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SUSANA MARTINEZ
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June 2, 2014

MEMORANDUM

TO: Superintendents
Charter School Administrators

FR: Gabriel Baca, Director, Special Education Bureau 

RE: Revision to Policies and Procedures – Due August 29, 2014

Please disregard the April 15, 2014 memo on this topic, and do not adopt the policies and procedures date-stamped January 2014, released on April 15, 2014.

The New Mexico Public Education Department (PED) is providing to all Special Education Directors and Charter School Administrators a revised and updated version of the Special Education Policies and Procedures. In accordance with 34 CFR Sec. 300.201, all local education agencies (LEAs) and charter schools must have in effect policies and procedures that are consistent with the State policies and procedures in order to be awarded Individuals with Disabilities Education Act (IDEA) funds. The policy templates being provided will assist LEAs in meeting this requirement.

The Policies and Procedures have been revised: (1) to reflect changes in recent Federal Regulations and New Mexico rules; (2) for clarity and consistency and (3) to correct hypertext links to the cited documents on the PED and other State websites. Please note that the insertions of **[district]** in red indicate where the LEA or charter school is to insert its name, if appropriate. The paragraphs written in *blue italics*, indicate instructions and guidelines to assist you in understanding and implementing the policies and procedures. Websites and internet links have been updated and are provided in *blue* for easy identification. The text written in **bold black** contains legal authorities for the policies.

There is an important update of PED policies regarding charter schools in Chapter 8 on page 58. Two paragraphs written in *blue italics* explain the different procedures to be used by the state-chartered and locally-chartered charter schools in submitting their respective school based budgets.

In order to qualify for the next IDEA award, you will be required to submit the following documents via WebEPSS no later than **August 29, 2014**.

- Board of Education or Governing Council's agenda indicating the policies and procedures were reviewed; and
- Board of Education or Governing Council's minutes highlighting the adoption of the policies and procedures.

The deadline for adoption of these policies is **August 29, 2014**.

Evidence of adoption of the revised policies and procedures date-stamped after May 23, 2014 in the form of the agenda and minutes referenced above, may be uploaded to Web EPSS after the application is uploaded. Please contact the Education Administrator assigned to your district or charter if assistance is needed.

Electronic versions of the revised May 2014 Policies and Procedures are on the SEB website under the "Funding" tab, at the following link:
<http://ped.state.nm.us/SEB/fiscal/index.html>.

The following is a summarized list of the substantive changes to the Policies and Procedures:

- Corrected and updated references to Family Infant Toddler (FIT) Program in Chapter 1, Chapter 3 and Chapter 4 pursuant to § 28-18-1 NMSA and §§ 7.30.8.1 et seq. NMAC;
- Corrected language in 34 CFR § 300.25(b) to refer to "State's discretion" not "NMPED's discretion" in Chapter 1, p. 18 and Chapter 3, p. 24;
- Removal of references to adequate yearly progress¹;
- Removal of the following language from references to 34 CFR § 300.323: "... (or, at the discretion of the PED, a two year old child with a disability who will turn age three during the school year),..."²;
- Clarification regarding information needed in a Complaint pursuant to § 6.31.2.13 NMAC³;
- Description of due date of a Due Process Decision pursuant to § 6.31.2.13 NMAC⁴;
- Reference and alignment of the Special Education Accountability System and Common Core pursuant to § 6.29.14 NMAC⁵; and

¹ See Chapter 1, p. 10.

² See Chapter 1, p. 19; Chapter 2, p. 12; Chapter 5.1, pp. 3 and 5; Chapter 5.2, p. 26.

³ See Chapter 2, p. 29-30.

⁴ See Chapter 2, pp. 44 and 45.

⁵ See Chapter 8, p. 31.

- References to changes in parental consent and notice requirements for accessing private insurance and a child's public benefits (Medicaid) for special education services⁶.

If you have questions regarding the 2014 Policies and Procedures, please contact Gloria Regensberg, Assistant General Counsel, Special Education Bureau at (505) 827-1427 or gloria.regensberg@state.nm.us.

Attachments/Enclosures: Policies and Procedures, updated May 2014; Chapters 1, 2, 3, 4, 5.1, 5.2, 6, 7 and 8.

cc: Paul Aguilar, Deputy Secretary, Finance and Operations
Denise Kosceilniak, Director of Federal Programs
Susan Lucero, Manager, Grants Management Bureau
Bruce Torres, Deputy Director, Special Education Bureau
Patricia Hawkins, Fiscal Manager, Special Education Director
Special Education Directors
REC Directors

⁶ See Chapter 8, pp. 48 and 49.