

The graduate maintains a positive attitude.

(2) Health Enhancing Behaviors

The graduate exhibits the ability to cope effectively with personal challenges, frustrations, and stress.

The graduate makes choices to promote good health.

(3) Self-Motivation

The graduate displays perseverance.

The graduate sets high standards.

The graduate accepts new or changed responsibilities.

(4) Character Development

The graduate develops a personal values system.

The graduate accepts responsibility for his/her actions.

The graduate chooses ethical courses of action.

THINKING SKILLS

(1) Conceptual Thinking

The graduate uses techniques to see connections between situations that are not obviously related.

The graduate identifies key issues in complex situations.

The graduate applies creative, logical, or critical thinking strategies to develop original concepts, or solutions.

(2) Analytical Thinking

The graduate breaks and organizes complex problems, processes, systems, or projects into parts for problem- solving, informed decision making, and management.

(3) Information Gathering and Application Page 25 of 156

The graduate gathers information from technological research, other reference materials, personal interviews or surveys, and by asking appropriate questions.

The graduate analyzes, evaluates, and selects information relevant to academic, workplace, and life problems.

(4) Independent Thinking

The graduate applies techniques to a given situation and the graduate exhibits flexibility.

(5) Required High school Core Curriculum

Language Arts	English I-IV, emphasizing: Reading with comprehension
4 credits	
Math	Algebra I & II
3 credits	Geometry
Science	Chemistry
3 credits	Life Sciences
	Physical Sciences
Comm Skills	Clear writing and oral communications
1 Credit	
Foreign Languages	Spanish I and II
2 Credits	
Social Studies	American History/Geography
4 credits	World History /Age of Enlightenment to Present
	New Mexico History
	Civics/Government
	Economics
	US History
PHYSICAL ED	3 of 6 Fitness-oriented activities / life sports
1 CREDIT	—running, climbing, spelunking, hiking, ropes courses, softball-activities focused around community center and area resources.
Study & Life Skills/Career Readiness –	STUDY SKILLS (1semester)... Introductory course to time management; thinking and reasoning; textbook study strategy; note-taking and outlining; vocabulary improvement tips; learning how to learn; writing a research paper; process of writing; plagiarism; technology (computer, Internet links for study skills)
1 credit	UFE SKILLS (1semester) -Introductory course to consumer economics (savings, investment, and simple and

compound interest; buying and renting); single living (small repairs for the home; cooking); relationships (self-regulation, teaming, civility, getting along with others); careers/life work

Health

1 credit

Fine Arts

1 credit

Practical
rk

• VOCATIONAL/OCCUPATIONAL EDUCATION

Study

Electives

5 credits

High school Electives

- Electives will be offered on a cycle basis, unless otherwise indicated.

10. A timeline for alignment of the curriculum with the Public Education Department's content standards, benchmarks and performance standards.

The curriculum will be aligned with the PED's content standards and benchmarks prior to approval of this Charter. Performance standards will be evaluated after the second year of operation and changed if necessary after evaluating the school's measures of success.

11. Strategies and methods to be used in delivering the curriculum and how the curriculum will address each student's needs and assist the student in reaching those standards. Include how proposed academic programs impact Statewide Adequacy Standards requirements.

The ACS educational program is designed to meet individual student needs through Student Learning Plans. ACS focuses on each student's unique learning style, language preference, his or her individual behavioral modality, and how all these variables apply to the student's cognitive development. ACS strives for environmental equilibrium in a multi-aged, multi-grade environment where there is no overt identification of grade levels. Students are able to advance through multiple grade levels in a non-threatening learning environment that encourages completion and enhances their individual sense of accomplishment.

ACS assures that achievement of performance standards for all population groups identified under NCLB groups will be addressed.

In addition to academic needs, the student's learning plan will examine social/economic issues including language services (ELL), housing, substance abuse, parenting and special education issues. Needs will be assessed and resources within the community identified.

ACS is also designed to meet the health and mental health needs of students through access to nursing and social work services. ACS is committed to the development of ancillary staff within the operational budget. A social worker will be included and will help generate budget to add a psychologist or substance abuse counseling. Additional ancillary staff will be contracted to meet any needs of ACS students, such as nursing, SLP and diagnostics, that regular employees do not have licenses to provide. Operational, Medicaid and IDEA-B funds will be utilized as appropriate.

ACS will meet each student's individual needs by promoting a sense of belonging to a small group of peer learners; by establishing a close working relationship with a specific faculty member and through an individualized educational program incorporated into each student's learning plan. That plan is based on a thorough individual assessment made upon admission to the school. Princeton Review software will be utilized for initial and regular progress assessments. The data will be critical in modification of goals and objectives relative to specific content standards. Individualized tutoring to support remediation in identified skill

areas and independent study opportunities will be provided for accelerated credit acquisition utilizing web based curriculum that can be worked on from home.

In addition to academic needs, the student learning plan will examine social/ economic issues including housing, substance abuse, parenting and special education issues. Needs will be assessed and resources within the community identified.

The Lincoln School curriculum, as an additional method of instruction will be a key instrument in meeting the Statewide Adequacy Standards. The ACS has a well-developed assessment program which serves to furnish the student with not only adequate educational standards, but with continuous improvement processes which are part of their life skills learning. *This* curriculum is currently being used in the state of New Mexico and meets or exceeds statewide standards.

a) Student Learning Plans (SLPs)

Individualized Student Learning Plans, including a Special Education Individual Educational Program (IEP) or other comparable individualized learning plan, are central to our educational program in the academic and personal success of each student. An SLP identifies academic and career goals, as well as obstacles to success. The SLP identifies strategies and resources to help the student overcome those obstacles. The SLP also contains an ELL assessment and recommended modifications. Regular review of the SLP, with student, parent and teacher input, creates a student-centered foundation of support that can be modified to meet the evolving needs of the student. An SLP may include a 504 Accommodation Plan and/or a Treatment Plan that addresses specific behavioral issues related to cognitive development. ACS Operational Budget, IDEA-B, private Medical insurance and Medicaid funds will be utilized as appropriate. The plans enable the ACS staff to best meet student needs.

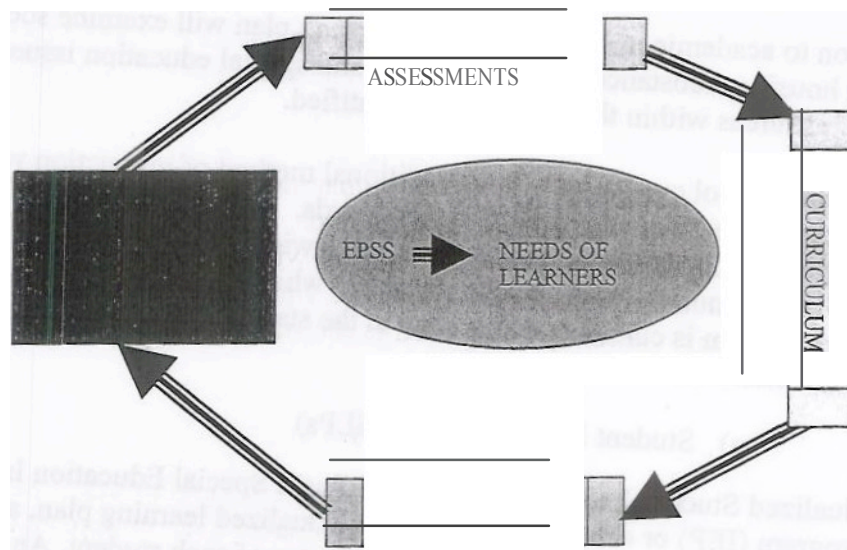
Continual assessment through regularly scheduled conferences with students, parents and other teachers will allow modification of goals and expectations. Before and after school tutoring will be assigned as well as computer based instruction opportunities to be worked on from home. Web-based assessment software is currently under reviewed.

ACS incorporates multi-cultural acceptance and acknowledgement into all our programs and activities; e.g., rituals and celebrations supporting cultural pride; course work, redefining and refining success on multiple levels. We look for and encourage every student's hidden talent and provide ample opportunities for them to make choices that affect their learning.

b) Standard Student Assessments

- Student performance will be assessed on an ongoing basis through teacher, peer and self-assessment. The NM Standard Based Assessment (SBA) will be administered annually to freshmen and juniors as required by the PED. The NM High school Competency Exam will be given in Grade 10. ACS will use Standards-based Assessments and Mastery Learning to ensure student proficiency in understanding and use of subject content. The *Brigance* Diagnostic (Curriculum Associates, Inc.) or other state recognized short-cycle assignments will be used to as placement tools and as pre- and post-tests to measure student

progress. The *Princeton Review*, administered quarterly, may help measure progress towards mastery over the course of the year, and will be used to modify the Student Learning Plan.



INSTRUCTION

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c) Alternative Student Assessments

- We are developing new and different/non-traditional ways to assess and evaluate and define success for ACS's "at risk" student population. We believe that a student's management of behavior in a positive and productive manner leads to life success and promotes academic success. This testing will include state recognized assessments, including short-cycle assessments which will be helpful in diagnosing detailed student needs in order to prescribe a learning process that will remedy the gaps.

d) Service Learning and Experiential Learning Programs

All students at ACS will be provided opportunities for community engagement through service learning projects utilizing existing community resources. We anticipate incorporating resources from the Workforce Investment Board's Youth Services program and would like to

take the lead in preparing our students for "next generation" careers in sustainable agriculture, affordable home construction, alternative energy and serving an aging population. Page 15 of 156

e) Commitment to Being a Small School

- Keeping class size and overall school enrollment small is one of the key foundations of the school. The experience of charter schools indicates that small school size and small class size both make significant contributions to the success of "at risk" students. In addition, research has pinpointed that a smaller school size lends itself to improved standardized test scores and a decline in disciplinary actions.

1. Teachers/Faculty

- All teachers at ACS will be educational professionals with appropriate certification to meet the "highly qualified" requirements of No Child Left Behind and the State of NM (NCLB). An effort will be made to hire teachers with multiple licensure endorsements in order to meet the requirements of "highly qualified" teachers under NCLB. Individuals who

have expertise and credentials in special areas, including Special Education and Bilingual Education, as defined by the NM Public Education Department, will be hired in addition to core content teachers. State-of-the-art educational technology makes it possible to utilize highly qualified teachers from throughout New Mexico to deliver instruction and support for ACS. Social Workers and Counselors will be licensed and highly qualified, with broad experience working with at-risk youth and accessing resources. ACS recognizes the difficulty in contracting with highly qualified special education and bilingual teachers. ACS is

committed to providing highly qualified teachers and will recruit teachers from out of district, contract with part-time teachers employed within the district and consider paying an additional differential to provide highly qualified teachers and staff.

- Teachers and staff will
 - A. Have a pay and benefit package that is competitive in the marketplace;
 - B. Enjoy a well-supported professional development program;
 - C. Have access to services of independent employee assistance professionals;
 - D. Feel secure and challenged,
 - E. Work in an environment that encourages creativity and mutual respect; and
 - F. Be evaluated in accordance with the PED Three-Tiered Licensure requirements.

2. Educational Context

- The ACS curriculum is designed to ensure knowledge is attained in the core academic areas of language arts, language development, math, science, history, geography, art, physical education and health. In addition, each graduate from ACS will be expected to have earned credits in service learning or experiential learning while enrolled.
- Our curriculum reflects our vision of the school. While addressing the standards and benchmarks established by the New Mexico Board of Education, it also maintains focus on the goals and standards set for the students. The curriculum also reflects the unique process of educating each student with emphasis on the total individual. Our curriculum takes into consideration the protective factors that have been shown to influence the decrease of at risk behaviors in young people. In addition to the development of intellectual skills, focus is also on increasing interpersonal skills, understanding and respecting the perspective of others, building self-esteem through accelerated academic progress, setting high expectations and clear standards as well as providing a caring, safe and supportive environment.
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12. Length of school day and school year.

ACS will provide a minimum total of 1080 hours of classroom instruction each calendar year to its full time students. Our exact hours of operation will depend on our physical location, but will be worked out and submitted to the Board of Education prior to our start. It is the intention of ACS to follow the district calendar as closely as possible to support families and eliminate confusion. The focus of the school will be evening, weekend and

summer classes to complement the currently available alternative programs. The calendar will be reviewed annually and submitted to PED and the local District.

13. Grades, projected class size by grade and yearly total projected student enrollment projected out five years (if appropriate).

To insure maximum learning effectiveness, we plan to limit class size to fifteen, with a total enrollment not to exceed 160 in year one and 200 at any time in the foreseeable future. This will include approximately 40-50 students per grade level. Should the web-based synchronous and asynchronous curriculum be in high demand by home school students, ACS may seek board approval to increase student enrollment. Should the board not wish to increase ACS enrollment these students will be transferred to another school sharing the Computer

based curriculum. ACS is committed to remaining a small school and does not anticipate more than 200 students. However, if the demand for ACS's web-based program by home schooled students throughout the state of New Mexico exceeds our projections, we would consider amending the charter. Our program is a Middle School and High School, grades 7-12. We anticipate that even in our first year of operation, we will serve some students who are classified as juniors or seniors. In addition, we expect to enroll a small percentage of students who are classified as ninth graders but who have already stopped attending high school. The web-based curriculum will allow ACS to accommodate unique student schedules; circumstances and needs in ways that might be difficult or impossible in a traditional setting limited by bricks and mortar and bell schedules.

14. Proposed requirements for graduation, if applicable.

Graduates of ACS, will match the Gadsden Independent School District requirement for high school graduation, for a total of 28 credits, to include:

1. Four (4) credits in English
2. Three (3) credits in Mathematics
3. Three (3) credits in Science, one of which must have a laboratory component
4. Four (4) credits in Social Sciences
 1. Principles of Democracy (U.S. Governments/Economics)- 1 credit
 2. New Mexico History and Geography - 1 credit

3. United States History/Geography- 1 credit
4. World History/Geography- 1 credit
5. One (1) credit in Physical Education/Health
6. One (1) credit in Communication Skills as defined by New Mexico Statute
7. Two (2) credits in Foreign Language
8. Ten (10) electives.

ACS will report grades the same as all other district schools, on a quarterly basis. Credits are assigned at the end of the 18 week semester.

C. (OTHER). Proposed method of storing and making available to appropriate people students' records, including but not limited to transcripts, health information, spec. education information, student attendance and drop-out data and teacher information including attendance and licensure.

- Storing of records related to students and faculty will be at the school offices, on computer-based software, with back-up information to be filed as "hard copies" in locked, fireproof file cabinets at the school. Policy/regulations for how student information will be stored, handled and accessed will be identified once the facility is identified

- This schedule describes the most commonly used retention periods. This directive applies only to school records. Retention periods for school security, legal records, business and financial, personnel, library, and transportation records are not covered. Access to

confidential documents and/or confidential files will be only by court order, unless provided by statute. Release of confidential documents to law enforcement and other governmental

agencies will only be upon specific statutory authorization or court order. Financial Record

Retention Schedule

ACS uses the following financial record retention schedule subject to approval and amendment by the Governing Council prior to the opening of school.

Type of Record	Retention Period
Tax returns and records	Minimum of 7 years from tax or fiscal year
Purchase orders and/or contracts	Minimum of 10 years
Payroll and employee records: <ul style="list-style-type: none"> • Timesheets • Pay stubs • W-2S • W-3S 	Minimum of 7 years from tax or fiscal year end.

Records of Disbursement (non-payroll);	Minimum of 7 years from tax or fiscal year end.
<ul style="list-style-type: none"> • Bills/invoices • Account statements • Lease payments • Payments on contracts & Pos 	

Records of all receipts of monies:	Minimum of 7 years from end of fiscal year
Bank records: Bank statements, reconciliations, cancelled checks or other check forms indicating payee, amount of disbursement, and date and electronic funds transfer records.	Minimum of 7 years from end of fiscal year

Employment contracts	Minimum of 2.0 years
<p>Asset records:</p> <ul style="list-style-type: none"> • Purchase price. • Cost of any improvements. • How you used the asset. • When & how asset was disposed • Selling price. 	Minimum of 7 years from date of asset disposition
<p>Ledgers and journals documenting financial activity:</p> <ul style="list-style-type: none"> • School checkbook. • Daily summary of cash receipts. • Monthly summary of cash receipts. 	Minimum of 7 years from tax or fiscal year end.
Any and all investment records	Minimum of 10 years
<p>Insurance records:</p> <ul style="list-style-type: none"> • Policies • Premium notices 	Minimum of 10 years

D. Meeting individual student's needs

15. Description of the way a charter school's educational program will meet the individual needs of students, including those students determined to be at risk.

ACS will meet each student's individual needs by promoting a sense of belonging to a small group of peer learners; by establishing a close working relationship with a specific faculty member and through an individualized educational program incorporated into each student's learning plan. That plan is based on a thorough individual assessment made upon

admission to the school. Princeton Review software will be utilized for initial and regular

progress assessments. The data will be critical in modification of goals and objectives relative to specific content standards. Individualized tutoring to support remediation in identified skill areas and independent study opportunities will be provided for accelerated credit acquisition utilizing web based curriculum that can be worked on from home.

In addition to academic needs, the student learning plan will examine social/ economic issues including housing, substance abuse, parenting and special education issues. Needs will be assessed and resources within the community identified

- Keeping class size and overall school enrollment small is one of the key foundations of the school. The experience of charter schools indicates that small school size and small class size both make significant contributions to the success of "at risk" students. In addition, research has pinpointed that a smaller school size lends itself to improved standardized test scores and a decline in disciplinary actions.

In addition to academic needs, the student learning plan will examine social/ economic issues including language services (ELL), housing, substance abuse, parenting and special education issues. Needs will be assessed and resources within the community identified.

ACS is also designed to meet the health and mental health needs of students through access to nursing and social work services. ACS is committed to the development of a ancillary staff within the operational budget. A social worker will be included and will help generate budget to add a psychologist or substance abuse counseling. Additional ancillary staff will be contracted to meet any needs of ACS students, such as nursing, SLP and diagnostics, that regular employees do not have licenses to provide. Operational, Medicaid and IDEA-B funds will be utilized as appropriate.

16. Suggested modifications to meet individual student needs, including bilingual, limited English proficient, and Special Education (including testing accommodations).

ACS will offer a broad range of opportunities for students with disabilities and giftedness who meet eligibility criteria established by State and Federal laws (see the Special Education Manual included as an Appendix E for details). Students will be accommodated for testing including bilingual, special education and limited English proficiency based on their specific needs. The ACS Student Learning Plan process includes the annual review of existing

Individualized Education Plans (IEPs). ACS' multidisciplinary Support Team is committed to meeting the needs of all students with a continuous and systemic effort. They will identify, locate and screen students in need of special education services pursuant to Section 504 of the Rehabilitation Act of 1973, Title II of the American With Disabilities Act of 1990 (ADA), and the Individuals with Disabilities Education Act (IDEA) of 2004. We will comply with the IEP process established by the Gadsden district to ensure that all students are properly identified, assessed and services delivered. This process will assure:

- Equal access to *all* students;
- Individualized Education Plan ;
- Free Appropriate Public Education (FAPE);
- Least Restricted Environment (LRE)
- Due process and parental involvement; and
- Non-discriminatory evaluation.
- Identification of all subgroups under No Child Left Behind

We will provide any related services to students according to their IEP, including transportation, and nursing services. We will also accommodate students where necessary for testing and other related services or needs. According to IDEA '04, students will have access to a continuum of alternative placements, based on need.

The primary service delivery model at ACS will be *inclusion*, whereby special education teachers team with general education teachers in the general education classroom to provide support to students with IEP's. An 8:1 and or 15:1 service delivery model will be implemented if and when the need arises.

As in number 15, Special Education needs are met through the methods set forth there.

17. Specific Special Education Plan (aligned with 2005 recommendations).

a) How ACS' Educational Program Meets Special Education Needs

ACS will develop a specific Special Education Plan, aligned with 2005 recommendations, and will be compliant with all relevant policies and procedures for compliance with the Individuals with Disabilities Education Act. The 2005 recommendations include (1) 6.31.2.14 NMAC RULES OF INSTRUCTION, (2) 6.31.2.7 NMAC-(C) (12), (3) 6.31.2.11(D) NMAC, 4) 6.31.2.11(E) NMAC, and (5) 6.31.2.13(0) NMAC. The specific guidelines for 2005, which ACS intends to follow, are included as Appendix M.

The Federal and State guidelines of ACS's Special Education Plan are as follows:

Screening will be performed by an appointed SAT team, which includes the ACS Principal, whose function will be to perform interventions and assessments qualified ACS personnel and may include:

- general health screening, including social/behavioral health
- vision screening performed to verify indicators of loss of sight, acuity, or other possible vision related problems;
- hearing screening to verify any hearing risk indicators;
- speech and language screening to verify problems in the formulation or articulation of speech or any delay in the development of language;
- screening for home language
- academic screening for school age children to determine the significance of academic delays; and
- screening for secondary level students who are at-risk of dropping out, or who have dropped out, to verify that the reasons for dropping out are not related to as previously unidentified disability.

b) Procedures for Evaluations and Determinations of Eligibility

It is the policy of Anthony Charter School to ensure that procedures are in place for evaluating children and determining eligibility for special education and related services in accordance with 34 CFR Sec. 300.126. We further assure that the procedures identified in 34 CFR Sees.

300.531-300.536 and the provisions under subsections (C)-(F) of 6.31.2.10 NMAC are

adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

c) Federal Regulations

Initial Evaluation and Evaluation Procedures

34 CFR Sees. 300.531; 300.532

Evaluation materials are not discriminatory and are provided in the child's primary language or mode of communication unless it is clearly not feasible to do so. A variety of assessment tools are used for evaluation and limited English proficiency is not used to measure need for special

education and related services. No assessment or procedure is used as the sole criterion for determining the existence of a disability or the need for special education and related services. Page 26 of 156

If the child is already identified as a child with a disability, assessments are given in accordance with the child's needs and abilities.

Determination of Needed Evaluation Data

34 CFR Sec. 300.533

For an initial or reevaluation, existing data is reviewed and based on that review, identification and recommendations are made for further assessment. An evaluation includes assessment of PLEP (Present Levels of Educational Performance). For a reevaluation, assessment is used to

determine **if** the disability continues to exist, and what modifications or accommodations, if any, are needed to enable the child to meet annual measurable goals defined in the Individualized Education Program (IEP). Parents have the right to request evaluations and be notified of evaluation results.

Determination of Eligibility

34 CFR Sec. 300.534

Evaluation results are reviewed by qualified professionals and the parents, who determine together whether the child has an IDEA disability and needs special education and related services. Parents receive copies of evaluation reports and eligibility determinations.

Procedures for Determining Eligibility and Placement

34 CFR Sec. 300.535

Evaluation data is derived from a variety of sources. All information is carefully considered and documented. Children are not found to be eligible based on lack of instruction in reading or math or limited English proficiency. If a determination is made that the child has an IDEA disability and needs special education and related services, an IEP is developed.

Required documentation for eligibility includes an explanation of how the multidisciplinary team considered factors such as lack of instruction in reading or math or limited English proficiency that might explain low student academic performance and could be mistakenly viewed as the presence of a disability.

Reevaluation

34 CFR Sec. 300.536

A reevaluation is done if conditions warrant or at the request of the parent or teacher, but at least once every three years.

NEW MEXICO RULES

Prereferral Interventions

6.31.2.10 (C) NMAC

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If, through general screening, a child is suspected of having a disability, further assessment is considered in order to rule out other possible causes for the child's educational difficulty. Prior to referral for a special education evaluation, interventions are considered, documented, and implemented, if appropriate. If pre-referral interventions are not effective within a reasonable time, the child is referred for a full special education evaluation.

Evaluations and Reevaluations

6.31.2.10 (D) NMAC

Evaluations are provided at no cost to parents. Referrals for individualized evaluations are completed within a reasonable time and are fully documented. Summary reports from all individuals evaluating the child are reported in writing and presented to the IEP team. Parents who disagree with an evaluation have the right to obtain an independent educational evaluation at public expense subject to the conditions of 34 CFR Sec. 300.502, as described in the section on "Procedural Rights of Parents and Students" below.

ACS has designated the Special Education Director as responsible to track whether evaluations and reevaluations are conducted within required timelines.

Evaluations as Part of the Exit IEP

6.31.2.10 (J) NMAC

At the exit IEP meeting the IEP team determines whether all requirements for graduation under the final IEP have been satisfied. The IEP team will also determine whether additional evaluations, reports or documents are necessary to support a smooth and effective transition to post-secondary services for a student who will graduate on the career readiness or ability pathway. The school will arrange for such information to be provided at no cost to the students or parents.

Assessment of Culturally and Linguistically Diverse Children

6.31.2.10 (E) NMAC

Assessments and other evaluative materials are provided and administered so as not to be culturally or racially discriminatory, and unless clearly not feasible to do so, are provided in the child's primary language or mode of communication. A child's language proficiency is considered when choosing and administering assessments and is not used as the determining factor for eligibility for special education and related services.

Home language status must be documented prior to any evaluation for special education.

18. Access to other services including but not limited to counseling and health.

Individualized Student Learning Plans, including a Special Education Individual Educational Program (IEP) or other comparable individualized learning plan, are central to our educational program in the academic and personal success of each student. The Principal of ACS will be present at all IEP's. An SLP identifies academic and career goals, as well as obstacles to success. The SLP identifies strategies and resources to help the student overcome those obstacles. The SLP also contains an ELL assessment and recommended modifications. Regular review of the SLP, with student, parent and teacher input, creates a student-centered foundation of support that can be modified to meet the evolving needs of the student. An SLP may include a 504 Accommodation Plan and/or a Treatment Plan that addresses specific

behavioral issues related to cognitive development. ACS Operational Budget, IDEA-B, private Medical insurance and Medicaid funds will be utilized as appropriate. The plans enable the ACS staff to best meet student needs.

Continual assessment through regularly scheduled conferences with students, parents and other teachers will allow modification of goals and expectations. Before and after school tutoring will be assigned as well as computer based instruction opportunities to be worked on from home. Web-based assessment software is currently under reviewed.

ACS incorporates multi-cultural acceptance and acknowledgement into all our programs and activities; e.g., rituals and celebrations supporting cultural pride; course work, redefining and refining success on multiple levels. We look for and encourage every student's hidden talent and provide ample opportunities for them to make choices that affect their learning.

ACS will offer a broad range of opportunities for students with disabilities and giftedness who meet eligibility criteria established by State and Federal laws (see the Special Education Manual included as an Appendix for details). The ACS Student Learning Plan process includes the annual review of existing Individualized Education Plans (IEPs). ACS' multidisciplinary Support Team is committed to meeting the needs of all students with a continuous and systemic effort. They will identify, locate and screen students in need of special education services pursuant to Section 504 of the Rehabilitation Act of 1973, Title II of the American With Disabilities Act of 1990 (ADA), and the Individuals with Disabilities

Education Act (IDEA) of 1997. We will comply with the IEP process established by the Gadsden district to ensure that all students are properly identified, assessed and services delivered. This process will assure:

- Equal access to all ACS students;
- Individualized Education Plan ;
- Free Appropriate Public Education (FAPE);
- Least Restricted Environment (LRE)
- Due process and parental involvement; and
- Non-discriminatory evaluation.
- Identification of all subgroups under No Child Left Behind

We will provide any related services to students according to their IEP, including transportation, and nursing services.

The primary service delivery model at ACS will be *inclusion*, whereby special education teachers team with general education teachers in the general education classroom to provide support to students with IEP's. An 8:1 and or 15:1 service delivery model will be implemented if and when the need arises. . According to IDEA '04, students will have access to a

continuum of alternative placements, based on need.

The Student Learning Plan process will enable ACS to meet the needs of "at-risk" students. The entire SLP process (screening and on-going evaluation) will help identify students not performing to level, academically, socially or emotionally, and through staff and parental audit determine if any intervention is necessary. Corrective action plans will be put in place, when needed. Utilizing "at-risk" factors identified through the Multidisciplinary Support Team, the SLP is a plan that assists individual students in learning how to cope with cognitive and

behavioral issues. *This* positive and success-oriented approach to learning provides a student with a sense of accomplishment and security and lessens the impact of risk factors. . It is the intent of ACS to employ a full time social worker the first year and contract for additional counseling and other ancillary staff to include but not be limited to SLP and nurse using operational, Medicaid and IDEA funds when appropriate. ACS is committed to expanding mental help support for students through growing FTE in the operational budget. The goal will be accomplished by the end of year three

E. Evaluation of student performance

19. Specific remediation plan for students not achieving standards, including a timeline and process for parent notification and for implementation of the remediation plan.

We are adapting the Positive Behavior System guidelines to modify behaviors for ACS' "at risk" student population. We believe that a student's management of behavior in a positive and productive manner, leads to life success and promotes academic success. To promote and monitor behavioral success a point and level system leading to student success is encouraged and celebrated through positive rewards. The student becomes responsible for personal behavior, enjoying the rewards of positive interactions. The weekly behavioral assessment will be used to provide input to multidisciplinary teams for modification of SLP and education programming. When a student is not achieving specific successful standards, a remediation

plan is put into effect whereby the student's parent or advocate is notified and encouraged to participate. The remediation plan will be reviewed and updated every 6 weeks.

- Mastery learning is an instructional strategy based on the principle that all students can learn a set of reasonable objectives with appropriate instruction, support and with sufficient time to learn. ACS recognizes that students typically master content and integrate their skills as scholars at different rates. Respect for individual student differences and for mastery learning requires that students be given the time they need at any curricular level to familiarize themselves with content and/or to acquire the skills and work habits that will help them to become life-long learners.

- ACS is dedicated to developing core competencies in all students. Upon parental consent and with their involvement, mastery learning implies that "social promotion"

is not advocated nor practiced. ACS will strive to prepare ALL students to master all skills and learning necessary to succeed in a post secondary educational environment and/or career of their choice.

- This process of learning allows students to achieve success in a "continuous improvement process". Based upon standards set forth by the NM PED for 21st century learning, this program allows students to become more involved in their learning, to take more responsibility for their learning and to master core skills at a continuous improvement pace. The intervention will be followed by a meeting of those involved to assess successes and

failures of process and determine further improvement processes for the student in question.
(RTI)

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- Pursuant to Special Education Regulations, the following special procedures shall be followed at ACS:
- Change of placement for disciplinary removals

For purposes of removal of a child with a disability from the child's current educational placement under §§300.520-300.529, a change of placement occurs if-(a) The removal is for more than 10 consecutive school days; or (b) The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another. (Authority: 20 U.S.C. 1415(1<))

(1) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b)).

(2) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal must provide services to the extent required under §300.121(d); and

(3) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not niore than 45 days, i f-

(4) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

(5) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function under the jurisdiction of a State or local educational agency.

(6) Either before or not later than 10 business days after either fust removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this

section-

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If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in ~~ce~~ removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

a) Authority of hearing officer

A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting within ACS for not more than 45 days if the hearing officer, in an expedited due process hearing -

(a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of §300.522(b).

(e) As used in this section, the term **substantial evidence** means beyond a preponderance of the evidence.

Determination of setting

(a) The interim alternative educational setting referred to in §300.520(a)(2) must be determined by the IEP team.

(b) Any interim alternative educational setting in which a child is placed under §§300.520(a)(2) or 300.521 must-

(1) Be selected so *as* to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(2) Include services and modifications to address the behavior described in §§300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.
(Authority: 20 U.S.C. 1415(k)(3))

b) Manifestation determination review

If an action is contemplated regarding behavior described in §§300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under §300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children:

(1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in §300.504; and

(2) Immediately, if possible, but in no *case* later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

A review described in paragraph (a) of this section must be conducted by the IEP team and other qualified personnel in a meeting. In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child *was* not a manifestation of the child's disability only if the IEP team and other qualified personnel:

First consider, in terms of the behavior subject to disciplinary action, all relevant information, including:

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child;

(ii) Observations of the child; and

(iii) The child's IEP and placement; and

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(2) Then determine that:

(i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

(ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

Decision

If the IEP team and other qualified personnel determine that any of the standards in paragraph (c) (2) of this section were not met, the behavior must be considered a manifestation of the child's disability.

The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under §300.520(b). If, in the review in paragraphs (b) and (c) of this section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

Determination that behavior was not manifestation of disability

If the result of the review described is a determination, consistent with §300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in §300.121(d).

If the ACS initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the persons making the final determination regarding the disciplinary action.

Except as provided in §300.526, §300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in §300.523, that the behavior of the child was not a manifestation of the child's disability.

Parent appeal

If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement under

§§300.520-300.528, the parent may request a hearing. The State or local educational agency shall arrange for an expedited hearing if a hearing is requested by a parent.

Review of decision.

(1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of §300.523(d).

(2) In reviewing a decision under §300.520(a) (2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in §300.521.

c) Placement during appeals

If a parent requests a hearing or an appeal regarding a disciplinary action described in §300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the

manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in §300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.

If a child is placed in an interim alternative educational setting pursuant to §300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting).

Expedited hearing

- (1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.
- (2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §300.521.
- (3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.
- (4) The procedure in paragraph (c) of this section may be repeated, as necessary.

d) Protections for children not yet eligible for special education and related services

A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in

§§300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

Basis of knowledge

An LEA is deemed to have knowledge that a child is a child with a disability if:

- (1) The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services;
- (2) The behavior or performance of the child demonstrates the need for these services, in accordance with §300.7;
- (3) The parent of the child has requested an evaluation of the child pursuant to §§300.530-300.536; or
- (4) The teacher of the child, or other personnel of the local educational agency, has

expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find referral system.

A public agency would **not** be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency either conducted an evaluation and determined that the child was not a child with a disability under this part; or determined that an evaluation was not necessary; and provided notice to the child's parents of its determination.

Conditions that apply if there is no basis of knowledge

If an LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors.

Limitations

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.520 or 300.521, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§300.520-300.529 and section 612(a)(1)(A) of the Act.

e) Expedited due process hearings

Expedited due process hearings under must meet the requirements of §300.509, except that a State may provide that the time periods identified in §§300.509(a)(3) and

§300.509(b) for purposes of expedited due process hearings are not less than two business days; and be conducted by a due process hearing officer who satisfies the requirements of §300.508.

Each State shall establish a timeline for expedited due process hearings that results in a written decision being mailed to the parties within 45 days of the public agency's

receipt of the request for the hearing, without exceptions or extensions. The timeline established under this section must be the same for hearings requested by parents or public agencies.

A State may establish different procedural rules for expedited hearings under

§§300.521-300.526 than it has established for due process hearings under §300.507. The decisions on expedited due process hearings are appealable.

f) Referral to law enforcement and judicial authorities

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and State law to crimes committed by a child with a disability. An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

- **Individual Crisis Management Plan (ICMP)** An ICMP is both a planning document and a living document which provides a functional analysis of each student's crisis behavior and a plan that will eliminate the need for external controls or physical restraints. At a minimum, the ICMP should include: a basic screening for any pre-existing medical conditions that would be exacerbated if the young person were involved in a physical restraint, a basic screening for medications which the client might be taking which would effect the

respiratory or cardiovascular system, a functional analysis of crisis behavior, a screening to

determine if there is a history of physical or sexual abuse, a plan for specific behavioral interventions, a plan for specific physical interventions, and a review process that allows for update of the ICMP.

Life Space Interview (LSI) An LSI is a behavioral intervention designed to help young people understand how feelings result in behaviors and how those behaviors affect themselves and others. A long-term goal of the LSI is to help teach better and more effective ways of dealing with stressful situations.

Physical Escort: Defined by the state of New Mexico as the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purposes of inducing a student who is acting out to walk to a safe location.

Time-Away: A behavior management technique requiring students to go to a quiet area when they are upset and being stimulated by others.

Clients may return to the class once they have completed a Life Space Interview (LSI) with a staff member. Time-Away is designed to be used when a young person needs time to regroup and think about his or her behavior. The student behavior is usually outside of the norms and rules expected. Time-Away may be taken in a designated time-out room located in the school. Time-Away may also be taken in other areas as designated by staff. Time-Away must never be used as a punishment. Time-Away is a behavior management intervention for agitated and potentially aggressive students. Students may not be physically escorted to a

Time-Away place.

Time-Out Room: A time-out room is devoid of furniture and usually carpet. The time-out room door is never locked. Students who voluntarily go to the room as a place for a Time-Away intervention must be continually monitored by milieu staff for safety. Time-Away is designed to be used when a young person/client needs time to regroup/think about his or her behavior. The student's behavior should be above and beyond the norms of expected behavior.

This behavior may include yelling, cussing, making threats, potential physical aggression and fighting. When a staff member chooses to direct a Time-Away intervention, the staff member should follow through on the directive to have the student use Time-Away.

The major criteria for return to the general environment should be the student's demeanor (i.e. being calm) and the student's ability to process about what happened (i.e. completing a Life Space Interview). When time limits are placed on Time-Away, the Time-Away becomes a punishment. A student should rejoin the school when: 1.) they are calm and in control, and 2.) they have completed a Life Space Interview (LSI) with a member of their staff.

Students placed on a Time-Away intervention for extended periods of time (defined as more than 15 minutes) should be offered bathroom use, water, and possibly food if the Time-Away occurs at meal time. The Time-Away intervention must be monitored by the staff.

Time-Away may be initiated by request of a student. However, the intervention must be staff directed. A student who initiates the Time-Away intervention is still expected to complete a Life Space Interview with their staff member prior to returning to the school.

20. Assessments in addition to the statewide mandated testing (that will be used to measure student progress toward achievement of the state's standards and the school's student performance standards).

In addition to the statewide mandated testing, Annual Student Performance Evaluations will be used to assess student achievement and performance standards ACS, will also use state recognized short-cycle assessments to help determine progress.

- Student performance will be assessed on an ongoing basis through teacher, peer and self-assessments as required by the Public Education Department's Standards for Excellence regulation, as well as the NM High school Competency Exam in Grade 10. ACS is currently reviewing Princeton Review assessment software which would be used quarterly and utilized in curriculum mapping to modify delivery of scope and sequence to provide each student the opportunity to learn the material that will be used to assess them. Teams of teachers will work with parents and students to review current results. Teachers will prescribe tutoring and or computer based remediation or advanced placement web-based curriculum to be worked on at home and reviewed and evaluated by certified highly qualified staff.

- Students in the 9th and 11th grades will be required to participate in the Standards Based Assessment as required by state law.

The whole program at ACS is, in essence, a Corrective Action Plan for certain "at risk" students. A variety of means, including testing, demonstrations of projects, oral presentations, class participation, writing assessments and teacher assessment will measure student performance in the classroom. ACS will use letter grades as described in Section 21 along with written comments, on weekly progress reports, given to parents. Students who do not maintain an 80% score (a letter grade of **B**) in a core competency assessment are required to participate in a Student Remediation Plan. Guidelines for the Remediation Plan are as follows:

- Parent, teachers and student scheduled for SLP review;

- Identify barriers to student success and solutions
- Review individual student assessments (ex. ELL, Reading and Math levels)
- Identify additional assessments as appropriate (vision, hearing, childcare)
- Review schedule and course placement (least restrictive environment)
- Develop a timeline for remediation progress review

Teachers, Educational Assistants, Ancillary Staff and community volunteers will deliver services **within** the Remediation Plan.

Plan may include, but is not limited to, the following:

- Work one-on-one with a tutor; or web-based remediation
- Repeat course with a variety of instructional strategies that meet unique individual needs.
- Take sections of the course over again;
- Work through some other remedial path stipulated by the instructor and advisor/advocate until an 80% competency or better is achieved.

Parent-teacher conferences will be held at a minimum of four times a year. Subsequent progress reports and conferences may be conducted with greater frequency, as needed.

• ACS will use the *Princeton Review* to assess what students have learned and mastered. This assessment program is linked to the curriculum and aligned with objective standards for each course. Web-based assessment and curriculum platforms are currently being designed and will be implemented at ACS. The Northwest Education Assessment is being considered for short-cycle assessments. If this assessment is not selected, another state approved short-cycle assessment will be identified. The curriculum is currently being aligned with standards. These standards are derived primarily from the school mission and the New Mexico Content Standards and Benchmarks. Unlike norm-referenced testing, which compares each student's performance to that of others, Standards-based Assessment incorporates pre-established performance goals. Many Standards-based assessments require students to demonstrate a broad range of problem-solving skills. The ACS comprehensive assessment system will include:

- Anecdotal information;
- Standardized testing;
- Portfolios and Exhibitions;
- Observations;

- End of chapter and unit tests;
- Checklists and rubrics;
- Performances;
- Teacher-made tests and Adaptive testing.
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21. Plan for documentation and reporting of student data (School Report Card and STARS).

- Student performance will be graded on an *A*, *B*, and *I* (Incomplete) basis using a 4.0 scale. This structure requires students to *master* the learning objectives in each content area before moving on.
- Mastery Learning ensures that students receiving an 80% or better for a final grade meet a pre-established set of performance criteria that demonstrates critical thinking capabilities, subject matter expertise and mastery of basic skills associated with the course requirements. [See Corrective Action in 8) for students scoring less than 80%.]
- Transcripts and report cards will be developed using the Power School Student reporting system. Power School is a web-based student information system used by a large number of charter schools. ACS will implement Power School only if it is compatible with the Gadsden Public Schools student information system. Power School allows for transcripts, report cards, and discipline and attendance recordkeeping. ACS will also utilize the STARS system, and will document and report as required by the State of NM.
- Every effort will be made to align the forms used *to* be easily transferable among schools in and out of the district.

22. Timeline for achievement of the standards.

The timeline for achieving NM Content Standards and Benchmarks will be established during the ACS Educational Plan for Student Success (EPSS).

- Start-up Year / Self Assessment & Action Planning; establish baseline with SBA and *Princeton Review* results. Provide remediation and modification with SLP's; Use curriculum mapping and pacing to modify scope and sequence;

o State Evaluation & Accreditation

ACS has the opportunity as a start-up school to fully integrate student and school performance into programmatic design and decisions from the outset. ACS intends to meet all NCLB targets.

F. Evidence of economic soundness

23. A proposed budget for year one and the following four years based on the current Unit Value and correct program unit weights, size adjustments, and at-risk factors (including breakdown of costs

by line item and object code). Do the salary projections reflect the three-tier licensure requirements?

a) State Equalization Guarantee:

The ACS will receive 98% of the SEG per the *1999 Charter School Act*. The amount of the SEG revenues is based on the 40-day headcount/enrollment and assumes a constant SEG unit value for the 5 years of the Charter.

b) State Equalization Guarantee Numbers --Years 1 thru5

School Year	Projected Student Population	Total Program Units	State Equalization Guarantee (SEG)
2006-2007	125	330	\$1,056,000
2007-2008	130	340	\$1,088,000
2008-2009	135	350	\$1,120,000
2009-2010	140	370	\$1,184,000
2010-2011	160	421	\$1,347,000

Details of the ACS projection for SEG revenues for Year 1 follow this section.

We used \$3,200 per unit in compiling these figures.

c) State Charter School Stimulus Funds

After receiving our Charter from the Gadsden School Board, the ACS Interim Governing Council will apply for stimulus funding to be used as provided for in this legislation for "start-up costs." These are limited to purchase and/or lease of furniture, equipment, supplies, curriculum materials, technology, facility and consultant and legal fees.

d) Federal Charter School Stimulus Funds

When our charter is granted and the State of NM is compliant with Federal Stimulus Fund requirements, the ACS Interim Governing Council will apply for funding to be used as provided for in this federal legislation. All federal funds from programs for which the School or its students may be eligible shall be passed though directly to ACS at no extra charge.

e) Federal Entitlement Programs:

ACS will actively seek funds through any Federal entitlement Programs where criteria are met. These may include, but are not limited to the following; Title I – State School Improvement Grants, Title II – Eisenhower Professional Development Program, Title VI – Unit/School Technology Improvement, Title VII – Bilingual Education, and Other Direct and/or Flow-through Grants.

Instructional Materials Fund:

It is anticipated that the amount allocated by PED in the first year of operation will be less than \$10,000. The balance needed for start-up costs will be paid for with the Federal Stimulus grant.

This is a five-year projected budget for ACS. Please see attached specific budget for detail. Because ACS intends to contract with GISD, custodial services and utilities will be negotiated as part of the contract. Nursing services will be contracted separately. As GISD also will contract with GISD for financial services, any concerns about maintaining records cease to exist. Please see the attached Full Budget attached to this Charter Application.

Anthony Charter School**Five Year Revenue Projections from SEG**

2007-08	2008-09	2008-10	2010-11	2011-12
1,344,000	1,408,000	1,472,000	1,504,000	1,536,000

2% set-aside for Anthony School System Administration

26,880	28,160	29,144	30,080	30,720
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Revenue Available to ACS from SEG:

1,317,120	1,379,840	1,442,856	1,473,920	1,505,280
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Five Year Expenditure Projections

2007-08	2008-09	2008-10	2010-11	2011-12
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Function 01 Direct Instruction:

1000 Personnel Services

Teachers	536,000	553,000	571,000	590,000	652,000
Ed Assts	56,000	58,000	88,500	92,000	96,000
Sp.Ed Tch	84,000	88,000	93,000	144,000	151,000
SpEd EA	56,000	58,000	62,000	65,000	68,000
Substituts	20,000	21,000	22,000	23,000	24,000

Personnel Total	752,000	778,000	836,500	914,000	991,000
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2000 Employee Benefits

25% frnge	188,000	194,500	209,125	228,500	247,750
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3000 Purchased Services

15,000	15,000	15,000	15,000	15,000
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4000 Supplies and Materials

20,000	20,000	21,000	21,000	22,000
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Subtotal Direct Instruction

975,000	1,007,500	1,081,625	1,178,500	1,275,750
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2007-08	2008-09	2008-10	2010-11	2011-12
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Function 02 Instructional Support

1000 Personnel Services

Soc. Wkr.	40,000	42,000	45,000	48,000	51,000
Registrar	25,000	26,000	27,500	29,000	31,000

Subtotal					
Personnel	65,000	68,000	72,000	77,000	82,000
2000 Employee Benefits					
25% frnge	16,250	17,000	18,000	19,250	20,500
Tot. Pers.	81,250	85,000	90,000	96,250	102,500
3000 Purchased Services					
	10,000	12,000	14,000	17,000	20,000
4000 Supplies and Materials					
Inst. Supp	6,000	6,500	7,000	7,500	8,000
Tec.Equip	2,000	2,500	3,000	3,500	4,000
Subtotal	8,000	9,000	10,000	11,000	12,000
Support					
Subtotal Instructional Support					
	99,250	106,000	114,000	124,250	134,500
Function 03 Administration					
1000 Personnel Services					
Principal	60600	60600	60600	60600	60600
frnge	12,500	13,000	13,750	14,500	15,250
Tot. Pers.	62,500	65,000	68,750	72,500	75,250
3000 Purchased Services					
	12,000	12,000	13,000	13,000	14,000
4000 Supplies and Materials					
Adm. Sup.	4,000	4,500	5,000	5,000	5,500
Computer	1,500	500	1,500	500	1,500
Subtotal	5,500	5,000	6,500	5,500	7,000

Support

Budget 2015

Subtotal Administration

	2007-08	2008-09	2008-10	2010-11	2011-12
80,000	82,000	88,250	91,000	96,250	

Function 04 Business Support

1000 Personnel Services

Fin. Clerk	10,000	10,500	11,000	11,500	12,000
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Frnge	2,500	2,625	2,750	2,875	3,000
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25%

Subtotal	12,500	13,125	13,750	14,375	15,000
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Personnel

3000 Purchased Services

30,000	30,000	30,000	30,000	30,000
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2007-08	2008-09	2008-10	2010-11	2011-12
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4000 Supplies and Materials

Bus. Sup.	3,000	4,000	4,000	4,000	4,500
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Computer	1,500	500	1,500	1,000	1,000
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Tot. Supp.	4,500	4,500	5,500	5,000	5,500
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<i>Subtotal Business Support</i>					
	47,000	47,625	49,250	49,375	50,500
Function 05 Operations of Plant					
3000 Purchased Services					
Leases	60,000	70,000	75,000	80,000	80,000
Comm.	5,000	5,000	5,000	5,000	5,000
Insurance	4,800	4,800	4,800	4,800	4,800
Tot. Purch	66,000	76,000	81,000	86,000	86,000
4000 Supplies and Materials					
	2,500	2,500	3,000	3,000	3,000
<i>Subtotal Operation!Maintenan</i>					
	68,500	78,500	84,000	89,000	89,000
Function 08 Non-Instructional Support					
3000 Purchase					
Services	5,000	5,000	5,000	5,000	5,000
4000 Supplies	3,000	3,000	3,000	3,000	3,000
<i>Subtotal Non-Instructional Support</i>					
	8,000	8,000	8,000	8,000	8,000
3000 Purchase					
Services	5,000	5,000	5,000	5,000	5,000
Supplies	2,000	2,000	2,000	2,000	2,000
<i>Subtotal Community Services</i>					
	7,000	7,000	7,000	7,000	7,000
1%	13,440	14,080	14,720	15,040	15,360
<i>Reserve</i>					
Annual TotalExpenditures					
	1,298,190	1,350,705	1,446,845	1,562,165	1,676,360

Annual Revenue Available to Anthony Charter

School

SEG	1,317,120	1,379,840	1,442,856	1,473,920	1,505,280
Ancillary	0	42,000	43,000	45,000	47,500
Carryover	0	18,930	140,065	239,076	270,831
Spec. Ed.	0	50,000	60,000	75,000	90,000

Operating Balance or (Deficit)

18,930 140,065 239,076 270,831 237,251

ANTHONY CHARTER SCHOOL BUDGET NARRATIVE

1. Revenue Projections

Keeping in mind that this is a first year budget, projections are made for the first through 5 years. All five years' revenue projections are calculated by using a \$3,200 figure for the SEG unit value. This is likely to change over the course of the five years of this budget but for purposes of estimating the budget, we have used that figure for the entire span. The number of program units used is based on the complex formula applied by the State Department of Education, with variables for school size, at-risk students, experience and training of staff and other factors. ACS anticipates slow but steady growth in our enrollment. We used the following numbers to compile this budget estimate for the next five years, numbers we believe will be very close to (but lower than) those actually generated by the formula:

School Year	Projected Student	Total Number of
	Population	Program Units
2007-08	125	330
2008-09	130	340
2009-10	135	350
2010-11	140	370
2011-12	150	395

2. Personnel Costs

We put together the budget with the following staffing for Year One in mind:

- a) Teachers (6 FTE)
- b) Educational Assistants (2 FTE)
- c) Special Ed Teachers (2 FTE)
- d) Special Ed Educational Assistants (2 FTE)
- e) Social Worker (1 FTE)
- f) Registrar/Office Manager (1 FTE)
- g) Principal (1 FTE)
- h) Financial Clerk (.25 FTE)

Growth in Personnel: The budget anticipates adding FTEs to the teaching staff in Year Three (an Educational Assistant); Year Four (a Special Ed teacher) and in Year Five (a ninth classroom teacher). Any other growth in staff will have to be generated by funding sources outside the SEG. The Nurse will be contracted after the first year on an as needed basis.

3. Employee Benefits:

We computed the fringe benefits for ACS full time employees at 25% of salary, our estimate of what FICA) Health Insurance, ERA, Workers Compensation and Unemployment will cost us.

4. Instructional Support, 3000: Purchased Services

We will use this line item to pay for the cost of diagnostic and treatment services provided to special education students.

5. Instructional Support, 4000: Supplies and Materials

In each year's budget we are setting aside separate amounts for Instructional Supplies and for Technology Supplies. Instructional Supplies are for workbooks, paper, pens and other classroom materials. Technology Supplies are computer software, hardware and accessories (disks, CD's, equipment to enhance student learning.)

6. Administration, 3000: Purchased Services

From this line item the Principal can purchase consultation, professional development, legal and other needed services for the school and its staff.

7. Business Support, 3000: Purchased Services

We may consider negotiating to contract with the School District for all our financial management (@\$25,000) from this line item. We have budgeted funds to cover the cost of an annual audit. In the event the schools are not able or agreeable to contracting with us for this management function, we will use this line item to contract with a private agency for our fiscal management.

8. Operations of Plant, 3000: Purchased Services

The Lease is for the school's facility as the NM Charter law does not permit Charter schools to incur debt we are currently negotiating for school space in Anthony. Our budget for this item is figured on the basis of \$5,000 per month with some growth built in over the next five years to cover escalating costs. In the event we are able to secure funding from the Leased School Facilities program at State PED for years two and beyond, that will free a portion of our budget to devote to lease hold improvements. A proposed site and building will comply with current state adopted life, health and safety codes for E Occupancy.

Communication is for phones, printing and postage costs.

Insurance is for the liability and tenants' insurance policies we need to purchase.

9. Non-instructional support: these costs are for student activities outside of the classroom:

field trips, recognition, graduation, student senate and similar activity.

10. Community Services: these are service-learning project costs and include both a small amount to pay for technical expertise from community resources and an even smaller amount for supplies students may need to carry out their projects.

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Fiscal Management Compliance Plan

SEG and most other revenues will flow from the State of New Mexico through the Gadsden School Board to ACS; however, the Gadsden district will retain 2% of the ACS SEG for administrative expenses. ACS will work collaboratively *with* the Gadsden district to assure timely reporting and other financial/fiscal processes. In accordance with the *1999 Charter Schools Act* and good business practices, ACS will be held accountable for its fiscal performance. When classes begin in 2006, a revised budget will be prepared and submitted to the Gadsden district, based on the actual, rather than estimated or projected enrollment

numbers for the ACS student population.

The governance council intends to negotiate a contract for its financial administration and payroll functions, with GISD as is done by several existing charter schools with districts around the state. This provides a measure of security against encountering major financial problems and gives the local School Board prompt access to fiscal information affecting the Charter School's status so that response time to problems is improved. **If** the council was interested and the local district declined to contract for the ACS fiscal management, we *will* find another agency to do so.

a) Annual Budget Negotiations

On or before April 15 of each year of the Charter, the ACS and the School District as well as the State PED *will* complete negotiations concerning funding for the ensuing fiscal year.

b) Enrollment Count Adjustments

The Public Education Department may adjust the funding based on the 40th and 80th day STARS enrollment counts to reflect the actual student count as compared to the estimated numbers used at the beginning of the school year. The adjustment in funding flows from the PED through the district, to the charter school, minus the district's 2% administrative fee. If a student who has been included in the enrollment count of the District transfers to ACS during the school year, the unallocated pro-rata portion of the funding for the student shall be allocated to ACS, and vice versa. This *will* require ACS and the Gadsden district to share student enrollment information freely.

a) Books, Library, Software

ACS may negotiate with the Gadsden district for access to certain resources including films, books, software, reference materials, audio visual, and other equipment as normally provided to other public schools. ACS *will* also utilize other available resources, e.g., public library system, the branch community college, WNMU and New Mexico State University.

b) Special Education

ACS *will* provide Special Education services to its students in complete conformance with all State and Federal regulations. The special education funding will be generated as part of the SEG formula. Special education numbers cannot be anticipated in the formula, therefore the adjustment will be made in the funding formula based on the 40th and 80th STARS enrollment counts. This money flows from the PED, through the district to the charter school, minus the 2% administrative fee. IDEA- B funds flow from the federal government, the state

and district to the charter school. In the first year of operation, districts typically estimate the anticipated special education enrollment for the charter school based on the district's special education average enrollment and fund the charter school based on that number.

c) Salaries and Benefits

ACS will contract with GISD for its payroll function for the school, including the preparation of W-2s and other reports required by state or federal law. ACS will certify all payroll information to the District and State in a timely manner. ACS will provide employees of the School comparable benefit programs to other public schools including, basic life, health, dental, vision care, unemployment and workers' compensation consistent with the same eligibility requirements that apply to Gadsden School District employees. ACS shall practice good business practices in all matters in compliance with all Federal, State, and Local laws and regulations.

d) Strategic Planning Process

- The ACS Governing Council and the Principal will engage in a Strategic Planning Process that establishes fiscal and programmatic responsibilities for ACS in Year 1. Thereafter, the Governing Council, the Principal, the staff and some student representatives will complete an annual review and update of the ACS Strategic Plan. The ACS planning process is designed to include and address the excellence in education requirements described in the Education Plan for Student Success (EPSS) process.

- This process shall include the following:

- *An environmental scan process of Dona Ana County and New Mexico as a whole that will result in a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of ACS. This process will include a minimum of one community meeting with selected community representatives;

- *Creation of or re-examination of the ACS Vision, Mission, Goals, and Objectives for alignment with the community the school serves;

- *An assessment of the current performance of ACS against that desired future state;

- *An assessment of any gap between performance and that desired future state;

- * Development of strategies and course corrections needed to ensure the success of ACS;

* Definition of student and other performance metrics that will ensure that the plan is implemented and succeeding;

*Quarterly and/or monthly reviews of those performance metrics by the Governing Council, the Principal and staff.

e) Anthony Charter School Budget Process

- The ACS Governing Council will present the Gadsden School Board a balanced budget consistent with the ACS Mission, Goals and Objectives. This budget shall be in a format and on the schedule prescribed by School Board and the PED. ACS understands that the

adoption of the annual District operating budget, including budgets for Charters, is the responsibility of the Local School Board and therefore agrees to follow the process described herein.

- The adoption of the annual ACS operating budget for presentation to the Local School Board is the responsibility of the Governing Council. The Principal will propose a specific budget calendar to the Governing Council for its adoption that meets the deliverable deadlines established by PED and the Local Board. PED will give ACS the schedule for submitting the budget to the assigned PED Budget Analyst, and set a meeting to obtain PED budget approval. The budget process will include public budget hearings where the Council can learn of the public's priorities, including parents and students. The Principal will also be given a specific opportunity to address various programs and matters of interest to the Council.

- Following such hearings, the Council will identify priorities and give general instructions to the Principal to prepare a balanced budget incorporating its priorities and other guidelines as deemed appropriate. The Council will debate and vote budgetary issues without further public hearings.

Compliance Reporting

a) Federal Census: School Assistance in Federally-Affected Areas

Public Law 81-874 is the Federal Act that authorizes assistance for current expenditures in areas affected by federal activities. Section 2 of the Act directs payment of an entitlement to Local Education Agencies (LEA) in whose school district the United States owns certain

federal property. Section 3 provides an entitlement to an LEA based on numbers of federally-connected children attending the schools of the LEA. ACS will receive this entitlement for all students who attend ACS that fit the criteria. The Act provides special rules regarding

increased entitlements in connection with federally-connected handicapped children and children residing on Indian lands. ACS recognizes that GISD does not currently participate in federal Impact Aid programs. ACS will provide policies, procedures and budget information to GISD and PED as required by PED.

b) Census Cards

The Gadsden district' Director of Categorical Programs will provide ACS with the needed quantity of pre-printed census cards.

1. Distribution of these census cards will be made one day prior to the 40th school day- the date on which the count must be taken.
2. ACS will receive a letter of instructions with their allotment of census cards as well as sufficient blank forms for recording the data required on children living in federally-sponsored,

low-rent housing and the necessary forms for recording the information required on the -- census of students residing on Indian lands.

3. The correctly-executed census cards or forms must be returned to the Gadsden district' Director of Categorical Programs no later than four weeks after the survey date for review.

c) Twenty Day Counts

ACS will enter, enroll or withdraw students based on the Student Information Systems Manual and will report absences for all students on a timely basis. The Gadsden district will generate membership reports to the State PED as required for funding to the schools. The Forty-Day Membership Report is subject to audit by the State PED.

d) Investments

- In accordance with NM Statute 6.20.2 and Federal OMB Circular A -102, all state, federal, or other monies received by ACS will be deposited in ACS' accounts within 24 hours or 1 banking day of receipt at an authorized banking institution per state regulations. The school shall account for public money placed in interest bearing deposits in accordance with Sections 22-8-40© through (G), NMSA 1978; Section 6-10-17, NMSA 1978; Section 6-

10-31, NMSA 1978, and other federal and state laws applicable to the investment of public school money.

- As required law, ACS will take responsibility for acquiring all necessary federal, state, and local tax and employer identification numbers to establish itself as a public school in the state of New Mexico. All bank accounts shall be established to require multiple signatures on checks or other forms of disbursement.

- While the Governing Council may consider an investment program a critical ingredient of sound fiscal management overall, the prohibition in the 1999 Charter Schools Act against entering into any contractual arrangement that exceeds one year in length will make it impractical for ACS to engage in any long-term investment program. However, ACS will participate in PSIA as prescribed by law.

Financial/Business Operations

The ACS will operate in accordance with state law pertaining to fiscal solvency and responsibility. This will include but not be limited to establishing a control system pursuant to NM State laws.

- Charter schools are funded through the state, under the School Finance Act. According to the *1999 Charter Schools Act*, the funding will funnel through the geographic district for the school, in this case Anthony Public Schools. ACS will receive 2 percent of the funding for administration of the State Equalization Guarantee (SEG) finances. Tuition cannot be charged. Charter schools are responsible for formulating their own budgets in accordance with state audit guidelines.

- The revenue stream for the school will include:

State Equalization Guarantee Formula Based on 40, 80, 120 Day Count (2% of this goes to Gadsden district);

Other State and Federal Monies (e.g.; State and Federal Stimulus Funds, Federal Free Lunch Program, Transportation Funding, Instructional Materials Funding, Title II Professional Development monies, etc.);

Corporate and Not-For-Profit Grants;

Contributions from Private and Non-Profit Entities.

Cash Management

Appropriate cash management practices will be developed and used to ensure that all ACS monies are adequately protected against loss or theft. These practices shall include but are not limited to:

- Monthly reconciliations of all cash accounts, including bank accounts, which are part of the responsibility of the contract provider of fiscal management (Gadsden district or another agency), and which are approved by the Principal after review. Periodic internal audits shall be made on all cash accounts. The frequency of these audits will be determined, but should not be less than twice each year.

Separation of accountabilities and duties to ensure fiscal control as described in Sections on 'Contracting Practices', 'Disbursements Process', 'Property Management', etc. — the basis of this practice shall be to protect ACS from fraud by requiring that no person shall initiate and approve the same transaction in any circumstance. Once ACS staff is finalized and financial contracts are in place, the specific duty assignments and flow of transactions will be reviewed with the district to ensure the internal control system is adequate and acceptable.

a) Accounting Basis

- ACS financial records shall be maintained using a modified accrual basis of accounting with the capacity to convert financial statements and other financial reports, as needed, to a cash basis.

b) Compliance with GASB 14

- In accordance with Governmental Accounting Standards Board (GASB), Statement No. 14, *"The Financial Reporting Entity,"* (Issued 6/91), ACS will follow the standards defined for a financial reporting entity based on its site-based financial accountability as set forth in the *1999 Charter Schools Act*. This shall apply to all financial reporting to ensure that the nature and significance of ACS' relationship with the NM State PED is in no way misleading or incomplete.
- Compliance with Budgeting and Reporting Requirements of the PED
- ACS will utilize the VISIONS financial system to implement the required chart of accounts and to meet all budget submissions and reporting deadlines, including quarterly reports and end of the year reporting. VISIONS Financial System is a web-based program that

provides off-site backup of files. In addition, ACS will maintain an on-site backup of financial data in a fireproof safe.

c) Compliance with the Anti-Donation Clause

- In accordance with the Anti-donation clause of the State Constitution, neither the state nor any county, school district or municipality, except as otherwise provided in the New Mexico Constitution (Article IX, Section 14), shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or Private Corporation. As a public school, ACS will comply with this prohibition.

d) Use of Anthony Charter School Facilities

ACS shall follow the Gadsden School District's guidelines for facility usage for all facilities leased by ACS. For space leased by ACS for school activities, usage by and access to the leased premises by the leaser shall be limited by the following:

ACS reserves the right to deny the use of its facilities to any individual or group. Use must be requested and approved in writing in 15 days advance. Appropriate fees will be assessed for usage based on state guidelines. Use of ACS facilities will be authorized in the following descending priority order:

1) School-Related Non-Profit Groups

This includes parent/teacher groups, school clubs, school activities, public educational institutions, extended care services, and intersession activities delivered by non-profit agencies. It also includes use of facilities by Join-A-School partners

as per individual partnership plans. To fit into this Category, groups must have non-profit, 501 (c) 3 status from the IRS; must be educational or recreational in nature; must benefit school-age children, and must be sponsored by or affiliated with the school or school district.

2) Non-Profit Groups Who Serve School-Age Children

This category includes groups such as Scouts, Boys and Girls Clubs, YMCA, YWCA, etc. As with Category A) a group in Category B) must be designed as non-profit group with a 501 (c) 3 status from the IRS, must be educational or recreational in nature, and must directly benefit school-age children.

3) Other Public Interest Non-Profit Groups

This category includes groups such as community action groups, official agencies of the federal or local governments, and recognized charitable and civic groups whose primary function is promotion of the health, safety, education or welfare of the community in general.

4) Recreational, Religious, Political, Arts, and Other Non-Profits
Distinguished from Category C) groups, this category refers to those groups whose

focus is on assisting the group members themselves rather than for the general public.

5) Commercial (for profit) Groups

This category includes groups whose purpose is completely or in part financial gain and whose use of school facilities will result in their direct or indirect financial gain.

e) Financial and Other Record Retention Practices

- This schedule describes the most commonly used retention periods. This directive applies only to school records. Retention periods for school security, legal records, business and financial, personnel, library, and transportation records are not covered. Access to

confidential documents and/or confidential files will be only by court order, unless provided by statute. Release of confidential documents to law enforcement and other governmental

agencies will only be upon specific statutory authorization or court order.

f) Financial Record Retention Schedule

ACS uses the following financial record retention schedule subject to approval and amendment by the Governing Council prior to the opening of school.

Type of Record	Retention Period
Tax returns and records	Minimum of 7 years from tax or fiscal year end.
Purchase orders and/or contracts	Minimum of 10 years
Payroll and employee records: <ul style="list-style-type: none"> • Timesheets • Pay stubs • W-2s • W-3s 	Minimum of 7 years from tax or fiscal year end.
Records of Disbursement (non-payroll); <ul style="list-style-type: none"> • Bills/invoices • Account statements • Lease payments • Payments on contracts & Pos 	Minimum of 7 years from tax or fiscal year end.
Records of all receipts of monies:	Minimum of 7 years from end of fiscal year
Bank records: Bank statements, reconciliations, cancelled checks or other check forms indicating payee, amount of disbursement, and date and electronic	Minimum of 7 years from end of fiscal year
Employment contracts	Minimum of 20 years
Asset records:	Minimum of 7 years from date of asset

- Purchase price.

<ul style="list-style-type: none"> • Cost of any improvements. • Section 179 deduction taken. • Deductions taken for depreciation. • Deductions taken for casualty losses. • How you used the asset. 	
Ledgers and journals documenting financial activity: <ul style="list-style-type: none"> • School checkbook. • Daily summary of cash receipts. • Monthly summary of cash receipts. 	Minimum of 7 years from tax or fiscal year end.
Any and all investment records	Minimum of 10 years
Insurance records: <ul style="list-style-type: none"> • Policies • Premium notices 	Minimum of 10 years

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24. Description of the administrative operations of the charter school.

ACS will be responsible for its operations within the limitations of funding provided by the State of New Mexico and other revenues derived by the school consistent with State law. The school shall have authority to independently exercise, in accordance with federal and state law, the following:

- Contract for goods and services;
- Budget preparation;
- Personnel selection and determination of compensation;
- Evaluation of personnel performance;
- Payroll process functions;
- Procurement of insurance;

- Lease of facilities for school purposes;
- Purchase or lease of furniture and equipment;

- Procurement of instructional materials and supplies; and
- Acceptance of gifts, donations or grants consistent with law.

ACS shall comply with state mandated audit policies. ACS will furnish the Gadsden School Board copies of all policies or procedures that may be developed with regard to any operational or educational program, upon adoption by the Governing Council.

As ACS intends to contract with GISD for financial services and lease of facilities, those items will fall under the purview of GISD, in concert with ACS Governing Board. All other functions will fall under the responsibility of ACS, including auditing, payroll certification and processing and student transfer tracking.

a) Non-Religious, Non-Sectarian, Non-discrimination Status

- ACS will operate as a non-sectarian, non-religious, public school and will comply with all applicable federal, state and local laws, rules and regulations including, without limitation, the Constitutional provisions prohibiting discrimination on the basis of race, color, national and ethnic origin, disability, age, creed, gender, religion or ancestry.

b) Student Enrollment Process

- Pursuant to the Charter School Act of 1999, any student, regardless of locale, may attend ACS. All student applicants over the projected enrollment or from sources other than ACS will be maintained on a waiting list, from which enrollment will be accepted through a lottery.

Enrollment Requirements

Students must provide proof of age and residency as well as a complete immunization record. A transcript from a student's previous school will be required. Information for interested parents will be available on an ongoing basis. Parents will be encouraged to visit ACS and talk to parents of enrolled students as well as staff.

c) Record Retention and Disposition Schedule

- This schedule describes the most commonly used retention periods. This directive applies only to school records. Retention periods for school security, legal records, business and financial, personnel, library, and transportation records are not covered. Access to confidential documents and/or files will be only by court order, unless provided by statute. All appropriate files will be stored in a fireproof safe for the period of time specified by the schedule. Release of confidential documents to law enforcement and other governmental

agencies will only be upon specific statutory authorization or court order.

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d) Record Schedule

Description	Retention Period
Textbook Inventory Listing	Until superseded by new listing
Listing prepared annually by each school which reports current inventory of schools instructional materials supplied by the state	

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Textbook Adoption List, Copies

Listing of all textbooks adopted by State Board of Education

Student Cumulative Education Record File

A. Transcripts, shows date of birth, date of entrance, courses taken, grades received, and degrees granted

B. Student health records, immunization

C. Federal program records

D. Other student records, including registration record, screening evaluation, counselor notes, correspondence, program participation

Special Education Records

Special Ed. confidential records must contain all IEP's as long as student is in school, plus 5 years

Other Records

Student disciplinary records

Guidance folder

Scholarship program records
Employment certificate record
Honor Society student records
School census records
Student's attendance record

Students attendance exemption record

Student's absence record

Parent's consent

Student accident and illness
Student organization records
Student fine receipts

Parent -public survey P. I. 874

Athletic Program Records

Activities and membership

Injury records, medical reports

Records of coaches for various school sports

Curriculum Records

A. Curriculum catalogue or bulletin

B. Approved curriculum variance application

C. Approved application of occupational education curriculum. D. Denied application for curriculum approval

Other Instruction Records

Teacher's Lesson plan

Teacher's class rolls, grade sheets

Examination and test answer papers

State required district testing records Original to NM Dept. of

Ed

Food Management And Child Nutrition

School
Administrative File
Calendar Of
Events File
Committees,
Councils Files
Maintenance
Service File
Work Orders
File

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Until superseded by new listing

10 years after date of last entry Page 67 of 156

Until reference value ends

99 years after graduation

Permanent

10 years after approved

10 years from date of student's last attendance

1 year after curriculum discontinued

5 years after final expenditure report

1 year after end school year

2 years after last attendance

2 years after close of school year

1 year after end of term

2 years after close of school year

After completion of special services but not sooner than 5 years after completion of activities funded

2 years after close of school year

5 years after last entry, or 2 years after last attendance

5 years after submission of final report, 7 years for Title I purposes

5 years after last entry, or 2 years after last attendance

5 years after close of school year

1 year after award

Until obsolete

Until student attains age 21

5 years after end of school year

1 year after end of school year

3 years after date of last entry

1 year after end of school year

1 year after work completed, paper 2 years, electronic

1 year after end of school year

Until student attains age 21

1 year after end of school year

2 years after close of school year or until

student attains age 9

1 year after end of school year

6 years after date created

3 years after close of fiscal year

4 years

6 years after date created

Membership Report File

Permanent

e) Comprehensive Family/Parental Involvement Plan

ACS is committed to fostering and supporting the positive home environment and support systems for students with a solution-focused Comprehensive Family Involvement Program that includes:

- Community-based training focused on the importance of the family *system*;
- Parent training that emphasizes positive skill building approaches such as the "Tough Love" Program and Parent Effectiveness Training (PET) (setting limits, consistency, and follow through);
- Child care during on-site events and/or activities; contracted through CACFP Program/Partnerships;
- School counselors providing both group and community education.

Parents will be encouraged to participate as part of the ACS community. ACS will have an active Parent Teacher Student Organization.

Other suggestions for parental emphasis and involvement include:

- Assuring student attendance, holding absences below 10 days per school year;
- Supporting on time student preparation and readiness to learn by the beginning of each school day;
- Participation in school conferences ;
- Participation in the development of the Student Learning Plan (SLP) and/or the student's Individualized Education Plan (IEP);
- Participation in disciplinary action and corrective action; and
- Partnering with students and teachers to create an educational environment in which students have the tools and resources to achieve excellence in learning and personal development.

f) Professional Educators Involvement Plan

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As described in Section on Special Education, teachers, as part of the Multidisciplinary Support Team(s) for ACS students, will be involved in developing SLPs, IEPs and the identification of "at-risk" students. In addition, all educators will be required to complete on-going professional development consistent with the school Professional Development Plan. The staff will also seek continuous review of in-class practices and lesson plans from their peers and the Principal. Instructional staff will be involved with ACS support and relevant Governing Council committees on an as-needed basis. Teachers will also agree to support

extra-curricular activities and Student Learning Plans as negotiated with the ACS Principal.. ACS will advertise and contract with professional educators, trainers and consultants for training of governance council members, administrators, teachers and staff on an as needed

basis. ACS will also utilize training from the State Coalition of Charter Schools and the PED whenever training or support is made available

g) Parent/Community Involvement Plan

One of the primary aspects of the ACS vision is that the school reflects and capitalizes upon the community of which it is a part. This means working closely with the community.

ACS has much work to do in organizing community resources. Several key parts of this relationship need to be emphasized. ACS is motivated by a core of local community leaders and will serve as the nucleus of local community support. An opportunity to support NM HELP in efforts to build strong community partnerships provides regional relationships that ACS will take advantage of. Local advertising will be used to invite the public to informational meetings to educate parents and recruit staff, community volunteers and Governance Council participation.

- Utilization a strong working relationship with the local NM HELP office
- Broadening involvement and increasing awareness in ACS' purpose.
- Parents, students, teachers and the community working together to create a safe educational environment in which students are eager to learn and have the tools and resources to achieve excellence in learning and personal development.
- ACS will develop a data warehouse of local experts in areas ranging from construction skills to the hospitality industry, pulling community members into the school as leaders for projects, lectures, advanced learning experiences and mentoring.
- ACS is committed to building each student's self esteem through a variety of community-based activities including volunteer experiences.
- ACS will look to the community for ideas in developing student responsibility models, career shadowing, and sharing of expertise.

Specific community involvement opportunities will include:

- Attending open monthly meetings;
- Representation on the ACS Governing Council;

- Participating as mentors;
- Volunteering;
- Attending and/or sponsoring student exhibitions and programs;
- Inviting student participation in civic organizations; and
- Establishing a community advisory panel to provide insight concerning economic, environmental, business and academic areas relevant to ACS.

h) Relationship between the Anthony Charter School Governing Council and the Local Board of Education

Upon approval of this Charter Application, the Charter contract will be between the ACS Governing Council and the Gadsden School Board. The school will furnish the Board of Education with copies of all policies or procedures that may be developed with regard to any

operational or educational program, upon adoption by the Governing Council. The Governing Council *will* submit an annual written progress report to the community and Board of Education in accordance with State PED policy. This report will include student performance results relative to academic performance, an analysis of academic programming, an analysis to assure equity among students, and demonstration of growth of the institution. Attendance and disciplinary data will also be incorporated into the annual report. Consistent with state law, the School's financial records will be audited annually.

In addition to an annual report to the Board of Education and the community, the Governing Council will review quarterly reports submitted by the Principal concerning operations, aggregate budget, attendance, student discipline and personnel matters and forward information copies to the Gadsden School Board. Board of Education authority over the ACS

budget and operations is as described in the *1999 Charter Schools Act*. The Governing Council will petition to the Local School Board and the State PED for waivers concerning specified areas. Any revision or amendment to the terms of the charter contract may be made only with the approval of the local school board and the governing body of the charter school.

i) Alternative Dispute Resolution Process

- Any material dispute between ACS Governing Council and the Gadsden School Board and/or superintendent will be resolved using the process defined in this section. In the event of a dispute between ACS and the School Board, the preferred form of resolution shall be mediation. ACS will develop an agreement to be signed by both parties establishing a dispute policy. This agreement will include, but not be limited to, these items below:

- Either party wishing to invoke the dispute policy (the complaining party) will provide written notice to the other party (the receiving party), stating the exact nature of the dispute, the history of the development of the dispute, and the party's desired outcome. The party receiving the notice will respond in writing within 30 days, stating whether they will agree to the complaining party's desired outcome or whether a mediation process shall be instituted.
- If mediation is selected, the receiving party will include in its response the names of three proposed mediators. The complaining party shall reply within 10 business days of receipt of the receiving party's response. The response shall state whether they agree to one of the mediators proposed or list another three proposed

mediators. The parties will continue to correspond until a mediator is agreed upon. However, if the parties cannot agree upon a mediator within 30 days of the receiving party's response, other forms of dispute resolution, including litigation, may be initiated by either party, but the parties must request a court-appointed mediator before discovery is initiated.

- If mediation is attempted but fails, either party may file suit in the appropriate Court and litigation shall proceed. The applicable rules of civil procedure and evidence will be followed; thus, **if** a party files a frivolous lawsuit, they may be sanctioned pursuant to Rule 11 of the Rules of Civil Procedure. The parties will at all times be encouraged to participate in mediation to resolve the dispute and to terminate

litigation; however, neither party shall be required to do so. In the event of mediation, the parties shall share in the cost of the mediator's fee.

25. Description of the manner in which the annual audit of the financial and administrative operations of the charter school is to be conducted. Indicate where in budget funds are included.

- **Audit Plan**

- The ACS agrees to maintain appropriate financial records in accordance with all applicable federal, state and local laws, rules and regulations, and make such records available to the District as requested. ACS also agrees to engage an independent, outside audit by a certified public accountant of its financial and administrative operations on an annual basis.

The results of the audit shall be provided to the District in written form when requested by the District and shall be published and posted as required by law. Cost of the audit will be borne by ACS. A specific line-item for an audit is included in the budget.

f) Internal Audit Plan

- ACS considers the internal audit function to be a critical management reporting responsibility and shall comply with all State requirements. Each year, the ACS Governing Council shall advise the Gadsden School Board of the internal audit plan.

- ACS internal audits shall include an independent review, evaluation and report of:
Financial condition;

Accuracy of financial and property record keeping;

Compliance with applicable laws, policies, guidelines and procedures;
Effectiveness and economy of operations; and

Recommendations for improved operations.

g) Internal Audit Process

The Governing Council will use periodic internal audits to provide a comprehensive evaluation of the level of control in ACS' operating and accounting systems. Internal audits

will be performed by parties independent from those ACS personnel carrying out certain responsibilities outlined in this policy; e.g. the person doing the payroll function may perform an independent review of the procurement or accounts payable functions or vice versa. In any case, the designated internal auditor for activities and/or functions will be specified by the Governing Council Audit Committee.

The Principal or his/her designee and two representatives from the community at large appointed by the Governing Council Executive Committee together with two Council members shall comprise the Council Audit Committee. The purpose of this Audit Committee will include identifying areas for audit, the timetable for review, and then reviewing any findings and/or recommendations in these internal audit reports. At least one member of the Council Audit Committee should be a Certified Public Accountant.

A designated internal auditor will independently review, evaluate, and report through audits and management studies the status of the following: financial condition and/or soundness of practice of a function or program; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

ACS employees or others shall promptly notify the Governing Council of instances of theft or other disappearance of cash, checks, or property, of misfeasance or nonfeasance, defalcations, and non-compliance with laws and regulations of which they are aware to ensure that prompt attention is given to such matters.

All officials, contractors, and employees of ACS shall furnish the designated Internal Auditor with requested information and records within their custody. In addition, they shall provide access for the Internal Auditor to inspect all property, equipment, and facilities within their custody. If such officials or employees fail to produce the information, the Internal Auditor shall notify the Audit Committee and shall make a written request to the Principal or his/her designee for assistance.

c) Internal Audit Reports

Each audit will result in a written final report. If appropriate, the audit report shall contain the professional opinion of the Internal Auditor or the contract auditor concerning the financial statements issued by the auditees, or the professional conclusions of the audit regarding the management activities audited. The auditor shall include in the audit reports where applicable:

A precise statement of scope encompassed by the audit;

A statement that an examination for compliance with applicable laws, policies, and regulations was conducted, and a presentation of the findings associated with that examination;

A statement of significant audit findings, including a statement of the underlying causes, evaluative criteria used, and the current and prospective significance of the findings;

A statement that internal control systems were examined and a report of any material weaknesses found in the internal control systems;

Statements of response submitted by the auditees relevant to the audit findings;

A concise statement by the auditees of the corrective actions previously taken or contemplated

as a result of the audit findings and a timetable for their accomplishment; Page 77 of 156

Recommendations for additional necessary or desirable action.

A preliminary draft of the audit report will be forwarded to the ACS Audit Committee for review and comment before it is released. The audited programs, including departments whose assistance is needed in order to accomplish a recommendation, shall respond in writing specifying agreement with each of the audit findings and recommendations or reasons for disagreement with findings and/or recommendations, and plans for implementing solutions to identified problems including a timetable to complete such activities.

The written response to the preliminary draft of the audit report shall be forwarded to the Internal Auditor within 14 days of receipt of the audit report. Audited program staff

conunents to the preliminary draft may be utilized to amend the report if appropriate. The Internal Auditor shall include the audited program's staff response in the audit report.

All final audit reports shall be promptly published and made available to the public; except, the Internal Auditor shall delay making audit reports public when criminal conduct is found in the audit, the appropriate law enforcement authority is pursuing an investigation, and release of the report would jeopardize further such investigation or when the report discusses district personnel issues. A report whose release has been delayed shall be released promptly at the end of the condition, giving rise to the delay.

The Internal Auditor shall make reports at least quarterly to the Audit Committee on the status of the work plan.

d) Report of Irregularities

If the Auditor detects apparent violation of law or instances of misfeasance or nonfeasance by an officer or employee or information that indicates dereliction may be reasonably anticipated, the Internal Auditor shall report the irregularities in writing to the Audit Conunittee. If the irregularity is criminal in nature, the Auditor shall also immediately notify

the Principal, the Chair of the Audit Committee and ACS legal counsel who shall notify the appropriate prosecuting authority.

e) Independent Audit

- State law requires that all public funds be audited once a year by an independent auditor or by auditors from the Office of the State Auditor. An audit of activity fund records is also done in conformity with Section 4-313 NMSA, 1978, and all records pertaining to the activity funds must be presented to the auditors. ACS will request a list of approved, independent auditing firms from the State Auditor. The firm selected will be recommended by the Governing Council for the NM State Auditor's approval. The audit will be conducted in accordance with the Officer of the State Auditor Rule (93-2), generally accepted auditing standards and the Manual Governing Audits of Entities of the State of New Mexico.

F. OTHER - Emergency reserves of at least 1% of expenditures are maintained in the budget.

See Items 23, 24 & 25.

G. Fiscal management

26. Specific Plan on how the charter school will manage its fiscal responsibilities in accordance with all federal and state laws including the designation or establishment of its central purchasing office with adoption of state rules or self-developed rules pursuant to State Procurement Code.

SEG and most other revenues will flow from the State of New Mexico through the Gadsden School Board to ACS; however, the Gadsden district will retain 2% of the ACS SEG for administrative expenses. ACS will work collaboratively with the Gadsden district to assure timely reporting and other financial/fiscal processes. In accordance with the *1999 Charter Schools Act* and good business practices, ACS will be held accountable for its fiscal performance. When classes begin in 2006, a revised budget will be prepared and submitted to the Gadsden district, based on the actual, rather than estimated or projected enrollment numbers for the ACS student population.

The governance council will consider negotiating to contract for its financial administration with the district as is done by several existing charter schools with districts around the state. This provides a measure of security against encountering major financial problems and gives the local School Board prompt access to fiscal information affecting the Charter School's status so that response time to problems is improved. If the council was interested and the local district declined to contract for the ACS fiscal management, we will find another agency to do so.

a) Annual Budget Negotiations

On or before April 15 of each year of the Charter, the ACS and the School District as well as the State PED will complete negotiations concerning funding for the ensuing fiscal year.

b) Enrollment Count Adjustments

The Public Education Department may adjust the funding based on the 40th and 80th day STARS enrollment counts to reflect the actual student count as compared to the estimated numbers used at the beginning of the school year. The adjustment in funding flows from the PED through the district, to the charter school, minus the district's 2% administrative fee. If a student who has been included in the enrollment counts of the District transfers to ACS during the school year, the unallocated pro-rata portion of the funding for the student shall be allocated to ACS, and vice versa. This will require ACS and the Gadsden district to share student enrollment information freely.

c) Books, Library, Software

ACS may negotiate with the Gadsden district for access to certain resources including films, books, software, reference materials, audio visual, and other equipment as normally provided to other public schools. ACS will also utilize other available resources, e.g., public library system, the branch community college, WNMU and New Mexico State University.

d) Special Education

Anthony Charter School Application

ACS will provide Special Education services to its students in complete conformance with all State and Federal regulations. The special education funding will be generated as part of the SEG formula. Special education numbers cannot be anticipated in the formula, therefore the adjustment will be made in the funding formula based on the 40th and 80th STARS enrollment counts. This money flows from the PED, through the district to the charter school,

minus the 2% administrative fee. IDEA-B funds flow from the federal government, the state and district to the charter school. In the first year of operation, districts typically estimate the

anticipated special education enrollment for the charter school based on the district's special education average enrollment and fund the charter school based on that number.

e) Salaries and Benefits

ACS will provide its own payroll function for the school, including the preparation of W-2s and other reports required by state or federal law. ACS will certify all payroll information to the District and State in a timely manner. ACS will provide employees of the School comparable benefit programs to other public schools including, basic life, health, dental, vision care, unemployment and workers' compensation consistent with the same eligibility requirements that apply to Gadsden School District employees. ACS shall practice good business practices in all matters in compliance with all Federal, State, and Local laws and regulations.

1. Strategic Planning Process

- The ACS Governing Council and the Principal will engage in a Strategic Planning Process that establishes fiscal and programmatic responsibilities for ACS in Year 1. Thereafter, the Governing Council, the Principal, the staff and some student representatives will complete an annual review and update of the ACS Strategic Plan. The ACS planning process is designed to include and address the excellence in education requirements described in the Education Plan for Student Success (EPSS) process.

- This process shall include the following:

- * An environmental scan process of Dona Ana County and New Mexico as a whole that will result in a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of ACS. This process will include a minimum of one community meeting with selected community representatives;

- * Creation of or re-examination of the ACS Vision, Mission, Goals, and Objectives for alignment with the community the school serves;

- * An assessment of the current performance of ACS against that desired future state;

- * An assessment of any gap between performance and that desired future state;

- * Development of strategies and course corrections needed to ensure the success of ACS;

- * Definition of student and other performance metrics that will ensure that the plan

is implemented and succeeding;

*Quarterly and/or monthly reviews of those performance metrics by the Governing Council, the Principal and staff.

2. Anthony Charter School Budget Process

- The ACS Governing Council will present the Gadsden School Board a balanced budget consistent with the ACS Mission, Goals and Objectives. This budget shall be in a format and on the schedule prescribed by School Board and the PED. ACS understands that the adoption of the annual District operating budget, including budgets for Charters, is the

responsibility of the Local School Board and therefore agrees to follow the process described herein.

- The adoption of the annual ACS operating budget for presentation to the Local School Board is the responsibility of the Governing Council. The Principal will propose a specific budget calendar to the Governing Council for its adoption that meets the deliverable deadlines established by PED and the Local Board. PED will give ACS the schedule for submitting the budget to the assigned PED Budget Analyst, and set a meeting to obtain PED budget approval. The budget process will include public budget hearings where the Council can learn of the public's priorities, including parents and students. The Principal will also be given a specific opportunity to address various programs and matters of interest to the Council.

- Following such hearings, the Council will identify priorities and give general instructions to the Principal to prepare a balanced budget incorporating its priorities and other guidelines as deemed appropriate. The Council will debate and vote budgetary issues without further public hearings.

a) Resolution of Differences or Questions

Any items identified in its review by the Gadsden School Board as requiring modification for any reason will be highlighted for action or/or explanation by ACS and returned to the Charter for action. No changes to the ACS budget shall be made by the

Gadsden district without the full concurrence of ACS per the *1999 Charter Schools Act*. After the review and resolution of any differences, the completed budget request will be forwarded to the Gadsden district Chief Financial Officer according to the instructions, for consolidation into the Schools' proposed budget.

The Gadsden Superintendent of Schools will present the proposed tentative budget, including the budget for ACS, to the Gadsden School Board for approval and submission to the School Budget Planning Unit of the State PED in accordance with the Manual of Procedure for Uniform Accounting and Budgeting for New Mexico School Districts.

b) Anthony Charter School Budget Formulation

ACS will submit a stand-alone site budget to the Gadsden district Budget Office for each assigned cost account. If there are requirements for which cost accounts have not been assigned, the Gadsden district Budget Office will be asked to establish additional cost accounts. The process and accountability for justifying charter budget submission as described in the *1999 Charter School Act* **does not** require that the budget be scrutinized nor approved via the normal Local School Board review process. The ACS budget, as are all charter

budgets, is appended to the local school system's budget as a separate attachment for State PED review and approval.

3. Budget Formulation Process

- The Principal will issue a "Budget Call" within ACS as a means for identifying and formulating budget requirements for the upcoming school year and will meet the budget submission deadlines established by the Governing Council, PED and the Gadsden School Board. This document will include instructions and whatever blank forms, including