



New Mexico School Boards Association

POLICY SERVICES ALERT

To: All Superintendents and Board Members

Date: April 13, 2020

Re: Policy Issues related to Coronavirus Pandemic and Social Media Issues During On- Line Learning

Policy Issues related to Coronavirus Pandemic

Some questions have been raised regarding whether School Boards need to modify policies during this period of alternative educational activity. State and Federal agencies have been actively informing school districts of emergency procedures to be undertaken to accomplish their education and related tasks. The New Mexico School Boards Association has posted these announcements and directives prominently on the opening page of www.nmsba.org. They are listed under important messages.

Per the Attorney General opinion, [Attorney General March 17, 2020 Open Government / Meetings Advisory COVID-19](#) the Open Meeting requirements have been modified to allow Boards to meet through electronic means so long as the public is informed and can monitor the meetings.

In the form of summary, the State has suspended attendance requirements, and established guidelines and reporting procedures for approved education and related services for the rest of the school calendar year. There are Federal guidelines as well. In all, the declaration of emergency and suspension of requirements temporarily during the “stay at home period” and school closure period have meant that alternative procedures will need to be implemented.

In this time of emergency many of the compliance issues for which Boards of Education develop policy have been suspended in favor of temporary measures directed by the authorizing bodies. The current emergency circumstances will, in general, not require the Board to develop policy. Under most circumstances a Board may need to suspend conflicting policies per the emergency authorization, but because the alternative actions are temporary and are at the direction of the emergency declarations, they require only procedural steps to be developed for the remainder of the emergency period. The emergency guidelines establish the course of action, indicating what is wanted and why and how much, which is the function of policy. Procedures or regulation, in accord with the Policy Manual Introduction indicates: “Regulations are the detailed directions developed by the administration to put policy into practice. They tell how, by whom, where, and when things are to be done.” Under these circumstances the Superintendent should develop plans (regulations) for implementing the Emergency Declarations and inform the Board of need to suspend or change current policy

The material provided is intended as information only. Should legal advice be needed contact your school attorney.

as necessary.

Policy Services recommends that Boards of Education consider the orders by the New Mexico Governor and Federal Agencies as authority to suspend the operation of conflicting policies using policy BGF – Suspension and Repeal of Policy. For example, if enforcement of attendance policies has been altered then Boards, by majority vote, can suspend parts of the recently legislated policies affected. In the case of graduation requirements, the State maintains the unit requirements but is allowing the mastery of the standards or a portfolio of standards-based indicators adopted by the Secretary of Public Education, in accordance with 6.19.7 NMAC, and other competency requirements as determined by the Board. Mastery of standards and portfolio indicators are provided for in policy IKF – Graduation Requirements, no policy change is necessary. The former may require a suspension of parts of the attendance policies in section JE of the policy manual while the latter (Graduation Requirements) is in accordance with current policy IKF but will require the development of procedures by administration to implement assessments.

Social Media Issues During On- Line Learning

Recently, Policy Services was called by the New Mexico Public School Insurance Agency (NMPSIA) inquiring as to whether client districts had and were they enforcing the policy on Staff Conduct with Students (GBEBB), during this time of greater social media use between teachers and students. It seems there have been several districts having issues with student “grooming” and use of media for non-school student contact purposes in the recent past. NMPSIA wished to know which districts in the service had adopted Advisory 157 and were enforcing the “Boundaries” suggested by Policy Services in that advisory which updated the Staff Conduct with Students (GBEBB) policy.

Unfortunately, there have been only about 37 of 75 member districts that have adopted the policy. Recognizing that the policy was not a compliance issue but was recommended to enhance the prohibitions on student and staff unwarranted personal interaction, it is now time for districts to take heed of the “Boundary” issues, and to adopt and enforce this policy. If your district has not adopted Advisory 157 it can be downloaded by going to www.nmsba.org and then to the bottom of the page on Services/Policy Services to Policy Services Advisory/Alerts or at the following web address <http://www.nmsba.org/policy-service/> .

Please review the Emergency Orders .If you have policy questions, contact the Director of Policy Services at nmsbapolicy@cox.net .