this standard and will not be tolerated.

Chain E-mail is a message sent to a number of people asking each recipient to send copies with the same request to a specified number of others. Mass E-mail is a message sent to a large number of recipients (for example, all employees) without any legitimate business or education program purpose. Sending either type of messages wastes our computer resources and delays delivery of essential E-mail. Circulating chain E-mail, in particular, can result in an enormous volume of messages on the network. The number of messages increase geometrically if the instructions are followed by all recipients. This can seriously degrade network performance and consume substantial amounts of valuable disk space and computer memory.

Employees should delete all chain E-mail and all non business or non program related mass E-mail immediately upon receipt and refrain from forwarding them to any other employees. Any employee receiving a chain E-mail or a non-business or non-program related mass e-mail should report the incident to their supervisor or the School's Director or his/her designee.

Employees found to be involved in sending chain E-mail or non-business or non-program related mass E-mail may be subject to disciplinary action, including revocation of E-mail privileges. Repeated violations of this policy may result in termination or discharge.

I have read and agree to comply with these guidelines and the School's policies governing use of computer resources, and understand that a violation may result in disciplinary action, up to and including termination or discharge, as well as civil or criminal liability. I also understand and agree that School personnel or those so authorized by the Director or Governing Council may access any files stored on School computers to ensure compliance with School policies.

Employee Name (please print) _____

Employee Signature _____

Date _____

Adopted 8-8-2002

Student Computer Use Guidelines

The School will provide a computer interface to Internet services that students should use in accessing instructional and reference material on the Internet. This interface will be designed so that objectionable materials are not easily available (for example DansGuardian to filter objectionable material); however, the Internet is designed in such a manner that all materials contained within it are accessible using various search and retrieval tools. Students and parents must be informed that inappropriate materials could be encountered during students' research required to achieve valid instructional objectives, and that if inappropriate material is inadvertently encountered, it shall be disengaged from immediately. Students and teachers must be instructed in the necessary procedures of evaluation of information and resources as part of their ongoing education for life in modern society.

You are given access to our computer network to assist you in performing your studies. You do not have an expectation of privacy in anything you create, store, send, or receive on the computer system. The computer system belongs to the School and may only be used for school authorized purposes. Without prior written notice, the School may review any material created, stored, sent, or received on its network or through the Internet or any other computer network as well as any material created by any student or employee.

Use of computer resources for any of the following activities is strictly prohibited without explicit authorization by a member of the School's faculty or its Director:

- Sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit; profane, obscene, harassing, fraudulent, intimidating, threatening or potentially violent, racially offensive, defamatory, proselytizing, inappropriate or otherwise unlawful or in violation of School policy;

- Disseminating or storing commercial or personnel advertisements, solicitations, promotions, destructive programs, (including but not limited to, viruses or self replicating code), political or religious information, or any;
- Wasting computer resources by, among other things, sending or forwarding mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, gambling, sending or forwarding jokes, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic;
- Using or copying software including audio (e.g. music) or video in violation of a license agreement or copyright;
- Alteration of the "From:" line or other attribution of origin on your E-mail. Anonymous or pseudonymous messages are forbidden.
- Violating any state, federal, international law or local School policy.
- Sending chain or Mass E-mail. Chain E-mail is a message sent to a number of people asking each recipient to send copies with the same request to a specified number of others. Mass E-mail is a message sent to a large number of recipients (for example, all employees) without any legitimate education program purpose.
- Violating the privacy of another computer user by accessing, modifying, or revealing the contents of his or her data files, e-mail messages, passwords or other transmitted or stored information.
- Installing software on School computers without the permission of the Director or his designee.

Students are responsible for backing up any data on the School's computers they wish to preserve.

User Agreement and Parent Permission Form

As a user of the Moreno Valley High School computer network, I hereby agree to comply with the above stated rules regarding communication over the network and computer use in a reliable fashion while honoring all relevant laws and restrictions.

I also understand and agree that School personnel or those so authorized by the Director or Governing Council may access any files stored on School computers to ensure compliance with School policies.

I understand that violation of the School's Computer Use Guidelines may result in punishment in accordance with the School's Discipline Policy.

Student Signature: _____

As the parent or legal guardian of the minor student signing above, I grant permission for my son or daughter to access networked computer services such as electronic mail and the Internet. I understand that individuals and families may be held liable for violations. I understand that some materials on the Internet may be objectionable, but I accept responsibility for guidance of Internet use and setting and conveying standards for my son or daughter to follow when selecting, sharing or exploring information and media available with electronic mail or the Internet. I have also discussed appropriate use of the School's computer systems and network as outlined in the "Student Computer Use Guidelines" with my son or daughter and understand that I am responsible for the actions of my son or daughter.

I also understand and agree that School personnel or those so authorized by the Director or Governing Council may access any files stored on School computers to ensure compliance with School policies.

Finally, I understand that violation of the School's Computer Use Guidelines may result in punishment in accordance with the School's Discipline Policy.

Parent Signature: _____

Date: _____

Name of Student: _____

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK

PREVENTATIVE MAINTENANCE PLAN

The infrastructure of educational facilities includes all building and grounds-related systems and equipment that are critical to everyday operations and support of the educational process. These systems, which include mechanical, electrical, plumbing, data, telecommunications, and lighting systems, serve as the “functional arteries” of any modern educational facility, and when properly maintained will help ensure a minimum of downtime and disruptions to educational activities.

STRUCTURE

The structure of a school building is the group of columns, beams, structural walls, floors, and roof structure, and is its stability. Many school buildings have small cracks in concrete columns, beams, structural walls, and floors. In some cases, they are no cause for concern. Over time the school building settles and moves creating minute stresses at joints in materials that can cause small cracks to appear. In most cases, this is a normal part of the structure settling in its foundation. However, there are cases where other factors are at work, and the cracks are cause for concern and action. The key is to be able to tell the difference. Most times it should be left to a trained professional. If there is a major structural problem in the school building, it should be evaluated by a structural engineer, and the corresponding repairs should be made.

Pay special attention to these aspects:

- Warping in columns, beams, structural walls, floors, and roof structure
- Rotting in wood structural components
- Rusting of metal structural components

Wood and metal structural components need repainting on a regular basis. Wood components should be examined for any cracking due to exposure to the elements. Cracks should be sealed with exterior caulk prior to painting. If there are open joints, they should be sealed with caulking.

The roof’s structural support system holds the roof in place, and holds it on when windstorms occur. The support structure may be purlins and rafters or it may be pre-engineered trusses. The purlins, rafters, and wall plates should be free from rot and insect infestation. The drive screws should be fixed into solid material and should not be pulled out easily, and the wall plates should be secure to the walls by bolts. Some school buildings have a supporting structure for the roof made from trusses, engineered structures built of small dimensional lumber, which have great strength. Thus, a truss keeps its strength as long as each of its members is in its proper position, properly attached, and under no undue stress. But if a great deal of weight is placed on the bottom piece the chord can deflect, placing stress on the nodes which hold the trust pieces together, causing the bottom chord to deflect downward. Sections of a truss should never be cut or removed. The engineered structural balance inherent in the truss will be disturbed and the structural integrity of the roof can be severely compromised.

SCHOOL BUILDING STRUCTURE	
Name of school: Moreno Valley High School	Date of inspection:

Name of community:		Name of person who filled out the form:		
Component	Conditions		Remarks	Location
Identify the specific item accordingly with a description. Leave blank if the item does not exist.	Choose one.		If unsatisfactory, describe the problem.	Where is the unsatisfactory component located in the school building?
	Satisfactory	Not Satisfactory		
Columns	NA			
Beams				
Structural walls				
Ground floor				
Upper floor	NA			
Roof structure				
Stairs	NA			
General Remarks:				

ROOFING

The roof's job is to protect the school building from rain, sun, and wind. A function of the roof is to keep water from getting into the school building. It is a key part of the school building's waterproofing system, therefore, the roof should be kept in good shape. In a pitched roof, high winds might tear off roof shingles or sheets. This is directly related to how well-secured these parts are and if they are corroded or not. The ridge cap should be solidly fixed to the roof sheet so that it cannot be peeled off by the wind.

A technique called flashing is used in roofing systems to help seal out water. Flashing is installed where two sections of roof come together, which is called a valley since the roof sections usually join at an angle. Flashing is also used where something penetrates through the roof line, such a vent pipe, or roof ventilation. Flashing is typically metal. Roofs commonly leak around the flashing. Over time, metal may corrode, form pinhole openings, develop metal fatigue, or pull away from the vent or other adjoining surface. If roofing cement has been used to seal the flashing, it can dry out and crack. Any of these conditions can create a leak. Good periodic maintenance of the roof includes an annual examination of the flashing.

SCHOOL BUILDING ROOFING	
Name of school: Moreno Valley High School	Date of inspection:
Name of community:	Name of person who filled out the form:

Identify the specific item accordingly with a description. Leave blank if the item does not exist.	Choose one.		If unsatisfactory, describe the problem.	Where is the unsatisfactory component located in the school building?
	Satisfactory	Not Satisfactory		
Roof covering				
Flashing				
Gutters	NA			
Down-spouts	NA			
Flat roof protection	NA			
Other				
General Remarks:				

BUILDING EXTERIOR

The biggest threats of the school building's exterior are water, wind, and sun.

A visual inspection of the exterior of the school building should be done to look for the changing conditions of the exterior walls and covering. It is important to look for peeling paint, missing mortar or caulking between masonry joints, cracks that have appeared since the last observations, mildew or mold that is now growing on walls, bushes and shrubs that now touch the school building's exterior. These are all clues that some maintenance action is needed. The exterior walls of the school building have to be kept clean and free of debris. Leaves and plant materials should be raked away from the walls so that any water that falls there will drain away, and not be retained where it might penetrate the walls and foundation. A semiannual exterior cleaning is a desired step in the maintenance process.

Wood siding walls may be planks or boards installed either vertically or horizontally. Wood shingles or panels are made of exterior grade plywood or other composite materials such as hardboard or wafer-board. Wood siding products are all vulnerable to water. Two simple rules apply to maintaining wood exteriors:

1. The wood must be kept coated with a protective film, either paint or stain with a wood preservative.
2. All joints and openings must be caulked to prevent water intrusion.

When the protective coating starts to wear, it loses its ability to shed water. The underlying wood becomes susceptible to water intrusion, then warping and rotting. Therefore, in the periodic stroll around the school building, look for peeling or flaking paint, or stains that have worn so thin that the wood grain is exposed and raised. Also look for open joints, however small, where water can penetrate; open joints pose problems even if the paint or stain coating itself is in prime condition. Action should be taken before wood rot sets in because if that occurs, the only course may be to tear off the rotted section and install new materials, which is always more expensive.

Typically, the maximum time interval for repainting or re-staining and applying waterproofing is seven to ten years for wood plank siding, or wood shingles; though it is better to plan on a five to a seven-year cycle. For other wood materials, it is much less. Exterior plywood must be checked each year and may need more frequent treatment. Particle board certainly will need touch-up every year to avoid warping and disintegration. Remember that exposed edges of any wood siding material, plank, shingle or panel, are the points where water is most likely to penetrate and cause problems. Those edges should be well sealed with paint and caulk.

If there are metal frames, doors, windows, and railings, the protective paint coating should be in good conditions, otherwise it will have rust and deteriorate. Door and window hinges should be oiled at least annually.

SCHOOL BUILDING EXTERIOR				
Name of school: Moreno Valley High School			Date of inspection:	
Name of community:			Name of person who filled out the form:	
<i>Identify the specific item accordingly with a description. Leave blank if the item does not exist.</i>	<i>Choose one.</i>		<i>If unsatisfactory, describe the problem.</i>	<i>Where is the unsatisfactory component located in the school building?</i>
	<i>Satisfactory</i>	<i>Not Satisfactory</i>		
Exterior walls				
Exterior windows				
Exterior doors				
Corridor railings and posts	NA			
Other				
General Remarks:				

BUILDING INTERIOR

Besides paint, maintenance of interior masonry walls usually is minimal unless cracks --visible either on one side or both-- appear. Pay special attention to them and answer these questions:

- Which direction does the crack run?
- Is it horizontal, vertical or "stair step" along joint between blocks in the wall?

The horizontal crack generally is the most serious because it might indicate great pressure against the wall from the outside. A vertical crack, or one that is stair step, is likely caused by differential stress along the base of the wall. It may result from simple settlement of the school building on its foundations and footings. In other cases, water has gotten down far enough to soften the soil at the foundation base in one location, causing it to sag while the other part stays rigid. Upward stress movement can cause differential stress; hydrostatic pressure from water in particular soil

groups, notably expansive clays. These clay formations can expand dramatically when wet, then they shrink when dry. It can be a bit like a battering ram against the foundation. If there is a hairline crack where the walls join other elements, just resealing and repainting ought to do the trick.

Windows should open and close easily. Glass windows should be completed, fitting the sheet of glass into the window frame.

Many interior doors are hollow-core. There is a skeleton of wood members inside with a thin veneer over it. They are light and less expensive but do not take much force to accidentally punch a hole in one. Sometimes a door starts to stick at a corner. This is typically due to some movement or settlement of the school building, causing the door frame to be out of plumb. If it is not serious, the door can be removed and the sticking edge planed down slightly to relieve the problem. On the other hand, if the door is sticking severely, and if any other doors or windows in the same area are sticking as well, they could be out of rack, which may indicate a more complex problem involving the school building's structural system. Potentially there has been substantial movement in the school building which should be investigated.

On occasion, the ceiling may sag. This may be due to panels loosening, or if it has plaster, the plaster coats may be pulling away from the lath underneath. It may also be structural, such as an overloading of a ceiling joint or truss above. Or it could be water, a leak which is working its way behind and under the ceiling material and causing deterioration.

SCHOOL BUILDING INTERIOR				
Name of school: Moreno Valley High School			Date of inspection:	
Name of community:			Name of person who filled out the form:	
Identify the specific item accordingly with the description. Leave blank if the item does not exist.	Choose one.		If unsatisfactory, describe the problem.	Where is the unsatisfactory component located in the school building?
	Satisfactory	Not Satisfactory		
Floor covering				
Interior walls				
Ceiling				
Interior doors				
Interior windows				
Window glazing	NA			
Other				
General Remarks:				

PLUMBING

Most of a school's plumbing has several major parts: water supply, fixtures, waste collection, and septic system. MVHS water is provided by a private well. From there the distribution enters the school building through the wall or up through the floor slab, and water goes into distribution piping, which runs throughout the school buildings. Next there is waste collection. At each lavatory, sink, wash basin, shower, drinking fountain, urinal, and toilet there will be a connection to waste collection piping. Waste water is channeled down and out of the school building. There is public waste treatment, and a pipe from the school joins a major public sewer line. Waste collection piping also has vents to get sewer gas into the atmosphere, and provide air into the system to help it work. These vents should lead to the roof so that sewer gases are vented into the atmosphere. In between the water supply and the waste collection systems, there are fixtures. A fixture may be a lavatory, a sink, a washing basin, a shower, a drinking fountain, a urinal or a toilet. The fixture is where the water distribution and the waste collection join.

Fortunately, problems with plumbing systems do not happen often, but when they do, generally the problems are leaks, which should be dealt with promptly. Damage to the school can be as severe as water from rain; in fact, plumbing leaks often can be a bigger problem. If the water system is under pressure, and a rupture in the water system will cause water to continue spilling into the school compound. Most of the plumbing is out of sight, behind the walls and under the floor, so typically you cannot see the leaks when they occur until they manifest somewhere else.

If a water pipe ruptures, pressure will force the water out, and the water supply should be temporarily turned off. Where the water service pipe enters the school, there will be a main shut-off valve. If there is a pipe break anywhere in the school, that main valve can stop water flowing to all points. Most plumbing fixtures have shut-off valves mounted on them which can be used to isolate the fixture from the water system in case of leaking or pipe breaks. Typically they are below the fixture.

One of the biggest problems is a break in the water service entry pipe. It may show itself as a slow, dribbling leak, or it can be dramatic, it can blow like a geyser and remove a portion of the ground. The problem usually starts either at the connection with the source or at the point where the pipe comes through the school. What causes these problems? One cause is settlement or some other type of movement in the ground. They can shift and allow the trench to move, but the pipe will not move since it is anchored at both ends; a high shear stress is created and the pipe gives way. Whether a slow leak or a dramatic blow off, this type of problem requires excavating the trench, in which the service entry pipe is located, either a portion or the entire trench. When the problem is found, the pipe may be repaired, or under certain circumstances, it may be replaced for its entire length from its origin to the school building.

Another problem sometimes encountered is a knocking or spitting sound as the water is turned on. This can occur if an excessive amount of air gets trapped in the pipes and is trying to find a way out. If there has been any plumbing work done, or the water supply to the school has been shut off for a period, a knocking sound can be heard. Typically, this is air and can be bled out by running the water.

Main tanks and toilets often continue to run water in the tank after they are filled. The flow should stop when the tank has reached a predetermined fill level, when the ball float inside the tank is properly adjusted (the ball float closes the water supply valve). In flush tanks, the flapper valve at the bottom should close off the opening where the water flows from the tank into the bowl. If water

still runs, the situation can usually be corrected by adjusting one or the other. If a simple adjustment does not work, the inner mechanism in the tank may have to be replaced.

The waste collection system consists of a series of large pipes that gather the used water from all fixtures and transport it out of the school to a treatment system. The pipes are large because, unlike the water supply, the waste collection system operates by gravity flow. If a leak is experienced in this system, it will be different from a leak in the water supply piping. Usually the leak is from the bathroom, originating at a fixture connection, such a lavatory, a toilet, a urinal or a sink. If the toilet or any other fixture rocks when used, it is not properly fixed to the floor or to the wall and should be tightened. Because the system depends on gravity, the waste water will slowly run down to the outside of the pipe. Over time it can cause rotting. These leaks may go unnoticed for some time, so preventive maintenance requires a periodic look under lavatories and sinks to see if there is any water. Other common problems experienced with waste lines are blockages. Paper or other objects can become stuck in the waste line, totally blocking the flow of water, and waste water will back up into the fixture served by the section of the piping, and may even overflow. To clean the obstruction, a special auger, like a snake, has to be used.

SCHOOL BUILDING PLUMBING				
Name of school: Moreno Valley High School			Date of inspection:	
Name of community:			Name of person who filled out the form:	
<i>Identify the specific item accordingly with a description. Leave blank if the item does not exist.</i>	<i>Choose one.</i>		<i>If unsatisfactory, describe the problem.</i>	<i>Where is the unsatisfactory component located in the school building?</i>
	<i>Satisfactory</i>	<i>Not Satisfactory</i>		
Water Supply				
Water Store	NA			
Fixtures				
Waste collection	NA			
Septic Tank	NA			
Other				
General Remarks:				

ELECTRICAL/DATA/COMMUNICATIONS

The school's electrical system is somewhat similar to the body's nervous system, with a brain and nerves running throughout the school building. The brain is the electrical panel box. Inside this box, main power lines bring electricity into the school, and branch lines (circuits) take electrical power to other parts of the school. The main lines are called service entry lines. In most school buildings there are two, each brings 110 volts into the school. Smaller circuits, those for lights, outlets and most other equipment, use 110 volts. Heavier equipment will need 220 volts. A third

main line called the neutral, sometimes called the ground conductor, carries electricity back out of the school, to the transformer where it originated. There is also one more main wire, the grounding wire. This wire runs from the connection at the neutral to a metal rod buried in the earth. This might be a metal water line, or it might be a separated rod, driven into the earth. If the school loses the neutral connection, electricity will follow through this wire to the ground, literally into the earth. If the incoming water pipe has a heavy-duty electrical wire connected to it, in all likelihood, that is the grounding wire. On the other hand, if your grounding wire is outside the school, it should be near the electric meter. It will be a wire running through the ground where it attaches to the top of a metal rod.

The electrical panel box will contain either fuses or circuit breakers. These are known as over-current devices. They prevent dangerous heat build-ups and potential fires. If a circuit becomes overloaded, or experiences a rapid power surge, heat can build up in the circuit wire in the walls. Unless the flow of current is stopped, the insulation around the wire can melt, and the heat can cause a fire. The overload protector is designed to prevent this.

The heat is transferred to the circuit breaker or fuse in the electrical panel box; if it reaches a preset level, the breaker then trips, or the fuse blows, cutting off current in the circuit. If this happens, someone should be brought in to determine the cause. If it is determined that the cause was faulty equipment, be sure to have it repaired or replaced. Once the cause is determined and solved, reset the circuit breaker, or replace the fuse.

Circuit breakers, fuses, and wires are carefully sized to handle both the current flowing through them and the devices each circuit is serving. The size is expressed in terms of voltage and amperage. Voltage is the "push" in an electrical current. In most schools, both 110 and 220 volts are available, to match the requirement of the equipment on the circuit. Amperage is the ability of a wire to allow that flow to pass through: the bigger the wire, the more electrical energy can safely go through it. Large equipment, such as air conditioners and electrical stoves, require large wires and overload protection to match. Wall outlets and lighting circuits use smaller wires.

If there is a circuit breaker in the school, there is a simple maintenance task to be performed every six to 12 months. Open the door of the panel box cover. Then one by one, turn off the circuit breaker and turn it back on. Don't do this with the main breaker if there is one, just individual circuits. And if there is any critical equipment on a circuit that could be affected by power loss, leave that one alone too. There is a possibility that the breaker will not reset and will have to be replaced. In fact, that is what it is being testing for, breakers that do not operate properly. So use good judgment in selecting breakers for testing.

Data, Communication, and Related Systems

Typically comprised of telephone, cable television, computer, security, fire alarms, and intercom networks, these systems are usually more inconspicuous than any other infrastructure component in a modern educational facility. However, they are critical to normal operations and general life safety.

The following list identifies some of the most critical areas/issues in maintaining school facility data, fire alarm, communication, and related systems.

- Verify that cables, wiring, and fixtures for data, communication, and alarm systems are installed properly and in compliance with applicable codes.
- Verify the installation and connection of uninterrupted power source and surge protection.
- Verify the security of all sensitive data and communications equipment.
- Conduct regular inspections of each system component to verify proper working condition.

- Maintain unobstructed access to all cable runs and equipment.
- Coordinate system testing on a yearly basis, or as required by installer, equipment manufacturer, or applicable code.
- Document all deficiencies, problems, or code violations and report them to proper administrators/supervisors.

SCHOOL BUILDING ELECTRICAL SYSTEM				
Name of school: Moreno Valley High School			Date of inspection:	
Name of community:			Name of person who filled out the form:	
<i>Identify the specific item accordingly with a description. Leave blank if the item does not exist.</i>	<i>Choose one.</i>		<i>If unsatisfactory, describe the problem.</i>	<i>Where is the unsatisfactory component located in the school building?</i>
	<i>Satisfactory</i>	<i>Not Satisfactory</i>		
Service entrance cable				
Main panel box				
Circuits and conductors				
Outlets and switches				
Interior lighting (lamps and bulbs)				
Exterior lighting				
Electrical equipment				
Data/Communications				

GROUNDS

Sidewalks are the paved walking areas that run parallel to the street and walkways leading from the street, driveway or courtyard to the school building. Sidewalks are typically concrete, but a walkway may be concrete, asphalt, brick, stone, or even wood. Whatever the material is, good maintenance means keeping a watchful eye for conditions that may cause tripping hazards or water drainage toward the school building. Any tripping hazards should be eliminated through repair, ramping or clearing. Repairs must also be done if the condition of the material deteriorates and creates an eyesore.

Driveways and parking lots are typically built of either asphalt, concrete or gravel. All require some degree of maintenance. Gravel driveways often develop ruts, and if severe enough, regrading may be needed in addition to more gravel. Concrete is a durable material, but it may start to crack as the ground under the driveway shifts slightly. Asphalt driveways may experience sinking, or the surface can crack due to settlement and water, but asphalt can be patched. When severely deteriorated, an asphalt driveway can have a new topcoat added, provided that the additional coating does not create a problem to the school building. The driveway elevation should be below the school building floor so that rain will drain away from the school building, not into it. An elevation mismatch can create a water problem, so the old asphalt driveway may have to be removed, and a new one laid, if the potential for that problem arises.

Particular attention should be paid to the direction of the water flow in heavy rain. If either a sidewalk, walkway, courtyard, driveway, or parking lot is tilted toward the school building, forcing water toward it, then a flood proofing technique is in order before water ends up in the school building. Flood proofing techniques are used to reduce flood damage to the buildings. It includes, among others, tearing out the existing sidewalk, walkway, courtyard, driveway, or parking lot and reinstalling it or constructing barriers to stop flood-water from entering the school building.

Retaining walls deteriorate because of excessive pressure built-up behind them, generally due to water accumulation. Often conditions can be improved by excavating a trench behind the retaining wall and filling it with coarse gravel. Drain holes through the wall will then be able to relieve the water pressure. Retaining walls sometimes suffer from the root pressure or from general movement of top soil down the slope. Normally these conditions require rebuilding the retaining wall.

Gardens should be watered and fertilized frequently to cultivate a lovely landscape. Flower and plant beds should be cleaned and remade, plants pruned, hedged trimmed, and grass cut in a regular basis. Leaves, limbs or any other plant materials which may have accumulated should be raked.

SCHOOL BUILDING GROUNDS				
Name of school: Moreno Valley High School			Date of inspection:	
Name of community:			Name of person who filled out the form:	
Identify the specific item accordingly with a description. Leave blank if the item does not exist.	Choose one.		If unsatisfactory, describe the problem.	Where is the unsatisfactory component located in the school building?
	Satisfactory	Not Satisfactory		
Courtyard				
Sidewalks and walkways				
Parking lot and driveway				
Retaining walls				

Gardens/Trees				
Fencing				
Other				
General Remarks:				

UNSATISFACTORY FURNITURE AND EQUIPMENT											
Name of school: Moreno Valley High School						Date of inspection:					
Name of community:						Name of person who filled out the form:					
Location Item	Classroom	Lab	Workshop	Library	Gym	Office	Storeroom	Kitchen	Diningroom		
Desk											
Chair											
Blackboard											
Board											
Cabinet											
File cabinet											
Table											
Audiovisual equipment											
Computer											
Typewriter											
Educational											

nal material											
Lab equipmen t											
Musical instrumen ts											
Sports equipmen t											
Office supplies											
Books											

General Remarks:

MORENO VALLEY HIGH SCHOOL GOVERNING COUNCIL HANDBOOK
ADMISSIONS CATALOG & APPLICATION PACKAGE

The Admissions Catalog is in the back pocket of the binder.