

Least Restrictive Environment (LRE)

It is the policy of Anthony Charter School to ensure that each eligible child with a disability is placed in the least restrictive environment (LRE) that is appropriate to the child's educational needs and that a continuum of alternative placements is available to meet the unique needs of eligible children in accordance with 34 CFR Sec. 300.130. We further assure that the procedures identified in 34 CFR Secs. 300.550-300.556 and the provisions under subsection (C) of 6.31.2.11 NMAC are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Least Restrictive Environment

34 CFR Sec. 300.130

A continuum of alternative placements is available to meet the unique needs of each child with a disability.

General Responsibilities Regarding LRE

34 CFR Sec. 300.550

To the maximum extent appropriate, all children with disabilities are educated with children who are nondisabled. Special classes, separate schooling, or other removal of children with disabilities from the regular education environment only occurs if the nature or severity of a disability precludes a child from achieving satisfactorily in the regular education environment, even when supported by supplementary aids.

Alternative Placement

34 CFR Sec. 300.551-300.554

A continuum of alternative placements is available to meet the needs of children with disabilities, including delivery of instruction in regular classes, separate special classes, special schools (public or private), at home, in a hospital, or in an institution. Educational placement decisions are made in accordance with the directives listed in 34 CFR 300.

552, which specifies who, when, where, and how placement decisions are made and placements determined. In placements involving nonacademic settings, children with disabilities are afforded, to the maximum extent appropriate, opportunities to participate in activities with nondisabled children.

Indicate which of the following alternative placement options are available to ACS children with disabilities (insert an X in each row).

Least Restrictive Environment: Continuum of Alternative Educational Placements	Available at the Neighborhood School	Available within the School District	Available through a Contract with Another District or Facility
Regular education with weekly monitoring by a special education	X	X	
Regular education with daily consultation of a special education	X	X	
Regular education with special education services and supports included in that setting which are	X	X	
Regular education with special education services provided for part of the day in a resource room or special	X	X	
Self contained special education	X	X	
Special day school outside the public			X
Residential treatment facility			X
Hospital			X
Detention facility			X
Homebound		X	

Technical Assistance and Training; Monitoring Activities

34 CFR Sec. 300.555-300.556

Teachers, administrators, and others who serve children with disabilities are fully informed of their responsibilities for implementing LRE, and receive technical assistance and/or training as necessary. Placements are monitored for consistency with all applicable regulations.

Regular education teachers and other educators or service providers may require supplementary aids and services, program modifications or supports that are specifically related to meeting the needs of a child with disabilities as identified in the IEP goals

within the least restrictive educational setting. It is important that these personnel provide input to the IEP process to determine the types of technical assistance and training that will be required to fulfill the intent of the IEP.

NEW MEXICO RULES

Exceptions to Providing LRE

6.31.2.11 (C)(1) NMAC

Educational placements and services for children with disabilities are provided in the least restrictive environment appropriate to individual needs, except for students who are convicted as adults and incarcerated in adult prisons as addressed in 34 CFR 300.311 (b)-(c) and subsection (K.) of 6.31.2.11 NMAC.

Clarification of 34 CFR 300.550-300.556: Detailed Conditions for Providing LRE

6.31.2.11 (C)(2) NMAC

Pursuant to 34 CFR 300.550–556, the following are given particular consideration when making educational placement decisions for New Mexico students with disabilities: The child is educated in the school that he or she would normally attend if nondisabled unless the child's IEP requires some other arrangement; the child is not removed from education in an age-appropriate regular classroom solely because of needed modifications in the general curriculum; the child's IEP includes a statement of the program modifications or supports provided to the child that allow him or her the opportunity to participate in nonacademic activities with nondisabled peers and, if applicable, an explanation of the extent to which the child will not participate in the regular class and activities; regular education teachers assist in determining and supplying needed modifications or supports; parents are given prior written notice that includes a description, options considered, and the reasons for proposing or rejecting a change of placement.

If a newly identified child with disabilities has not received instruction in the regular classroom (e.g., a child just entering kindergarten), it is difficult for the team to establish that he/she cannot be successful in that setting unless there has been a trial period in that setting with appropriate special education supports and services. As a general rule, it is most appropriate to try the general education setting as a first placement for a newly identified child with a disability unless it is clearly unreasonable to do so as might be the case when there is a potential risk of harm to other children.

The IEP team considers placement decisions after determining the goals, objectives, accommodations and modifications.

Nonacademic and extracurricular services may include meals, recesses, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by ACS, referrals to agencies that provide assistance to

individuals with disabilities, and employment of students including both employment by ACS and assistance in making outside employment available.

Transition of Children from IDEA Part C to Part B Preschool Programs

It is the policy of Anthony Charter School to assist in providing eligible children with disabilities a smooth and effective transition from IDEA Part C to Part B preschool programs in accordance with 34 CFR Sec. 300.132. We further assure that the procedures identified in 34 CFR Secs. 300.342, 300.121 and the provisions of subsection

(A) of 6.31.2.II NMAC are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Transition from Part C to Part B

34 CFR Sec. 300.132

Anthony Charter School participates in transition planning conferences designed to assist in providing smooth transition for children participating in Part C programs to Part B. An IEP or IFSP is developed for each child with a disability by his or her third birthday.

IEP or IFSP for Children Aged 3 Through 5

34 CFR Sec. 300.342

An appropriate IEP or individualized family service plan (IFSP) is developed and implemented for a preschool child with a disability who is age 3 through 5, at the parents' option and subject to the further requirements of Sec. 300.342.

Right to FAPE

34 CFR Sec. 300.121

All children with disabilities aged 3 through 21 residing in the state have the right to FAPE.

NEW MEXICO RULES

Transition From Part C to Part B Programs for Preschool Children

6.31.2.11 (A)(2) NMAC

Policies and procedures are developed to ensure a smooth and effective transition from Part C to Part B for preschool children with disabilities within Anthony Charter School's jurisdiction. Every reasonable effort is made to establish productive working relations between local Part C providers and to encourage their participation in planning conferences.

ACS Responsibilities Regarding Transition for Preschool Children

6.31.2.11 (A)(3) NMAC

Part C programs are surveyed for the purpose of identifying children eligible to enter a Part B preschool program in the future; parent, family, and local service provider involvement in transition planning is promoted at least six months prior to a child's eligibility to enter the Part B preschool program; procedures supporting transition are implemented, including parent education and professional development for educators; at least 90 days prior to anticipated transition or the child's third birthday; planning conferences are arranged and held to facilitate informed choices; a team that includes parents and qualified professionals reviews evaluation data about the child to determine eligibility and needed services; the team develops an appropriate IEP or ISFP for each child who is found eligible for Part B preschool services.

ACS initiates a meeting to develop the child's IEP/ISFP at least 15 days prior to transition including the appropriate team membership.

Children in Private Schools

It is the policy of Anthony Charter School to ensure that policies and procedures are in place regarding eligible children with disabilities in private schools in accordance with

34 CFR Sec. 300.133. We further assure that the procedures identified in 34 CFR Secs.

300.400-.403, 300.450-.462 and the provisions under subsection (L) of 6.31.2.11 NMAC are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Private School Placements by Public Educational Agencies

34 CFR Secs. 300.400-300.401

Anthony Charter School ensures that a child with a disability who is placed in or referred to a private school facility by ACS is provided, at no cost to parents, with special education and related services as determined by his or her IEP. The child has all the

rights of a child with a disability served in a public school and receives an education that meets the same standards.

Monitoring and Cross-Communicating

34 CFR Sec. 300.402

Anthony Charter School cooperates with the state in monitoring compliance by providing written reports as needed, communicating information about standards to private schools, and giving private schools the opportunity to participate in the development and revision of standards.

Placement of Children in Private Schools by Parents if FAPE is at Issue

34 CFR Sec. 300.403

If parents place their child in a private facility because of a disagreement about FAPE,

due process may be used to resolve the issue in accordance with the requirements of 34

CFR 300.403.

Children with Disabilities Enrolled by Their Parents in Private Schools

34 CFR Sec. 300.450-300.462

Child Find efforts apply to all children, including private school children with disabilities.

Children with disabilities who are enrolled in private schools by parental choice are counted in the total population of children with disabilities in ACS's jurisdiction for purposes of IDEA flow through funding (but not for state equalization funding). ACS's expenditures for the benefit of such students are based on the formulas and requirements of 34 CFR 300.453 and 300.454.

No private school child with a disability has an individual right to receive the same services the child *would* receive if enrolled in a public school. Any services ACS offers will be provided by qualified personnel under a services plan in accordance with 34 CFR

300.455 and may be provided on public or private school premises pursuant to 34 CFR

300.456.

Special provisions apply to due process and complaint procedures regarding private school children with disabilities (see 34 CFR 300.457) and to the use of funds, personnel, and equipment to service private school children with disabilities (see 34 CFR 300.458-

300.462).

NEW MEXICO RULES

Children Placed in or Referred to Private Schools or Facilities by Public

Educational Agencies

6.31.2.11 (L)(1) NMAC

A child with a disability who is placed in or referred to a private school or facility by a public educational agency has the same rights as a child with a disability attending public school and is entitled to receive full and equal special education and related services.

Children Placed in Private Schools or Facilities by Parents When FAPE is at Issue

6.31.2.11 (L)(3) NMAC

The responsibility for the education of a child placed in a private school or facility by parents due to a disagreement over FAPE is governed by the requirements of 34 CFR

300.403. Disagreements are subject to due process procedures.

Children Enrolled By Parents in Private School or Facilities

6.31.2.11 (L)(4) NMAC

New Mexico law prohibits public agencies from spending state funds to assist private schools or facilities or their students. All other regulations stated in 34 CFR 300.450-

300.462 apply, including locating, identifying, and evaluating children with disabilities, spending a portion of federal IDEA funds for the benefit of private school children, and providing services to the extent required by, and in compliance with, the regulations of

34 CFR Sees. 300.450-300.462.

Children Schooled at Home

6.31.2.11 (L)(5) NMAC

All regulations that apply to children placed in private schools by their parents apply to children with disabilities schooled at home.

ACS is responsible for locating, identifying and evaluating children schooled at home who are suspected of having a disability and including children found eligible for special education and related services under IDEA in ACS's child count.

Procedural Safeguards

6.31.2.11 (L)(6) NMAC

For private school children with disabilities and children schooled at home, procedures regarding notice and consent, due process/mediation, and surrogate parents apply to complaints that an ACS has failed to locate, evaluate and determining eligibility of private school or home schooled children. The due process and mediation procedures are not available for complaints that an ACS has failed to meet the requirements of 34 CFR

300.452-300.462, including the provision of services indicated on the child's service plan. State-level complaints alleging failure to meet the requirements of 34 CFR

300.451-300.462 may be filed under the state complaint procedures in subsection (H) of 6.31.2.13 NMAC.

Performance Goals and Indicators

It is the policy of Anthony Charter School to comply with 34 CFR Sec. 300.127 and subsection (D) of 6.31.2.11 NMAC by using the State Board of Education's general academic content and performance standards and indicators as the preferred measure for the performance of children with disabilities, and to modify those standards and indicators only when modifications are allowed by federal and state regulations and required to meet the individual needs of a particular child with a disability. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Required Information to be on File

34 CFR Sec. 300.137

The state must demonstrate that goals are established for children with disabilities that are performance-based and are consistent to the maximum extent appropriate with other goals and standards for all children. Goals are measurable and means for assessing progress toward achievement are addressed.

NEW MEXICO RULES

Performance Goals and Indicators

6.31.2.11 (D) NMAC

The content standards and benchmarks from PED's Standards for Excellence provide the basic performance goals and indicators for children with disabilities in the general curriculum. These are *only* modified to the extent necessary to meet the needs of individual children as determined on the child's IEP.

Statewide indicators include: a) student achievement as required by the New Mexico achievement assessment program; (b) graduation rate; and (c) student dropout.

Assessment: Participation and Reports

It is the policy of Anthony Charter School to ensure that the academic performance of children with disabilities is assessed in accordance with 34 CFR Sees. 300.138-300.139. We further assure that the provisions of subsection (E) of 6.31.2.11 NMAC and subsection (K)(l)(b) of 6.30.2.10 NMAC (as amended effective August 15, 2003) are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Participation in Assessments

34 CFR Sec. 300.138

Anthony Charter School assures that children with disabilities are included in general state and district-wide assessment programs, with appropriate accommodations, if necessary. We also follow state guidelines for using alternate assessments of those children who cannot participate in general assessment programs.

Regulations Regarding Reporting of Assessment

34 CFR Sec. 300.139

Assessment reports of disabled children are made available with the same frequency and detail as reported to the public for nondisabled children. Assessment reports for children with disabilities contain the minimum requirements listed in 34 CFR 300.139.

NEW MEXICO RULES

Participation in Assessments

6.31.2.11 (E) NMAC

To the extent possible, children with disabilities participate in statewide and district-wide assessment, with appropriate accommodations, if necessary. For students whose IEPs

indicate a need for alternate assessment, only current criteria, standards, methods, and instruments approved by the Department are used. Test performance results are collected and reported in accordance with 34 CFR 300.139 and any additional requirements established by the Department.

ACS 's assessment data are reflected in the statewide student assessment system per

6.31.2.10 (K) NMAC. Reports generated from the statewide student assessment system include school district report cards which provide information about the participation and performance of ACS students on statewide assessments including the participation and performance of children with disabilities and other groups whose data are disaggregated from the totals.

Statewide Accountability Program

6.30.2.10(K)(l)(b) NMAC I(as amended effective August 15, 2003)

Students with disabilities shall participate in all statewide and district-wide assessments of student achievement or in state-approved alternate assessments. Pursuant to Subsection E of 6.31.2.11 NMAC and 34 CFR Sec. 300.347(a)(5), the individualized education programs (IEPs) for such students shall specify which assessments each student will participate in and what if any accommodations in administration are needed to enable the student to participate. The IEPs for students who will not participate in a particular statewide or district-wide assessment shall explain why that assessment is not appropriate for that student and how the student will be assessed using current state-approved criteria, methods and instruments.

ACS has designated the Special Education Director as responsible to review IEPs for assessment accommodations and ensure that the stated accommodations are provided during administration of assessments.

Confidentiality of Personally Identifiable Information

It is the policy of Anthony Charrer School to safeguard the confidentiality of any personally identifiable information collected, used, or maintained regarding each child with a disability in accordance with 34 CFR Sec. 300.127. We further assure that the procedures identified in 34 CFR Secs. 300.560-300.576 and the provisions under subsection (L) of 6.31.2.13 NMAC are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Definitions Relating to Confidentiality

34 CFR Sec. 300.560

Destruction-physical destruction or removal of personal identifiers

Education records-as regulated by the Family Educational Rights and Privacy Act regulations at 34 CFR Part 99

Participating agency-any agency that collects, maintains, or uses personally identifiable information.

What Notices Regarding Confidentiality Must Be Given to Parents and When

34 CFR Sec. 300.561, 34 CFR Sec. 300.504(b) and 34 CFR Sec. 99.7

Consistent with the IDEA regulations at 34 CFR Sec. 300.561 and as required by the Family Educational Rights and Privacy Act (FERPA) regulations at 34 CFR Sec. 99.7, Anthony Charter School annually notifies parents of students currently in attendance of their rights under FERPA and its implementing regulations. As required by 34 CFR Sec.

300.504, Anthony Charter School provides parents of children with disabilities a written notice of the IDEA's confidentiality provisions and parents' rights of access to their children's educational records in the written notice of procedural safeguards that is provided upon initial referral for an evaluation, upon each notification of an IEP meeting,

and upon reevaluation of a child. (The Public Education Department provides the procedural safeguards notice upon receipt of a parental request for due process under 34

CFR Sec. 300.507.)

ACS has designated the Special Education Director as responsible to assure that staff members who handle confidential student records are appropriately trained and comply with all applicable requirements.

Who Has Rights of Access to Information and ACS's Responsibility Regarding
Access

34 CFR Sec. 300.562

Unless specifically denied by state law or authority, parents have the right to inspect and review their children's education records, request an explanation or interpretation, request a copy, and have a representative review the records.

Maintaining Educational Records

34 CFR Sees. 300.563-300.565

Upon request, parents are told the types and locations of education records maintained by Anthony Charter School. A record is kept of anyone accessing records other than parents or authorized personnel. If an education record includes personally identifiable information about more than one child, the parents are only given access to information specifically about their child.

Policy on Fees Regarding Records

34 CFR Sec. 300.566

A fee may be charged for copies of educational records, but only if the fee does not prevent parents from exercising their rights. No fee is charged for locating or retrieving a child's educational records for the child's parents.

Amendment of Records at Parents' Request; Hearing Procedures

34 CFR Sec. 300.567-300.570

Parents have the right to contest the content of education records and request amendment. If not satisfied with the action of the district regarding their request to amend records, parents are advised of their rights to a hearing. After a hearing, ACS may decide to amend the record as requested or not to amend it, in which case the parent is given an explanation of the reasons for the decision and the opportunity to place a written statement or comment with the disputed record.

Conditions Under Which Parental Consent is Required

34 CFR Sec. 300.571

Parent consent is sought before any personally identifiable information is disclosed or released to anyone other than an agency that is authorized by the FERPA regulations to

receive information for specified purposes without parental consent. Policies and procedures are in place for use in the event that a parent refuses consent.

Responsibility for Safeguarding Personally Identifiable Information

CFR Sec. 300.572

The confidentiality of personally identifiable information is safeguarded by maintaining a public listing of individuals authorized to access education records and ensuring that those collecting or using the information are aware of and committed to the policies and procedures protecting confidentiality under FERPA.

Destruction of Information

34 CFR Sec. 300.573

Parents are informed if any personally identifiable information is no longer needed. Information that is no longer needed must be destroyed at the request of parents. Permanent records including such information as name, address, phone number, grades, attendance records, classes, grade level completed, and year completed may be kept without time limit.

Children's Rights Regarding Records

34 CFR Sec. 300.574

The rights of parents regarding educational records (and all other rights under the IDEA and FERPA) transfer to the child at age 18 unless a court has determined that the child is incompetent and appointed a guardian or other decision-maker for the child.

NEW MEXICO RULES

Parents' Rights: Permission to Inspect, Review, and Request Amendment

6.31.2.13 (L)(2) NMAC

Any public agency collecting, using, or maintaining any personally identifiable information on a child must permit the parents or guardians to inspect, review, and request amendment of that information if they believe that it is inaccurate or misleading.

ACS may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable state law. New Mexico law requires that a court order must have been issued explicitly denying a parent access to the child's educational records before the school can deny a parent's access.

Transfer of Records: Inclusion of Language in Annual FERPA Notice to Parents Stating Policies; Option of ACS to Include Its Disciplinary Actions Above a Certain Level in Student's Records

6.31.2.13 (L)(3)NMAC

As authorized by the FERPA regulations, Anthony Charter School includes in its annual notification to parents a statement that it will transfer student records when requested to do so by another educational agency in which the student seeks or intends to enroll.

State-supported educational programs, including the educational programs of juvenile or adult detention or correctional facilities, are entitled to request and receive records on the same basis as local school districts. School disciplinary information may be included in and forwarded with the education records of students with disabilities under locally developed policies and procedures that meet the requirements of 6.31.2.13(L)(3)(d) NMAC.

Parents' Refusal of Consent: Due Process Option

6.31.2.13 (L-4) NMAC

If parental consent is required for a particular release of information and the parent refuses, the sending or receiving agency may use the first level IDEA due process procedures to determine whether the information may be released without the parent's consent. The hearing officer will determine if the proposed release is reasonably necessary to enable the public agencies to fulfill their educational obligations toward the child. The hearing officer's decision is final and not subject to administrative review.

Destruction of Information: Procedures for Providing Informed Consent to Destroy**Records**

6.31.2.13 (L-5) NMAC

If the public agency determines that any information included in a student's records is no longer needed, the agency must inform parents of the proposed destruction of information and give them the right to inspect and then consent to the destruction or, at their option, to be given the records. Parents may also initiate a request for destruction of information, but if no request for destruction is initiated, records may be maintained without time limitation.

Procedural Safeguards

It is the policy of Anthony Charter School to afford the IDEA's procedural safeguards to children with disabilities and their parents in accordance with 34 CFR Sec. 300.129. We further assure that the procedures identified in 34 CFR Secs. 300.500-300.529, 300.143, and the provisions under subsections (A)-(K) of 6.31.2.13 NMAC are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Responsibility of Public Agencies; Definitions

34 CFR Sec. 300.500

Consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication. The parent understands and agrees in writing to the carrying out of the activity for which consent is sought and the consent describes that activity and lists the records, if any, that will be released and to whom. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; if the parent revokes consent, that revocation is not retroactive.

Evaluation means procedures used in accordance with IDEA's Procedures for Evaluation and Determination of Eligibility (34 CFR 300.530-300.536) to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Personally identifiable means that information includes the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Parents' Rights to Examine Records and Participation in Meetings

34 CFR Sec. 300.501

The parents of a child with a disability are afforded the opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of their child and the provision of FAPE to the child.

The parents of a child with a disability are afforded the opportunity to participate in meetings with respect to the identification, evaluation and educational placement of the child and the provision of FAPE to the child. A meeting does not include informal or unscheduled conversations involving school personnel on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting does not

include preparatory activities that school personnel engage in to prepare proposals or responses to parent proposals that will be discussed at a later meeting.

Because there is a higher statutory standard in IDEA regarding placement decisions, parents must be afforded opportunity to participate in decisions regarding educational placement for the child with a disability. If neither parent can participate in a meeting, other methods may be used to ensure participation such as individual or conference telephone calls, or videoconferencing. ACS makes every effort to afford parents to participate in placement decisions. However, there are situations in which, even though ACS has made reasonable efforts to include the parent, the parent is not able to participate. In these cases, the team may go forward with decision making, but keeps a record of attempts to ensure parent participation consistent with 34 CFR 300.345(d).

Policies Regarding Independent Educational Evaluation

34 CFR Sec. 300.502

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with IDEA regulations for FAPE-methods and payments (34 CFR 300.301).

Conditions under Which Prior Written Notice is Required; Content of Notice

34 CFR Sec. 300.503

See Notice Requirements, under New Mexico Rules below.

Requirements to Provide Procedural Safeguards Notice to Parents

34 CFR Sec. 300.504

See Notice Requirements, under New Mexico Rules below.

Parental Consent: When Required and How Obtained

34 CFR Sec. 300.505

See Acquire Informed Parental Consent, under New Mexico Rules below

Mediation as a Means of Resolving Disputes

34 CFR Sec. 300.506

See Conflict Management and Resolution, under New Mexico Rules below.

Requirements and Procedures Regarding Due Process Hearings

34 CFR Sees. 300.507-300.511

See Policies and Procedures for Due Process Hearings and Appeals, under New Mexico Rules below.

Court Actions and Attorneys' Fees

34 CFR Sees. 300.512-300.513

See Policies and Procedures for Due Process Hearings and Appeals, under New Mexico Rules below.

Child's Status During Administrative or Judicial Proceedings

34 CFR Sec. 300.514

During the period awaiting a decision of the hearing officer, the child involved must remain in his/her current educational placement. There are two exceptions to this provision: 1) as provided in 34 CFR 300.526 Placement during Appeals, which addresses appeals related to disciplinary actions and allows immediate removal of the child if safety is a concern, and 2) ACS and the parent agree to some other placement. Disagreements may occur over which placement is the current educational placement. If the parties cannot resolve this disagreement, the current placement will be determined by the hearing officer.

Surrogate Parents; Transfer of Rights at Age of Majority

34 CFR Sec. 300.515; 300.517

See Surrogate Parents and Foster Parents, under New Mexico Rules below.

Rights and Responsibilities of Parents, Child, and School Regarding Discipline Procedures

34 CFR Sees. 300.519-300.529

See Student Disciplinary Actions, under New Mexico Rules below.

NEW MEXICO RULES

The Responsibility to Establish, Implement, and Maintain Procedural Safeguards that meet the Requirements of the IDEA

6.31.2.13(A) NMAC

All persons who are involved with special education and related services ensure that procedural safeguards are established, implemented and maintained in accordance with all applicable federal and state regulations.

ACS has designated the Special Education Director as responsible to assure that staff members are appropriately trained and comply with all applicable procedural safeguards requirements.

Afford Parents the Opportunity to Examine Records

6.31.2.13 (B) NMAC

Parents are given the opportunity to inspect and review all education records related to the child in compliance with IDEA, Part B.

Invite Parents and the Child as Appropriate to Meetings

6.31.2.13 (C) NMAC

The parents and the child, as appropriate, are given the opportunity to participate in meetings that have to do with identification, evaluation, and placement or the provision of FAPE to the child.

Notice Requirements: Meetings, Proposed Actions, and Procedural Safeguards

6.31.2.13 (D) NMAC

Parents are provided with advance written notice of IEP and other meetings in which they have the right to participate. Parents are given reasonable prior notice of any actions proposed or refused by the agency. Copies of the state's procedural safeguards notice, "Parent and Child Rights in Special Education," are given to parents upon initial referral for evaluation, with each notification of an IEP meeting, upon each reevaluation, and upon request. (The procedural safeguards notice is given to the parents by the Public Education Department upon its receipt of a request for due process.)

Communicate in Understandable Language

6.31.2.13 (E) NMAC

Every reasonable effort is made to provide all information and communication with the parents in a manner that can be understood, including the parents' native language or other mode of communication.

Acquire Informed Parental Consent

6.31.2.13 (F) NMAC

No action that requires prior written parent consent is taken without first obtaining that

consent. These include, but are not limited to, evaluation, reevaluation, initiating services, and administering tests not given to all children. Some exceptions apply under 6.31.2.13 (F) (3)-(5) NMAC

Conflict Management and Resolution

6.31.2.13 (G) NMAC

We seek to establish and maintain constructive working relationships with parents. We use the services of impartial facilitators and/or mediators, as necessary, to attempt to resolve differences at the local level before resorting to more time-consuming and costly measures.

State Complaint Procedures

6.31.2.13 (H) NMAC

We acknowledge and let parents know that the PED can accept and investigate formal complaints that Anthony Charter School has failed to comply with the state or federal laws and regulations governing programs for children under the IDEA, the state regulations regarding services for gifted children, or to review an appeal from a decision of a public agency with respect to such a complaint. See 6.31.2.13 (H) NMAC for the detailed regulations regarding state complaint procedures.

Policies and Procedures for Due Process Hearings and Appeals

6.31.2.13 (I) NMAC

Parents are informed of their right to file for due process. This notification is included in the state's procedural safeguards notice "Parent and Child Rights in Special Education." The policies and procedures governing due process hearings and appeals are detailed in

6.31.2.13 (I) NMAC.

Surrogate Parents and Foster Parents

6.31.2.13 (J)NMAC

Anthony Charter School assures that the rights of a child with a disability are protected by a natural parent, surrogate parent, or foster parent.

ACS has designated the Special Education Director as responsible to assure that surrogate parents are appropriately trained and informed of their responsibilities in representing the child with disabilities in all matters relating to the identification, evaluation and educational placement of the child and the provision of FAPE to the child.

Transfer of Parental Rights to Students at Age 18

6.31.2.13 (K) NMAC

In New Mexico the age of majority is 18. On a child's 18th birthday, unless he or she has

previously been determined by an appropriate court to be incompetent and had a legal guardian or other decision-maker appointed, the child is considered an adult with all the rights and responsibilities of adulthood. Parents of a child with a disability are notified of this law and no later than when the child turns 17.

Student Disciplinary Actions

6.31.2.11 (F)(2) NMAC, 6.11.2.10-.11 NMAC

Suspensions, expulsions and other disciplinary changes of placement for children with disabilities are carried out in compliance with all applicable requirements of 34 CFR Sees. 300.519-300.529 and the state rules on student rights and responsibilities at

6.11.2.10-11 NMAC.

The Special Education Director is responsible for ensuring that ACS administrative authorities and disciplinarians are trained in how to conduct manifestation inquiries and disciplinary hearings when students with disabilities are involved.

The Special Education Director is responsible for training appropriate staff on how to conduct functional behavioral assessments and develop behavioral intervention plans, including positive behavioral supports, for students with disabilities.

ACS allows students with disabilities on long-term suspension or expulsion to earn credits, consistent with IDEA's FAPE provisions (34 CFR 300.121).

Public Information

It is the policy of Anthony Charter School to provide parents of children with disabilities and the general public access to documents relating to ACS's eligibility for IDEA funds in accordance with 34 CFR Sec. 300.242. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Public Information

34 CFR Secs. 300.242

Anthony Charter School makes available to parents of children with disabilities and to the general public all documents relating to its eligibility under Part B of the IDEA, including applications for IDEA funding, these policies and procedures, state reports regarding monitoring, complaints or due process hearings and other communications to or from the state regarding eligibility.

ACS has designated the Special Education Director as the contact person for parents wanting to review documents relating to ACS's eligibility under IDEA Part B.

Comprehensive System of Personnel Development (CSPD)

It is the policy of Anthony Charter School to maintain adequate staffing with personnel who are appropriately trained and prepared to meet the needs of our eligible students with disabilities in accordance with 34 CFR Sec. 300.221. We further assure that the procedures identified in 34 CFR Secs. 300.135, 300.380-300.382 and the provisions under subsection (B)(3) of 6.31.2.9 NMAC are adopted as the policy of Anthony Charter School. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Information Required to be Filed

34 CFR Sec. 300.221

Anthony Charter School is committed to having all personnel who serve children with disabilities properly prepared for their assigned responsibilities, including participation in the state's comprehensive system of personnel development as appropriate.

ACS annually provides information to the Public Education Department (PED) regarding special education and related service personnel hired by the district and their qualifications.

Comprehensive System of Personnel Development

34 CFR Sec. 300.135

The CSPD is designed to ensure an adequate supply of qualified personnel to meet the state's needs.

General Requirements; Supply of Qualified Personnel and Improvement Strategies

34 CFR Secs. 300.380-300.382

Anthony Charter School will assist the state upon request in assessing local personnel needs and providing information on current and anticipated vacancies and shortages. The state identifies and addresses needs for in-service and pre-service preparation and provides a detailed plan that includes strategies for filling needed positions as described

ACS provides information requested by the Public Education Department (PED) regarding local needs for in-service or pre-service preparation as part of the state's obligation to provide a comprehensive system of personnel development. ACS personnel access training opportunities that address local needs.

NEW MEXICO RULES

Responsibilities for Staffing

6.31.2.9 (B)(3) NMAC

All personnel serving children with disabilities are qualified under state licensure requirements and are adequately prepared for their assigned responsibilities. Support personnel are appropriately trained and supervised in accordance with licensure rules or written PED policy. Qualified personnel are recruited to fill vacancies, but on a case-by-case basis, positions may be filled with the most qualified individuals who are progressing toward completing applicable licensure requirements.

ACS has designated the Special Education Director as the individual responsible for recruitment of qualified personnel to meet needs within the district. All administrative personnel have responsibilities for helping ACS retain qualified personnel once hired by providing a supportive work environment and opportunities for professional development or training that are appropriate to the individual's duties.

Personnel Standards

It is the policy of Anthony Charter School to assure that personnel standards for all individuals serving children with disabilities are met in accordance with 34 CFR Sec.

300.136 and 6.13.2.9 (B)(3)NMAC. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Personnel Standards

34 CFR Sec. 300.136

Personnel serving students with disabilities hold appropriate degrees, licenses, certifications, registrations, or other comparable requirements that apply to their specific profession or occupational category as defined by the state. Every effort is made to recruit and hire qualified personnel necessary to meet all the needs of the students with disabilities in the district. The state may allow employment of paraprofessionals and assistants who are appropriately trained and supervised. In the event of instructional needs exceeding available personnel, the state addresses the shortages with CSPD and other strategies, including providing training for individuals in order qualify them for service.

NEW MEXICO RULES

Anthony Charter School assures that personnel standards are also in accordance with New Mexico policy regarding staffing, specifically 6.13.2.9 (B)(3) NMAC described under CSPD above.

APPENDIX E

EMPLOYEE HANDBOOK/PERSONNEL MANUAL

Anthony Charter School

Anthony, New Mexico

ANTHONY CHARTER SCHOOL

WAIVERS REQUESTED AND THE ACS PLAN FOR ADDRESSING REQUIREMENTS

STATE PUBLIC EDUCATION DEPARTMENT SCHOOL CODE WAIVERS:

Waiver Request	ACS Alternative	How requirement is addressed
PURCHASE OF INSTRUCTIONAL MATERIALS To receive instructional materials funding, 70% of instructional materials must be purchased from the state adopted materials list and 30% can be direct purchases off-list. - ACS requests 100% of small high school instructional materials funding without having to meet the 70% requirement.	No waiver required	
GRADUATION REQUIREMENTS 22-8-4 28 credit hours to graduate	No waiver required	
DRIVER'S EDUCATION 22-13-12 SHOULD BE PROVIDED.	ACS will be offering the classroom instruction part of driver's education.	ACS students will be urged to take the field instruction part of driver's education from commercial providers.
EVALUATION OF SCHOOL PERSONNEL 22-10-6 Staff must be involved in evaluations of the Director of Education.	No waiver required.	
PRINCIPAL'S DUTIES 22-10-3.1 ... under supervision of the Superintendent ...	Pursuant to the 1999 Charter Schools Act, ACS will be governed by a Governing Council.	The Principal shall be held accountable to the Governing Council in all areas that Principals of non-charter schools are accountable to District Superintendents.

Waivers from 14.2.2 Public School Personnel Act

TEACHER CERTIFICATION	ACS teachers will hold a NM Teaching certificate or certification from other states.	ACS will apply on a case-by-case basis for alternative certification or certification waivers, as needed.
ADMINISTRATOR CERTIFICATION Per state requirements.	No waiver required.	ACS will apply for a certification waiver, if needed.

100 SERIES: GOVERNANCE & OPERATION	Waiver Requested?	Waiver reference
100 Legal Status and Authority of Board		Pursuant to the <i>1999 Charter Schools Act</i> , ACS shall be self managed and is not required to operate within Deming District Policies or Practices from which it requests waivers.
101 Organization of the Board	Yes	ACS Governance: By-laws.
102 Eligibility and Method of Election	Yes	ACS Governance: By-laws.
105 Powers and Duties of the Board	Yes	ACS Governance: By-laws.
106 Board Member Training	Yes	ACS Governance: By-laws.
110 Policies of the Board	Yes	ACS Governance: By-laws
115 Methods of Operation of the Board	Yes	ACS Governance: By-laws
116 Confidential Information	No	
120 Officers of the Board	Yes	ACS Governance: By-laws
125 Committees of the Board	Yes	ACS Governance: By-laws
130 Meetings of the Board	Yes	ACS Governance: By-laws
131 Board of Education Self Evaluation	Yes	ACS Governance: By-laws
133 Recessed Meetings	No	
134 Public Hearings	No	
135 Board Meetings: Attendance	Yes	ACS Governance: By-laws
136 Parliamentary Procedure	No	
137 Order of Business for Meetings	No	
138 Minutes of the Meeting	Yes	ACS Governance: By-laws
140 Vacancies on the Board	Yes	ACS Governance: By-laws

ANTHONY CHARTER SCHOOL

145 Remuneration and Reimbursement for

Yes

ACS Governance: By-laws

Board members

14.2.3 DEMING BOARD OF EDUCATION WAIVERS:

[illegible]

ANTHONY CHARTER SCHOOL

	Waiver	Waiver reference
200 SERIES: PERSONNEL		
(Human Resources)	Requested?	
200 Personnel Policy Statement	No	
201 Nondiscrimination Policy	No	
202 Educators Code of Ethics	No	ACS Employee Handbook
203 Standards of Professional Conduct	No	ACS Employee Handbook
205 Applicant Background Investigations	No	ACS Employee Handbook
206 Qualifications for Licensed Employees	No	
207 Job Descriptions	Yes	ACS Employee Handbook
208 School Superintendent	Yes	ACS Employee Handbook
209 Mentorship Program	No	
210 Required Training	Yes	ACS Employee Handbook
212 Principals of Schools	Yes	ACS Employee Handbook
215 Evaluation of Employees	Yes	ACS Employee Handbook
217 Employment, Assignment, Re-employment and Terminations	Yes	ACS Employee Handbook
218 Transfer of Certified Personnel	Yes	ACS Employee Handbook
221 Resignations of Employees	No	
222 Drug Free Schools and Work Places	No	ACS Employee Handbook
224 Employee Use of Tobacco Products	No	
227 Reduction in Force	Yes	ACS Employee Handbook
230 Sexual Harassment/ misconduct	Yes	ACS Employee Handbook
233 Employee Assault	No	ACS Employee Handbook
236 Grievance by Employees	Yes	ACS Employee Handbook

ANTHONY CHARTER SCHOOL

237	ADA Grievance Procedure	No	ACS Employee Handbook
239	Substitute Teachers	Yes	ACS Employee Handbook
242	Tutoring of Students	Yes	ACS Employee Handbook
243	Conflict of Interest	No	ACS Employee Handbook
245	Travel, Per Diem and mileage Pmts.	No	
248	Soliciting and Selling by Employees	No	
249	Gifts and Gratuities	No	
251	Political Activities	No	
252	Academic Freedom	No	
254	Employee/Immediate Family Doing Business with District	Yes	ACS Employee Handbook

ANTHONY CHARTER SCHOOL

200 SERIES: PERSONNEL		Waiver	
		Requested?	Waiver reference
(Human Resources) (continued)			
255	Employee Liability	No	
257	Personnel Records	Yes	ACS Employee Handbook
258	Release of Personnel Information	No	
259	Disclosure of Employee Names	Yes	ACS Employee Handbook
260	Leaves from Duty	Yes	ACS Employee Handbook
261	Professional Leave	Yes	ACS Employee Handbook
262, 263, 264, 265, 266, 267	Types of Leave	Yes	ACS Employee Handbook
269	Emergency Leave	Yes	ACS Employee Handbook
273	Sick Leave Bank	Yes	ACS Employee Handbook
276	Eligibility for Fringe Benefits	No	
280	Overtime Compensation	Yes	ACS Employee Handbook
281	Personnel Assignments	Yes	ACS Employee Handbook
282	Training and Experience Credit	No	
283	Certificates of Waiver	Yes	ACS Employee Handbook
284	Probationary Training Period	Yes	ACS Employee Handbook
285	Coaching/extra curricular duties	Yes	ACS Employee Handbook
290	Reporting Illegal or Improper Conduct	No	
291	Reporting Student Substance Abuse	Yes	ACS Employee Handbook
292	Reporting Acts of Violence, Vandalism	No	
293	Reporting Child Abuse and Neglect	No	ACS Employee Handbook
295	Sex Offender Registration and Notification (Megan's Law)	No	
296	Employment Recommendations	Yes	ACS Employee Handbook

ANTHONY CHARTER SCHOOL

300 SERIES: STUDENTS	Waiver	Waiver reference
	Requested?	
300 Compulsory School Attendance	Yes	ACS Charter: Program Design
301 Age of Attendance	Yes	
302 Attendance by non-residents/open enrollment	Yes	ACS Charter: Program Design
303 Attendance areas	Yes	ACS Charter: Program Design
304 Inter-zone Transfers	Yes	ACS Charter: Program Design
306 Extracurricular Activities	Yes	ACS Charter: Program Design
307 Intramural Activities	Yes	ACS Charter: Educational Program
310 Employment Certificates	No	
315 Assignment, Promotion & Retention	Yes	ACS Charter: Educational Program
316 Graduation	Yes	ACS Charter: Educational Program
317 Graduation Special Education Students	Yes	ACS Special Education Manual
318 Diplomas	Yes	ACS Charter: Educational Program
320 Student Privacy	No	
321 Military Access to Students	Yes	ACS Charter: Educational Program
325 Student Records	Yes	ACS Charter: Educational Program
326 Confidentiality of Student records	No	ACS Charter: Educational Program
327 Disclosure of Student Names	Yes	
333 Married/Pregnant Students	Yes	ACS Charter: Discipline Policy
336 Rights and Responsibilities	Yes	ACS Charter: Discipline Policy
337 Sexual Harassment--students	No	

ANTHONY CHARTER SCHOOL

338	Hazing	Yes	ACS Charter: Discipline Policy
339	Searches of Students	Yes	ACS Charter: Discipline Policy
340	Students Charged with Serious Crimes	No	
341	Threats of Violence by Students	No	
342	Activities	Yes	ACS Charter: Educational Program
343	Intimidation and Hostile or Offensive Conduct	No	
345	Corporal Punishment	No	
346	Gang Activity	Yes	ACS Charter: Discipline Policy
347	Weapons in School	No	

ANTHONY CHARTER SCHOOL

0 SIES: STUDENTS (CONT.)	Waiver	Waiver reference
	Requested?	
348 Dress	Yes	ACS Student Handbook (in preparation)
351 Student Publications	Yes	ACS Student Handbook
352 Distribution and Sale of Unauthorized Materials	No	
354 Student Freedom of expression	Yes	ACS Student Handbook
355 Equal Access for Student Groups	Yes	ACS Charter: Educational Program
357 Immunizations	Yes	School Safety Plan for ACS
360 Transportation	Yes	ACS Charter: Transportation Policy
369 Student Use of Tobacco	Yes	ACS Student Handbook
370 Medications at School	Yes	School Safety Plan for ACS
371, 372 Communicable Disease; Blood borne pathogens	No	
373 Resuscitation Orders	No	
375 Release of Students	Yes	School Safety Plan for ACS
380 Closed Campuses	Yes	School Safety Plan for ACS
385 Suicide Prevention	No	

ANTHONY CHARTER SCHOOL

400 SERIES: INSTRUCTION		Waiver	
	TR	Requested?	Waiver reference
400	Educational Philosophy	Yes	Charter Proposal for ACS
401	Instructional Goals	Yes	ACS charter Proposal: Educational program
402	Section 504/ADA	No	
403	Reading Initiatives	Yes	Charter Proposal for ACS
404	Homeless Students	No	
405	Special Education Services	No	
406	Remediation Programs	Yes	ACS charter proposal: educational program
407	Required minimum instructional areas	No	
408	Graduation Requirements	No	
409	End of Course tests	Yes	ACS charter proposal: educational program
410	Homebound instruction	Yes	ACS charter proposal: educational program In compliance with state regulation
411	Sex Education programs and curriculum	Yes	ACS Curriculum
415	Calendar	Yes	ACS charter proposal: educational program
416	Variable School Calendar	Yes	ACS charter proposal: educational program
417	Staffing Patterns-Class Loads	Yes	ACS charter proposal: educational program
425	Library Bill of Rights	No	
426	Biased Materials	No	
427	Sensitive Instructional Materials and Guest Speakers	Yes	ACS charter proposal: educational program
430	Controversial Materials, Methods, Issues	Yes	ACS charter proposal: educational program

ANTHONY CHARTER SCHOOL

[illegible]

ANTHONY CHARTER SCHOOL

<u>400 SERIES: INSTRUCTION</u>		Waiver	Waiver reference
(continued)		Requested?	
475	Copyright	No	
476	Use of District Computers	No	
478	Responsibilities Regarding LEP students	No	
480	Animals in the School	Yes	

ANTHONY CHARTER SCHOOL

500 SERIES: BUSINESS AND NON- INSTRUCTIONAL OPERATIONS		Waiver Requested?	Waiver reference
500	Business Policy Statement	No	
501	District Standards/Accountability	No	
505	Budget Development	Yes	ACS charter proposal: fiscal management
507	District Salaries and alignment	Yes	ACS charter proposal: fiscal management
508	Salary payment procedures/schedule	Yes	ACS charter proposal: fiscal management
509	Salary Deductions	Yes	ACS charter proposal: fiscal management
510	Acceptance of grant awards	Yes	ACS charter proposal: fiscal management
515	Student fees	Yes	ACS charter proposal: fiscal management
520	Fiscal Control		
521	Daily Cash Deposits		
522	Expense Reimbursements-travel	Yes	ACS charter proposal: fiscal management
525	Purchasing Procedures		
526	Adherence to purchasing procedures		
527	Capitalization Policy	Yes	ACS charter proposal: governance
530	Fund-raising projects	Yes	ACS charter: fiscal management
535	Financial system and expenditure reports	No	
536	Early payment of Bills		
540	Operation and Maintenance of plant	Yes	ACS charter: fiscal management
542	Hazard communications program		
543	Drug Free School Zones	No	

ANTHONY CHARTER SCHOOL

[illegible]

ANTHONY CHARTER SCHOOL

600 SERIES: SCHOOL- COMMUNITY RELATIONS	Waiver	
	Requested?	Waiver reference
600 Participation of the Public in School Affairs		
601 Public Participation at Board mtgs.	Yes	ACS charter: educational program
608 Parent Involvement/school collaboration on Preventing substance use and abuse		
610 Public Information Program	Yes	ACS charter: educational program
615 Parent student teacher organizations	Yes	ACS charter: educational program
620 Reporting to parents/guardians	Yes	ACS charter: educational program
625 Visitors to school campuses		
626 Smoking on campus	Yes	ACS student handbook
630 Public Gifts and Donations		
632 Law Enforcement agencies	No	
635 Public performances and trips by students		
636 Soliciting and selling on school		
637 Advertising	Yes	ACS charter: financial management
640 Community Resource Persons		
650 Relations with Home schools		
651 Relations with Private schools	No	
652 Relations with Community orgs		

660 Rights of Non-custodial parents

66s Consultations with Parents and teachers **Yes**

670 Rental of school facilities **Yes**

ANTHONY CHARTER SCHOOL

680	Inspection of Public Records		
681	District Performance/accountability	No	
682	Parental Notification		
683	Family and Youth Resources Program	Yes	ACS charter: educational program
684	District Accountability		
685	Teachers not "highly qualified"	No	
686	Community Access to School facilities		
687	Discipline and Safety (Persistently Dangerous School)	Yes	ACS School safety plan
690	Surrogate Parent		
		No	
695	Charter Schools		
698	Advisory School Councils	Yes	ACS charter: educational program

Note: Anything not listed on this document will be assumed to follow the local School District policies.



STATE OF NEW MEXICO PUBLIC
EDUCATION DEPARTMENT

300 DON GASPAR

SANTA FE, NEW MEXICO 87501-2786

Telephone (505) 827-5800

www.ped.state.nm.us

DR. VERONICA C. GARCIA

SECRETARY OF EDUCATION

BILL RICHARDSON

Governor

December 26, 2008

Mr. Gerald Ortiz y Pino, Administrator

Anthony Charter School

400 12th Street NW

Albuquerque, NM 87103

Mr. Patrick S. Banegas, Governance Council President

Anthony Charter School

PO Box 1751

Anthony, NM 88021

Dear Mr. Ortiz y Pino and Mr. Banegas:

Congratulations! The Anthony Charter School has been awarded \$31,456 from the Charter School State Stimulus fund for initial start-up costs and/or initial costs associated with remodeling or renovating existing public buildings or structures.

"Start-up cost" means the initial costs associated with opening a start-up school." [6.22.3.7

NMAC- Rp, 6.22.3.7 NMAC, 09-15-08} and as set forth in 6.22.3.9 NMAC, 09-15-08, Sections A-D.

Allowable Start-up Costs

The division may approve the use of stimulus funds for the reasonable and necessary cost for initial start-up of a charter school which may include furniture, equipment, classroom and administrative supplies and materials, curriculum materials, technology, professional development, consultants, architect and attorney fees, other necessary professional, educational or financial services and initial costs associated with renovating or remodeling of existing public buildings and structures [6.22.3.9 NMAC-N, 09-15-08].

Unallowable Start-up Costs

Stimulus funds shall not be used for payment of salaries, out-of-state travel, and attorney costs for litigation or advice relating to litigation or any potential legal issues that are not directly related to start-up activities. The division shall not approve the use of stimulus funds for any costs associated with renovating or remodeling of existing non-public buildings and structures [6.22.3.9 NMAC – N, 09-15-08}.

In order for you to access these funds, it will be necessary for you to complete the following:

1. Complete a State Stimulus Fund Application;
2. Submit a completed W-9 Substitute Form to Alberto Cuessy to add your school to the Department of Finance and Administration's (DFA) list of approved vendors (You may contact Aliberto Cuessy at 827-6622 if you need additional assistance);
3. Budget Adjustment Requests (BARs) are now accessible through the Operating Budget Management System (OBMS). Please use fund code 27112, revenue code 43202. However, if your school has not been set up in the OBMS, you will need to use the hard copy SDE 568-05 for the initial budget increase/decrease or transfer of funds;
4. Use the Monthly Invoice for Cash form to request the advance of funds;
5. Submit Request for Reimbursement through the OBMS to validate actual expenditures of funds.
6. Use SDE 566-98, NM SDE Flowthrough Program Budget and Expenditure Report, for reporting of expenditures on a quarterly basis; (See below) and
7. **IMPORTANT:** Use PED 567-05, List of Unliquidated Obligations, to report remaining funds if a carry over is anticipated (See below).

All the aforementioned forms may be accessed and downloaded at <http://www.ped.state.nm.us/div/admin.serv/fiscal/index.html> Click on Forms and Instructions.

Subject: State Stimulus Grant Award

To access your funds in a timely manner, please ensure that all required forms bear *original signatures of your Governance Council President* prior to submittal of forms to:

Wilma Martinez, Education Administrator

Charter Schools Division

Public Education Department

300 Don Gaspar

Santa Fe, NM 87501

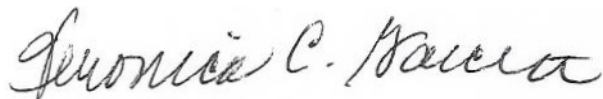
The contact person in the Fiscal Flowthrough Office of the Public Education Department who will be working with you is Susan Lucero. She can be reached at (505) 827-3848 or susan.lucero@state.nm.us if you need further information on the financial reporting procedures.

Subject: State Stimulus Grant Award

Page#: 3

If you have any other program questions, you may contact Ms. Wilma Martinez at (505) 827-6918 or by e-mail at wilma.martinez@state.nm.us. We look forward to working with you and the school.

Truly,

A handwritten signature in black ink, reading "Veronica C. Garcia". The signature is written in a cursive, flowing style.

Veronica C. Garcia, Ed.D.
Secretary of Education

VCG/wm

cc: Dr. Catherine Cross-Maple, Deputy Secretary, Learning and Accountability

Dr. Don Duran, Assistant Secretary for the Charter Schools Division
Sam Obenshain, Program Director for the Charter Schools Division
Cynthia Marietta, Administrative Services Director

Susan Lucero, PED Fiscal Flowthrough Office
Wilma Martinez, Education Administrator
Corina Chavez, Education Administrator
School file

ANN STEINHOFF

From: Ornelas, Sam V., PED [sam.ornelas@state.nm.us]

Sent: Wednesday, July 29, 2009 2:56 PM

To: ANN STEINHOFF

Cc: Garcia, Veronica C., PED; Cross Maple, Catherine, PED; Duran, Don, PED; Holloway, Jim, PED; CYNTHIA NAVA SUPERINTENDENT

Subject: charter school and school choice

Ann,

I have attached an opinion from the law firm, Brustein and Manasevit, regarding your question of whether a district must make a newly-opening locally-authorized charter school a public school choice option under NCLB. Their opinion, and that of the PED, is that this school must be an option for parents to select if they choose to leave a school identified for improvement under NCLB. In addition, if the school that parents choose to leave is a Title I school, then appropriate transportation or reimbursements are to be provided.

In addition, I am including the language below from the federal school choice guidance regarding the lottery process.

- May a charter school that admits students using a lottery (consistent with the requirements for eligibility to receive funds under the Department's Charter Schools Program) give priority to eligible students who wish to transfer to the school under the public school choice provisions?

In order to be eligible for funding under the Department's Charter Schools Program (CSP), a charter school

shall admit students on the basis of a lottery. If more than one student applies for admission to a charter school, the school shall conduct a random selection process to determine which students will be admitted. The Department's program guidance for charter schools (available at: <http://www.ed.gov/policy/elsec/guid/cspguidance03.doc>) allows only limited exceptions to the general rule that lotteries must give all students an equal chance to gain admission to a charter school. (See Section C of that guidance.)

However, for the limited purpose of providing greater choice to students seeking to transfer under the public school choice provisions, a charter school may weight its lottery in favor of those students and still remain in compliance with CSP requirements. For example, a school could provide each student seeking a transfer under the public school choice provisions with two or more chances to win the lottery, while all other students would have only one chance to win. However, SEAs or LEAs may not require a charter school to alter its admissions process for this purpose.

Please let me know if you have questions.

Sam Ornelas

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8/3/2009

MEMORANDUM

TO: Sam Ornelas, NMPED Title I Director, New Mexico Public Education
Department
FROM: David A DeSchryver
DATE:
RE: July 2, 2009

Newly Opening Charter School and NCLB Public School Choice

This memorandum is in response your question of whether a local educational agency (LEA) or a State educational agency (SEA) may exclude a newly opening charter school from being a school of choice under the No Child Left Behind Act (NCLB) because that school lacks any academic record.

When a Title I school is identified for improvement, corrective action or restructuring, NCLB requires that the LEA provides all eligible students enrolled in that Title I school the opportunity to transfer to another eligible public school. NCLB §1116(b)(1)(E).

LEAs must give students in identified schools the option to transfer to at least two other public schools, if possible, including charter schools, within the LEA. The law strongly encourages LEAs to provide a full menu of choices to students and parents. 34 C.F.R.

§200.44(a)(4)(ii). The guidance also states that "lack of capacity and health and safety concerns

— including concerns about overcrowding - do not excuse an LEA from meeting the public school choice requirements." (*See Nonregulatory Guidance, Public School Choice* (United States Department of Education: January 14, 2009), question E-14.). When capacity or health and safety are at issue, LEAs "will need to employ creativity and ingenuity in creating capacity in schools to receive additional students." To illustrate the point, the guidance suggests that the LEA encourage "the creation of new charter schools within the LEA." (*Id.* at question E-9).

Under NCLB, certain schools are not eligible to be school choice options, including Title I schools identified for improvement, corrective action or restructuring or identified by the SEA as "persistently dangerous." 34 CFR § 200.44(a)(3). There may also be situations where choice is not possible, such as the case when all schools in the district are identified or there is only one school in the district. When choice is limited by these conditions, the guidance makes it clear that the LEA must still make an effort to provide choice through creative solutions or through cooperative agreements, to the extent practicable, with other LEAs in the area. (*Guidance* at questions 9, 10 and 11). The LEA may also choose to offer SES in the first year in school improvement in the cases where the LEA cannot provide the opportunity to change schools. 34

C.F.R. § 200.44(h)(2). Neither the law nor guidance provides additional exceptions to selecting school choice options. Therefore, the SENLEA would not be permitted to exclude a newly opening charter school from being a school of choice because that school lacks an academic record.

It is worth noting, however, that the parental notification requirements for school choice under NCLB entail the LEA to include information on the academic achievement of the schools that parents may select. That information would not yet be available and its absence would contribute to the parent's choice decision. *Guidance* at question D-2.

Please feel free to contact us with any additional questions or concerns.

STATEWIDE DUAL CREDIT MASTER AGREEMENT

May 23, 2011

NEW MEXICO SECONDARY AND POSTSECONDARY DUAL CREDIT PROGRAM

MEMORANDUM OF AGREEMENT

Between Central New Mexico Community College

and Anthony Charter School

Note: SB 943 (Laws 2007, Chapter 227) creates a dual credit program in state statute. Postsecondary institutions and Local Education Agencies (LEAs) must refer to 6.30.7 New Mexico Administrative Code (NMAC) for rules regarding dual credit program implementation.

TERMS OF AGREEMENT

PART 1 – GENERAL PROVISIONS OF AGREEMENT

A. SCOPE

Dual credit shall be provided in accordance with the terms and conditions of this uniform Master Agreement (*hereafter* Agreement), which supersedes all previous agreements, versions and addenda. This Agreement applies to local education agencies (public school districts, locally chartered and state chartered charter schools, state-supported schools, and bureau of Indian education-funded high schools) (*hereafter* LEA), high school students who attend secondary schools, and public postsecondary institutions in New Mexico including tribal colleges (*hereafter* Postsecondary Institution). The LEA may complete agreements with multiple postsecondary institutions. The Postsecondary Institution may complete agreements with multiple LEAs.

B. DEFINITION OF DUAL CREDIT PROGRAM

“Dual credit program” means a program that allows high school students to enroll in college-level courses offered by a POSTSECONDARY INSTITUTION that may be academic or career technical but not remedial or developmental, and simultaneously to earn credit toward high school graduation and a postsecondary degree or certificate.

C. AUTHORIZATION

Dual Credit Programs are authorized by Sections 21-1-1.2, 21-1B-3, 21-13-19 and 22-13-1.4 NMSA 1978 and 6.30.7 NMAC.

D. PURPOSES

The primary purposes of a dual credit program are to increase the educational options and opportunities for high school students and increase the overall quality of instruction and learning available through secondary schools. Fundamentally, dual credit programs allow students to earn credit at the secondary and postsecondary levels simultaneously. The programs may also encourage more students to consider academic or career technical higher education, especially students from underrepresented groups. Research indicates that dual credit programs can lead to better completion rates for both high school and college; reduce the need for remediation; shorten time to a diploma or degree completion; reduce the cost of higher education; reinforce the concept of life-long learning through an educational continuum; provide an alternative for students tempted to leave high school to enter the workforce; and, especially when offered through distance learning, provide equal access to

Appendix C

MOUs and letters of intent to support

students who wish to participate in the dual credit program. The Agreement: 1) specifies eligible courses, academic quality of dual credit courses, student eligibility, course approval, course requirements, required content of the form, state reporting, liabilities of parties, and student appeals; and 2) states the roles, responsibilities, and liabilities of the LEA, the postsecondary institution, student, and the student's family.

1. Eligible Courses

College courses that are academic or career technical and that simultaneously earn credit toward high school graduation and a postsecondary degree or certificate shall be eligible for dual credit. Remedial, developmental and physical education activity courses are not eligible for dual credit. Dual credit courses may be taken as elective or core course (except physical education activity course) high school credits. Core course means a course required for high school graduation as defined in 22-13-1.1 NMSA.

The LEA in collaboration with the POSTSECONDARY INSTITUTION shall determine a list of academic and career technical courses eligible for dual credit for inclusion into the appendix. The appendix shall indicate the name of the postsecondary institution, the name of the LEA, the date, course subject and number, course title, location of course delivery and semester offered. The LEA shall submit the appendix electronically to NMHED and PED when the Master Agreement is signed and at the end of each semester prior to its application for which the appendix is modified.

Dual credit courses may be offered at LEAs, POSTSECONDARY INSTITUTIONS, and off-campus centers as determined by the LEA in collaboration with the POSTSECONDARY INSTITUTION offering the courses. Dual credit courses may be delivered during or outside of LEA hours.

The POSTSECONDARY INSTITUTION may offer dual credit courses via distance learning (online, hybrid, correspondence, Cyber Academy [IDEAL-NM]) in accordance with 6.30.7.8 NMAC as this option becomes available and cost-effective. All dual credit course rules apply (6.30.7 NMAC). The LEA and POSTSECONDARY INSTITUTION participating in the Cyber Academy shall be subject to applicable rules pertaining to distance learning (6.30.8 NMAC).

2. Academic Quality of Dual Credit Courses

College courses eligible for dual credit shall meet the rigor for POSTSECONDARY INSTITUTION credit and be congruent with the POSTSECONDARY INSTITUTION's normal offerings. Classes offered in LEA settings shall conform to the POSTSECONDARY INSTITUTION's academic standards. Faculty for all dual credit courses shall be approved by the POSTSECONDARY INSTITUTION.

Dual credit courses must meet the public education department standards and benchmarks. Dual credit courses that are part of the general education common core for postsecondary institutions are eligible for transfer among New Mexico postsecondary institutions pursuant to Subsection D of 21-1B-3 NMSA 1978. Credit is eligible for transfer from one public postsecondary institution to another and is applied toward requirements for postsecondary graduation and receipt of a degree.

3. Student Eligibility

The LEA and POSTSECONDARY INSTITUTION shall qualify and advise candidates for dual credit from the pool of eligible high school students. A candidate for dual credit is eligible for consideration for fall, winter and summer semesters if he or she:

1. is enrolled during the fall and winter in a LEA in one-half or more of the minimum course requirements approved by PED for public school students under its jurisdiction or by being in physical attendance at a bureau of Indian education-funded high school at least three documented contact hours per day pursuant to 25 CFR 39.211(c);

2. obtains permission from the LEA representative (in consultation with the student's individualized education program team, as needed), the student's parent or guardian if the student is under 18 years old, and POSTSECONDARY INSTITUTION representative prior to enrolling in a dual credit course; and
3. meets POSTSECONDARY INSTITUTION requirements to enroll as a dual credit student.

4. Course Approval

Approval for dual credit shall be by the LEA and POSTSECONDARY INSTITUTION representatives on a course-by-course basis each semester based on the student's prior coursework, career pathway, and/or academic readiness. There is no state limit to the number of credits a student may earn through dual credit in an academic term; however, the student must meet eligibility requirements.

5. Course Requirements

The course requirements for high school students enrolled in dual credit courses shall be the same as those of regular college students. Course requirement information shall include the course prerequisites, course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information.

6. Eligible Semesters

Eligible students may enroll in dual credit courses year-round.

7. Course Transcribing Ratios

Unless otherwise approved by the cabinet secretaries of higher education and public education departments, successful completion of three credit hours of postsecondary instruction shall result in the awarding of one high school unit for said completed postsecondary course. If the LEA and POSTSECONDARY INSTITUTION determine that a different ratio is warranted for a particular dual credit course comparable to LEA core courses in order to meet PED standards and benchmarks, they may appeal to the Council, which may recommend a different ratio to the cabinet secretaries. The joint decision of the cabinet secretaries shall be final.

8. Required Content of Dual Credit Request Form

Each semester, the Dual Credit Request Form (hereafter Form) shall be used to document each student request for enrollment in dual credit courses and the review and approval process within the LEA and POSTSECONDARY INSTITUTION. LEAs and POSTSECONDARY INSTITUTIONS shall provide the form to eligible students and appropriate LEA staff online and in hard copy. The form appears at the end of this Agreement. 6.30.7.12 NMAC specifies Form content.

9. State Reporting

The LEA and POSTSECONDARY INSTITUTION shall retain educational records in accordance with New Mexico or Federal statutes and record retention regulations as per 1.20.2 NMAC and 1.20.3 NMAC, or 25 CFR, Part 43, as applicable. NMHED and PED shall verify and reconcile the respective dual credit records at the end of each academic year. Students enrolled in dual credit courses shall be classified as such and reported to NMHED and PED as per 6.30.7.12 NMAC.

10. Liabilities of Parties

Dual credit status shall neither enhance nor diminish on-campus liabilities for the LEA or POSTSECONDARY INSTITUTION. Management of risk and liabilities shall be in accordance with the LEA and POSTSECONDARY INSTITUTION policies and codes of conduct.

Personal liabilities for the student shall be equal to those of POSTSECONDARY INSTITUTION students.

11. Appeals Each STUDENT, LEA, and POSTSECONDARY INSTITUTION has the right to appeal decisions concerning the dual credit program.

The LEA and POSTSECONDARY INSTITUTION shall have a student appeals process pertaining to student enrollment in dual credit programs. LEA and POSTSECONDARY INSTITUTION decisions are final.

The Dual Credit Council (Council) shall administer an appeals process for LEA and POSTSECONDARY INSTITUTION representatives to address issues outside the scope of the Agreement, including the determination of alignment of course content to determine the appropriate credit ratio. The Council is an advisory group consisting of NMHED and PED staff that issues recommendations to the cabinet secretaries. The cabinet secretaries shall act jointly upon Council recommendations; their joint decisions shall be final.

PART 2 – SPECIFIC PROVISIONS OF AGREEMENT

The following provisions outline the specific responsibilities and duties that apply to the POSTSECONDARY INSTITUTION, SECONDARY SCHOOL, and STUDENTS participating in the dual credit program to ensure adequate participation by each party.

A. RESPONSIBILITIES AND DUTIES OF THE POSTSECONDARY INSTITUTION

1. Admission and Enrollment of Students

The POSTSECONDARY INSTITUTION shall:

1. designate a representative to review and sign the completed Form with the understanding that only a form endorsed by all parties shall constitute a dual credit approval request;
2. determine, in collaboration with the LEA, the required academic standing of each student eligible to participate in the dual credit program.
3. collaborate with the LEA to reach agreement on admission and registration of eligible dual credit students for the stated semester;
4. employ a method of qualifying the student for dual credit that demonstrates that the student has the appropriate skills and maturity to benefit from the instruction requested;
5. provide advisement to review the appropriateness of each student's enrollment in a course prior to registration in terms of academic readiness, age requirements, and programmatic issues;
6. provide the Form to eligible students and appropriate LEA staff online and in hard copy;
7. approve the Form each semester based on each student's prior coursework, career pathway, and/or academic readiness;
8. provide a copy of each approved Form to the appropriate LEA representative;
9. provide course placement evaluation services and consider a high school college readiness assessment to verify a student's academic skill level and to ensure compliance with course prerequisites;
10. provide information and orientation, in collaboration with the LEA, to the student and parent or guardian regarding the responsibilities of dual credit enrollment including academic rigor, time commitments, and behavioral expectations associated with taking POSTSECONDARY INSTITUTION courses and the importance of satisfactorily completing the POSTSECONDARY INSTITUTION credits attempted in order for dual credit to be awarded;

11. inform students of course requirement information, which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information; and
12. advise parents of federal Family Educational Rights and Privacy Act (FERPA) rules.

2. Responsibility for Funding Dual Credit

The POSTSECONDARY INSTITUTION shall:

1. waive all general fees for dual credit courses;
2. waive tuition for high school students taking dual credit courses; and
3. make every effort to adopt textbooks for at least three years.

3. Reporting of Student Records

The POSTSECONDARY INSTITUTION shall:

1. provide the LEA, within the first thirty days of the academic term, access to each student's official schedule of classes as verification of registration. The LEA shall notify the POSTSECONDARY INSTITUTION if the report is in conflict with the school endorsed registration;
2. track progress of dual credit enrolled students on the issue of academic performance and provide reports, as needed, to the LEA;
3. retain the official transcript or grade report of the dual credit student that records the term of enrollment, courses/credits attempted, courses/credits completed, grades and grade point average earned;
4. release, at the request of the student, official POSTSECONDARY INSTITUTION transcripts in accordance with the POSTSECONDARY INSTITUTION transcript request practices; and
5. provide final grades to the LEA for each dual credit student;
6. deliver final grades for all dual credit students to the LEA with sufficient time to be included with final grades; this schedule shall be defined by the parties in the agreement and shall address the time frame appropriate for determining student graduation from high school; and
7. comply with data collection and reporting provisions in 6.30.7.12 NMAC.

B. RESPONSIBILITIES AND DUTIES OF THE LEA

1. Admission and Enrollment of Students

The LEA shall:

1. designate a representative to collaborate with the POSTSECONDARY INSTITUTION to reach agreement on admission and registration of eligible dual credit students for the stated semester;
2. determine, in collaboration with the POSTSECONDARY INSTITUTION, the required academic standing for students eligible to participate in the dual credit program;
3. collaborate with the POSTSECONDARY INSTITUTION to reach agreement on admission and registration of eligible dual credit students for the stated semester;
4. employ a method of qualifying the student for dual credit based on factors which may include academic performance review, use of Next Step Plan, assessments, advisement and career guidance, and therefore recommend enrollment at the POSTSECONDARY INSTITUTION with evidence that the student has the appropriate skills and maturity to benefit from the instruction requested;
5. provide information and orientation to students about opportunities to participate in dual credit programs during student advisement, academic support, and, where applicable, formulation of annual Next Step Plans;
6. provide the Form to eligible STUDENTS and appropriate LEA staff online and in hard copy;

7. approve the Form each semester based on each student's prior coursework, career pathway, and/or academic readiness;
8. provide information and orientation, in collaboration with the POSTSECONDARY INSTITUTION, to the STUDENT and STUDENT's family regarding the responsibilities of dual credit enrollment, including academic rigor, time commitments, and behavioral expectations associated with taking college courses and the importance of satisfactorily completing the college credits attempted in order for dual credit to be awarded and lottery scholarship eligibility to be maintained;
9. inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
10. notify the POSTSECONDARY INSTITUTION if the student's official schedule of classes is in conflict with the school endorsed registration;
11. provide appropriate accommodations and services for special education students while the students are enrolled in dual credit classes, including academic adjustments and auxiliary aids and services for eligible students across educational activities and settings (e.g. equipping school computers with screen-reading, voice recognition or other adaptive hardware or software and providing note-takers, recording devices, or sign language interpreters, or other adaptation as required by law);
12. inform students in need of accommodations or other arrangements of the need to speak directly with the disabilities coordinator at the POSTSECONDARY INSTITUTION;
13. work collaboratively with the POSTSECONDARY INSTITUTION to submit a student's request for change in registration according to POSTSECONDARY INSTITUTION policies and within officially published deadlines (e.g. add, drop, withdrawal); and
14. make it clear to students that if they fail or withdraw from dual credit classes that they were intending to use to substitute for a high school requirement that they will have to make up those credits in order to graduate. The dual credit course grade will appear on the student high school transcript.

2. Responsibility for Funding Dual Credit

The LEA shall:

Pay the cost of the required textbooks and other course supplies for the postsecondary course the dual credit student is enrolled in through purchase arrangements with the bookstore at the POSTSECONDARY INSTITUTION or other cost-efficient methods.

3. Dual Credit Courses Offered at High School

Upon the agreement of the LEA and the POSTSECONDARY INSTITUTION, courses may be offered at high school sites. In these instances, courses shall follow established LEA site time blocks.

4. Reporting of Student Records

The LEA shall:

1. furnish an official high school transcript to the POSTSECONDARY INSTITUTION if required by the POSTSECONDARY INSTITUTION;
2. record, unchanged, the grade given to the dual credit student by the POSTSECONDARY INSTITUTION on each student high school transcript;
3. retain educational records in accordance with New Mexico and Federal statutes and record retention regulations as per 1.20.2 NMAC or 25 CFR, Part 43, as applicable; and
4. comply with data collection and reporting provisions in 6.30.7.12 NMAC.

C. RESPONSIBILITIES AND DUTIES OF STUDENTS AND PARENTS

1. Admission and Enrollment of Students

For a student to be accepted and enrolled into a dual credit program, the STUDENT shall:

1. discuss potential dual credit courses with the appropriate LEA and POSTSECONDARY INSTITUTION staff, including POSTSECONDARY INSTITUTION admission and registration requirements, course requirements, credits to be attempted, credits to be awarded, scheduling under dual credit, and implications for failure to successfully complete the course;
2. obtain course requirements for each course, including course prerequisites, course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
3. meet the prerequisites and requirements of the course(s) to be taken;
4. complete the Form available online or in hard copy from the LEA or POSTSECONDARY INSTITUTION;
5. obtain approval for enrolling in the dual credit program each semester by acquiring all necessary signatures on the Form;
6. register for courses during the POSTSECONDARY INSTITUTION standard registration periods (*Note: enrollments shall not be permitted after the close of posted late registration*);
7. discuss any request for a change in registration (add, drop, withdrawal) and complete all necessary forms and procedures with appropriate LEA and POSTSECONDARY INSTITUTION staff; and
8. comply with the POSTSECONDARY INSTITUTION and LEA student code of conduct and other institutional policies.

2. Rights and Privileges of Student

The right and privileges of STUDENTS participating in Dual Credit include:

1. the rights and privileges equal to those extended to LEA and POSTSECONDARY INSTITUTION students, unless otherwise excluded by any section of this Agreement;
2. the use of the POSTSECONDARY INSTITUTION library, course-related labs and other instructional facilities, use of the POSTSECONDARY INSTITUTION programs and services such as counseling, tutoring, advising, and special services for the students with disabilities, and access to POSTSECONDARY INSTITUTION personnel and resources as required; and
3. the right to appeal, in writing to the LEA or POSTSECONDARY INSTITUTION, as applicable, any decision pertaining to enrollment in the dual credit program.

3. Financial Responsibility for Funding Dual Credit

The STUDENT shall:

1. return the textbooks and unused course supplies to the LEA when the student completes the course or withdraws from the course (subject to provisions in Subsection B of Section 22-15-10 NMSA 1978 regarding lost or damaged instructional material);
2. arrange transportation to the site of the dual credit course. Depending upon the time and course location, the student may have access to transportation through the LEA if the dual credit course is offered during the school day; and
3. be responsible for course-specific (e.g. lab, computer) fees.

4. Confidentiality of Student Records

1. Student educational records created as a result of this Agreement shall be retained and disseminated in accordance with Family Educational Rights and Privacy Act (FERPA) requirements.

2. Participation in dual credit courses requires STUDENT and, if applicable, PARENT/GUARDIAN signatures on the Form for compliance with FERPA regulations.

5. Secondary School and Postsecondary Institution Calendars

STUDENTS earning dual credits shall abide by the regular operating calendars, schedules and associated requirements of the LEA and POSTSECONDARY INSTITUTION. In instances in which the calendars are incongruent, the dual credit STUDENT is required to independently satisfy both calendar requirements and may consult with LEA counselors for assistance.

PART 3 – TERM AND FILING OF AGREEMENT

A. TERMS AND CONDITIONS

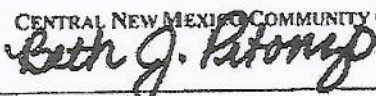
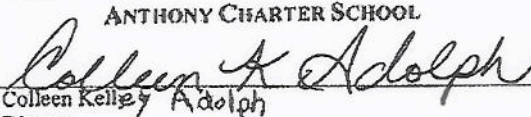
The initial term of this Agreement shall be from July 1, 2011 to June 30, 2013. With the exception of the appendix, this Agreement may not be altered or modified by either party. This Agreement shall automatically renew for additional fiscal years unless either party notifies the other party of their intent not to renew 60 days before the end of the fiscal year. The LEA in collaboration with the POSTSECONDARY INSTITUTION, may modify the list of dual credit courses in the Appendix of the Agreement. Modifications to the Appendix must be submitted to NMHED and PED by the end of each semester.

The LEA and POSTSECONDARY INSTITUTION providing dual credit programs shall complete the Agreement and the LEA shall submit the completed Agreement to PED.

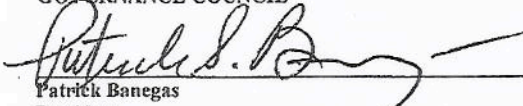
A completed Agreement shall contain signatures from all parties and includes an Appendix developed collaboratively by the LEA and POSTSECONDARY INSTITUTION that specifies eligible dual credit courses.

B. FILING

A fully executed copy of this Agreement shall be submitted by the LEA to PED within 10 days of approval.

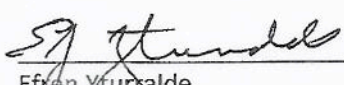
APPROVED	
CENTRAL NEW MEXICO COMMUNITY COLLEGE  Beth Pitonzo, PhD Vice President for Academic Affairs Date: 11/8/11	ANTHONY CHARTER SCHOOL  Colleen Kelleher Adolph Director Date: 12/9/11

**ANTHONY CHARTER SCHOOL
GOVERNANCE COUNCIL**


Patrick Banegas
President

Date: December 13, 2011

Gadsden Independent School District


Efrén Yturralde
Superintendent

Date: December 9, 2011

STATEWIDE DUAL CREDIT MASTER AGREEMENT

May 23, 2011

NEW MEXICO SECONDARY AND POSTSECONDARY DUAL CREDIT PROGRAM

MEMORANDUM OF AGREEMENT

Between Central New Mexico Community College

and Anthony Charter School

Note: SB 943 (Laws 2007, Chapter 227) creates a dual credit program in state statute. Postsecondary institutions and Local Education Agencies (LEAs) must refer to 6.30.7 New Mexico Administrative Code (NMAC) for rules regarding dual credit program implementation.

TERMS OF AGREEMENT

PART 1 – GENERAL PROVISIONS OF AGREEMENT

A. SCOPE

Dual credit shall be provided in accordance with the terms and conditions of this uniform Master Agreement (*hereafter* Agreement), which supersedes all previous agreements, versions and addenda. This Agreement applies to local education agencies (public school districts, locally chartered and state chartered charter schools, state-supported schools, and bureau of Indian education-funded high schools) (*hereafter* LEA), high school students who attend secondary schools, and public postsecondary institutions in New Mexico including tribal colleges (*hereafter* Postsecondary Institution). The LEA may complete agreements with multiple postsecondary institutions. The Postsecondary Institution may complete agreements with multiple LEAs.

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C. AUTHORIZATION

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D. PURPOSES

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E. ELIGIBILITY AND APPROVAL

The following general eligibility and approval requirements shall apply to all Agreements. The Agreement specifies the means by which the state will provide equal opportunities to all high school