

2010 FEB -9 PM 3: 18

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 50 INSURANCE
PART 18 USE OF VOLUNTEERS IN SCHOOLS AND SCHOOL DISTRICTS

6.50.18.1 ISSUING AGENCY: New Mexico Public School Insurance Authority.

[6.50.18.1 NMAC - N, 7/1/2010]

[The address of the New Mexico Public School Insurance authority is 410 Old Taos Highway, Santa Fe, New Mexico 87501.]

6.50.18.2 SCOPE: This part applies to all school districts, charter schools and other educational entities authorized to participate in the authority's risk related coverages.

[6.50.18.2 NMAC - N, 7/1/2010]

6.50.18.3 STATUTORY AUTHORITY: Subsection E of Section 22-29-7, NMSA 1978 directs the authority to establish a policy to be followed by participating members relating to the use of volunteers, distribute the policy to participating members and post the policy upon the authority's web site.

[6.50.18.3 NMAC - N, 7/1/2010]

6.50.18.4 DURATION: Permanent.

[6.50.18.4 NMAC - N, 7/1/2010]

6.50.18.5 EFFECTIVE DATE: July 1, 2010, unless a later date is cited in the history note at the end of a section.

[6.50.18.5 NMAC - N, 7/1/2010]

6.50.18.6 OBJECTIVE: To establish a policy to be followed by participating members relating to the use of volunteers.

[6.50.18.6 NMAC - N, 7/1/2010]

6.50.18.7 DEFINITIONS:

A. "Regular volunteers" means those persons, including relatives of students, who commit to serve on a regular basis at a school district, charter school or other educational entity without compensation.

B. "Spontaneous volunteers" means those persons who agree to fill an urgent, temporary need for a school district, charter school or other educational entity without compensation and who are not pre-registered as a regular volunteer.

[6.50.18.7 NMAC - N, 7/1/2010]

[See 6.50.1.7 NMAC for other applicable definitions.]

6.50.18.8 POLICY FOR REGULAR VOLUNTEERS IN SCHOOLS AND SCHOOL DISTRICTS:

A. Participating member schools and school districts make extensive use of regular volunteers for many of their programs. In seeking and accepting the voluntary services of qualified, interested individuals, the participating members recognize that they have basic responsibilities to the regular volunteers as well as to the students and to themselves.

B. Each participating member shall be responsible for organizing and managing its own regular volunteer program subject to the following rules. Participating member schools, school districts and other educational entities shall have in place policies clearly establishing how and by whom regular volunteers are appointed and the policies at minimum shall require:

(1) interviewing all prospective regular volunteers and doing a background check including, but not limited to any history of drug abuse or drug dealing, domestic violence, DUI offenses, and sex crimes;

(2) providing all regular volunteers with a job description, outlining specific duties, time commitment and qualifications for acceptance as a regular volunteer;

(3) providing appropriate training, supervision and evaluation of regular volunteers; and

(4) instructing all regular volunteers to understand that failure to obey the code of ethics and standards of professional conduct as provided in 6.60.9.8 NMAC and 6.60.9.9 NMAC concerning the obligations of school personnel is grounds for dismissal.

C. Regular volunteers shall not be allowed to begin their service until after their duties are explained to them and they have accepted in writing the following volunteer pledge:

- (1) it is my duty to deal justly and considerately with each student, school employee or other volunteer;
- (2) it is my duty to share the responsibility for improving educational opportunities for all;
- (3) it is my duty to stimulate students to think and learn, but at the same time protect them from harm;
- (4) it is my duty to respect the confidentiality of student records and information about students, their personal or family life;
- (5) it is my duty not to discriminate or to permit discrimination on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition against any person while I am on duty as a volunteer;
- (6) it is my duty to avoid exploiting or unduly influencing a student into engaging in an illegal or immoral act or any other behavior that would subject the student to discipline for misconduct, whether or not the student actually engages in the behavior;
- (7) it is my duty to avoid giving gifts to any one student unless all students similarly situated receive or are offered gifts of equal value for the same reason;
- (8) it is my duty to avoid lending money to students;
- (9) it is my duty to avoid having inappropriate contact with any student, whether or not on school property, which includes all forms of sexual touching, sexual relations or romantic relations, any touching which is unwelcome by the student or inappropriate given the age, sex and maturity of the student;
- (10) it is my duty to avoid giving a ride to a student;
- (11) it is my duty not to engage in sexual harassment of students, other volunteers or school employees;
- (12) it is my duty not to engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off premises;
- (13) it is my duty not to possess or use tobacco, alcohol or illegal drugs while on school property or during school events off premises;
- (14) it is my duty to use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable law, policies and rules;
- (15) it is my duty to avoid any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct when on school property or off campus at school functions;
- (16) it is my duty to refrain from using school information technology equipment, hardware, software or internet access for other than a school related purpose;
- (17) it is my duty to refrain from striking, assaulting or restraining students unless necessary in the defense of self or others;
- (18) it is my duty to refrain from using inflammatory, derogatory or profane language while on school property or while attending school events off premises;
- (19) it is my duty to refrain from bringing or possessing firearms or other weapons on school property except with proper authorization;
- (20) it is my duty not to be under the influence of alcohol or illegal drugs on school property or at school events off premises; and
- (21) it is my duty to report, as appropriate under the circumstances, violations of this pledge by other regular volunteers or school employees.

D. For the mutual protection of regular volunteers and the participating members, personnel administering regular volunteer programs shall provide a safe place to work and clear project organization or direction, establish and inform regular volunteers of emergency procedures, ensure that regular volunteers understand that their activities create participating member's liability, and that ethical standards apply to them as well as to regular school employees. Participating member personnel shall inform each regular volunteer in writing of the reserved right to dismiss unsatisfactory regular volunteers and of the established procedures for doing so.

E. Spontaneous volunteers are not subject to these rules, but spontaneous volunteers must be supervised at all times by an employee or regular volunteer of the school district, charter school or other educational entity.

[6.50.18.8 NMAC - N, 7/1/2010]

HISTORY of 6.50.18 NMAC: [RESERVED]