

Date: _____

_____, _____

RE: Notification of noncompliance with background check requirements under ~~Section 22-10A-5 NMSA 1978~~ the Charter School Act

HAND DELIVERED TO SCHOOL

Dear _____:

On _____, staff of the New Mexico Public Education Department (PED) conducted a site visit to _____. During this visit, staff reviewed the school's compliance with background check requirements as prescribed in ~~Section 22-10A-5 NMSA 1978~~ Sections 22-8B-1, et seq., NMSA 1978, (the "Charter School Act") and Sections 22-10A-1, et seq., NMSA 1978, (the "School Personnel Act").

The school could not provide evidence of compliance with ~~Section 22-10A-5 NMSA 1978~~ the School Personnel Act, as applicable, for the following personnel:

Further, we have confirmed with the PED's licensure bureau that the following individuals do not possess a valid teaching license, background check, or application on file with PED:

~~Section 22-8B-12(F) NMSA 1978~~ The Charter School Act requires the Public Education Commission ("Commission") to promptly notify the governing body of the charter school of the unsatisfactory review and provide reasonable opportunity for the governing body to remedy the problem. ~~Section 22-8B-12(F) NMSA 1978~~ The Charter School Act also grants the Commission the authority to take appropriate corrective actions or exercise sanctions in response to an unsatisfactory review.

This letter serves as written notice for the governing body to remedy the problem ~~under Section 22-8B-12(F) NMSA 1978~~ of your school's failure to comply with statutory background check requirements and licensure requirements of the School Personnel Act.

Your school has 48 hours from the receipt of this notification to provide proof to ~~the NMPED's charter schools office~~ Commission that 1) an application for the appropriate background check as required by ~~Section 22-10A-5 NMSA 1978~~ the School Personnel Act has been received by 3M Cogent and 2) fingerprints have been taken at an approved Cogent fingerprinting site *for each individual listed on this letter's first page and currently employed at your school.*

Further, your school has 48 hours from the receipt of this notification to provide proof to the ~~NMPED's charter schools office~~ Commission that the following individuals who neither have a background check on file with the PED nor with the school have been removed from the classroom immediately. These individuals shall not be allowed to have unsupervised access to students until a background check has been completed and reviewed by the school or the PED.

Finally pursuant to ~~Section 22-10A-3(C) NMSA 1978~~ the School Personnel Act, your school has 48 hours from the receipt of this notification to provide proof to the ~~NMPED's charter schools office~~ Commission that the following individuals who do not hold a valid license or certificate (or have not submitted a complete application for licensure or certification) within the first three months from beginning employment duties shall not be compensated for services rendered until they demonstrate that they hold a valid license.

At its meeting on _____ the Commission will determine whether the school has failed to comply with statutory background check requirements, whether the school has demonstrated prompt action to come into compliance with the requirements of ~~Section 22-10A-5 NMSA 1978~~ the School Personnel Act within 48 hours of written notification, and whether corrective actions or sanctions will be imposed.

Provided with this letter is a copy of ~~Section 22-10A-5 NMSA 1978 and the Commission's Policy Statement on Background Check Violations.~~

If you have any questions, please contact me at (505) 827-6660.

Sincerely,

The signatures and information below satisfy the requirements of the Commission in ~~Section 22-8B-12(F) NMSA 1978~~the Charter School Act, to promptly notify the governing body of the charter school of the unsatisfactory review and provide reasonable opportunity for the governing body to remedy the problem.

_____ a.m. / p.m.
NMPED Staff Signature Date Time

For the Commission

_____ a.m. / p.m.
School Representative Signature Date Time

**BASED ON THE DATE AND TIME STATED ABOVE, YOUR 48-HOUR DEADLINE TO PROVIDE
PROOF OF COMPLIANCE WITH STATUTORY BACKGROUND CHECK REQUIREMENTS ~~AS STATED~~
~~IN SECTION 22-10A-5 NMSA 1978~~ IS BY A.M. / P.M.**