

information for each cost account, may be necessary to compile requirements for personnel, supplies, services, travel, and equipment.

- The Principal will review the individual budget requests, revise them **if** necessary, and justify budget requirements based on experience factors and instructional programs objectives. Completed budget requests will be compiled and an annual budget within budgetary limitations will be submitted to the Governing Council for study and approval.
- The Principal will document the budget as approved by the Governing Council for submission to the PED and Gadsden Board of Education. This submission will be in accordance with the Manual of Procedure for Uniform Accounting and Budgeting for New Mexico School Districts and special instructions received from the Chief Financial Officer of Gadsden district.
- Budget requests submitted for salary accounts will be submitted with salaries determined by the ACS Governing Council per *the 1999 Charter Schools Act*. The "number of persons" covered will be noted in full-time equivalents (FTE); however, ACS shall not be required to follow any salary norms established by the Gadsden district.
- Budget requests for non-salary accounts will be in specific dollar amounts. The ACS Financial Officer will provide any justification of budget amounts that may be required.

#### **4. Anthony Charter School Budget Implementation**

For purposes of budget implementation at ACS, once the budget allocation has been made by the Gadsden district, expenditures against that budget shall be approved at the site level. Specifically: for Salary Cost Accounts ACS will hire and pay employees per school policy. For Non-Salary Cost Accounts, ACS will approve all requisitions, travel vouchers, contracts, invoices, or other authorizations which result in expenditures.

#### **5. Budget Monitoring**

ACS will furnish PED the required Quarterly Revenue and Expenditure Reports showing encumbrances and expenditures to date, and the unencumbered balance for review to demonstrate that encumbrances and expenditures are progressing in accordance with the budget plan. ACS will furnish the Gadsden district with a copy of the reports submitted to PED for information purposes. ACS will furnish PED the required Quarterly Revenue and Expenditure Reports showing encumbrances and expenditures to date, and the unencumbered balance for review to demonstrate that encumbrances and expenditures are progressing in accordance with the budget plan. ACS will furnish the GISD with a copy of the reports submitted to PED for information purposes. ACS intends to use VISIONS financial software systems. VISIONS is a web based system that is capable of implementing the required chart of accounts and interfaces with PED financial systems to create reports in acceptable formats for all required budget submissions to PED. ACS will use district oversight or contract with highly qualified personnel for budget and financial oversight

## **6. Budget Changes**

During the course of the school year, it is probable that budget changes, increases, or transfer will be necessary. Increases may result from additional resources, either earmarked or not. ACS will prepare Governing Council approved Budget Adjustment Requests (BAR's) with the appropriate documentation or revenue source (e.g., a contract from outside agency)

and an appropriate expenditure cost account for new and/or changes in revenue streams and submit them to PED for approval. No changes in revenue or expenditures can be done without a PED approved BAR. Any transfers between cost accounts will always be offset to ensure that the ACS budget remains balanced. These changes will be approved at the ACS site per the

*1999 Charter Schools Act.*

## 7. Fiscal Integrity

In the event that either the Governing Council or the Principal determine additional personnel, programs or initiatives are warranted; no such additions will be made to the budget or spending plan without a corresponding source of funding.

## 8. Contracting Process

- New Mexico law and State PED regulations will govern the issuance of contracts and purchase orders. Only authorized parties of ACS may initiate procurements. Compliance with applicable procurement laws and regulations shall be the responsibility of the ACS Governing Council and periodic internal audits of ACS procurement practices shall be used to ensure compliance. As the chief administrator of ACS, the Principal shall maintain oversight of all procurements and report regularly to the Council on all procurement activities of the school. The Gadsden district Business Manager or the ACS contract provider of

business services shall maintain all procurement records for ACS and shall prepare all necessary reports for the Principal and the Governing Council to ensure proper tracking of procurement activity.

## 9. Purchasing Practices

The 1999 Charter Schools Act gives the Governing Council the authority and right to establish their procurement practices outside those used by the District. As such, ACS will **not** automatically use the Gadsden district' procurement system, though this, too could be negotiated if mutually beneficial.

ACS will insist on the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity. All purchases that expend public school money (including school activity funds) fall under the definition of purchase from public funds and are subject to Chapter 13 Pamphlet 29 NMSA 1978 entitled "Public Purchases and Property" which includes the Procurement Code, Public Works Contracts and other pertinent legislation. It is understood that grants are not exempt from public purchasing statutes and all applicable state and federal requirements. It is the intent of ACS to consider

negotiation with the local district for financial oversight in which case the district would be the central processing office. Internal procedures and duties of the part time financial assistant will

de develop with the district representative. If the district is not willing to contract with ACS, other arrangements will be made. ACS may hire a licensed business manager or contract with a reputable school business management organization to reconcile bank statements and provide separation of duties. Internal controls will be adopted by the governance council to outline the management of fiscal responsibilities in accordance with all federal and state laws including the adoption of state rules and regulation pursuant to State Procurement Code.

ACS will keep a current and updated inventory of property or material purchased in excess of \$1000.00.

ACS will purchase, rent, lease or otherwise acquire all items of tangible personal property, services or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico, federal law and State Public Education Department regulations. ACS will establish and maintain a manual of purchasing policies and procedures referencing the applicable statutes, and that manual shall be open to the general public and furnished to the Gadsden district as described in Section 9.6 of this application. All procurement of tangible property or services shall be within the budget approved by the Governing Council and shall be reviewed and approved by the Principal prior to their occurrence. Procurement will be by means of standard purchase orders or letters of agreement as defined by the Governing Council. The Governing Council reserves the right to review, approve or reject any procurement decision involving more than \$1,000.

The purchase, of any tangible property or any construction that will exceed \$10,000 must be formally bid and may not be artificially divided to circumvent this requirement. Exceptions such as patented or copyrighted products, use of existing contracts, or certain statutory exemptions may apply. Freight, installation, rigging, tax, etc. are considered to be part of the cost of the product. Bid documents will be mailed or otherwise distributed by the ACS Governing Council, who shall also publish public notice not less than ten calendar days prior to the date set forth for the opening of the bid.

The purchase, rental and lease of any tangible personal property or construction that will fall between \$1,000 and \$9,999.99 are required by policy to obtain three quotes. These may be written, faxed or telephoned. Documentation including but not limited to the date, time, company, price, person quoting, model number etc., freight charges, must be furnished to the Governing Council who may recommend or contact additional sources. Purchases that are less than \$1,000 must be made at the best obtainable price. Quotes are at the option of the user. Professional services that exceed \$20,000 must also be formally bid. Guidelines for what qualifies as a professional service and for applicability of the Professional Services Agreement shall be set forth in a Procurement Policies and Procedures Manual prior to the opening of ACS.

## **10. Signatory Authority for Contractual Agreements**

The ACS Governing Council will determine individuals with Signatory Authority for the school. However, in no instance shall the party initiating the purchase be the same party who acknowledges receipt of that good or service. Nor shall the party acknowledging or recording receipt be the same party who authorizes payment to the provider of that good or service. This separation of accountabilities shall be enforced to protect ACS, in some measure, from any fraudulent use of procurement. Appropriate approval levels commensurate with the

nature and dollar thresholds of procurement transactions shall be described in the ACS Procurement Policies and Procedures Manual. Page 01 of 156

It is expected that any employee of ACS shall have the right to create purchase documents and that person's supervisor must approve the purchase; e.g., the Principal must approve a teacher's purchases, and purchases by the Principal must be approved by the Governing Council. Purchases by the Governing Cotmcil would require approval (signified by

a public vote) and signature of more than one representative of the Council. However, these procurement guidelines will be defined and approved by the Interim Governing Council prior to the opening of ACS. No individual at ACS may obligate the Gadsden School District for the purchase, rental or lease of any tangible personal property, construction or service.

### **11. Disbursements Process**

- Disbursements at ACS shall be made as defined and scheduled by the ACS Governing Council. In no instance shall the party initiating a request for disbursement be the same party who approves that disbursement. Nor shall the party approving the disbursement be the same party who distributes the payment. This separation of accountabilities shall be enforced to protect ACS from any fraudulent disbursement of monies.

### **12. Payroll Procedures**

The ACS Governing Council will determine the policy for and payment schedule for all salary payments. ACS payroll payments will be made in the manner defined in ACS policy in accordance with the appropriate separation of duties and approval of payroll time records to ensure that employees of ACS are paid only for services rendered. Time records will be maintained for all ACS employees.

### **13. Non-Payroll Disbursements**

ACS shall be responsible for paying all approved and authorized school-related bills in accordance with school policy prescribed in the *1999 Charter Schools Act*.

### **14. Property Management**

Management of ACS property includes ensuring its proper allocation, control, care, use, and safeguarding. Responsibility for managing property is the obligation of all ACS personnel. These responsibilities include liability for loss, damage, or destruction of school property resulting from mismanagement, or unauthorized use.

ACS personnel responsible for managing property may be relieved of their duties if an unsatisfactory condition is found that is attributable to mismanagement, inefficiency, or other causes within their control. ACS personnel must ensure that equipment is protected, conserved, and maintained. Property issued to individuals does not become private property, but remains ACS property. ACS property or equipment will be managed in compliance with NMSA 6-20-

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## Anthony Charter School Application

1. All property will be properly and accurately recorded at the time of acquisition and those records maintained. ACS Governing Council shall define a policy for labeling and/or tagging school property, to include any land, buildings, improvements other than buildings, equipment, machinery, construction work in progress, and capital leased assets with a cost of \$1,000 or more ... and applies to all assets purchased, regardless of funding source.
2. All property will be inventoried periodically to verify the accuracy of records.
3. All property will be adequately safeguarded and protected to minimize loss.
4. Any re-location of property shall be noted and kept with the property records.



5. All property will be used economically, and for the intended purpose.
6. All property will be inspected upon arrival and periodically to ensure it is in good working order.

Guidelines for recording and reporting fixed assets are provided in the Policies and Procedures Manual of the Department of Finance and Administration, General Services Department, Chapter 14, pages 8-9 (issued 2/12/99). ACS Property Management Policies and Procedures shall meet or exceed the guidelines set forth in this manual.

## 15. Real Property Disposition

As a New Mexico Charter School, ACS is not permitted to own real property. In the event this changes in the future, ACS will conform to statutes and regulations of the State of New Mexico when leasing, selling, or otherwise disposing of real property belonging to it.

## 16. Audit of Inventory Records

A ACS equipment inventory will be kept and will be available for audit at all times. Applicable equipment will be inventoried as it is received; inventory records will be part of the internal audit.

## 17. Grant Applications and Awards

- All ACS grant applications will comply with the policy established by the school's Governing Council. After any proposal is approved by a granting agency, ACS will comply with Public Education Department (PED) requirements. The original award letter is received and submitted to the PED for processing and signing. PED submits completed documents to ACS allowing cost accounts to be established, budget entered, and grantee notified. Spending may begin only then.

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## 27. Specific description of the internal control procedures that the charter school will utilize to safeguard assets.

- 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.

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- 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.

## 1. 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 Gadsden 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.

## 2. 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.

### **3. 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.

#### **4. 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.

#### **5. 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 fire-proof safe.

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#### **6. 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.

#### **7. 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:

##### **A) 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.

**B) 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.

**C) 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.

**D) 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.

**E) 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.

**28. Specific description of the internal control procedures that the charter school will utilize to provide reliable financial information.**

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- 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.

**1. 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.



## **2. 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.

## **3. 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;

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 comments 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.

#### **4. 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 Committee. 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.

## 5. 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.

## **6. 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 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.

## **7. 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.

## **29. Specific description of the management and internal control procedures that the charter school will utilize to promote operational efficiency.**

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 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. ACS has provided an Asset Capitalization Policy and an Employee Pay Policy that defines the guidelines to control these areas of operation, other policies and procedures developed by ACS will be provided to GISD when adopted. Any policy and procedure not currently developed, will follow the requirements of GISD and will be submitted for approval to the GISD prior to implementation.

### **1. 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.

## 2. 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.

## 3. 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.

#### 4. 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.

#### 5. Record Schedule

Description	Retention Period
Textbook Inventory Listing Listing prepared annually by each school which reports current inventory of schools instructional materials supplied by the state	Guidance folder
Textbook Adoption List, Copies Listing of all textbooks adopted by State Board of Education	Scholarship program records
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	Employment certificate record Honor Society student records School census records Student's attendance record
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	Students attendance exemption record Student's absence record
Other Records Student disciplinary records	Parent's consent Student



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accident and illness Student organization records Student fine receipts

Until superseded by new listing

Parent -public survey P. I. 874

Athletic Program Records Activities and membership Injury records, medical reports

Until superseded by new listing

Records of coaches for various school sports

Curriculum Records

99 years after graduation

10 years from date of student's last attendance

5 years after final expenditure report

2 years after last attendance

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

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

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

1 year after award

Until student attains age 21

1 year after end of school year

1 year after end of school year

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

10 years after date of last entry

Until reference value ends

## Anthony Charter School Application

A. Curriculum catalogue or bulletin	Permanent
B. Approved curriculum variance application	10 years after approved
C. Approved application of occupational education curriculum.	1 year after curriculum discontinued
D. Denied application for curriculum approval	1 year after end school year
<b>Other Instruction Records</b>	
Teacher's lesson plan	2 years after close of school year
Teacher's class rolls, grade sheets	1 year after end of term
Examination and test answer papers	2 years after close of school year
State required district testing records Original to NM Dept. of Ed	2 years after close of school year
Food Management And Child Nutrition	5 years after submission of final report, 7 years for Title I purposes
School Administrative File	5 years after close of school year
Calendar Of Events File	Until obsolete
Committees, Councils Files	5 years after end of school year
Maintenance Service File	3 years after date of last entry
Work Orders File	1 year after work completed, paper 2 years, electronic
Membership Report File	Permanent

### 6. Comprehensive Family/Parental Involvement Plan

ACS is committed to fostering and supporting the positive home environment and support systems for ACS 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.

#### 7. Professional Educators Involvement Plan

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

### **8. 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.

9. 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.

10. 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.

## **11. Employee Relations-Terms and Conditions of Employment**

Pursuant to NM 6 ACS submits the following explanation of the relationship to exist between the school and its employees, including evidence of terms and conditions of employment.

The ACS Governing Council will adopt its own written policies in compliance with federal and state law, regarding the recruitment, promotion, discipline and termination of personnel., methods for evaluating performance, and a plan for resolving employee-related issues. Employees of ACS are not Gadsden School District employees. A new employee hired by ACS will not have an employment right to a position within the Gadsden district upon leaving the charter school.

In accordance with the *1999 Charter Schools Act*, ACS shall hire all employees of the school directly, without prior authorization or review by the Gadsden district' personnel office, subject to compliance with federal and state rules and regulations.

## **12. Common Legal Elements for Employee Relationships**

These elements shall apply to all employee relationships with ACS:

ACS staff, after meeting with the principal, may appeal administrative personnel decisions to the Governance Council

ACS is an Equal Opportunity Employer and shall not discriminate against any employee on the basis of race, color, religion, gender, age, national origin, or disability.

It is the policy of Anthony Charter School to conduct appropriate, legally permissible and mandated state and federal criminal records inquiries into the background of all ACS personnel and volunteers who contact students.

ACS affirms its commitment to the rights of students, parents, and employees with

disabilities as set forth in Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA) and its implementing regulation. ACS will not, directly or through contractual or other arrangements, discriminate on the basis of handicap in admission, access, treatment, or employment. The Principal shall ensure that this policy is implemented at ACS. Any infractions shall be reported immediately to the Principal.

### **13. 504/ADA Employment Practices**

The proposed ACS Employee Handbook is included as an Appendix to this application. It spells out in great detail all of the issues we highlight here. It will be finalized and then given to the Interim Board for approval prior to the start of classes.

- A. Notice of ACS policy on non-discrimination in employment practices will be posted through annual newspaper notices, written in the Board Policy Handbook, posted throughout ACS, and published in any ADE statement regarding the availability of employment positions.
- B. Information regarding ACS' policy on non-discrimination in employment practices will be provided to potential employees in recruitment and interview settings.
- C. In the planning of training sessions for employees, availability of training sessions (including physical access to the training site) will not be limited so as to discriminate against employees with disabilities.
- D. In determining hiring, transfer or promotion of employees, placement will not be determined or influenced by any employee's disabling condition. It is the prerogative of the employer, however, to determine office, classroom, or other area of work based on already accessible work areas.
- E. Each job description will be written to:
  - 1. Identify any environmental factors that could create a barrier for a person with a disability;
  - 2. Ensure that all essential physical, mental, and intellectual qualifications have been defined and justified.
  - 3. Identify the types of abilities which would qualify a person to fulfill the essential functions of a job.
- F. "Reasonable accommodation" may include for employees, where such would not impose "undue hardship,"
  - 1. making facilities used by employees readily accessible to and usable by persons with disabilities;
  - 2. job restructuring and part-time or modified work schedules;
  - 3. acquisition or modification of equipment or devices;
  - 4. provision of readers or interpreters and other similar actions.This is not an all-inclusive list of possible accommodations.
- G. ACS will not use employment tests or selection criteria that screen out persons with disabilities unless those criteria are demonstrably job related.

#### **14. Reasonable Accommodation**

- A. The employee must initiate a written request for reasonable accommodation accompanied by documentation of the condition which may qualify as a disability. The type of documentation required will depend on the disability and can be medical, psychological or diagnostic.

- B. When "A" above is complete and submitted to the Principal, options will be explored and a determination made of what occurs next.
1. At no time prior to tills contact should the Principal agree to a specific accommodation or make a financial commitment to the employee. Many accommodations can be accomplished on site with no need for modification and at no cost.
  2. Options may include, but are not limited to, the development of an employee accommodation plan, physical access request, further medical clarification, job restructuring and/or transfer.
  3. When the necessary accommodation is complicated or requires ACS funding, the 504/ADA Committee will need to be involved and financial commitments made. Any consideration of job restructuring or transfer must include the involvement of the
  4. Human Resources Department. When necessary, the 504/ADA Committee will assist the school administration in determining the most cost effective accommodations that meet the need, considering also the employee's suggestions on his/her Accommodation Request.
- C. All accommodations agreed upon and initiated are documented by the employee's supervisor and the ADA Coordinator using the *Employee Accommodation* form. A copy of this is sent to the ADA Coordinator, who keeps confidential records on disability accommodations separate from the personnel files. No disability records will be kept in the Human Resources Department personnel files.

## 16. Grievance Procedure

A complaint regarding a violation of law, Section 504 of the Rehabilitation Act of 1973 the Americans with Disabilities Act and the New Mexico Human Rights Act in an employment decision will be subject to a grievance procedure that provides for the prompt and equitable resolution of the dispute. The grievance procedure will follow these steps:

- A. The grievant will file a written complaint, stating the specific facts of the grievance, the alleged discrimination and the remedy requested of the ADA Coordinator.
- B. The ADA Coordinator will make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.
- C. In the event that the complaint cannot be resolved informally, ACS will convene an informal hearing no later than ten (10) working days after the filing of the complaint. The hearing procedures will parallel those of a union grievance hearing with ACS. Both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross examined. Within ten (10) working days of the hearing, the

hearing officer will provide a written copy of their determination to both parties. The grievant may appeal the outcome of the hearing to the Principal within ten (10) working days of the receipt of the determination. The appeal must be in writing. It must be submitted with copies of the original complaint, the minutes of the hearing

and the written determination. The Principal may, at his/her discretion, convene **within ten (10) working days** a second hearing at which the parties may present additional testimony and argument.

D. Within ten (10) working days of a second hearing, the Principal will provide both parties with a written decision.

E. If, at this or any other point, the grievance has not been satisfactorily resolved, an appeal may be made to the Office for Civil Rights. Timelines set forth herein may be waived upon mutual assent or a showing of good cause.

Employees of ACS will be informed of Section 504, the Americans with Disabilities Act and the relevant ACS Board Policy and that a complaint may be filed without reprisal by the Board or any of its employees or agents. The grievant will be notified of his/her rights of appeal at each step of the process.

## 17. Immigration Reform and Control Act

ACS is committed to meeting its obligation under U.S. Immigration Law. Accordingly, ACS will not hire or continue to employ an individual who is not legally authorized to work in the United States. However, ACS does not discriminate on the basis of citizenship status or national origin in recruiting, hiring, discharge, or any other employment function.

## 18. Sexual Harassment

ACS affords its employees a working environment free of discrimination. We recognize that acts of sexual harassment are defined in Section 703, Title VII, and Civil Rights Act of (1964), as amended and in the New Mexico State Human Rights Act 28-I-7NMSA. Acts of sexual harassment will not be tolerated at Anthony Charter School.

## 19. Drug-Free Workplace

The use of controlled substances at ACS

- is inconsistent with the behavior expected of employees;
- subjects all employees, clients, and visitors to our facilities to unacceptable safety risks; and
- undermines ACS' ability to provide quality education to its students.

If an employee has a problem with the abuse of alcohol or other controlled substances, we recommend seeking professional treatment. Failure to effectively deal with an alcohol or substance abuse related problem, or arriving for work under the influence of such substances,

can result in disciplinary action, up to and including termination. ACS reserves the right to ~~also~~ require employees to submit to a drug and alcohol screen based upon suspicion of use.

## 20. Common Conditions of Employment at Anthony Charter School

These elements shall apply to all employee relationships with ACS:

### 1. Annual evaluation

All teaching staff will participate in annual PDP process in compliance with NM three tier licensure guidelines and NCLB



## 2. Leave of Absence

Employees will be granted Leave of Absence in accord with *Family and Medical Leave Act of 1993 (FMLA)*.

In addition to provision of the FMLA, each employee receives 10 medical leave days per year, if needed. Medical leave does accrue.

Employees of ACS can, with approval from the Principal, seek other unpaid leaves of absence.

## 3. Compensation

Compensation is defined as a combination of base salary, additional increments, and benefits including ERA and an optional 403(b).

Compensation will be based on experience and performance (as per the NM Three Tiered Licensure System requirements) of the individual and at the discretion of the Governing Council, within the approved budget.

## 4. Benefits

Employees shall be entitled to receive benefits including, but not limited to Educator's Retirement Association fund, paid sick leave, health insurance, and an optional 403(b). Health benefits will be provided by enrollment in NMPSIA.

## 5. Complaint and Dispute Procedures

ACS will establish a fair procedure to ensure that all teachers may bring legitimate complaints and disputes to the appropriate authority in order to secure equitable solutions.

Complaints and disputes involving alleged acts of discrimination on the basis of race, sex, national origin, age, or handicap are processed through the Principal.

This process will be outlined in ACS Employee Handbook, attached.

## 6. Disciplinary Actions/Separation Rights

ACS will establish a progressive discipline program to deal with matters of employment discipline, upon approval by the Governing Council.

## 21. Anthony Charter School Employee Code of Conduct

As a member of the ACS team, you are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that in both your work and personal life you refrain from any behavior that might be harmful to you, your co-workers, and/or ACS, or that might be viewed unfavorably by current or potential students, their parents, or the public. Whether you are on duty or off, your conduct reflects upon ACS. You are consequently encouraged to observe the highest standards of professionalism at all times. Employees are expected to abide by the following *code of conduct*:

- 1) Be familiar with and carry out ACS policies, rules and regulations mandated by the State Personnel Act. These are outlined in the ACS Employee Handbook.
  
- 2) Avoid abuse or neglect of students at all times. To maintain respect for the dignity and integrity of each student, to follow facility standards of care as outlined by licensing and accreditation requirements, and to report any suspected or observed student neglect and/or abuse to the Principal or his/her designee.
  
- 3) Work within and support the recognized organizational structure of authority of ACS.
  
- 4) Protect and uphold each ACS student's right to confidentiality regarding his/her records.
  
- 5) Be on time for, and be physically and emotionally ready to begin work at the scheduled work time.
  
- 6) Accept and be responsible for the timely completion of assigned tasks, and to participate actively in such assigned tasks, activities, procedures, etc. The Principal must approve absences from work.
  
- 7) Call the Principal in advance of the scheduled reporting time when sick and unable to work. Repeated or excessive absences will require a doctor's excuse and may involve disciplinary action.

8) Be properly attired and act in an appropriate fashion at all times during work hours, while on facility ground, or when engaged in ACS activities.

9) Engage only in educational/mentor relationships with students. At no time are employees to see, meet with, and engage in any type of relationship with residents outside school. Exceptions to this are when staff is involved in alternative education in a home schooling circumstance. Sexual or personal relationships between students and staff are prohibited.

10) Report to work free from the influence of alcohol, drugs, or any other illegal or controlled substance. Additionally, alcohol, illegal drugs or controlled substances, firearms, and any other weapons are not to be brought onto ACS property.

11) Represent yourself accurately and honestly on all work-related documents including employment application, leave requests, or other work-related documents.

12) Take action immediately through appropriate channels against unethical conduct by any other employee.

13) Be familiar and comply with all applicable fire, safety and sanitary regulations.

14) Refuse gifts, gratuities, tips, and/or other offers of money, goods, or services from students, their families, ACS vendors or suppliers. Questions regarding a gift or gratuity should be directed to the Principal.

15) Report immediately to the Principal any accident, incident, or injury that might happen to any student, co-worker, or visitor. The report should include a description of the incident, any witnesses, and the employee's recommendations on creating a safer facility environment.

Even if an injury becomes apparent at a later time or is only suspected, a report must be given to the Principal *as* soon as possible.

## 22. Discipline Policies

### A. Employee Discipline Policy

A proposed Discipline Policy for Employees is included in the ACS Employee Handbook/Personnel Manual attached as an Appendix to this application. The ACS teacher is required to be an appropriate role model for his or her students. ACS staff will:

- model and reinforce appropriate behavior.
- maintain consistent supervision and behavioral expectations.
- communicate immediately with school administrators and parents when problems arise.

1) Employee Discipline Procedure:

Under normal circumstances, Anthony Charter School endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. If corrective action is warranted, the type of discipline will normally be determined on a case-by-case basis by the nature of the circumstances surrounding the problem. ACS will follow these guidelines as a minimum. Set forth below are some *Examples* of misconduct which should result in discipline. This list is not intended to be all-inclusive:

- \* Possession of weapons, firearms or explosives on the premises.
- \* Threatening, intimidating, coercing or abusing students, staff, visitors or others.
- \* Acts of conduct detrimental to student care that result in abuse of any student.
- \* Possession, consumption or under the influence of intoxicants, or drugs on the premises.

- \*Breach of confidentiality.
- \* Omit or falsify information on official school documents or verbally *insult* management.
- \* Intentional violation of ACS policies.
- \* Failure to report an on-the-job accident.
- \* Failure to observe safety standards and rules.
- \*Theft
- \* Failure to follow instructions.
- \* Not performing job duties (sleeping on the job).
- \*Excessive tardiness.
- \*Failure to use time reporting system in prescribed manner.
- \*Damage to facility property.
- \* An act of harassment.
- \* Negligence, including leaving students unattended
- \* An unexcused absence.
- \* Interfering with, another employee in the performance of their work.
- \* Use of demeaning, vulgar or abusive language.
- \* Failure to wear prescribed uniforms or apparel.
- \* Creating or contribution to unsanitary conditions.
- \*Gambling on facility premises.
- \* Work performance not up to established standards.
- \* Conviction of a felony.

## 2) Administrative Leave

Suspension may be utilized in disciplinary measures:

An Investigative Suspension with pay is to be employed when the offense may be serious; the employee is not to remain on school premises, but may be allowed to go to the

Principal to provide any information to be included in the investigation. Suspension allows ACS an opportunity to review the case. If circumstances are found to excuse the employee's actions, the employee may be brought back to work; or, if allegations of misconduct are unfounded or unsubstantiated, the suspended employee will be brought back to work. All cases of suspension must be determined by the Principal. The disposition of a suspension will normally be within five working days.

### 3) Employee Problem-Solving

- It is the policy of ACS that its employees are entitled to prompt, fair review of their work-related problems. Employees are encouraged to discuss problems with their supervisors first because they can usually resolve the problem. Employees who have differences with their supervisors or co-workers may seek help through ACS resolution process. This informal "open-door" process gives employees an opportunity to explore other

internal problem-solving resources. Employees are guaranteed that there are no penalties for using the process and it will not affect their standing in any way.

#### 4) Appeal to the Governance Council

- Community members, parents or staff may appeal a principal's decision to the governance council for final resolution

#### 5) Student Discipline Policy

The primary goal of discipline in Anthony Charter School is to provide and maintain a safe, nurturing, affirmative, and appropriately challenging environment that promotes learning and positive personal growth.

While participating in any activities with the Gadsden Public Schools, ACS activity policies will be in effect.

#### 6) Discipline Procedures for General Education Students

- Disciplinary measures will be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his or her actions.
- The ACS Principal will utilize the appropriate discipline procedures and options specified in State and Federal regulations and as outlined in the *ACS Student Behavior Handbook*. A copy of the full Handbook draft is attached as an Appendix to this application. It will be reviewed, amended and approved by the Interim Governing Council.
- The school Principal and faculty are responsible for developing, with students and parents, standards for day-to-day conduct in the classroom. The disciplinary measures to be employed will be determined by the Principal, the classroom teachers, and appropriate education staff members. Any act of violence or destruction will be considered as an offense of the highest priority, as will offenses concerning drugs, tobacco or alcohol.
- Parental involvement in matters of school discipline is encouraged. Parents will be advised of disciplinary measures taken in order to elicit their understanding and support. A record of disciplinary actions taken by the Principal will be kept at the school. Once a disciplinary matter has been elevated to the Principal, parental involvement will be required, including an action plan for prevention of future incidents. A record of all disciplinary actions taken and plans will be kept on file in the ACS office. An annual report of disciplinary trends will be incorporated in the school's assessment measures.



- Corporal punishment, which is defined as any disciplinary action taken by school personnel with the intention of producing physical pain, will not be used as a disciplinary measure in ACS.

#### 7) Interviews by School Administrators

In cases where a violation of school rules occurs, the Principal may question potential student victims and witnesses without prior consent of the parent, guardian, or legal custodian. If a school official is investigating a report of child abuse regarding the student and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made.

In situations where a student is suspected of violating school rules, the Principal may interrogate the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or

culpability, the student will have the opportunity to present his or her side of the story, orally or in writing.

#### 8) Interviews and Interrogations by Law Enforcement Officers

Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency exists, such interviews and interrogations are discouraged during the students' class time. The Principal has the right and the obligation to take reasonable steps to prevent disruption of school operations and

the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the Principal shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and interrogations. In the event of disagreement, the Principal or designee shall immediately school legal counsel for assistance.

Before any student interview or interrogation begins, the Principal shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards, including informing the student of his right to remain silent, that his statements may be used against him in court, that he or she may be represented by a lawyer, and that a lawyer will be supplied free of charge if the student cannot afford one.

Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall make an effort to notify the student's parent, guardian, or legal custodian except in cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family. However, whether or not to postpone the interview or interrogation until the parent arrives is ultimately the law enforcement officer's decision.

9) Long-Term Suspension of Students

All students have due process procedures available to them under the *ACS Student Behavior Handbook*. This Handbook will delineate ACS' expectations for student behavior or Code of Conduct including the dress code, the student's rights, the ACS disciplinary standards and process, as well as any other guidelines for student behavior deemed necessary by the School's Governing Council. Any student for whom the school is requesting long-term suspension has the right to a suspension hearing held before a ACS hearing officer, or other party selected by the student.

Students or their parents may waive the right to a hearing by signing a waiver. School officials may not encourage the signing of waivers by saying or implying that hearing officers are likely to impose more severe discipline than school-based administrators.

A long-term suspension is defined as the removal of a student from school and all school-related activities for more than ten (10) days and up to the balance of the semester.

A student with an identified disability may not be suspended in excess of ten school days, cumulative, without an IEP review to determine whether the student's IEP is appropriate and whether the behavior(s) in question is a manifestation of the student's disability.

The burden of proving that the student violated a provision of the *ACS Student Behavior Handbook* to the degree a student must be suspended is the responsibility of school authorities.

#### 10) Student Expulsion

An expulsion is a disciplinary exclusion (suspension) from school that is at least two semesters in length. It may be longer or even permanent. Generally, ACS wishes to limit exclusion from school to no longer than the end of the current semester. In some cases, there is a need to implement an expulsion as an **extreme** last resort for disciplining students who exhibit unacceptable behaviors such as drug possession, drug sales, acts of extreme violence, vandalism, weapons possession, weapons use, and other felonies. ACS **may** also recommend for expulsion any student who has been suspended long-term two or more times.

To Recommend Expulsion, ACS must follow the same due process procedures outlined for long-term suspension. In addition, school officials must be prepared to justify to the hearing officer the request for the most severe disciplinary action possible. The following special requirements will apply when the hearing officer elects to uphold the school's recommendation for expulsion. Unlike long-term suspension actions, the due process hearing for an "expulsion" cannot be waived. Even if the student and parents do not appear, the school must present its case to the hearing officer.

The Principal will review for affirmation all cases in which the hearing officer decides upon expulsion prior to final imposition of the discipline. Any student who has been expelled may petition for re-entry to ACS after one calendar year from the date of expulsion. Students desiring re-entry should submit a request in writing to the Principal requesting a reconsideration hearing.

#### 11. Student Possession of a Firearm

Students found to be in possession of a firearm while at school, at any school-related event, or at any time when the *ACS Student Behavior Handbook* is in force, will be expelled from the school for a minimum of one calendar year and the offender(s) will be referred to law enforcement or appropriate juvenile authorities.

The definition of "firearm" from *18 U.S. C. 92* is summarized as, "... any weapon which will propel a projectile by the action of an explosive."

This policy will comply with the Gadsden Public Schools Weapons in School policy.

### 12. Students and Off-Campus Violent Acts

Any student identified to ACS as having been formally charged with committing a violent act or having illegally possessed a firearm in the community, may be assessed by the school district administration as to whether the student, 1) may reasonably present a danger to himself/herself or others, and/or 2) would likely significantly disrupt the school environment by returning to the school campus. As a result of such an assessment process, ACS may

require the student to be placed in an alternative program placement within ACS for the safety of the student and others. ACS may also require that the student be placed in an alternative program placement within ACS during the duration of the assessment process.

### 13. Student Smoking and/or Tobacco Use

The use of tobacco or tobacco products at all ACS sites is prohibited for students, faculty, and staff.

## 23. **Discipline Procedures for Special Education Students**

- 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(k))

(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 more than 45 days, if-

(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 first 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-

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 the 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.

#### I. 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))

## 2. 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. 105.0150

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

(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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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**24. 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.

## **25. 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.

**26. 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.

**27. 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.

**28. 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.

## 29. Student Records Policy

Student records kept by ACS will be open to review by parents or guardians and/or students and will be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, New Mexico State Board of Education regulations, and other existing law. If there are apparent conflicts among the various statutes, the provisions of FERPA will prevail. The official Custodian of Public Records for the School will be the ACS Principal. As required in the Inspection of Public Records Act, this office will be responsible for (1) receiving and responding to requests to inspect public records; (2) providing proper and

reasonable opportunities to inspect public records; and (3) providing reasonable facilities to make or furnish copies of the public records during usual business hours.

#### i. Release of Student Lists or Directories

- ACS, in compliance with the Family Education Rights and Privacy Act of 1974 (FERPA), as amended, and the NMAC 6.10.6 will allow the release of directory information about ACS students to those persons or organizations having a legal right to know, a demonstrated need to know, and/or legitimate educational purposes. A 'legitimate educational purpose' is defined as, "educational opportunities, services and/or information offered or provided by accredited educational entities, professional educational organizations, the Armed Forces of the United States or Labor organizations defined in the New Mexico Public Employee Bargaining Act, conducting lawful organization and collective bargaining activities." NMAC 6.10.6.8 further states, "No person shall sell or use student, faculty or staff lists with personal identifying information obtained from a public school or local school district, for the purpose of marketing goods or services directly to students, faculty or staff or their families by means of telephone or mail. The exceptions to this provision are when a parent or a student authorizes the release of the student's personal identifying information in writing to the public school or local school district, or for 'legitimate educational purposes'.

'Personal identifying information' means the names, addresses, telephone numbers, social security numbers and other similar identifying information about students maintained by public school or local district." In the case of divorced parents, custodial parents will have to sign a release before ACS could release student records to the non-custodial parent. Any releases of student data by ACS will err on the side of caution to ensure that the students' rights to

privacy are adequately protected.

#### ii. Request for Student Lists

- Firms or agencies must submit requests for student lists or rosters in writing to the school Director of Education. Procedures to be followed are those outlined in the *ACS Student Behavior Handbook*. Student directory information may be released without prior consent unless the parent or student informs the Principal within a reasonable period of time that any or all of the information should not be released without prior consent. Releasing student rosters should be approved by the Principal who will release approved rosters.

#### iii. Inquiries Regarding Student Information or Student Records

- ACS employees may be contacted with regard to legal matters to which ACS is not a party. Examples include:

Divorce cases or child custody disputes: Attorneys for one of the parents may contact teachers, counselors, nurses, Director of Educations, diagnosticians, etc.. by phone and inquire about a particular child.

ACS personnel may be contacted by attorneys involved in the defense or

prosecution of juveniles.

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ACS personnel may be contacted when a child's parents sue a doctor or hospital for malpractice which allegedly resulted in injury to the child.

- ACS prefers that school personnel not become involved in legal disputes or other matters in which ACS is not a party to the legal action. ACS employees are discouraged from meeting or talking with anyone other than a student's parent or guardian about a particular student. In particular, ACS personnel are discouraged from being involved in disputes between parents. In all cases, ACS personnel are directed to refrain from volunteering information to **anyone** whom they do not know personally over the phone.
- In every case where ACS employees are contacted by an attorney, attorney's agent, or any officer of the Court regarding ACS students, personnel, or other district business, they should refer that inquiry to their immediate supervisor. The supervisors are to contact the ACS Principal. In some cases, teachers or other personnel such as counselors and diagnosticians are to serve as a witness or an expert witness. ACS personnel are directed not to volunteer as witnesses unless they have checked with the Principal.
- Leave with pay will be granted to a teacher where absence from duty is required by a lawful subpoena to testify in a court proceeding or in an administrative hearing or protecting one's own interest. Witness fees received will be submitted to the business office.
- With regard to requests for student records from a person other than the parents, student (if over 18 years old), guardian, or another public school district, all personnel should check with their immediate supervisor before providing student records. Supervisors will then clear that request through the ACS Principal.

**30. Specific description of the internal control procedures that the charter school will utilize to ensure compliance with applicable federal and state laws regulations relative to fiscal procedures (e.g. segregation of duties)**

- Internal control procedures for ACS are all listed in item 29. ACS intends to comply with applicable federal and state laws relative to fiscal procedures and segregation of duties. Attached to this Charter are job descriptions for all staff members. Duties are specified for each.

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**G. OTHER: Specific description of the procedures designed to ensure compliance with budgeting and reporting requirements of the PED, including the ability to implement the required chart of accounts and to meet all budget submissions and reporting deadlines.**



(See 26 through 29)

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## **H. Displacement of people in a conversion school**

**31. Specific plan for how the charter school and district will address the displacement of students and staff who will not attend or be employed in the charter school.**

Not applicable for start up school

**32. Transportation of students not attending the conversion school.**

Not applicable for start up school

## **I. Governing body and operations**

**33. How the interim and permanent governing body will be selected and its composition.**

- The Anthony Charter School's permanent Governing Council shall have no less than five or more than seven council members. Collectively they shall be known as "the Governing Council". Members of the permanent Governing Council cannot serve at the will of other board members and are accountable to the Gadsden Public School Board and the NM Public Education Department. The Governing Council, like the charter school and the district, is covered by NMPSIA insurance. The Governing Council shall take office at a date to be

determined, but not before 45-60 days after the initial 40-day count of the initial school year (currently intended to be August 2006 through July 2007). There shall be an *Interim Governing Council, to serve until formal members are elected.*

- The Principal of ACS shall be an ex-officio member of the Governing Council and shall attend all meetings of the Council, except closed meetings. The Governing Council shall also include representatives of other organizations as deemed appropriate by the Council. In no instance shall any one organization have a majority membership on the Governing Council

- Duties of the Governing Council are spelled out in the Council bylaws (included among the appendices to this application). These duties include the selection, employment and oversight of the ACS Principal. They include not interfering in the day-to-day operation of ACS, which responsibility is delegated to the Principal; but they do include making sure that the Principal is carrying out this responsibility in accord with the Goals, Objectives, Charter and budget of the school. The Council is responsible for approving the annual budget for ACS and for approving all policies affecting the school.

The Interim and Permanent Governing Councils of ACS will participate in training pertaining to governance councils roles and responsibilities, liabilities, ethics, school finance budget process, procurement code, the open meeting act, role and relation to local board as well as strategic planning, the cost of which will be born by ACS and will be provided by the

NM Coalition of Charter Schools, Albuquerque Alliance of the State Coalition of Charter Schools or other independent contractors.

- The Governing Council will meet at regular advertised monthly meetings. All meetings of the Governing Council are open to the public and the Council will provide public notices in accordance with the New Mexico Open Meetings Act regarding meetings and appropriate Charter School and Governing Council activities.

#### A. Governing Council Selection Process

- The founders of the Anthony Charter School shall identify candidates for the Interim Governing Council by advertising a series of public meeting to recruit members. The members will be elected by a majority vote of the founders in a public open meeting. Identified potential Governance Council members will hold a public meeting to establish the Interim Governance Council, nominate and elect officers and form committees. The founders are committed to Governance Council development and will establish the interim council as quickly as possible. Some overlap may exist between the Council members and the founders. The permanent board may include interim board members and founders— but may not.

- Any council member may resign by giving written notice to the Chair of the Governing Council. Council members may be removed from office, with or without cause, as permitted by and in accordance with the bylaws. Vacancies on the Governing Council may be filled by approval of the rest of the Governing Council. A person elected to fill a vacancy on the Governing Council shall hold office until the next election of the Governing Council or until his or her death, resignation or removal from office.

#### B. Interim Governing Council

- The Charter School Interim Governing Council shall have no less than three (3) nor more than seven (7) council members and collectively they shall be known as the "Interim Governing Council". The Interim Governing Council shall take office as early as is practicable after approval of the school. It will meet within 90 days of the charter's approval. The term of the Interim Governing Council shall end no more than 45-60 days after the initial 40-day count of the initial school year (currently intended to be August 2006 through July 2007). Some members of the Interim Governing Council may become members of the formal Governing Council, but there is no requirement that they do so. The Principal of ACS shall be an ex-officio member to the Interim Governing Council and shall attend all meetings of the Interim Council. The Interim Governing Council shall also include representatives of other organizations as deemed appropriate by the Interim Governing Council. In no instance shall any one organization have a majority membership on the Interim Governing Council.

### C. Interim Governing Council Accountability

- The activities and affairs of this Interim Governing Council shall be conducted and all its powers shall be exercised under the laws of this state and the same limitations in the ACS Charter or the ACS Governing Council bylaws that will be imposed on the permanent Governing Council at ACS.

- During their term of office, it shall be the duty of the interim council members to:

- (a) Define the Permanent Governing Council selection process;

- (b) Apply for all funding, including both federal and state stimulus monies;
- (c) Submit the first year's budget to the Gadsden School Board;
- (d) Perform any and all duties imposed on them collectively or individually by law, by the ACS Charter or by the ACS bylaws;
- (e) Appoint and remove, employ and discharge, and, except as otherwise provided in these bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the Interim Governing Council and the Charter School;
- (f) Oversee all officers, agents and employees of the Interim Governing Council and the Charter School to assure that their assigned and/or contracted accountabilities are being performed in accordance with established agreements;
- (g) Avoid interfering in the day-to-day operation of the school;
- (h) Meet at such times and places as required by these Bylaws;
- (i) Provide public notices in accordance with the New Mexico Open Meetings Act regarding meetings and appropriate Charter School and Interim Governing Council activities.

#### **D. Selection Process**

- The founders of the Anthony Charter School shall identify candidates for the Interim Governing Council by advertising a series of public meeting to recruit members. The members will be selected by the founders. Some overlap can exist between the Council members and the founders. The permanent board may include interim board members and founders-but may not.

- Vacancies on the Interim Governing Council shall exist (1) upon the death, resignation or removal of any council member or (2) whenever the number of authorized interim council members is increased. Any interim council member may resign effective upon giving written notice to the Chairperson of the Interim Governing Council.

- Interim Council members may be removed from office, with or without cause, as permitted by and in accordance with the laws of this state. Unless otherwise prohibited by the bylaws or provisions of law, vacancies on the Interim Governing Council may be filled by approval of the then sitting Interim Governing Council membership. A person elected to fill a vacancy on the Interim Governing Council shall hold office until the

Governing Council becomes effective or until his or her death, resignation or removal from office.

**34. When the governing body will meet and how meetings will be advertised and conducted in accordance with the Open Meetings Act.**

ACS will publish all meeting dates in the local news media and will be posted per the Open Meetings Act. All ACS public meetings will be conducted in accordance with the Open Meetings Act.

(See Appendix D and Number 32)

### **35. The nature and extent of parental involvement and how they will be notified.**

- ACS encourages the student's family to be actively involved in the educational process. We are committed to extending the support constituency for each student to their homes.

Since ACS is founded on the belief that education is built on a partnership forged between parents, who raise students, and educators who lead their learning, we expect all parents to be appropriately involved in student activities and school programs. Teachers will collaborate with parents to construct a Student Learning Plan for each student that outlines both short-and long-term learning goals for high school and the future. This type of planning encourages

students to participate in challenging, well-planned courses in which their individual learning is of primary importance.

- A Parent Advisory Council will be established to provide input on budget development and programmatic decision-making, particularly in the provision of Title I services.

- Parents will be recruited to serve on the Governance Council, to work with students on remediation plans, and to serve as tutors and mentors. Real world expertise in the parent community will be sought after and utilized to enhance student growth and service learning opportunities.

- Parents will be recruited through the founders and word of mouth to become involved in all aspects of developing ACS as a community school.

### **36. The nature and extent of professional educator involvement and how they will be notified.**

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As described in the 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.



**37. The nature and extent of community involvement and how they will be notified.**

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.

### **38. Policies and procedures of the governing body, including model of governance, how decisions are made,**

**committee functions, relationship to staff, and professional development.**

ACS recognizes that the school cannot incur debt and will not operate as a 501 c3. It is also possible that a 501c3 may be established to support the school.

(See Appendix D, Bylaws and Number 33)

**39. Relationship between the governing body of the charter school and the local school board, including how disputes will be resolved between the charter school/governing body, the local district superintendent and/or the local school board. The charter school is accountable to the local school board for ensuring compliance with applicable laws, rules and charter provisions.**

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.

**40. Role of Governing Body in policy-making, personnel decisions, budgeting, and operation of charter school.**

**A. Charter School Operations**

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 NCLB, federal and state law, the following:

- Contract for goods and services;
- Budget preparation;
- Personnel selection and determination of compensation;
- Evaluation of personnel performance, including teacher evaluations and PDP's;

- Payroll 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.

(See also Appendix D)

**I. Other: Provisions for dealing with appeals of decisions made by the school staff and governing council. Provisions are evident that mediation, problem solving and facilitation services for students, staff and community are available as needed.**

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- It is our philosophy that the effectiveness of the efforts for conflict resolution stem largely from the fact that personal involvement and commitment is enhanced in the small school, personal relationship-based learning setting. Conflict, defined as a violation of expectations, can be mitigated and managed better when expectations are clearly outlined by all involved. The provisions for mediation and problem solving are specifically addressed in codes of conduct for employees and students. Community members are encouraged to address problems with the school staff first, but are by no means limited to that avenue of remediation. Community members, parents or staff may appeal a principal's decision to the governance council for final resolution. Other more specific provisions for student and staff appeals are covered in other sections.
- 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.

## J. Relationship with employees

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### **41. Evidence that the terms and conditions of employment will be addressed with affected employees and their recognized representatives, if any (i.e. teacher labor representatives).**

Pursuant to NM 6 ACS submits the following explanation of the relationship to exist between the school and its employees, including evidence of terms and conditions of employment.

The ACS Governing Council will adopt its own written policies in compliance with NCLB, federal and state law, regarding the recruitment, promotion, discipline and termination of personnel, methods for evaluating performance, and a plan for resolving employee-related issues. Employees of ACS are not Gadsden School District employees. A new employee hired by ACS will not have an employment right to a position within the Gadsden district upon leaving the charter school.



In accordance with the *1999 Charter Schools Act*, ACS shall hire all employees of the school directly, without prior authorization or review by the Gadsden district' personnel office, subject to compliance with federal and state rules and regulations.

**A. Common Legal Elements for Employee Relationships**

These elements shall apply to all employee relationships with ACS:

ACS staff, after meeting with the principal, may appeal administrative personnel decisions to the Governance Council

ACS is an Equal Opportunity Employer and shall not discriminate against any employee on the basis of race, color, religion, gender, age, national origin, or disability.

It is the policy of Anthony Charter School to conduct appropriate, legally permissible and mandated state and federal criminal records inquiries into the background of all ACS personnel and volunteers who contact students.

ACS affirms its commitment to the rights of students, parents, and employees with disabilities as set forth in Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA) and its implementing regulation. ACS will not, directly or through contractual or other arrangements, discriminate on the basis of handicap in admission, access, treatment, or employment. The Principal shall ensure that this policy is implemented at ACS. Any infractions shall be reported immediately to the Principal.

### **(1) 504/ADA Employment Practices**

The proposed ACS Employee Handbook is included as an Appendix to this application. It spells out in great detail all of the issues we highlight here. It will be finalized and then given to the Interim Board for approval prior to the start of classes.

- F. Notice of ACS policy on non-discrimination in employment practices will be posted through annual newspaper notices, written in the Board Policy Handbook, posted throughout ACS, and published in any ADE statement regarding the availability of employment positions.
- G. Information regarding ACS' policy on non-discrimination in employment practices will be provided to potential employees in recruitment and interview settings.
- H. In the planning of training sessions for employees, availability of training sessions (including physical access to the training site) will not be limited so as to discriminate against employees with disabilities.
- I. In determining hiring, transfer or promotion of employees, placement will not be determined or influenced by any employee's disabling condition. It is the prerogative of the employer, however, to determine office, classroom, or other area of work based on already accessible work areas.
- J. Each job description will be written to:
  - 4. Identify any environmental factors that could create a barrier for a person with a disability;
  - 5. Ensure that all essential physical, mental, and intellectual qualifications have been defined and justified.
  - 6. Identify the types of abilities which would qualify a person to fulfill the essential functions of a job.

- F. "Reasonable accommodation" may include for employees, where such would not impose "undue hardship,"
5. making facilities used by employees readily accessible to and usable by persons with disabilities;
  6. job restructuring and part-time or modified work schedules;

7. acquisition or modification of equipment or devices;
8. provision of readers or interpreters and other similar actions.

This is not an all-inclusive list of possible accommodations.

- G. ACS will not use employment tests or selection criteria that screen out persons with disabilities unless those criteria are demonstrably job related.

### (2) Reasonable Accommodation

- D. The employee must initiate a written request for reasonable accommodation accompanied by documentation of the condition which may qualify as a disability. The type of documentation required will depend on the disability and can be medical, psychological or diagnostic.
- E. When "A " above is complete and submitted to the Principal, options will be explored and a determination made of what occurs next.
5. At no time prior to this contact should the Principal agree to a specific accommodation or make a financial commitment to the employee. Many accommodations can be accomplished on site with no need for modification and at no cost.
  6. Options may include, but are not limited to, the development of an employee accommodation plan, physical access request, further medical clarification, job restructuring and/or transfer.
  7. When the necessary accommodation is complicated or requires ACS funding, the 504/ADA Committee will need to be involved and financial commitments made. Any consideration of job restructuring or transfer must include the involvement of the
  8. Human Resources Department. When necessary, the 504/ADA Committee will assist the school administration in determining the most cost effective accommodations that meet the need, considering also the employee's suggestions on his/her Accommodation Request.
- F. All accommodations agreed upon and initiated are documented by the employee's supervisor and the ADA Coordinator using the *Employee Accommodation* form. A copy of this is sent to the ADA Coordinator, who keeps confidential records on disability accommodations separate from the personnel files. No disability records will be kept in the Human Resources Department personnel files.

### (3) Grievance Procedure

A complaint regarding a violation of law, Section 504 of the Rehabilitation Act of 1973 the Americans with Disabilities Act and the New Mexico Human Rights Act in an employment decision will be subject to a grievance procedure that provides for the prompt and equitable

resolution of the dispute. The grievance procedure will follow these steps:

- A. The grievant will file a written complaint, stating the specific facts of the grievance, the alleged discrimination and the remedy requested of the ADA Coordinator.

B. The ADA Coordinator will make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.

C. In the event that the complaint cannot be resolved informally, ACS will convene an informal hearing no later than ten (10) working days after the filing of the complaint. The hearing procedures will parallel those of a union grievance hearing with ACS. Both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses

may be called and cross examined. Within ten (10) working days of the hearing, the

hearing officer will provide a written copy of their determination to both parties. The grievant may appeal the outcome of the hearing to the Principal within ten (10) working days of the receipt of the determination. The appeal must be in writing. It must be submitted with copies of the original complaint, the minutes of the hearing and the written determination. The Principal may, at his/her discretion, convene within ten (10) working days a second hearing at which the parties may present additional testimony and argument.

D. Within ten (10) working days of a second hearing, the Principal will provide both parties with a written decision.

E. If, at this or any other point, the grievance has not been satisfactorily resolved, an appeal may be made to the Office for Civil Rights. Timelines set forth herein may be waived upon mutual assent or a showing of good cause.

Employees of ACS will be informed of Section 504, the Americans 'With Disabilities Act and the relevant ACS Board Policy and that a complaint may be filed without reprisal by the Board or any of its employees or agents. The grievant will be notified of his/her rights of appeal at each step of the process.

### **b) Immigration Reform and Control Act**

ACS is committed to meeting its obligation under U.S. Immigration Law. Accordingly, ACS will not hire or continue to employ an individual who is not legally authorized to work in the United States. However, ACS does not discriminate on the basis of citizenship status or national origin in recruiting, hiring, discharge, or any other employment function.

### **c) Sexual Harassment**

ACS affords its employees a working environment free of discrimination. We

recognize that acts of sexual harassment are defined in Section 703, Title VII, and Civil Rights Act of (1964), as amended and in the New Mexico State Human Rights Act 28-I-7NMSA. Acts of sexual harassment will not be tolerated at Anthony Charter School.

**d) Drug-Free Workplace**

The use of controlled substances at ACS

- is inconsistent with the behavior expected of employees;
- subjects all employees, clients, and visitors to our facilities to unacceptable safety risks, and
- undermines ACS' ability to provide quality education to its students.

If an employee has a problem with the abuse of alcohol or other controlled substances, we recommend seeking professional treatment. Failure to effectively deal with an alcohol or substance abuse related problem, or arriving for work under the influence of such substances, can result in disciplinary action, up to and including termination. ACS reserves the right to require employees to submit to a drug and alcohol screen based upon suspicion of use.

**B. Common Conditions of Employment at Anthony Charter School**

These elements shall apply to all employee relationships with ACS:

Annual evaluation

All teaching staff will participate in annual PDP process in compliance with NM three tier licensure guidelines and NCLB

Leave of Absence

Employees will be granted Leave of Absence in accord with *Family and Medical Leave Act of 1993(FMLA)*.

In addition to provision of the FMLA, each employee receives 10 medical leave days per year, if needed. Medical leave does accrue.

Employees of ACS can, with approval from the Principal, seek other unpaid leaves of absence.

e) Compensation

Compensation is defined as a combination of base salary, additional increments, and benefits including ERA and an optional 403(b).

Compensation will be based on experience and performance (as per the NM Three Tiered Licensure System requirements) of the individual and at the discretion of the Governing Council, within the approved budget.

f) Benefits

Employees shall be entitled to receive benefits including, but not limited to Educator's Retirement Association fund, paid sick leave, health insurance, and an optional 403(b). Health benefits will be provided by enrollment in NMPSIA.



g) Complaint and Dispute Procedures

ACS will establish a fair procedure to ensure that all teachers may bring legitimate complaints and disputes to the appropriate authority in order to secure equitable solutions.

Complaints and disputes involving alleged acts of discrimination on the basis of race, sex, national origin, age, or handicap are processed through the Principal.

This process will be outlined in ACS Employee Handbook, attached.

h) Disciplinary Actions/Separation Rights

ACS will establish a progressive discipline program to deal with matters of employment discipline, upon approval by the Governing Council.

Anthony Charter School Employee Code of Conduct

As a member of the ACS team, you are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that in both your work and personal life you refrain from any behavior that might be harmful to you, your co-workers, and/or ACS, or that might be viewed unfavorably by current or potential students, their parents, or the public. Whether you are on duty or off, your conduct reflects upon ACS. You are consequently encouraged to observe the highest standards of professionalism at all times. Employees are expected to abide by the following *code of conduct*:

- 1) Be familiar with and carry out ACS policies, rules and regulations mandated by the State Personnel Act. These are outlined in the ACS Employee Handbook.
  
- 2) Avoid abuse or neglect of students at all times. To maintain respect for the dignity and integrity of each student, to follow facility standards of care as outlined by licensing and accreditation requirements, and to report any suspected or observed student neglect and/or abuse to the Principal or his/her designee.
  
- 3) Work **within** and support the recognized organizational structure of authority of ACS.
  
- 4) Protect and uphold each ACS student's right to confidentiality regarding his/her records.
  
- 5) Be on time for, and be physically and emotionally ready to begin work at the scheduled work time.
  
- 6) Accept and be responsible for the timely completion of assigned tasks, and to participate actively in such assigned tasks, activities, procedures, etc. The Principal must approve absences from work.
  
- 7) Call the Principal in advance of the scheduled reporting time when sick and unable to work. Repeated or excessive absences **will** require a doctor's excuse and may involve disciplinary action.

8) Be properly attired and act in an appropriate fashion at all times during work hours, while on facility ground, or when engaged in ACS activities.

9) Engage only in educational mentor relationships with students. At no time are employees to see, meet with, and engage in any type of relationship with residents outside school. Exceptions to this are when staff is involved in alternative education in a home schooling circumstance. Sexual or personal relationships between students and staff are prohibited.

- 10) Report to work free from the influence of alcohol, drugs, or any other illegal or controlled substance. Additionally, alcohol, illegal drugs or controlled substances, firearms, and any other weapons are not to be brought onto ACS property.
  
- 11) Represent yourself accurately and honestly on all work-related documents including employment application, leave requests, or other work-related documents.
  
- 12) Take action immediately through appropriate channels against unethical conduct by any other employee.
  
- 13) Be familiar and comply with all applicable fire, safety and sanitary regulations.
  
- 14) Refuse gifts, gratuities, tips, and/or other offers of money, goods, or services from students, their families, ACS vendors or suppliers. Questions regarding a gift or gratuity should be directed to the Principal.
  
- 15) Report immediately to the Principal any accident, incident, or injury that might happen to any student, co-worker, or visitor. The report should include a description of the incident, any witnesses, and the employee's recommendations on creating a safer facility environment. Even if an injury becomes apparent at a later time or is only suspected, a report must be given to the Principal as soon as possible.

## **C. Discipline Policies**

### **Employee Discipline Policy**

A proposed Discipline Policy for Employees is included in the ACS Employee Handbook/Personnel Manual attached as an Appendix to this application. The ACS teacher is required to be an appropriate role model for his or her students. ACS staff will:

- model and reinforce appropriate behavior.
- maintain consistent supervision and behavioral expectations.
- communicate immediately with school administrators and parents when problems arise.

- 1) Employee Discipline Procedure: