

Name of School: Academic Opportunities Academy

Key Demographic Data

Deming is the county seat and principal town of Luna County just 60 miles from the border of Mexico. The population was 14,855 according to the 2010 census with 65% of the population identified as Hispanic or Latino. The population of school age children under the age of 18 is 31%. The median income for a household in the city was \$20,081, and the median income for a family was \$23,030. The per capita income for the city was \$10,943. About 28.5% of families and 32.9% of the population were below the poverty line, including 47.4% of those under age 18 and 16.6% of those ages 65 or over. Additionally, about 94% of the students are classified as low income.

Academic Performance

There are 13 public schools in the Deming area with approximately 60% rated a C or below for the New Mexico School grade report.

In addition, the following table demonstrates math, reading and science scores for 6th grade students to Deming Middle Schools.

Entry Grade 6 Middle School - % of students at or above proficiency
Math Test

	School	District	State
2011	25.7%	24.1%	36.7%
2010	26.1%	24.5%	34.6%

Reading Test

2011	43.9%	39.7%	47.8%
2010	37.4%	34.3%	39.6%

Science Test

2010	16.6%	15.0%	30.3%
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Education level achieved in Deming with NM, and National comparison

Index	Deming	New Mexico	National
Completed 8th grade	65.2%	67.7%	69.3%
Completed high school	57.6%	63.4%	58.6%
Completed some college	27.0%	36.9%	35.7%
Completed associate degree	12.6%	22.4%	18.4%
Completed bachelors	9.7%	19.3%	13.9%
Completed masters	4.0%	6.4%	5.9%
Completed professional degree	1.2%	3.2%	1.5%
Completed doctorate	0.2%	1.7%	0.5%

Languages

In Deming, 66 % of the population is Hispanic with 44% of the total population speaking English and 55% speaking Spanish.

Geographic Location:

AOA will be located at 8th and Florida in Deming. Site map included in the attachments.

Targeted Student Group and Why They would choose AOA:

Approximately 75% of the total Deming population is under the age of 17 years of age. Currently there are only 8 elementary and middle schools who serve the age group that AOA is targeting. Given qualitative data from community meetings with parents and students, we believe they would choose AOA because of the following:

1. Poor performance and under achievement in the current schools serving this population;
2. AOA's blend of innovative learning through a curriculum that uses 21st Century pedagogies combining online learning with traditional classroom learning;
3. Emphasis on the basic and core subjects presented in a new and refreshing way;
4. Opportunities for enrichment and advanced study through AOA's after school component.

Evidence of Community Need:

Reiterating the above low performance of Deming area schools, along with the demographic data described herein and in the Community Support section of Part C, we believe there is a high need for the innovative approach to learning that AOA proposes.

Key Innovations in AOA's Approach:

1. The combination of online learning with traditional classroom learning for a self-paced pedagogy presents a rigor toward the mastery of the core subjects which is an innovative approach that AOA believes will capture the minds of middle school learners.
2. Unique course offerings for enrichment and tutored learning in an after school environment presents a longer school day that is holistic with new opportunities for dual-language, vocational, and advanced learning.
3. Finally, the master classroom concept coupled with a curriculum mapping database provides innovation that informs new paradigms in instruction, assessment, and student achievement.

Projecting Success

The innovative curriculum that AOA has designed is evidence-based with positive student outcomes demonstrated over a time. Online learning in this environment may be a new concept but given the curriculum that AOA will be using, it has shown success in schools similar to Deming. Additionally, core subject learning will be supported through an after school enrichment and tutorial program that also demonstrates success with high satisfaction achieved by learner respondents of program similar that AOA will model and implement. Finally, AOA's founding members have all had significant experience in operating schools and can implement that plan toward success and mitigate any challenge that may present.

Effectiveness

AOA provides a more efficient model of providing education to all students through a self-paced curriculum. Students who have mastered a concept are not burdened with sitting in a classroom being unproductive. Our students who have mastered a concept will be working on learning from Edmentum, studying individually or in small groups, working on projects or other educational activities they have not

yet mastered. Student performance will be monitored on a continuous and near real time basis. Students in need of assistance can easily be identified by their data where teachers and educational aides will be able to provide the assistance that student needs. Many students hide the fact they do not know a concept due to shyness, or they are embarrassed to seek help. Providing timely assistance to all students who need it will increase the effectiveness of our students. Also, since our students progress in a self-paced and individualized instructional program they do not work on assignments they do not need to work on. Also, since there are no bell schedules, and students are pulled out of the main academic space only when instruction is needed, lost time due to transitioning between classes is reduced. An extended school day is provided so that students who need additional help can obtain this help in order to catch up, students who are caught up can experience many diverse educational experiences in order to enrich every student's life.

<http://pjmedia.com/blog/wasting-time-the-hidden-public-school-crisis/>

Founders Background and Expertise

Key members of our team include Mark Casavantes M.Ed. who has developed much of the innovation and vision for this charter school model. Mr. Casavantes has been an Assistant Principal, and the Principal for Summer School at Highland High School in Albuquerque, New Mexico. He was instrumental in opening Premier High School in El Paso as the Assistant Principal. Mr. Wes Clarkson is a retired campus and central office administrator from the El Paso ISD. Mr. Clarkson has direct experience in charter school work having designed and opened Delta Academy for the El Paso ISD. He has also opened and ran two charter schools in New Mexico. The website is: <http://delta.episd.org/welcome/index..> Mr. Ben Tice has also served as the Superintendent for El Paso Academy East and West in El Paso.

Mr. Casavantes brings to the table over 20 years of expertise in education serving in positions as teacher, assistant principal, math, computer science, and architecture teacher/coach in state competitions. Mark served as a Naval Officer in the Civil Engineer Corps managing the Long Beach naval yard and contracts ranging in six and seven figures. Mark supervised over 110 enlisted and an additional 70 civilian employees. He is a visionary for education and student achievement in the El Paso District and upon review of his resume you will find a highly qualified individual who can lead, innovate and inspire our students and teachers to high achievement.

Mark is well suited to overseeing the facilities planning as he has focused experience in architecture, engineering, design, and construction since 1974. He was a Site Development Specialist in the Air Force with the 823rd Civil Engineering Squadron a R.E.D. H.O.R.S.E. (Rapid Emergency Deployable Heavy Operations Repair Squadron Engineers) unit. He graduated with a degree in Architecture from Southern California Institute of Architecture in Los Angeles and was an architectural and civil engineering designer for condominiums on 12th and California in Santa Monica with architect James Chuda, Denny's Restaurants, Winchell's Donut Houses, Shell Oil's Scotford Oil Refinery and Terminal Facility rail road terminal. Mark served in the Navy as a Civil Engineer Corps Officer at the Long Beach Naval Shipyard in Long Beach, California as the Assistant Officer in Charge of Construction supervising projects up to 1.5 million dollars in

value. He then served as the Production Control Officer and Shops Engineer at the Naval Construction Battalion Center in Gulfport, Mississippi supervision 110 military and about 70 civilian employees. During this assignment he increased productivity 300% by implementing a dBase V program to monitor service calls and minor construction projects on the base. During this assignment Mark went through 7 hurricanes along the Gulf Coast preparing for and recovering from these hurricanes from New Orleans to Tallahassee. Mark was a general contractor in the Los Angeles area specializing in commercial projects for the cities of Long Beach, El Monte, and Rosemead, California. Other projects included Bob Cox Die Casting, Standard Oil Refinery repairs and remodels in El Segundo, California. Mark was involved in the site selection, remodeling, and interior design of Premier High School in El Paso.

Mark has been involved in all aspects of founding Academic Opportunities Academy, developing the vision of the charter school and writing with his team charter school applications.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

ASSET CAPITALIZATION

The Governing Council of the Academic Opportunities Academy (AOA) realizes that it is necessary to establish guidelines for the control of assets owned by the school pursuant to 2.20.1 et seq. NMAC. The purpose of such controls are to comply with federal and state reporting requirements, protect capital assets, preserve the life of capital assets, to avoid any unnecessary duplication of assets, to establish a guideline for future replacement, and to establish a basis for the amount of insurance coverage required. All assets shall be recorded in accordance with Generally Accepted Accounting Principles (GAAP), and an asset register shall be maintained in either a hard copy or in a computerized format.

I. DEFINITION

For the purpose of this policy, Capital Assets are defined as tangible or intangible property owned by the school which meets the definition and minimum dollar amount for capitalization as determined by statute, and as may be amended from time to time by legislative mandate, per the following categories:

A. Furniture and equipment - Tangible personal property in excess of \$5,000 with a useful life of more than one (1) year that is employed in the operating activities of the charter school. Items which fall into this category may be purchased or acquired by gift and include, but are not limited to, desks, filing cabinets, copiers and laboratory equipment.

B. Computer equipment - Tangible computer equipment in excess of \$5,000, with a useful life of more than one (1) year including Laptops, Desktops, Servers, Routers, Hubs, etc., either purchased or acquired by gift to be used for operational or instructional purposes. for purposes of this policy, computers are defined as a CPU, monitor and keyboard which go together as a package. Printers, which exceed \$5,000, shall be capitalized separately, while printers, which are less than \$5,000, shall be considered Supply Assets and recorded as such in the school's general ledger and asset register.

Any other costs directly related to the purchase or acquisition which make the equipment operable as intended, such as shipping charges or set-up fees, may be included as part of the acquisition cost. Improvements or repairs to existing assets will be capitalized only if the result of the expense meets all of the following conditions:

- If the total costs exceed \$5,000.
- The asset's useful life is extended three (3) or more years.
- The total costs will be greater than the book value and less than the fair market value.

II. DONATED ITEMS

Donated items, valued at the thresholds contained in this policy and which are items that the school otherwise would have bought and used in operations, shall be recorded in the school's general ledger account titled Fixed Assets (over \$5,000) and in the asset register at its fair market value at the date of donation. Donated items, which are valued at less than the threshold contained in this capitalization policy, will be recorded in the school's general ledger account titled Supply Assets (less than \$5,000) at fair market value at the date of donation. Donated items, which are determined to have no fair market value, will not be recorded.

III. DEPRECIATION

Depreciation is the rational and systematic allocation of the cost of a capital asset over its estimated useful life. For purposes of this policy, all depreciable assets will be depreciated using the **straight-line method** of allocation. The straight-line method allocates the acquisition cost of a depreciable

asset evenly over its estimated useful life. Most assets retain some recovery at the end of their useful lives, which is known as salvage value. All depreciable property for the purposes of this policy shall be deemed to not have a fair market value at the end of their useful lives.

The following table displays the estimated useful lives that will be used to calculate depreciation and financial statement presentation purposes:

<i>Property Category</i>	<i>Life In Years</i>
Furniture and Equipment	5-7
Computer Equipment	3-5
Transportation Equipment	3-5

Depreciation expense is recognized for financial statement purposes at year-end only. For budgetary purposes, the full acquisition cost of a capital asset is recognized at the time of acquisition.

IV. ASSET DISPOSITION

Capital assets which are deemed to be obsolete or no longer meet the requirements of the school may be disposed of pursuant to NMSA (1978) 13-6-1 to 13-6-4, Sale Of Public Property, transferred to another office or classroom, or traded-in. A Fixed Asset Disposal Form must be completed in all cases for the disposition of any asset which may be damaged or as a result of theft. The Fixed Assets Disposal Form must be signed by the Business Manager, Principal/Head Administrator and the Council Chair. Pursuant to NMSA (1978) 13-6-1 and 13-6-2, all licensed software and any electronic media (computer hard drives) must be completely erased before being disposed of. The charter school Business Manager shall retain the approved forms to preserve the integrity of the asset records.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

BANKING AND INVESTMENTS

The Governing Council of the Academic Opportunities Academy (AOA) realizes that to achieve its instructional goals and objectives, cash and investments must be managed effectively. Effective cash and investment management involves establishing and maintaining mutually beneficial banking relationships, accurate forecasting of cash requirements and prudent investments designed to maximize returns within the full extent allowed by statute.

I. BANKING

1. Pursuant to 22-8-37 and 22-8-40 NMSA 1978, the charter school shall adhere to all regulations concerning the deposit of public school funds for all funds in its custody and control.
2. Pursuant to 6-10-16 through 6-10-17, NMSA 1978, and 6.20.2.15 NMAC, the charter school shall notify the financial institution which is the custodian of the school funds that the school receives state money and is subject to a 50% collateralization requirement for amounts above \$100,000.
3. The charter school shall deposit all cash receipts within twenty-four (24) hours as required by 6.20.2.14 C NMAC.

II. INVESTMENTS

1. The charter school shall account for public money placed in any interest bearing account in accordance with 22-8-40 NMSA 1978, 6.10-17 and 6.10.31 NMSA, and any other federal and state laws which apply to the investment of public school funds.

The charter school Principal/Head Administrator and staff shall develop and implement any administrative procedures necessary to implement this policy.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

COMPENSATION

The Governing Council recognizes the importance of competitive compensation for employees in its effort to attract and retain the most highly qualified employees.

I. GENERAL

Prior to the beginning of each school year, the Principal/Head Administrator, with the assistance of the Business Manager, will prepare compensation plans for each employee classification that will serve as the basis for determining the salary of each employee in the classification for that respective year.

II. TEACHERS

The salary plan for teachers shall focus upon the experience and performance of the individual and, as such, will include a base salary for varying ranges of experience with additional compensatory increments for performance. Each teaching level will have a separate salary schedule. Performance compensation will be determined by the instructional competence demonstrated by the teacher and verified by the Principal/Head Administrator, through the highly objective uniform statewide standard of evaluation. Salaries for teachers shall be aligned with the licensure framework provided for in the School Personnel Act.

III. OTHER EMPLOYEE CLASSIFICATIONS

Salary plans for other categories of employees shall be determined by the Principal/Head Administrator. All plans shall consider such factors as:

- the scope and level of responsibilities of the position;
- the individual's experience
- the qualifications of the position
- educational requirements or achievements
- market value of the job, etc.

IV. OTHER GUIDELINES

- A. Salary plans may consider incentive measures such as payment for minimal use of leave, participation in school activities, etc.
- B. Salary plans shall be based upon the approval work year for that particular classification of employee, however, extended contracts may be considered when extra dates are assigned.
- C. Salary plans may consider unique needs of the school such as "hard to find" licensure areas: (i.e. bilingual, special education, etc.), so long as all employees assigned to such duties are compensated on the same basis.
- D. Any salary plan may consider meritorious performances so long as criteria and methodology used to determine meritorious performances are applied consistently and based upon factors and standards known to the employee.

All salary plans shall incorporate any salary increases or compensation measures specifically mandated by the legislature.

All salary plans shall be within the budget approved by the Governing Council.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

CONFLICT OF INTEREST

I. PURPOSE

Academic Opportunities Academy (AOA) is a New Mexico public charter school. As public entity regulated by state and federal finance laws, AOA and its governing body ("Governing Council") must maintain the public's trust and to do so it must be open to scrutiny and accountability to such governmental authorities as well as to members of the public.

Consequently, there exists between AOA's Governing Council and the public, a fiduciary duty, which carries with it a broad and unbending duty of loyalty and fidelity. The Governing Council has the responsibility of administering the affairs of AOA honestly and prudently, and of exercising their best care, skill, and judgment for the sole benefit of AOA. Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with AOA or knowledge gained from there for their personal benefit. The interests of the organization must be the first priority in all decisions and actions.

II. PERSONS CONCERNED

This statement is directed not only to Governing Council members and officers, but to all employees of AOA.

III. AREAS IN WHICH CONFLICT MAY ARISE

Conflicts of interest may arise in the relations of Governing Council member, officers, and management employees or other employees with any of the following third parties:

1. Persons and firms supplying goods and services to AOA.
2. Persons and firms from whom AOA leases property and equipment.
3. Competing or affinity organizations.
4. Donors and others supporting AOA.
5. Agencies, organizations and associations which affect the operations of AOA.
6. Family members, friends and other employees.

IV. NATURE OF CONFLICTING INTEREST

A conflicting interest may be defined as an interest, direct or indirect, with any persons or firms mentioned in Section III. Such an interest might arise through:

1. Owning stock or holding debt or other proprietary interests in any third party dealing with AOA.
2. Holding office, serving on the board, participating in management, or being otherwise employed (or formerly employed) with any third party dealing with AOA.
3. Receiving remuneration of services with respect to individual transactions involving AOA.
4. Using AOA's time, personnel, equipment, supplies, or good will for other than for AOA approved activities, programs, and purposes.
5. Receiving personal gifts or loans from third parties dealing or competing with AOA. Receipt of any gift is disapproved except gifts of a value less than \$50, which could not be refused without discourtesy. No personal gift of money should ever be accepted.

V. INTERPRETATION OF THIS STATEMENT OF POLICY

The areas of conflicting interest listed in Section 3, and the relations in those areas which may rise to conflict, as listed in Section IV, are not exhaustive. Conflicts might arise in other areas or through other relations. It is assumed that the directors, officers, management employees and other employees will recognize such areas and relation by analogy.

The fact that one of the interests described in Section IV exists does not necessarily mean that a conflict exists, or that the conflict, if it exists, is material enough to be of practical importance, or if material, that upon full disclosure of all relevant facts and circumstances it is necessarily adverse to the interests of AOA.

However, it is the policy of the Governing Council that the existence of any of the interests described in Section IV shall be disclosed before any transaction is consummated. It shall be the continuing responsibility of the Governing Council, its officers, management, employees and other employees to scrutinize their transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

VI. DISCLOSURE POLICY AND PROCEDURE

Transactions with parties with whom an actual conflicting interest exists may be undertaken only if all of the following are observed:

1. The conflicting interest is fully disclosed during a public meeting;
2. The person with the conflict of interest is excluded from the discussion and approval of such transaction;
3. A competitive bid or comparable valuation exists; and
4. The Governing Council, in a duly noticed public meeting in compliance with the Open Meetings Act, has determined that the transaction is in the best interest of the organization.

Disclosure in the organization should be made to the President of the Governing Council or if s/he is the one with the conflict, then to the Vice President, who shall bring the matter to the attention of the entire Governing Council during a public meeting. Disclosure involving employees should be made to the Principal/Head Administrator or President of the Governing Council if it is the Principal/Head Administrator with a conflict. The Principal/Head Administrator shall advise the Governing Council of any actual conflict of interest of an employee. The Governing Council shall determine whether a conflict exists and in the case of an existing conflict, whether the contemplated transaction may be authorized as just, fair, and reasonable to AOA. The decision of the Governing Council on these matters will rest in their sole discretion, and their concern must be the welfare of AOA and the advancement of its purpose.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

EMPLOYEE BENEFITS

I. HEALTH AND LIFE INSURANCE BENEFITS

The Academic Opportunities Academy (AOA) shall comply with all state laws and regulations pertaining to employee health and basic life insurance coverage. The requirements of the New Mexico Public Schools Insurance Authority (NMPSIA) Employee Benefits Group Plan and 6.50.10 et seq. NMAC shall apply at all times to the charter school in the administration of benefits. In addition, AOA is required to provide newly hired employees with the appropriate applications, information and instructions relating to the enrollment process.

Employees may participate in the NMPSIA Employee Benefits Group Plan, which consists of Group Medical, Dental, Vision, and Basic Life, and Voluntary Life coverage. Employees who are active at work and work the minimum qualifying number of hours shall be eligible for the following:

1. All employees who work a minimum of twenty (20) hours or more per week shall be entitled to participate in medical, dental and vision coverage. AOA shall pay 60% of eligible employee's selected medical, dental and vision coverage.
 2. AOA shall enroll and pay premiums at the rate of 100% for Basic Life insurance coverage for any employee who works a minimum of fifteen (15) hours per week, regardless if the employee participates or is eligible to participate in any other line of NMPSIA coverage.
 3. Members of the Governing Council are not eligible to participate in medical, vision and life insurance coverage.
 4. The Governing Council may elect to provide part-time employees who work less than twenty (20) hours per week but not less than fifteen (15) hours per week the same coverage identified above via a resolution duly discussed, voted on and approved at a meeting held in accordance with the New Mexico Open Meetings Act. The adopted resolution shall be forwarded to the New Mexico Public Schools Insurance Authority (NMPSIA) for approval by the Authority Board.
- A. A newly eligible employee is required to enroll within thirty-one (31) calendar days of being hired or within thirty-one (31) calendar days of being upgraded to that of an eligible employee.
 - B. An eligible employee who has a change in status is required to complete the appropriate NMPSIA Employee Record Change Card within thirty-one (31) calendar days from the qualifying event.
 - C. Pursuant to federal law and NMPSIA rules, an eligible employee may enroll in medical coverage for the occurrence of "special events" as defined by NMPSIA rules. These enrollments do not apply to dental or vision coverage.
 - D. AOA shall comply with the 1986 Consolidated Omnibus Budget Reconciliation Act (COBRA) in notifying employees of their right to continue health and life insurance coverage upon resignation, termination, or retirement. Dependents who are also losing coverage upon becoming ineligible shall also be informed of their COBRA rights.

II. LIFE INSURANCE COVERAGE

- A. AOA shall provide the following Basic Life/Accidental Death and Dismemberment coverage to all employees: \$10,000 Life/AD&D (\$0.94 per month).
- B. Voluntary Life coverage is available at full cost to any employee who desires coverage. AOA will not provide any contribution towards Voluntary Life.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

EMPLOYEE COMPLAINTS

The Academic Opportunities Academy (AOA) Governing Council encourages full and open communication about work-related concerns between employees and supervisory personnel at all levels. The Principal/Head Administrator and others having supervisory responsibilities shall strive to foster an atmosphere of mutual respect and concern in which employees' job-related complaints can be raised and resolved informally, whenever possible. When that is not possible, AOA offers a process by which an employee can bring a legitimate complaint or dispute to the appropriate authority in order to secure a fair equitable solution. A complaint shall be an allegation by an employee that the treatment he/she received is a violation, misrepresentation, or misapplication of a school policy, rule, procedure or practice that directly and adversely affects the employee.

1. Situations not covered by Complaint Procedures

The discretionary act(s) of professional judgment related to the employee's work performance by his/her designated evaluator(s).

- A personnel decision made by the Principal/Head Administrator including, but not limited to, a termination or discharge or other action directly and adversely affecting the employee's employment status that is subject to redress through provisions of State law and regulation.
- Situations in which the Principal/Head Administrator or Governing Council are without authority to act or where the power to remedy the employee's concern resides exclusively with some person, agency or authority other than the Council.
- Situations as to which different procedure for remedy has been provided by the Governing Council or where procedure is prescribed by State or Federal authority.

2. Complaint Procedure

Step 1. An employee with a complaint or grievance should present it to the Principal/Head Administrator who will discuss it with the individuals involved and attempt to reach a satisfactory solution. If the grievance is not resolved informally to the satisfaction of the employee, within 5 days of presentation to the Principal/Head Administrator, the employee may proceed to Step 2.

Step 2. The employee may make written request, within ten 10 days of presentation of the complaint/grievance to the principal, for a hearing. If a written request is not timely submitted, the grievance shall be considered resolved. If timely submitted, the Governing Council chairperson/designee will schedule a closed hearing within ten (10) days of the request before a committee composed of staff, parent, and community representatives.

A written decision shall be given within five (5) days of the hearing. If a hearing is not held within ten (10) days of the request, or if a written decision satisfactory to the aggrieved employee is not given in five (5) days from the hearing, the employee may proceed to step 3.

Step 3. The employee may appeal to the Governing Council by submitting a written notice of appeal to the Council chair within five (5) days of the written decision or hearing, whichever is later. The hearing before the Governing Council will be held in closed session at the next council meeting at least five (5) days after the notice of appeal, and a written decision provided to the employee within fifteen (15) days thereafter.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

EMPLOYEE PAY

The Governing Council of the Academic Opportunities Academy (AOA) recognizes the value of a sound wage and salary administrative program as necessary to allow for advancement, maintain position classifications and pay rates that are competitive, internally consistent, and responsive to changes in economic indices while taking into account the available budget. Even with a relatively small number of employees, it is important to have strict regulation of the payroll process in order to process paychecks in a timely fashion with minimum errors.

I. POLICY

1. Pursuant to NMAC 6.20.2.18 and 22-10A-1 et. seq., NMSA 1978 the charter school shall follow all state and federal regulations concerning payroll.
2. Each position shall be designated as exempt or non-exempt based on the duties and responsibilities of the position as defined by the Fair Labor Standards Act (FLSA).
3. Each position will be assigned a specific pay range in accordance with the charter school's adopted salary schedules.
4. The charter school Principal/Head Administrator is primarily responsible for job content and structure, incumbent assignment, and salary administration. Prior to the issuance of any contract for licensed/certified teaching and/or administrative staff, the Principal/Head Administrator shall take any and all steps necessary to verify years of teaching experience and verify years of education experience through the examination of official transcripts which bear the seal of an accredited institution of higher education.
5. Wage and pay recommendations following initial hire are submitted at the time the annual budget is prepared and is effective on July 1st of each fiscal year. Pay increases and compensation other than amounts contracted for during any given fiscal year are at the discretion of the Principal/Head Administrator after a thorough review, consultation with the Business Manager, and determination that sufficient budget exists. Pay increases which are mandated through legislative action become effective as of the date specified by the State of New Mexico Public Education Department.
6. Unless otherwise specified in writing, all pay will be in connection with the normal working hours the charter school is open to provide services. Normal working hours are from 8:00 a.m. until 4:00 p.m., Monday through Friday, per the adopted school calendar and contract which includes staff in-service and training days. Because of the public nature of the charter school, certain offices may be required to maintain hours in excess of the normal school day. In some instances it may be necessary to have staff members present on campus throughout the entire day.
7. Unless otherwise specified in their respective employment contracts, all employees shall be paid on a semi-monthly basis. The charter school shall establish procedures for payment when a pay period ends on a weekend or holiday. Exception to this policy may occasionally be justified, as in the case of vacation pay, but must have prior approval of the Principal/Head Administrator.
8. Employees are urged to conduct their financial affairs responsibly so that their obligations will not become an administrative burden. Therefore, the charter school will not allow salary advances for any reason.
9. The charter school makes all payroll deductions as required by law. As an employer, the charter school is liable for the employer's portion of FICA, and contributions in the employee's name for the employer's portion of State of New Mexico Educational Retirement, ERA Retiree Health Care, and employer's portion of selected insurance coverage to the New Mexico Public School Insurance Authority (NMPSIA).
10. Employee personnel files shall be maintained by the charter school Business Office. All employee personnel files are available for examination and review by an employee pursuant to established procedures.
11. All employees are expected to comply with all federal and state laws with regard to implementation of this policy and related procedures. Any violation may result in disciplinary action up to and including termination of employment.
12. The charter school Principal/Head Administrator and staff shall develop and put into practice any administrative procedures necessary to implement this policy.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

EMPLOYMENT CONTRACTS/REEMPLOYMENT

I. CONTRACTS

All employment contracts between Academic Opportunities Academy (AOA) and its employees shall be in writing on forms approved by the Public Education Department. These forms shall contain and specify the term of service, salary to be paid, method of payment, causes for termination of the contract, and other provisions required by the regulations of the Public Education Department and the Governing Council. All employment contracts between AOA and licensed school personnel shall be for a period of one (1) year except:

- A. Contracts for less than one (1) school year are permitted to fill personnel vacancies which occur during the year, or to staff programs when the availability of funds for the program is not known until after the beginning of the school year. Persons employed under such contracts shall be accorded all the duties, rights and privileges of the School Personnel Act.
- B. Contracts for less than one (1) year are permitted to staff summer school programs and federally funded programs approved to be conducted for less than one (1) year.
- C. Contracts not to exceed three (3) years are permitted for:
 - 1. Licensed school administrators who are engaged in administrative duties more than one-half of their employment time
 - 2. Licensed school instructors who have been employed at AOA for at least three (3) consecutive school years.

Written employment contracts will be executed no later than then (10) days before the first day of the school year.

Employees hired because of their abilities or expertise as coaches or extracurricular activity sponsors shall have the terms and conditions of such extended duties added to their employment contract. It is therefore understood that the employee has been employed to perform both the regular contracted duties and the extracurricular duties; that the contract may not be served or divided between those functions; and that the provisions of the contract apply to both responsibilities. Causes sufficient to justify termination or discharge may be found in either area of contracted duties. The school; however, may at its discretion terminate the employee's extracurricular duties with such action considered separate and apart from the regular contracted duties. The termination of extracurricular duties, in such case, is not subject to related state law and regulation. If an employee terminates the extracurricular duties, the employee shall be considered to have terminated the contract and may be considered for reemployment exclusive of the extracurricular duties at the discretion of the Principal/Head Administrator.

II. REEMPLOYMENT

Licensed School Instructors: at least fourteen (14) calendar days prior to the last day of the school year of the existing employment contract, AOA shall serve written notice of reemployment or termination on each licensed school instructor employed by the school. A notice of reemployment shall be an offer of employment for the ensuing school year. A notice of termination shall be a notice not to reemploy for the ensuing school year. Failure of AOA to serve written notice of reemployment or termination on a licensed school instructor shall be interpreted to mean that notice of reemployment has been served upon the person for the ensuing school year according to the terms of the existing employment contract except as noted herein, but subject to any additional compensation allowed other licensed school instructors of like qualifications and experience employed by AOA. Nothing in this policy shall be construed to mean that failure of AOA to serve

written notice of reemployment or termination shall automatically extend a licensed school instructor's employment contract for a period in excess of one (1) school year.

- A. Licensed school administrators, licensed instructional support providers and non-licensed employees: on or before the last day of the employee's work year of the existing employment contract or agreement, AOA shall serve written notice of reemployment or termination on each employee of the school.
- B. Employees who are offered unemployment shall deliver to AOA a written acceptance or rejection of reemployment for the ensuing school year within fifteen (15) days from the date the written notice of reemployment is served upon the person, or the last day of the school or work year if not written notice of reemployment or termination is served upon the person on or before the last day of the school/work year.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

EMPLOYMENT REQUIREMENTS

Academic Opportunities Academy (AOA), in its effort to employ the most qualified personnel and comply with State and Federal laws, sets forth the following requirements to be met by all persons being considered for employment by AOA, except when noted in this policy.

1. Applications

All candidates for employment with the school must complete an approved application form. Willfully making a false statement on an application for employment, material to his/her qualifications for employment, may be grounds for disqualification or, if employed, termination.

2. Health Certification

All employees shall present to the school, upon initial employment, a certificate from a licensed physician stating that the employee is free from all communicable disease in a transmissible stage that are dangerous to the health of students. Such certificate shall be according to a form prescribed by the Department of Health and approved by the Public Education Department and obtained from a licensed physician not more than ninety (90) days prior to the date of employment. All new employees must complete and file with the school a Statement of Health to determine pre-existing impairments only after an offer of employment is made. If deemed necessary, the new employee may be asked to provide a physician's release. If it is determined that the new employee has a ratable impairment, a Certificate of Pre-Existing Impairment will be filed with the New Mexico Public Schools Insurance Authority (NMPSIA), pursuant to the New Mexico Subsequent Injury Act.

3. Proof of Right to Work

All new employees will be required to prove their legal right to work in the United States as required by the U.S. Immigration Reform and Control Act, and as a condition of employment, file with the school, prior to employment, a satisfactory I-9 Form.

4. Verification of Birth Date and Academic and Experience Records:

- Each applicant selected for employment shall have on file with the school, prior to employment, suitable evidence of date of birth
- A current, complete and official transcript of an employee's academic credits or acceptable written verification of an employee's educational achievements, when required, must be on file with the school prior to the first day of employment, or as soon thereafter as possible.
- For any applicant to be recommended for employment, the school shall verify prior outside experience to the extent it is needed to meet job qualifications prior to an offer of employment.

5. Licensure/Certification

Any person teaching, supervising an instructional program or providing instructional support

services; any person administering; and any person providing health care and administering medications or performing medical procedures at AOA, except for practice teachers as defined by the Public Education Department, shall hold a valid license or certificate from the Public Education Department or the Department authorizing the person to perform that function. A person performing the duties of a licensed school employee who does not hold a valid license or certificate, or has not submitted a complete application for licensure or certification within the first three (3) months from beginning employment duties shall not be compensated thereafter for services rendered until he/she holds a valid license or certificate. Failure to acquire a valid license or certificate, or show evidence of submission of a completed application for licensure or certification within the first three (3) months from beginning employment duties shall be just cause for termination or discharge. The Public Education Department or authorizing department shall license teachers, school administrators, and instructional support providers including, but not limited to, rules established by the department:

- educational assistants,
- librarians,
- school counselors,
- school social workers,
- school nurses,
- speech-language pathologists,
- psychologists,
- physical therapists, physical therapy assistants,
- occupational therapists, occupational therapy assistants,
- recreational therapists,
- interpreters for the deaf,
- diagnosticians

The Public Education Department shall also provide by rule for the qualifications for substitute teachers. AOA will pursuant to such rule, issue substitute teacher certification.

6. Criminal/Background/Reference Checks

Applicants for employment with the school are subject to work history, education history, reference checks and criminal background investigations including, but not limited to, applicants for substitute and temporary positions, non-paid volunteers and contractors or contractor's employee(s) with unsupervised access to students.

An applicant applying for initial licensure from the state shall be fingerprinted and shall provide two (2) fingerprint cards or the equivalent electronic fingerprints to the Public Education Department to obtain the applicant's Federal Bureau of Investigation record. The applicant shall pay for the cost of obtaining such records. Convictions of felonies or misdemeanors contained in such report shall be used by the Department in accordance with the New Mexico Criminal Offender Employment Act. Other information contained in the report, if supported by independent evidence, may form the basis for the denial, suspension or revocation of a license by the State for good and just cause. An applicant for employment who has been initially licensed within twenty-four months of applying for employment with the school shall not be required to submit to another criminal background check provided the Public Education Department has copies of his/her FBI record on file.

An applicant recommended for employment, a non-paid volunteer, a contractor or a contractor's employee(s) with unsupervised access to students shall provide two (2) fingerprint cards or equivalent electronic fingerprints to the school to obtain his/her Federal Bureau of Investigation record. The cost of such record may be at the expense of the applicant, contractor or contractor's employee(s).

The school may request copies of FBI reports provided they are not more than twenty-four months old. The school shall not disclose such records and related information to any person not directly involved in the employment decision affecting the specific applicant or a contractor, contractor's employee or volunteer who has unsupervised access to students.

The school may also conduct a background investigation of an incumbent employee if it becomes aware of facts, circumstances, or conduct that give rise to a reasonable suspicion, that undisclosed aspects of the employee's background might disqualify him/her from continued employment with the school.

AOA may terminate or discharge an employee having been convicted of a felony or misdemeanor involving moral turpitude of which the employee failed to disclose such information to the school.

The Principal/Head Administrator shall report to the Public Education Department any known convictions of a felony or misdemeanor involving moral turpitude that results in any type of action against the licensed employee. Failure to do so may result in the suspension or revocation of the Principal/Head Administrator's license.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

FINANCIAL ACCOUNTING AND REPORTING

The Governing Council of the Academic Opportunities Academy (AOA) is aware that there is no level of materiality in governmental auditing and all violations must be disclosed because public monies are involved. Therefore, it is imperative that good accounting practices be developed and implemented by the charter school. In addition, special consideration should be given to Article IX, Section 14 of the State of New Mexico Constitution (the anti-donation clause), which places restrictions on donations to any person, association or public or private corporation. The prohibition contained in the anti-donation clause extends to both for-profit and not-for-profit organizations, including charter schools.

I. ACCOUNTING

- A.** Pursuant to NMAC 6.20.2, the charter school shall follow Generally Accepted Accounting Principles (GAAP) and state laws and regulations in accounting for all funds in its custody and control.
- B.** The charter school shall utilize an accounting program which will accommodate the account structure and chart of accounts mandated by the State of New Mexico Public Education Department.
- C.** The charter school shall account for funds utilizing the cash basis of accounting for budgeting, modified accrual basis for all reporting to the State of New Mexico Public Education Department and full accrual (including GASB requirements) basis in the preparation of year-end financial statements.
- D.** Financial transactions shall be entered for all revenue received all expenditures and corrections to accurately reflect the financial position of the school. Financial statements shall be presented to the AOA Governing Council on a monthly basis.
- E.** The charter school Governing Council shall meet at least monthly to review the financial statements and review any pending financial matters at the regularly scheduled monthly Governing Council meeting.

- F. All bank accounts shall be reconciled on a monthly basis. The Governing Council Treasurer, or his/her designee, and the Finance Committee shall review all bank reconciliations and initial their approval on the reconciliation.

II. FINANCIAL RECORDS

- A. The charter school Business Manager shall be aware of and follow the financial standards pursuant to NMAC 6.20.2.
- B. The charter school Business Manager shall be responsible for ensuring that all financial records and supplies are safeguarded from potential theft and destruction.
- C. Financial records shall be kept up-to-date and available for inspection at any time after reasonable notice.
- D. Financial records shall be retained as required by the State Records Center Records Retention and Disposal Schedule for New Mexico Public Schools and 1.20.2 et seq NMAC.
- E. Pursuant to 1.13.20.1 NMAC, the charter school Principal/Head Administrator and Business Manager shall be aware of the requirements for Disaster Recovery Backup Files with respect to the safeguarding of all student and financial records.

III. FINANCIAL REPORTS

- A. Financial reports reflecting the financial and budget position of the charter school shall be provided to the Governing Council on a monthly basis.
- B. Financial reports required by the State of New Mexico Public Education Department shall be submitted no later than the last day of the month following the end of the reporting period. The Governing Council shall be notified of any report which has not been submitted on a timely basis and the reason(s) for the late filing.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

FRAUD AWARENESS AND PREVENTION

The Governing Council of the Academic Opportunities Academy (AOA) is aware that there have been numerous incidents of fraud involving public schools and other government agencies. In order to protect the assets and reputation of the charter school, the AOA Governing Council intends to strengthen the culture of honesty and ethics in order to aid in the prevention and detection of fraud, fraudulent activities, theft or abuse involving any employee (including management), vendor, consultant, or outside agency engaged in any business relationship with the charter school.

Via the issuance of this policy, the AOA Governing Council has adopted a zero tolerance position with regard to fraud of any kind, and is committed to providing an effective system for identifying and reporting this type of activity. In addition, the Governing Council is committed to ensuring that management understands how to meet its responsibility for establishing internal controls for prevention and detection of fraud or fraudulent activity.

I. DEFINITION OF FRAUD

Any willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means, and/or any dishonest activity or misconduct which causes an actual or potential financial loss or damages the reputation of an organization. Examples of fraud that may occur in a public school setting may include, but are not limited to,

- Embezzlement
- Misappropriation of funds or assets
- Authorization of or receiving payment for goods or services not received
- Forgery, misstatement or alteration of documents (i.e. checks, agreements, purchasing documents or financial statements).

II. RESPONSIBILITY

This policy shall apply to all staff members, vendors, and consultants or outside agencies engaged in any business relationship with the charter school and shall be in concert with the terms of the proposed Whistleblower Policy. All staff members are responsible for exercising due diligence in order to prevent, detect and report any fraudulent activity.

III. REPORTING

Employees are encouraged to report any concerns directly to the Principal/Head Administrator or designee. In a case where the Principal/Head Administrator may be involved, suspected fraud or fraudulent activity shall be reported to the Governing Council president who will be responsible for informing the Governing Council.

IV. INVESTIGATION/EVALUATION

The Principal/Head Administrator or designee shall investigate and evaluate any and all reporting of real or suspected fraud or fraudulent activity and shall determine the appropriate action(s) necessary based on the quality of the information received. Any investigative activity required will be conducted without prejudice to a suspected wrongdoer's employment (or non-employment), length of service, position/title, and/or relationship to the school. In any instance where fraud is detected or suspected, the Principal/Head Administrator or designee shall assess the adequacy or deficiency of internal controls and determine whether or not any changes and/or modifications are necessary.

Pursuant to this policy, the Principal/Head Administrator or designee is responsible for investigation of any suspected wrongdoing and for taking the appropriate action required by law and reporting the results of any investigation to the AOA Governing Council. In a case where the person suspected of fraudulent activity is the Principal/Head Administrator, the Governing Council President is responsible for ensuring an investigation is conducted.

The charter school is aware that pursuant to 12-6-6 NMSA, 1978 and 2.2.2.10 (K), NMAC, the school shall, upon discovery, immediately report any violation of a criminal statute in connection with its financial affairs to the New Mexico State Auditor.

The Principal/Head Administrator or designee is responsible for the administration, interpretation, application and creation of any administrative procedures necessary to implement this policy.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

FUND BALANCE REPORTING

The Governing Council of the Academic Opportunities Academy (AOA) recognizes that this policy is necessary to establish and maintain reserves of Fund Balance pursuant to Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This statement, which governmental entities are required to implement for fiscal years ending June 30, 2011, is designed to improve financial reporting by establishing hierarchical fund balance classifications that are based on the extent of which a governmental entity is bound to observe spending constraints that govern how it can use amounts reported, thus making them easier to understand and apply. Establishment of this policy will help to ensure that there will be adequate resources to safeguard the charter school against unforeseen circumstances and/or events including, but not limited to, revenue shortfalls and unanticipated expenditures.

I. DEFINITIONS

Fund Balance – Refers to the difference between assets and liabilities reported in the Governmental Funds Balance Sheet.

Non-Spendable Fund Balance – Amounts that are not in a spendable form (i.e. inventories and prepaid items) or are contractually required to be maintained intact.

Restricted Fund Balance – Amounts that can be spent only for the specific purpose(s) stipulated by external resource providers (i.e. granting agencies), constitutional provisions, or by enabling legislation. Restrictions may be changed or lifted only with the consent of the resource providers.

Committed Fund Balance – Amounts that can be used only for the specific purpose(s) determined by a formal action of the charter school's highest level of decision-making authority. Formal action must be taken prior to the end of a given fiscal year. Commitments may be changed or lifted only the Governing Council taking the same formal action that originally imposed the constraint.

Assigned Fund Balance – Amounts that the charter school intends to use for a specific purpose. Intent can be expressed by the charter school's Governing Council or by an individual that has been given the authority to assign funds. In Governmental Funds other than the General Fund, Assigned Fund Balance represents the amount that is not restricted or committed. This indicates that resources in other Governmental Funds are, at a minimum, intended to be used for the purpose of that fund. Assigned Funds cannot cause a deficit in an unassigned fund balance.

Unassigned Fund Balance – The residual classification for the General Fund and includes amounts that are not contained in other fund classifications. Unassigned amounts are the portion of fund balance which is not obligated or specifically designated and is available for any purpose.

II. CLASSIFICATION OF FUND BALANCES

When expenditures are incurred for purposes for which both Restricted and Unrestricted Fund Balance is available; Restricted Fund Balances should be applied first. Similarly, when expenditures are incurred for purposes for which amounts in any of Unrestricted Fund Balance classification can be used, committed amounts should be reduced first, followed by Assigned amounts, then Unassigned amounts.

III. AUTHORITY TO COMMIT FUNDS

The charter school's Governing Council has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires that the Governing Council passes a resolution no later than June 30 of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, such resolution must state the process or formula necessary to calculate the actual amount as soon as information becomes available.

IV. AUTHORITY TO ASSIGN FUNDS

Upon passage of this policy, authority is given to the charter school's Business Manager to assign funds for specific purposes. Any funds set aside as Assigned Fund Balance must be reported to the charter school's Finance Committee and Governing Council during their

regular meeting. The Governing Council shall have the authority to remove or change the assignment of the funds with a simple majority vote.

V. ANNUAL REVIEW AND DETERMINATION OF FUND BALANCE RESERVE ACCOUNTS

Compliance with the provisions of this policy shall be reviewed, presented and discussed with the charter school's Finance Committee and Governing Council when financial statements are presented during a regularly scheduled meeting.

The charter school Principal/Head Administrator, Business Manager and Finance/Audit Committee members should work collaboratively to develop and implement any administrative procedures necessary to implement this policy.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

FURLOUGH

If Academic Opportunities Academy (AOA) experiences insufficient or reduced school revenues caused by a reduction in the number of enrolled students, number of students in a particular program, unexpected reduction in revenues from local, state or federal sources or any other financial exigency, that might result in a need to reduce the number of employees, it is the policy of AOA to implement a short-term employee furlough in order to preserve a sound and balanced educational program that is consistent with the functions and responsibilities of AOA. A furlough in lieu of a reduction in force OR in addition to a reduction in force will be implemented whenever, in the sole discretion of AOA, such measures are the best interest of AOA's students and program. A furlough will only be carried out after the Principal/Head Administrator and the Governing Body jointly adopt a determination that based on the projected financial burdens of the school, AOA cannot survive financially for the fiscal year already underway unless a furlough is implemented.

The Principal/Head Administrator shall determine, based on the best interest of the educational program, whether all employees or certain categories of employees or positions will be subject to furlough as defined in this policy. It is the intent of AOA to conduct an intermittent rather than continuous furlough to mitigate employee financial hardship; however, AOA reserves the right to conduct a furlough in any manner deemed necessary to ensure the stability of the educational program. Furloughs will be implemented in a fair manner that is sensitive to the mission of AOA and the needs of its faculty and staff.

1. Definition

A furlough is the placement of an employee in a temporary leave without pay status for a specified number of hours or days within a certain time frame. A furlough is not a layoff or reduction in workforce and may be used to avoid or delay such action.

2. Determination

The decision to implement an employee furlough will be made by the Principal/Head Administrator after consultation with the Governing Council.

3. Furlough Plan

The Principal/Head Administrator shall prepare a furlough plan that will identify the budgetary justification for the furlough; who or what job classifications will be affected; the number of days/hours that will be reduced from each employee's work day/week/month; specific dates, if applicable, and the procedure for implementing the furlough. The furlough plan shall be sufficiently comprehensive to address the entire shortfall projected for the balance of the budget year at issue. The Principal/Head Administrator may, at his/her sole discretion, require staggered furlough days (one employee or certain categories of employees during a specified time) or, alternatively, uniform furlough days (i.e. for all employees at one time)

4. Implementation

To implement a furlough, the Governing Council will consider the Principal/Head Administrator's furlough plan and vote on the plan at a public meeting. At this meeting the Principal/Head Administrator will explain the reasons for the furlough and his/her plan for implementing the furlough. The Governing Council may recommend revisions to the Principal/Head Administrator's furlough plan to the extent the plan does not adequately address the budgetary constraints identified as justification for the furlough. The Principal/Head Administrator, however, shall make the final decision regarding the plan as it affects employee's and school programs.

5. Written Notice

Employees will be given as much advance written notice as possible, but not less than 10 work days prior to implementation of the furlough.

6. Status during Furlough

Affected employees must take time off without pay for the period of time designated by the furlough. Supervisors may not require, ask or permit employees to work on a furlough day except in instances of an emergency. An employee may not conduct any school business during the 24 hours of a furlough day. This includes checking work-related e-mail and voice mail.

7. Voluntary Furlough

If possible, prior to implementing a mandatory furlough, the Principal/Head Administrator may call for a voluntary furlough. However, the Principal/Head Administrator, may in his/her sole discretion, determine whether the response to the call for a voluntary furlough will be sufficient to meet the anticipated budgetary shortfall for which a furlough is necessary.

8. Categories of Employees

At the sole discretion of the Principal/Head Administrator, he/she may implement a furlough of employees according to their job functions and responsibilities at AOA. The categories of employees are as follows:

- Administration (Principal/Head Administrator and Business Manager)
- Licensed Faculty and Staff
- Secretarial and Clerical
- Custodial

The Principal/Head Administrator shall ensure that any categorical or position-based furlough is implemented in a non-discriminatory and fair manner.

9. Selection of Furlough Hours/Days

The Administrative Team will consider reasonable requests to schedule furlough hours or days at the convenience of the employee, however, any decision regarding an employee's furlough schedule will be made in order to minimize disruption to the efficient operation of AOA's programs. The scheduling of specific furlough hours is at the sole discretion of the Principal/Head Administrator and is not subject to the grievance procedure.

10. Holiday Pay During Furlough Hours

If a holiday is selected as the eight hour furlough period then the employee will not receive pay for that day. Furlough is considered an excused absence for holiday pay accrual purposes.

11. Continuation of Benefits

The intermittent nature of the furlough is designed to avoid any adverse impact to employee benefits. Employees will continue to receive employer-provided benefits and accrue leave during the furlough period.

12. Part-time Employees and Phased Retirees

Part-time employees and return to work retirees are subject to a pro-rated furlough schedule. The amount of time a part-time employee must take off for the mandatory unpaid furlough will be pro-rated on the employee's assigned part-time percentage (e.g. 50%) of a full time position.

13. Documentation

The Principal/Head Administrator shall ensure that appropriate documentation of the furlough and of those employees affected are kept.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

LEAVES OF ABSENCE

The Governing Council of the Academic Opportunities Academy (AOA) believes that leaves of absence for employees will (1) contribute to attracting and retaining staff who will continue to grow professionally, and (2) allow for the maintenance of good health, and (3) provide staff members with a sense of security, all of which are significant to the success of the school.

I. MEDICAL AND PERSONAL LEAVE

All eligible employees shall be entitled to the number of paid leave days per work year as specified in their respective employment contracts. Paid leave includes, but is not limited to, the following:

- Personal illness or injury
 - Illness or injury of the employee's spouse or dependent children
 - Personal business including the bereavement of a death in the employee's immediate family (spouse, child, domestic partner, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister or sister-in-law) or attendance at funeral services.
 - Public service duties approved by the Head Administrator
1. At the beginning of each contract year, each eligible employee will be credited with the number of days identified in their respective contract. At the conclusion of a contract year, a maximum of seven (7) unused medical and personal leave days may be carried forward to the next contract year for use as medical leave identified and used only for future personal illness or injury. Such medical leave days may be accumulated to a maximum of thirty (30) days. All accumulated medical leave is forfeited upon termination of employment with the Academic Opportunities Academy (AOA) and is not transferable to any other employee.
 2. For periods of medical leave exceeding five (5) consecutive days, the Principal/Head Administrator, or his/her designee, may require a physician's statement attesting to the fact that the employee is unable to return to work for health reasons.
 3. If an employee is out for more than five (5) days, the Principal/Head Administrator may require a physician's release to return to work.
 4. Full medical leave benefits shall not be paid during any period for which an employee is eligible for worker's compensation benefits unless the employee has elected, in writing, to assign his/her worker's compensation payment to the school for the period during which full medical leave benefits are paid. In no event shall an employee be entitled to full payment of both medical leave benefits and worker's compensation benefits during the same period. Under this policy, worker's compensation payments refer only to wage placement benefits under the Worker's Compensation Act. In the event an employee does not elect to assign his/her worker's compensation payment to the school, the school shall deduct that portion of the medical leave benefits so that the employee receives only that amount of combined payments equal to the employee's regular salary.

II. PROFESSIONAL LEAVE

Since the AOA curriculum is evolving and believes in sharing best practices, employees are encouraged to attend professional development activities such as conferences, meetings, seminars, etc. since attendance is considered beneficial to the AOA educational program. As long as the employee is acting on behalf of the school, the employee will not lose pay during his/her absence and may have

all, or a portion of, the expenses for attending such activity paid or reimbursed pursuant to a duly authorized Purchase Order and available budget.

III. MILITARY LEAVE

Any employee, who is a member of an organized unit of the National Guard, or a reserve unit of any of the military branches of the United States, shall be given paid military leave not to exceed fifteen (15) days each fiscal year when ordered to active duty training with such organized units. Such leave is to be in addition to other leave or vacation time to which the employee is otherwise entitled. Such military leave will be granted with full salary regardless of the amount of money drawn by the employee while on such military duty,

IV. JURY DUTY AND COURT SUBPOENA LEAVE

Leave of absence will be granted when an employee is subpoenaed to appear in an official proceeding if such proceeding does not involve self-employment and does not concern the employee's own personal affairs. Leave will be granted to an employee for appearance in court as a witness, to serve on a jury, or to respond to an official order from another government jurisdiction for reasons not brought about through misconduct of the employee. Such leave will be granted with pay up to the amount of the difference between the employee's regular and any amount received from jury duty or witness fees. Any compensation received, except for transportation expenses, shall be submitted directly to the school's business office.

V. EXTENDED LEAVE

An extended leave of absence, without pay, may be granted to an employee for reasons including, but not limited to, the following:

- Serious health condition.
- Childbirth.
- Caring of a spouse, parent, or dependent child.
- Educational pursuits.

Such leaves require approval of the Principal/Head Administrator. Employees requesting such leave are to provide the Principal/Head Administrator with appropriate justification for their request including a physician's statement when the request relates to personal health, childbirth, or other healthcare reasons. Such leave shall not exceed one (1) work year.

Employees granted an extended leave of absence for a portion of the school/work year must notify the Principal/Head Administrator in writing of his/her desire to return to active employment at least thirty (30) days prior to the date of return. Employees granted an extended leave of absence for an entire school/work year must notify the Principal/Head Administrator of his/her desire to return to active employment by March 15th of the school/work year in which the leave was granted. Employees granted an extended leave of absence for personal, health, or childbirth reasons shall be required to submit to the Principal/Head Administrator prior to their return to work, a physician's statement releasing the employee to assume their full duties.

All paid and unpaid leave requests, except those related to medical and other bona fide emergency reasons, shall require advance written approval. Leave requests shall be submitted to the Principal/Head Administrator, or their designee, on a form provided by the school accompanied by any necessary support documentation. The employee's daily rate of pay will be deducted from the employee's salary for any unauthorized absence or absence which does not meet the criteria set forth in this policy. Abuse of leave may be grounds for disciplinary action against an employee including termination or discharge.

The Principal/Head Administrator and staff shall develop and implement any procedures necessary to administer this policy.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

PERSONNEL RECORDS

It is the policy of the Academic Opportunities Academy (AOA) to maintain a complete official personnel record for each current employee and past employee. The Principal/Head Administrator shall be responsible for developing and maintaining an efficient system for the collection, filing, review, inspection, dissemination, storage and security of all personnel records that is consistent with all laws and Governing Council policies. The Principal/Head Administrator will identify school officials and others having a legitimate “need-to-know,” who have full or limited access to personnel records.

- An employee shall have scheduled access to his/her own personnel records, except for those deemed to be confidential. Employment references and other pre-employment documents shall be considered confidential unless the person submitting the reference has signed an agreement permitting the employee to inspect the specific reference, or if such documents are considered public information. The inspection of his/her own personnel records must be in the presence of the Principal/Head Administrator, or designee. The time of inspection shall be scheduled at a mutually convenient time.
- The Governing Council may review an employee's personnel records only during a “closed session” related to that employee.
- Personnel records will not be made available to persons other than school officials and others having a legitimate “need-to-know” such as, regulatory and accrediting agencies and legal, safety and medical officials in the conduct of their business, without the written consent of the employee.
- No material shall be removed from an employee's personnel records except for inspection and/or copying, or as provided for in the policy, and no set of personnel records shall be removed from the school.

Personnel records are not, in and of themselves, considered to be public records; however, specific documents and information contained within the personnel records may be considered public information under the law and may be inspected or released in accordance with the Inspection of Public Records Act, the Confidential Materials Act, other state or federal laws and Governing Council policy and procedures.

Records of former employees shall remain the property of AOA and shall be kept on file in either their original form or in some form determined by the principal. Former employees may not have access to their personnel records, but may request inspection of any information within the records considered to be public information.

An employee shall have the opportunity to inspect and respond to any material to be placed in his/her personnel record that is derogatory and/or detrimental to the employee's employment status or personal character. The employee may submit a written response to such materials. Such response shall be made a part of the employee's personnel records. An employee may have a document considered by the employee to be incorrect, derogatory or detrimental to his/her employment status of personal character to be removed from the personnel records provided:

1. The document is not an official evaluation report; and
2. The document has been in the personnel records for three (3) year or more; and
3. The party or parties originally submitting the document and the Principal/Head Administrator agree to its removal. If the party or parties originally submitting the document are no longer employees of the school, the determination shall lie with the Principal/Head Administrator.

Personnel Records shall include, but not be limited to:

- Employment application
- Verification of qualifications

- Employee Contract
- Pre-employment references (confidential)
- Documentation on student abuse and neglect, Confidentiality, Student Rights and Responsibilities and the Employee Standards of conduct training
- Official performance evaluations
- Documented attendance records at professional development activities
- Disciplinary actions
- Waiver of confidentiality (workers compensation)
- CPR certification (if required)
- Criminal background check
- Motor vehicle report (if required)
- Drug-free Workplace acknowledgment
- Licensure/Certification verification
- Employment contracts
- Routine file maintenance data

The following records shall be maintained in a separate file, apart from the personnel records, for each employee:

1. Employment and Pre-employment medical records
2. Health records
3. Workers Compensation records
4. Drug testing records
5. Grievance documents, except for final outcome or resolution
6. I-9 forms (separate file)
7. Criminal background check

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

POSITION CLASSIFICATIONS AND JOB DESCRIPTIONS

To ensure that each employee of Academic Opportunities Academy (AOA), his/her respective supervisor(s) and others are aware of the essential duties and responsibilities of the employee's position; that each employee understands the basis, in part, upon which he/she will be evaluated; that each position in AOA has a classification and attendant compensation consistent with the type and extent of these duties and responsibilities; and that AOA is in compliance with all applicable federal and state legal requirements, all new and existing positions shall have approved job descriptions that are the result of a thorough and consistent position analysis and evaluation.

The Principal/Head Administrator shall develop and implement a systematic process to comply with such expectations, and shall maintain and update all job descriptions in a manual with each employee being given a copy of their job description upon employment or at any time his/her duties are modified. A copy of the job description related to a position being advertised will be given to any applicant upon request. Job descriptions are generally approved by the Principal/Head Administrator.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

PURCHASING AND PROCUREMENT

The Governing Council of the Academic Opportunities Academy recognizes that the State of New Mexico Procurement Code is the best protection for those responsible for expenditure of public funds. The Council further realizes that it is important to obtain the best quality goods and services at a reasonable cost and to conduct purchasing in a fair and impartial manner without the appearance of impropriety. Therefore, the stipulations of the State of New Mexico Procurement Code, as outlined in 13-1-21 et seq. NMSA 1978, and as may be amended from time to time, are adopted as the policy of the charter school. The charter school shall also be aware of, and adhere to, all rules and regulations as outlined in 2.40.2.1 et seq. NMAC, and 6.20.2.17 NMAC. All purchases shall be made subject to available budget, adequate segregation of duty, and adopted administrative procedures. The charter school shall also be compliant with the Chief Procurement Officer requirements enumerated in 13-1-95.2, NMSA 1978.

I. Small Purchases

For purposes of this policy, and pursuant to 13-1-125 NMSA 1978, small purchases are defined as purchases valued at \$5,000 or less. Purchases of goods or services valued at \$5,000 or less may be made with Purchase Order (P.O.), through a check request, or via an expense reimbursement process subject to advance approval based on available budget.

II. Purchases of goods or services valued at more than \$5,000 but less than \$20,000 and professional service contracts less than \$60,000

Purchases of goods and services valued at more than \$5,000, but less than \$20,000 and Professional service contracts may be made by obtaining the best available price using a purchase order which has been duly requisitioned and approved. If purchase of goods is not being made under an existing statewide or other approved pricing agreement or subject to sole source procurement, at least three (3) written quotes may be required by the school Business Office.

III. Purchases of goods or services valued at more than \$20,000 and purchases of professional services in excess of \$60,000

Pursuant to 13-1-102 NMSA 1978, purchases of goods or services, which are not purchased under a statewide pricing agreement and are not considered sole source, valued at more than \$20,000 and professional services in excess of \$60,000 are subject to either a sealed competitive bid process or a competitive sealed proposal process. Either process requires advertising in newspapers of general circulation, with a date of advertisement at least ten (10) days prior to due date of bid or proposal. Either process also requires development and distribution of a formal Invitation to Bid or Request For Proposal (RFP) document, as well as a public opening of all bids and/or proposals received.

IV. Sole Source Procurement

Based on a written determination that only one source is practically available for a particular good or service, sole source procurement may be made without formal sealed bidding or competitive negotiation. Any purchase(s) deemed as sole source are subject to 2.40.2.12 NMAC and 13.1.126 and 13.1.128, NMSA 1978.

V. Emergency Procurement

Emergency procurement shall be allowed as long as it fulfills the requirements identified in 13.1.127, (B) 1-3, NMSA 1978. Emergency procurement may be made without formal sealed bidding or competitive negotiation with a written justification for the emergency, identification of the goods and/or services being procured, and the name and date of the contractor/entity selected.

VI. Cooperative Purchasing Agreements

Pursuant to 13.1.35 NMSA, the charter school may, at its discretion, join and participate in cooperative purchase agreements with one or more public bodies or state agencies.

VII. Existing Price Agreements

Whenever possible, every attempt will be made to purchase goods or services from a vendor who already has an existing statewide pricing agreement with the State of New Mexico or other approved agency.

VIII. Payments for Purchases

Pursuant to 13-1-158 NMSA 1978, payment for any purchase of goods or services shall not be made until the charter school business office certifies that the goods or services have been received and meet the required specifications. Payment in advance for goods and/or services is not allowed except in the case of airfare, lodging, conference registration, or any other legitimate purpose which does not violate the provisions of the State of New Mexico Procurement Code.

IX. Variances

The Governing Council recognizes that factors beyond the control of the school, such as shipping costs, may cause an invoice to be higher than the approved purchase order. As such, this policy shall allow for a 10% variance from the total approved amount upon review and approval by the Business Manager. Whenever possible, the vendor should notify the business office of any variance in excess of 10% prior to shipment of goods or commencement of services. Variances may also occur when flight cancellations and/or flight delays result in additional lodging and other travel-related expenses. As such, this policy shall allow reasonable travel-related expenditures over and above an approved purchase order amount due to unforeseen circumstances which has been approved in advance by the Business Office.

- X. The charter school is encouraged to issue tax-exempt certificates for qualifying purchases pursuant to the guidelines established by the New Mexico Taxation and Revenue Department for Type 9, Governmental Agencies.
- XI. The charter school Principal/Head Administrator and staff shall develop and implement any administrative procedures necessary to administer this policy.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

RECRUITMENT AND SELECTION OF EMPLOYEES

The Academic Opportunities Academy (AOA) Governing Council is committed to acquiring and retaining, consistent with all legal, regulatory and Governing Council requirements, the most qualified personnel for all positions at AOA.

I. RECRUITMENT

This is the responsibility of the Principal/Head Administrator, with the assistance of other school personnel and Community members, to seek those candidates for recommendation to the Governing Council for employment that are best qualified to meet the personnel needs of the school and ensure the successful achievement of its goals and objectives. Thus, the council directs the Principal/Head Administrator to develop an annual recruitment plan designed to focus upon the employment of persons for those positions for which the school has the greatest need and/or has experienced difficulty in attracting and securing candidates with the desired qualifications. The search for the most qualified candidate(s) shall:

- Extend to a wide variety of sources, educational institutions and geographical areas, if necessary.

- Focus upon those competencies and qualities most essential to the position vacancy including the possession of a standard license or the ability to secure an approved licensure waiver, if required.
- Consider the talents and potential of individuals currently employed by the School, however, no preferential treatment shall be afforded current employees in the selection process.
- Consider the diversified characteristics of the community served by the School and the need to reflect that diversification in the staffing of position vacancies.

The school, at its discretion, may maintain a pool of qualified applicants for any position category in which a number of employees are hired throughout the year. For those vacancies not having a pool from which to draw, each vacancy must be advertised through a means of communication readily accessible to the general public for a minimum period of two (2) weeks. Each position vacancy shall be posted at a location within the school that is easily accessible to all employees.

II. SELECTION

It is the responsibility of the Principal/Head Administrator and of those employees to whom s/he delegates the tasks of determining personnel needs and locating and selecting the best qualified candidates, to develop and consistently implement a hiring process that fulfills the intent of the Council in a fair and equitable manner. Such process shall consider the following.

- There will be no discrimination in the selection process due to age, sex, religion, race, color, national origin, or handicap.
- Interviewing and selection procedures will assure that the supervisor of the position vacancy, a faculty member (for a teaching position), a student representative, if available, and other appropriate staff members will participate in the selection process, fully recognizing that the final selection must be approved by the Principal/Head Administrator for recommendation to the Governing Council.
- Each qualified candidate must have either a personal, telephone or video-taped interview. Employees participating in the interview process must be given prior training on proper interview and rating techniques. Background and reference investigations shall be conducted for all candidates being recommended for employment. Standardized competency tests may be employed as part of the selection process.
- No individual shall be hired after the date this policy is adopted if the employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees is discouraged. No person shall be employed who is a member of the immediate family of a Governing Council member. "Immediate family," for the purpose of this policy, includes: spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

REDUCTION IN FORCE

The Academic Opportunities Academy (AOA) has the authority to discharge certified school personnel during the term of their contracts or to terminate certified school instructors and non-certified employees with rights created by Section 22-10-14 NMSA 1978, after notice and a hearing when a reduction of such personnel is required as a result of decreased enrollment or a decrease or revision of budget. Reduction of force is a "just cause" for discharge of certified school personnel and termination of certified and non-certified employees, when established pursuant to this policy.

The school is vested with the discretion to determine educational programming. The school may revise the educational program or decrease the number of employees of the school at any time and is solely vested with the discretion to determine when decreased enrollment, program needs, financial exigency or other causes justify a reduction in personnel.

Any RIF plan adopted by AOA shall be made available to all staff, by providing copies thereof in the administrative offices within five working days after approval by the Governing Council.

Each certified instructor discharged and each tenured employee terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable statutes and regulations of the NM Public Education Department governing discharge of certified school personnel or the termination of tenured employees.

I. PROCEDURES:

1. Situations Justifying Reduction-in-Force:

a. Situations which justify RIF shall include, but are not limited to, the following:

- Decrease in enrollment
- Decrease in revenue
- Change in education program as determined by the AOA Governing Council
- Court Orders
- Legislative mandates

b. The school shall exercise its discretion in good faith, and determinations that a RIF is necessary shall be based on bona fide education considerations and not be a subterfuge for discharging or termination of personnel without just cause or impermissible reasons.

c. Any RIF may occur at any time during the calendar year when the school, in its discretion, determines that it is justified and the procedures prescribed herein are applicable and are followed.

2. Determination of Need for Reduction-in-Force:

a. Preliminary Report: The Principal/Head Administrator or designee shall report to the AOA Governing Council the circumstances which may ultimately require a RIF in order that notice be given to personnel if the possibility of a RIF and so that consideration may be given to means by which a RIF may be avoided or the efforts migrated, if possible.

b. Preparation of plan for RIF: When the Principal/Head Administrator or designee concludes that a RIF is necessary, s/he will present a Reduction-in-Force plan to the Governing Council for consideration. The RIF Plan shall not identify individuals to be discharged or terminated, but shall focus upon the education program of the school and how it may be modified to reduce the number of personnel while still providing a quality educational program. The RIF Plan shall include, but not limited to:

- A detailed description of the cause or causes requiring a RIF;
- A description of all adjustments already made by the administration in an attempt to avoid a RIF, if any
- A designation of the part or parts of the total educational program in which the RIF is proposed and the number of positions to be reduced in each program
- A discussion of alternatives (if any) considered by the Principal/Head Administrator or designee and the management team of AOA and an explanation of why each alternative was rejected.

3. Selection of Personnel to be Released: The following criteria shall be applied in making the selection:

Certified Personnel:

a. Certification-Licensure/Qualification: The primary concern and the initial

criterion to be applied in making the RIF selections is the official certification or licensure and qualifications of certified staff to maintain a sound and balanced education program that meets statutory requirement and accreditation through the NM Public Education Department. Those having proper certification/licensure shall be given preference over those who do not.

- b. Additional Training and Experience: Training and experience in activities that are to be retained as part of the school's overall program for its students may be considered a qualification requirement.
- c. Seniority: Where certification/licensure qualifications status and additional training and experience are equal between two or more certified instructors being considered for release, the more senior instructor(s) will be given preference.

ACADEMIC OPPORTUNITIES ACADEMY PROPOSED GOVERNING COUNCIL POLICY

SCHOOL OPERATING BUDGET

The Governing Council of the Academic Opportunities Academy (AOA) recognizes that the annual school budget is a forecast of the cost to implement the goals and objectives outlined in the school's charter. Since the primary objective is to improve students' performance, achievement levels will be assessed and compared to the stated goals and objectives in order to identify any area(s) requiring an adjusted allocation of available resources. Program performance shall be evaluated during the year to provide a base for subsequent budget development. Therefore, it is anticipated that budget planning will be an on-going process involving the Principal/Head Administrator in collaboration with teachers, support staff, and the community. For budget purposes, the fiscal year begins on the first (1st) day of July and ends on the thirtieth (30th) day of the following June. The charter school shall pay particular attention to any legislative activities which could have budget implications.

1. In connection with preparation of the annual budget, the charter school shall follow all procedural requirements pursuant to 6.20.2.8 NMAC and 22-8-6.1 NMSA.
2. The charter school shall adhere to the budget preparation standards set forth in 6.20.2.9 NMAC and 22-8-6 through 22-8-11 NMSA.
3. The charter school shall adhere to the budget maintenance standards outlined in 6.20.2.10 NMAC.
4. In concert with the budget maintenance standards mentioned above, the charter school shall be aware of the Bateman Act, 6-6-11 NMSA 1978, which indicates yearly expenditures are limited to income and it is unlawful to incur debt or expenditures which cannot be paid out of money actually collected and belonging to the current fiscal year.
5. Prior to June 20 of each fiscal year, the budget shall be fixed by the charter school Governing Council at a public meeting of which notice has been duly published pursuant to 22-8-10 NMSA.
6. The charter school will cover current expenditure with current revenues. The charter school will avoid budgetary procedures that cover current expenditures at the expense of meeting future years' expenditures, such as postponing expenditures or accruing future years' revenues.
7. The charter school Business Manager shall review all purchase orders for sufficiency of budget.
8. The charter school will prepare monthly financial reports comparing actual revenue and expenditures to budgeted amounts.
9. The charter school Business Manager shall provide the status of the budget during a report to the Governing Council on a monthly basis.
10. Pursuant to 22-8-12 NMSA, the charter school Business Manager shall present proposed Budget Adjustment Requests (BARs) as necessary to maintain a positive balance by object code for all funds.

11. The charter school Business Manager shall keep the Governing Council informed of the availability of revenue for budgeting purposes.
12. If required, the charter school shall integrate performance measurement and productivity indicators within the budget.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

SEXUAL HARASSMENT

Academic Opportunities Academy (AOA) prohibits the harassment of any employee on the basis of sex. Sexual harassment by any employee, volunteer, or any persons who work subject to the control of school authorities, whether in the workplace, in another work-related setting or at a work-related social event, shall not be tolerated.

1. **Conduct of a Sexual Nature** includes, but is not limited to, verbal or physical sexual advances including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented kidding, teasing, double-entendres, jokes, or use of any obscene or sexually suggestive gestures and any harassing conduct to which an employee would not be subjected but for the employee's sex.
2. **Unwelcome Conduct of a Sexual Nature:** Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his/her conduct, that it is unwelcome. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for such subsequent conduct to be deemed welcome.
 - a. For the purpose of this policy, unwelcome sexual advances or requests for sexual favors and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:
 - Submission to the conduct is made either an explicit or implicit condition of employment; or
 - Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
 - The conduct substantially interferes with the employee's work performance or creates an intimidating, hostile or offensive work environment.
 - b. Specific prohibition – Administrative Personnel
It is sexual harassment for an administrator or supervisor to use his/her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment. Administrators and supervisors who engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary action as described below.

An employee who believes that he/she is a victim of sexual harassment is encouraged to report such allegation. This may be done through the Grievance Procedure for Discrimination Complaints. If for some reason the complainant is unable or unwilling to take the complaint to the Principal/Head Administrator, as set forth in the Procedure, or if the complaint involves the Principal/Head Administrator the complaint may be taken to a member of the Governing Council. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. The Principal/Head Administrator or the Governing Council President, depending upon

the focus of the complaint, will be responsible for investigating and resolving complaints of sexual harassment. Any employee found to have engaged in sexual harassment shall be subject to disciplinary action including, but not limited to; warning or reprimand, suspension, termination or discharge subject to applicable procedural requirements.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

WHISTLEBLOWER

A whistleblower as defined by this policy is an employee of Academic Opportunities Academy (AOA) who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor, the Principal/Head Administrator or designee. If the Principal/ Head Administrator is the subject of concern, the employee should report to the President of the Governing Council. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. AOA will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Principal/Head Administrator or designee immediately. If the Principal/Head Administrator is the subject of concern, the employee should report to the President of the Governing Council. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Principal/Head Administrator or designee who is responsible for investigating and coordinating corrective action. If the Principal/Head Administrator is the subject of concern, the employee should report to the President of the Governing Council. Employees with any questions regarding this policy should contact the Principal/Head Administrator or designee.

ACADEMIC OPPORTUNITIES ACADEMY
PROPOSED GOVERNING COUNCIL POLICY

WORKER'S COMPENSATION

The Governing Council of the Academic Opportunities Academy (AOA) is aware of the Worker's Compensation Policy provisions outlined in 6.50.14 et seq. and the Loss-Prevention Management System standards in 6.50.12 et seq. NMAC. All injuries, illnesses, and near-miss incidents are to be

immediately reported to the Principal/Head Administrator or his/her designee, regardless of the need for medical treatment. The school shall comply with all the State of New Mexico Worker's Compensation Administration's posting requirements which include the Employer's First report of Injury or Illness (Form E1.2) and Notice of Benefit Payment (Form E6.2)

I. ELIGIBLE EMPLOYEES

The provisions of this policy shall apply to all full-time and part-time employees of the Academic Opportunities Academy.

II. DEFINITIONS

A. Injury – An accident which occurs within the course of employment. This policy shall allow for coverage of injuries sustained by an employee of AOA during the course of employment for the immediate preceding employer.

B. Occupational Disease – A disease which arises in and out of the course of employment which *is not* a disease which the general public is, or would be, exposed to outside of employment.

C. Permanent Partial Disability – A permanent loss to the body which is caused by an injury or occupational disease and does not result in total incapacity.

D. Temporary Total Disability – The condition of an individual who, though not totally and permanently disabled, is unable to perform the duties of their prescribed job for a given number of days needed to recover from an injury or occupational disease.

E. Regular Salary – The salary that the employee normally earns per week based on an approved salary schedule or other determination for the employee's designated position.

III. BENEFITS

A. AOA shall pay full regular salary benefits, less required and/or authorized deductions, to an eligible employee when it has been determined that an injury or occupational disease has resulted in permanent partial disability or temporary total disability. Benefits under this policy shall be paid for a period not to exceed sixty (60) calendar days.

B. Full regular salary shall not be paid during any period for which an employee is eligible for worker's compensation benefits unless the employee has elected, in writing, to assign his/her worker's compensation payment to the school for the period during which full regular salary benefits are paid. In no event shall an employee be entitled to full payment of both regular salary benefits and worker's compensation benefits during the same period. Under this policy, worker's compensation payments refer only to wage placement benefits under the Worker's Compensation Act. In the event an employee does not elect to assign his/her worker's compensation payment to the school, the school shall deduct assign his/her worker's compensation payment to the school, the school shall deduct that portion of the regular salary benefits so that the employee receives only that amount of combined payments equal to the employee's regular salary.

C. During the annual budget process, this policy shall be reviewed to ensure adequate budget exists to support the benefits listed above. If sufficient budget does not exist during any given fiscal year, this policy may be revised or rescinded at a public meeting of the Governing Council which has been duly noted pursuant to the adopted Open Meetings Act Resolution.

The Principal/Head Administrator and staff shall develop any administrative procedures necessary to implement the provisions of this policy.

