

SECTION IX

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

9.1 TITLE IX POLICY

The Board of Education for the House Municipal Schools finds that the House Municipal Schools must provide equivalence of benefits in all its boys' and girls' athletics, academics, and training programs as required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of gender by educational institutions that receive federal funds directly or indirectly. The Board of Education further acknowledges that the School District must undertake a continuous evaluation of its compliance with Title IX, and that the School District must therefore take care to maintain a balance in the benefits provided by the boys' and girls' programs.

To promote compliance with Title IX, it is the Board of Education's purpose through this Policy to help maintain the overall equivalence of opportunity for male and female students and employees to participate in athletic programs, academic programs, and training within the School District.

9.1.1 Nondiscrimination Policy under Title IX

The House Municipal Schools is committed to the philosophy of equal opportunity/equal access in all its employments, educational programs, activities and services. All students shall have the opportunity to participate in and receive benefits from all programs or activities including, but not limited to, course offerings, graduation requirements, athletics, counseling, employment assistance, extra-curricular and other school-related activities. Discrimination in education or employment because of race, color, national origin, ancestry, religion, creed, sex, age, physical or mental handicap, marital or parental status, pregnancy, sexual orientation, or veteran status is prohibited.

9.1.2 Sexual Harassment Policy under Title IX

The House Municipal Schools is committed to a positive and productive working and learning environment free of discrimination. Discrimination adversely affects morale and interferes with employee and student ability to work and learn. The House Municipal Schools prohibits sexual harassment of its employees or students, whether committed by a co-worker, supervisor, subordinate, contractor, volunteer or student. Such behavior may constitute a basis for disciplinary action up to and including discharge or expulsion. Whereas sexual harassment substantially compromises the attainment of educational excellence, the House Municipal Schools will not tolerate such behavior between members of the same or opposite sex.

The House Municipal Schools also prohibits retaliation against

9.1.1.a. any employee or student for having made a report of alleged sexual harassment, and

9.1.1.b. against any employee or student who has testified, assisted or participated in the investigation of a report.

Retaliation is itself a violation of State and Federal regulations prohibiting discrimination and may constitute a basis for disciplinary action up to and including discharge or expulsion.

This Policy applies to individuals attending any events on the property of the House Municipal Schools, whether or not school-sponsored and to any school-sponsored events regardless of location. Any complaints of sexual harassment in violation of this Policy should be reported within 20 calendar days of occurrence.

A copy of the House Municipal Schools' Sexual Harassment Policy may be obtained at the school-based principal's office. Nothing in this Policy applying to Title IX is intended to alter the House Municipal Schools' Sexual Harassment policies as set forth in Policy No. 5.3.2 (employees) and Board of Education Policy No. 7.13(students).

9.1.3 Creation of Title IX Coordinator and Grievance Procedures for the House Municipal Schools

9.1.3.a. The Superintendent shall:

9.1.3.a.i. designate an appropriate certified staff member within the School District to act as the School District's Title IX Coordinator for a period of not less than two years or until the end of the designee's employment which ever is shorter;

9.1.3.a.ii. ensure that the Title IX Coordinator has sufficient authority to continuously evaluate the School District's compliance with Title IX, conduct necessary investigations and issue reports to the Superintendent regarding the School District's compliance with Title IX, and ensure that he or she has sufficient authority and the necessary procedures to investigate and report on all written complaints of alleged violations of Title IX or the School District's policies regarding Title IX;

9.1.3.a.iii. promulgate grievance procedures that allow any student or employee of the House Municipal Schools who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any School District education program or activity on the bases of sex in violation of this Policy or Title IX, to file a written complaint with the Title IX Coordinator;

9.1.3.a.iv. ensure that the grievance procedures provide for a thorough and objective investigation and review of all written complaints by the School District's Title IX Coordinator and that the procedures also provide for notice and an opportunity for hearing on all written complaints by the creation of a hearing committee to hear matters unresolved by the Title IX Coordinator and provide for an opportunity to present evidence.

9.1.3.a.v. ensure that the grievance procedures provide for a final appeal on all unresolved matters to the Board of Education.

9.2 GIFTS AND DONATIONS POLICY

The Board of Education for the House Municipal Schools finds that private gifts and donations provided to the various athletic or academic programs of the School District could potentially alter the equivalence of benefits required to be provided to boys' and girls' athletics, academics, and training required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of gender by educational institutions that receive federal funds directly or indirectly. The Board of Education further acknowledges that contributions of gifts and donations must be included in the School District's ongoing evaluation of its compliance with Title IX, and that the School District must therefore take care to maintain a balance in the benefits provided by the boys' and girls' programs.

To promote compliance with Title IX, it is the Board of Education's purpose through this Policy to help maintain the overall equivalence of opportunity for male and female students and employees to participate in athletic programs, academic programs, and training within the School District.

9.2.1. Donor Responsibilities.

A donor must fully complete and submit to the Superintendent or his or her designee the Gifts and Donations Form provided in Appendix A of this policy. The receipt of the fully completed Gifts and Donations Form and the approval of the gift or donation by the Board of Education is required before the gift or donation may be accepted by the House Municipal Schools.

9.2.2. Anonymous Donors.

The Gifts and Donations Forms cannot be kept confidential should the donor wish to be anonymous. However, the School District will refrain from publicizing the name of donors who wish to remain anonymous.

9.2.3. Procedures for Determination of Acceptance.

9.2.3.a. The Superintendent or his or her designee shall:

9.2.3.a.i. ensure that the Gifts and Donations Form provides notice to the person, persons, group or organization donating to the House Municipal Schools that acceptance of all gifts and donations is conditional on the determination that such provide a benefit to the overall academic or athletic programs of the House Municipal Schools, and that the donation shall not be limited to any one team, sport, class, seminar, athletic program or academic program;

9.2.3.a.ii. ensure that all gifts and donations offered to School District schools will be considered in regard to Title IX requirements and any gift or donation that would result in the School District's violation of Title IX will be declined, except as otherwise provided in this policy;

9.2.3.a.iii. ensure that all gifts and donations provide an overall benefit to the academic or athletic programs of the School District .

9.2.3.a.iv. ensure that the gift or donation is not directed to any one team, sport, class, seminar, athletic program, or academic program.

9.2.3.a.v. provide the Board of Education with a written recommendation regarding acceptance of each gift or donation, and its effect on the School District's compliance with Title IX.

9.2.3.b. The Board of Education shall meet in open session to consider the Gifts and Donations form and the recommendation of the Superintendent, and to act upon such recommendation regarding acceptance or non-acceptance of a gift or donation by the School District pursuant to an action item on the meeting agenda.

9.2.4. Gifts or Donations affecting Title IX Compliance.

9.2.4.a. If the Superintendent finds that the School District's acceptance of a gift or donation will create an imbalance of benefits provided to male or female students such as to violate Title IX, the Superintendent will develop and recommend to the Board of Education a proposal for the redistribution of sufficient School District funds to offset the benefit provided to students of one gender over those of the other by the donation.

9.2.4.b. The Board of Education shall ensure that no gift or donation will be approved for acceptance that will make the school district fail to comply with the requirements of Title IX unless the Board of Education redistributes sufficient School District funds to offset the benefit provided by the donation to one gender over the other returning the School District into compliance with Title IX.

GIFTS AND DONATIONS FORM

House Municipal Schools

To ensure the School District's compliance with federal law prohibiting gender discrimination in educational institutions, it is the policy of the House Municipal Schools that there be the overall equivalence of opportunity for male and female students and employees to participate in athletic programs, academic programs, and training within the school district. Accordingly, it is the policy of the School District that acceptance of all gifts and donations are conditioned upon the gift or donation providing an overall benefit to the academic or athletic programs of the School District and school and that the donation shall not be limited to any one team, sport, class, seminar, athletic program or academic program except as otherwise provided in the Board of Education's policies.

All gifts and donations to the House Municipal Schools will be reviewed by the Superintendent and considered by the Board of Education for acceptance. **Accordingly, please do not attach your gift or donation to this form.**

Please complete this form and submit it to the Superintendent's Office. Thank you for your generosity!

Name: _____

Mailing Address: _____ City _____ State _____

Telephone: _____ E-Mail: _____

Please describe your proposed gift or donation:

Are there any conditions or limitations to your gift or donation? _____ Yes _____ No

Please describe any conditions.

Signature _____

Date _____

9.3. POLICY ON BOOSTER CLUBS AND PARENT TEACHER ORGANIZATIONS

9.3.1. Purpose.

The Board of Education recognizes the importance of athletic and extracurricular activities in the well-rounded development of public school students. Participation in such athletic and activities programs builds character, a sense of responsibility and discipline, and promotes proper conduct, all of which are central to the educational mission of the public schools and the Board of Education.

The School Board further recognizes the contribution and support which its athletic, extracurricular activities and educational programs receive from parents and members of the community who have organized booster clubs, parent-teacher organizations (PTO's) and other support groups with similar purposes. This Policy is adopted to define the relationship between the Board of Education and athletic booster clubs, PTO's and similar groups whose purpose is to support the School District's athletic activities and educational programs Board.

9.3.2. Group Status.

Booster clubs and parent-teacher organizations (PTO's) are neither school-sponsored clubs or student-initiated clubs as those clubs or groups are defined in Board policy. See Policy No. 7.5.12B. Booster clubs and PTO's shall constitute "outside clubs or groups" which are school-related but must meet the terms of this Policy in order to use the School District's or an individual school's name, mascot or logo and to use School District facilities as a school-related organization.

9.3.3. Booster Clubs.

Booster clubs for athletics, marching band, drill team, cheerleading, drama, choir, or other athletic, fine arts or academic activities are welcome to form, support and assist such student activities or programs, both financially and with volunteer assistance. Booster clubs must comply with the requirements of this Policy in order to use the name of the individual school or School District, school or School District mascots or logos, and to have access to School District facilities as a school-related organization.

A booster club must prepare and submit to the Board of Education a copy of its organizational bylaws and constitution by presenting the same to the Superintendent of Schools prior to initiating such support or assistance. All booster organizations must operate within the applicable standards and guidelines set by the New Mexico Activities Association, and shall not either promote, encourage or acquiesce in any violation of student or team eligibility requirements, conduct codes or sportsmanship standards.

Upon formation and annually thereafter, each booster club shall provide the Superintendent with the names, telephone numbers and addresses of each officer of the booster club, and the position held.

9.3.4. Parent Teacher Organizations.

The Board of Education encourages the formation and operation of parent-teacher organizations in the School District to provide financial support or volunteer assistance to the school. Parent-teacher organizations must comply with the requirements of this Policy in order to use the name of the individual school or School District, school or School District mascots or logos, and to have access to School District facilities as a school-related organization. Each parent teacher organization shall prepare and submit to the School Board a copy of its organizational bylaws and constitution to the site administrator and the Superintendent prior to initiating such support or assistance. Upon formation and annually thereafter, each organization must provide the site administrator and the Superintendent with the names, telephone numbers and addresses of each officer of the organization, and position held.

9.3.5. Accounting by Booster Clubs and PTO's.

Each booster club or parent teacher organization must have its own checking account and the bylaws for the group must require two signatures for any disbursement from that account. Booster club or PTO funds and accounts are not School District accounts and will not be included in the School District's budgeting and accounting for annual School District audit purposes. Funds collected by the booster club or PTO are not to be deposited into the School District's student activity accounts.

However, as an express condition to the School Board's consent for the booster club or parent teacher organization to use the School District's name, school name, school or district mascots or logos, or to use School District facilities as a school-related organization, the booster club or PTO shall conduct an annual accounting or audit of its receipts and disbursements and submit a financial or audit report, performed in accordance with generally accepted auditing principles, to the Superintendent of Schools by October 1 of each calendar year. In the alternative, the booster club or parent teacher organization shall permit the school finance director or designee to audit the accounts of the booster club or PTO on request, no less than annually. Officers of a booster club or PTO shall be responsible for safeguarding any funds raised by the organization and to ensure that funds are spent only for purposes related to the goals and objectives of the booster club or PTO, and the published or advertised reasons for the particular fund-raising activity. The organization's bylaws shall specify reasonable procedures for internal financial control which shall be reviewed by the School District's finance director.

The booster club or PTO shall not represent or imply that its activities, contracts, purchases, or financial commitments are made on behalf of or binding upon any school of the School District or the School District itself. Such a statement shall appear on all purchase orders, contracts or other forms of financial commitment issued by the booster club or PTO.

9.3.6. Fundraising.

Booster clubs and PTO's shall notify and obtain the approval of the Superintendent of Schools or his or her designee to assure that scheduling of fundraisers does not conflict with

School District programs or activities, and that the fund-raising process is consistent with the goals and mission of the school or School District. All fundraising activities shall comply with state and federal law, and in particular, shall assure compliance with any applicable provisions of the New Mexico Bingo and Raffle Act, N.M. Stat. Ann. §§ 60-2B-1 to 60-2B-14 (1978), as amended or recodified in the future. School employees, including athletic coaches, trainers or sponsors of school-sponsored student groups, shall not act as the primary organizers or spokespersons for any booster club or PTO fundraising event. Participation in fundraising activities by a booster club or PTO shall not be considered as a factor in a student's level of participation in any school activity or athletic program.

9.3.7. Title IX Compliance.

The School Board discourages the formation or organization of booster clubs which sponsor, assist or support student activities or athletic programs which predominantly serve student participants of a single sex. In order to assure that contributions or support by booster clubs and PTO's do not create inequities or significant disparities in the program, equipment and facilities made available to students participating in single sex sports, the booster club or PTO shall only donate funds or tangible personal property contributed to the School District's educational, extracurricular or athletic programs, by program or sport, through Board Policy No. 9.2. Support provided to a single athletic program, regardless of source, must be included in the School District's evaluation of its overall athletic program and the comparability of benefits made available to male versus female athletes.

9.3.8. Notice of Compliance.

At the beginning of each school year, the School District will publish the names of those booster clubs and PTO's which are in compliance with this Policy in the student handbook for the school or School District. Groups or organizations which are not in compliance will not be identified, and the Superintendent may refuse the consent of the School District to use of the School District's name, school name, campus or School District mascot and logos or the use of School District facilities as a school-related organization.

9.4 TITLE VI POLICY

9.4.1. The purpose of this Policy is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 to the end that no employee or student of the School District shall; on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any educational program or activity of the School District.

9.4.2. The Superintendent shall:

9.4.2.a. designate an appropriate certified staff member within the School District to act as the School District's Title VI Coordinator for a period of not less than two years or until the end of the designee's employment which ever is shorter;

9.4.2.b. ensure the Title VI Coordinator's identity and contact information is published in such a manner to ensure availability of this information to each employee and student and his or her parent(s)/guardian(s) of the School District annually;

9.4.2.c. ensure that the Title VI Coordinator has sufficient authority to continuously evaluate the School District's compliance with Title VI, conduct necessary investigations and issue reports to the Superintendent regarding the School District's compliance with Title VI, and ensure that he or she has sufficient authority and the necessary procedures to investigate and report on all written complaints of alleged violations of Title VI or the School District's policies regarding Title VI.

9.4.3. Any employee or student who believes he or she has been denied any service or benefit because of race should contact the Title VI Coordinator for the School District as identified by the School District or by obtaining the contact information from the Superintendent of Schools.

First Reading	16 June 2008
Second Reading	
Adoption	16 June 2008