

NMSBA Policy Service Advisories 220-228

Policy Advisory No. 220. GBEA – Staff Ethics. The only changes to this policy is the addition of legal reference 22-10A-2, which provides definitions for many terms used in the policy, and provides cross references to policies that support the implementation.

Policy Advisory No. 221. GBEB — Staff Conduct. The policy GBEB applies to all personnel and is the proper location of the new Section of the School Personnel Act (the act) on investigation of ethical misconduct as found in House Bill 128 passed in the 2021 regular session. Some language has been added to point the policy toward all school district personnel and a side heading titled "Investigation and reporting of alleged ethical misconduct" has been added to provide guidance per the requirements of House Bill 128. The additions to the policy give direction for reporting and addressing ethical misconduct, specifically required time lines, designating who is to make the reports, how reports are to be maintained and what information is to be shared by the parties. Legal references and cross references have been added to reflect the connection between this policy and disciplinary action that can be taken by the school district.

Policy Advisory No. 222. GCF — Professional Staff Hiring. Upon review of the changes made to 22-10A-5 in House Bill 128, it has been determined that policy GCF with regulation, and exhibits contained the relevant requirements. Minor word additions which do not change the content may be noted in the current policy recommendation. One part of the revised statute was added in the policy, permitting contract rescission or termination after the effective date of the statute. This addition should be taken note of by the Superintendent for consideration during and after contract consideration as regards any finding of child abuse or ethical misconduct. **The current Regulation, and Exhibits should be retained.**

Policy Advisory No. 223. GDF — Support Staff Hiring. Upon review of the changes made to 22-10A-5 in House Bill 128, it has been determined that policy GDF with regulation, and exhibits contained the relevant requirements. One part of the revised statute has been added in the policy, permitting contract rescission or termination after the effective date of the statute. This addition should be taken note of by the Superintendent for consideration during and after contract consideration as regards any finding of child abuse or ethical misconduct. **The current Regulation, and Exhibits should be retained.**

Policy Advisory No. 224. GCFC — Professional Staff Certification and Credentialing Requirements. The current policy recommendation was only minimally modified per changes made to 22-10A-5 in House Bill 128. The change reflects the law makers being more definitive, narrowing the number of persons required to be fingerprinted by changing the operant language of having access to children on school premises to having contact with children or students on school premises. The statute also requires that the policy narrow the reporting requirements to convicted felonies or misdemeanors involving moral turpitude rather than reporting those felonies or misdemeanors simply involving moral turpitude resulting in any type

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of action. As can be seen, "convicted" is narrower in meaning than the phrase "resulting in any type of action".

GCFC-E was changed by language in Section 2 of new additions to the School Personnel Act (the act) which require a candidate for employment to swear they have never been investigated for certain things, haven't had action for license or certification taken against them and are not currently awaiting trial for certain offenses. Since the currently recommended exhibit was similar, Policy Services simply added the required New Mexico language and certain New Mexico offenses to those already indicated as being included. Some of the offenses may not be in the New Mexico list cited by statute in the new Section 2 of the act but this does not keep a district from asking the candidate about them since all are felonies or misdemeanors among those required to be reported to the PED.

Policy Advisory No. 225. G DFA, G DFA-E — Support Staff Certification and Credentialing Requirements. The policy and exhibit for support staff contains the same changes as those for the professional staff in GCFC and exhibit above except that a paragraph was added in G DFA regarding reporting that was not in the GCFC as a result of support staff being included in reporting by Section 2 of the act.

Policy Advisory No. 226. GCQF – Discipline, Suspension, Termination and Discharge of Staff Members. House Bill 128 contained some changes that should have been included in Policy Advisory 213 relative to GCQF. Policy Services had not digested House bill 128 when the advisories were prepared for House Bill 49 on radicalized aggression. In order to reduce the number of pages in this advisory and because each district just received a full copy of policy GCQF, Policy Services included only the side headings of those parts of the policy not effected by the changes, using asterisks (*) to denote the omitted language. The side headings and the content following with the changes underlined are shown in full. GCQF was affected by the changes to 22-10A-24 NMSA which removed the prohibitions on disclosure of reasons for termination and provided that the termination appeal is not to be recorded. The important thing here is that the reasons for termination can be disclosed. 22-10A-25 NMSA then provided that parties to the discharge arbitration appeal may make a record of the arbitration, but it is not an official transcript.

Policy Advisory No. 227. GDQD – Discipline, Suspension, Termination and Discharge of Support Staff Members. House Bill 128 contained some changes that should have been included in advisory 214 referent to GDQD. Policy Services had not digested House bill 128 when the advisories were prepared for House Bill 49 on radicalized aggression. In order to reduce the number of pages in this advisory and because each district just received a full copy of policy GDQD, Policy Services has only included the headings of those parts of the policy not effected by the changes using asterisks (*) to denote the omitted language. The side headings and the content following with the changes underlined are shown in full. GDQD is affected by the changes to 22-10A-24 NMSA which removes the prohibitions on disclosure of reasons for termination of an employee and provides that the parties to the termination

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arbitration appeal may make a record of the arbitration but it is not an official transcript. The important thing here is that the reasons for termination can be disclosed. Please recognize that by definitions in 22-10A-2 of the act discharge means severing the employment relationship with licensed school employees prior to expiration of the current employment contract and thereby is not a term used for support staff. The title of the policy, however, is a National School Boards Association determined title used in the National Education Policy Network system of naming policies and contains the word discharge.

Policy Advisory No. 228. JLF — Reporting Child Abuse / Child Protection.

Section I of the new addition to the School Personnel Act (the act) required that policy services make four (4) significant changes to policy JLF. The first changed the reporting persons from only licensed school employees to "all school district personnel, school employees, school volunteers, contractors and contractors' employees." The second makes the training component applicable to all of those persons. Third, the act adds ethical misconduct, professional responsibilities to the training component. Last, it directs the public education department to