



Board of Education

Nancy Hooker, President; Megan M. Mitchell, Vice-President;
Fox V. Guinn, Secretary; Bret E. Wier, Member; Kari M. Jaramillo, Member
Adán Estrada, Superintendent

Board of Education
Regular Meeting

Wednesday
May 20, 2020
6:30 pm

In light of the public health emergency due to the Covid-19 virus Cimarron Municipal Schools is taking extra precautions with necessary meetings. All Board of Education meetings will be virtual meetings until the state restrictions regarding the spread of the virus are changed or rescinded by the governor. You may participate in the work of the Board of Education by joining via teleconference upcoming board meetings or emailing input, comments and questions to board members at info@cimarronschools.org. This input will be addressed at an upcoming meeting.

TELECONFERENCE

DIAL - 575-376-2445

DIAL - 901

DIAL - 1234

Vision

*To inspire our students to realize their
individual potential in an ever-changing world*

Mission

*Cimarron Municipal Schools will work hand-in-hand with our families
and community to provide our students the experience of a safe and
challenging educational environment through staff who know and nurture every child*

Cimarron School District is a PREMIER school



with familia at its core

CIMARRON MUNICIPAL SCHOOLS

165 N. COLLISON AVE., CIMARRON NM, 87714
(575) 376-2445 (575) 376-2442-FAX

CIMARRON MUNICIPAL SCHOOLS BOARD OF EDUCATION REGULAR MEETING

AGENDA

In light of the public health emergency due to the Covid-19 virus Cimarron Municipal Schools is taking extra precautions with necessary meetings. All Board of Education meetings will be virtual meetings until the state restrictions regarding the spread of the virus are changed or rescinded by the governor.

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TELECONFERENCE

DIAL - 575-376-2445

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Wednesday, May 20, 2020

6:30 pm

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consider Approval of Agenda (Action)
- V. Consider Approval of Minutes (Action)
 - A. April 15, 2020 - Regular Board Meeting
- VI. Student and Staff Recognitions
- VII. Public Forum
- VIII. Audit/Finance Committee Report
- IX. Consider Approval of the 2020-2021 Budget (Discussion/Action)

- X. Consider Approval of a review of board policies governing special education, receive report from the Superintendent regarding administrative review of procedures, and adopt Assurance Statement that the District has in effect policies and procedures consistent with State policies and procedures established under IDEA-B regulations. (Discussion/Action)
- XI. Consider Approval of the IDEA B Application (Discussion/Action)
- XII. Consider Approval of the FAEA (Fine Arts Education) Application (Discussion/Action)
- XIII. NMSBA Policy Service Alert – April 2020 (Discussion/Action)
- XIV. NMSBA Policy Service Alert – May 2020 (Discussion/Action)
- XV. Policy J-4950 – Student Wellness Policy – 2nd Reading (Discussion/Action)
- XVI. Consider Approval of Consent Agenda Items (Discussion/Action)
 - A. Approval of the Disbursement Detail, Deposit Listing, Expenditure and Revenue Report, Budget Adjustments, Fund Cash Balance, Finance Memo, Investment Report, ACH Voucher Report and Bond Expense Report.
- XVII. School Board Report
 - A. 2020 – Leadership Retreat – July 10-11, 2020, Taos, NM
- XVIII. Superintendent’s Report
 - CHS Locker Room Construction Report
 - Attendance Report
 - Utility Comparison
 - School Calendar Update
- XIX. Next Regular School Board Meeting Agenda Items
- XX. Adjournment

The next Regular School Board Meeting is scheduled for Wednesday, June 17, 2020; Meeting Time – 6:30 pm.

Persons from the same group and having similar viewpoints are asked to select a spokesperson to speak on their behalf. Multiple and repetitious presentations of the same view will be discouraged. Public Comments and Observations regarding non-agenda items that fall within the purview of the Cimarron Board of Education are heard at this time. Comments regarding matters under litigation will not be allowed and no action will be taken on items presented but may be referred to staff or others. The School Board Members and Superintendent may travel together, however, no school business will be discussed or action taken.

This is an open meeting and the citizens of the Cimarron Municipal School District are invited to attend. Notice: Individuals with disabilities who need any form of auxiliary aid to attend or participate at this meeting are to contact the Superintendent at 575-376-2445 as soon as possible.

CIMARRON MUNICIPAL SCHOOLS

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(575) 376-2445 (575) 376-2442-FAX

CIMARRON MUNICIPAL SCHOOLS BOARD OF EDUCATION REGULAR MEETING

MINUTES

In light of the public health emergency due to the Covid-19 virus Cimarron Municipal Schools is taking extra precautions with necessary meetings. All Board of Education meetings will be virtual meetings until the state restrictions regarding the spread of the virus are changed or rescinded by the governor.

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TELECONFERENCE

DIAL - 575-376-2445

DIAL - 901

DIAL - 1234

Wednesday, April 15, 2020

6:30 pm

I. Call to Order

- Mrs. Hooker called the meeting to order at 6:31 pm

II. Pledge of Allegiance

III. Roll Call

- Mrs. Hooker, President; Mrs. Mitchell, Vice-President; Mr. Guinn, Secretary; Mr. Wier, Member and Ms. Jaramillo, Member were all present. There was a quorum.

IV. Consider Approval of Agenda (Action)

- Ms. Jaramillo made the motion to approve the April 15, 2020 Agenda. Mr. Guinn seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

V. Consider Approval of Minutes (Action)

A. March 17, 2020 - Regular Board Meeting

- Mr. Guinn made the motion to approve the March 17, 2020 Minutes. Mr. Wier seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

VI. Student and Staff Recognitions

- A. Jody Martinez

VII. Public Forum

VIII. Consider Postponing Audit/Finance Committee Meetings (Discussion/Action)

- Mr. Wier made the motion to have the Audit/Finance Committee Meeting with the Regular Board Meetings as long as the shelter in place is mandated. Contact the volunteers from the community to ensure they are aware of the meetings. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

IX. Consider Approval of Contractor for CHS Locker Room Project (Discussion/Action)

- Mr. Guinn made the motion to award the CHS Locker Room Project to Stoven Construction. Mr. Wier seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

X. Consider Approval of Audit Firm for 2019-2020 Audit (Discussion/Action)

- Mr. Guinn made the motion to award the 2019-2020 Audit Contract to Accounting & Financial Solutions. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

XI. Policy J-4950 – Student Wellness Policy – 1st Reading (Discussion/Action)

- Mrs. Hooker opened the public meeting at 7:37 pm
- Mrs. Hooker closed the public meeting at 7:38 pm
- Mr. Guinn made the motion to clarify Item 2.6 there is free drinking water at all CMS Cafeteria Sites. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

XII. NMSBA Policy Service Advisories 204-205 - Transportation Drivers – 2nd Reading (Discussion/Action)

- Mrs. Hooker opened the public meeting at 7:42 pm
- Mrs. Hooker closed the public meeting at 7:42 pm
- Mr. Wier made the motion to Adopt NMSBA Policy Service Advisory 204-205 – Transportation Drivers. Mr. Guinn seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The policy is adopted.

XIII. Consider Approval of 2020-2021 Regular School Board Meeting Schedule (Discussion/Action)

- Mr. Wier made the motion to amend the 2020-2021 Regular School Board Meeting Calendar to indicate scheduling the board meeting on Tuesday, April 14, 2021 instead of April 21, 2021. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

- Mr. Wier made the motion to approve the 2020-2021 Regular School Board Meeting Schedule as amended. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

XIV. Consider Approval of 2020-2021 Audit/Finance Committee Meeting Schedule (Discussion/Action)

- Mr. Wier made the motion to amend the 2020-2021 Audit/Finance Committee Meeting Schedule to include meetings on September 16, 2020 and April 14, 2020 at Moreno Valley High School. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.
- Mr. Wier made the motion to approve the 2020-2021 Audit/Finance Committee Meeting Schedule as amended. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

XV. Consider Approval of the 2020-2021 School Calendar (Discuss/Action)

- Mr. Wier made the motion to approve the school calendar on Page 48 with adoption of current budget giving Mr. Estrada authority to amend first day of school. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.
- Mr. Wier made the motion to approve the school calendar on Page 50 if funding from the school grant has been received and give Mr. Estrada authority to amend first day of school. Ms. Jaramillo seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

XVI. 2020 Census (Discussion/Action)

XVII. Consider Approval of Consent Agenda Items (Discussion/Action)

- A. Approval of the Disbursement Detail, Deposit Listing, Expenditure and Revenue Report, Budget Adjustments, Fund Cash Balance, Finance Memo, Investment Report and ACH Voucher Report.
 - Mr. Wier made the motion to approve the Consent Agenda Items. Mr. Guinn seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.

XVIII. School Board Report

- A. 2020 – School Law Conference – May 29-30, 2020, Embassy Suites, Albuquerque, NM – THIS CONFERENCE HAS BEEN CANCELLED
- B. 2020 – Leadership Retreat – July 10-11, 2020, Taos, NM
- C. NMSBA Scholarship

XIX. Superintendent's Report

- A. Distance Learning
- B. Vista Report
- C. Covid-19 Information

XX. Next Regular School Board Meeting Agenda Items

- Student wellness 2nd Reading
- Audit Finance Committee Update
- Construction Update on locker room
- Construction on ENEMS

XXI. Adjournment

- Mr. Wier made the motion to adjourn the meeting. Mr. Guinn seconds the motion. The Board was polled: Mrs. Hooker, Aye; Mrs. Mitchell, Aye; Mr. Guinn, Aye; Mr. Wier, Aye; Ms. Jaramillo, Aye. The motion carries.
- Meeting adjourned at 9:06 pm.

The next Regular School Board Meeting is scheduled for Wednesday, May 19, 2020; Meeting Time – 6:30 pm.

Approval of Minutes:

Nancy Hooker, President

Date

Fox V. Guinn, Secretary

Date

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State of New Mexico
Public School Operating Budget
Revenue

Budget			Name: Cimarron 2020-2021		
Fund	Function	Object	Description	Estimated Amt	Projected Amt
11000			Operational		
11000	0000	11000	Cash Assets		
11000	0000	11111	Unrestricted Cash	216,515	207,374
11000	0000	11112	Restricted Cash	21,619	21,619
11000	0000	11000	Total: Cash Assets	238,134	228,993
11000	0000	41000	Revenue From Local Sources		
11000	0000	41110	Ad Valorem Taxes – School District	158,480	164,919
11000	0000	41113	Oil and Gas Taxes	13,774	11,667
11000	0000	41500	Investment Income	22,000	22,000
11000	0000	41910	Rental Income	60,100	60,100
11000	0000	41922	Instructional Support - Categorical	13,000	0
11000	0000	41923	Administration - Categorical	43,000	43,000
11000	0000	41000	Total: Revenue From Local Sources	310,354	301,686
11000	0000	43000	Revenue From State Sources		
11000	0000	43101	State Equalization Guarantee	4,367,690	4,508,911
11000	0000	43120	Charter School Administrative Revenue	17,014	19,187
11000	0000	43000	Total: Revenue From State Sources	4,384,704	4,528,098
11000	0000	44000	Revenue From Federal Sources		
11000	0000	44204	Forest Reserve	7,320	0
11000	0000	44000	Total: Revenue From Federal Sources	7,320	0
11000	0000	46000	Other Items		
11000	0000	46100	Access Board (e-Rate)	16,590	0
11000	0000	46000	Total: Other Items	16,590	0
11000			Total: Operational	4,957,102	5,058,777
13000			Pupil Transportation		
13000	0000	11000	Cash Assets		
13000	0000	11112	Restricted Cash	8	0
13000	0000	11000	Total: Cash Assets	8	0
13000	0000	43000	Revenue From State Sources		
13000	0000	43206	Transportation Distribution	461,269	426,913
13000	0000	43000	Total: Revenue From State Sources	461,269	426,913
13000			Total: Pupil Transportation	461,277	426,913
21000			Food Services		
21000	0000	11000	Cash Assets		
21000	0000	11111	Unrestricted Cash	47,637	7,511
21000	0000	11000	Total: Cash Assets	47,637	7,511
21000	0000	41000	Revenue From Local Sources		
21000	0000	41603	Fees – Adults/Food Services	4,300	4,300
21000	0000	41604	Fees – Students/Food Services	25,000	25,000
21000	0000	41000	Total: Revenue From Local Sources	29,300	29,300
21000	0000	43000	Revenue From State Sources		
21000	0000	43215	Inter-Governmental Contract Revenue	0	1,900
21000	0000	43000	Total: Revenue From State Sources	0	1,900
21000	0000	44000	Revenue From Federal Sources		
21000	0000	44500	Restricted Grants – Federal Flow-through	197,000	214,896
21000	0000	44000	Total: Revenue From Federal Sources	197,000	214,896
21000			Total: Food Services	273,937	253,607
22000			Athletics		
22000	0000	11000	Cash Assets		
22000	0000	11111	Unrestricted Cash	27,717	28,217
22000	0000	11000	Total: Cash Assets	27,717	28,217
22000	0000	41000	Revenue From Local Sources		
22000	0000	41701	Fees – Activities	13,000	10,000
22000	0000	41000	Total: Revenue From Local Sources	13,000	10,000
22000			Total: Athletics	40,717	38,217
24000			Federal Flow-through Grants		
24101			Title I - ESEA		
24101	0000	44000	Revenue From Federal Sources		
24101	0000	44500	Restricted Grants – Federal Flow-through	126,318	109,989

State of New Mexico
Public School Operating Budget
Revenue

Cimarron 2020-2021					
Budget	Name:				
Fund	Function	Object	Description	Estimated Amt	Projected Amt
24101	0000	44000	Total: Revenue From Federal Sources	126,318	109,989
24101			Total: Title I - ESEA	126,318	109,989
24106			Entitlement IDEA-B		
24106	0000	44000	Revenue From Federal Sources		
24106	0000	44500	Restricted Grants – Federal Flow-through	133,404	122,987
24106	0000	44000	Total: Revenue From Federal Sources	133,404	122,987
24106			Total: Entitlement IDEA-B	133,404	122,987
24109			Preschool IDEA-B		
24109	0000	44000	Revenue From Federal Sources		
24109	0000	44500	Restricted Grants – Federal Flow-through	11,294	12,217
24109	0000	44000	Total: Revenue From Federal Sources	11,294	12,217
24109			Total: Preschool IDEA-B	11,294	12,217
24154			Teacher/Principal Training & Recruiting		
24154	0000	44000	Revenue From Federal Sources		
24154	0000	44500	Restricted Grants – Federal Flow-through	31,267	16,032
24154	0000	44000	Total: Revenue From Federal Sources	31,267	16,032
24154			Total: Teacher/Principal Training & Recruiting	31,267	16,032
24189			Student Supp Academic Achievement Title IV		
24189	0000	44000	Revenue From Federal Sources		
24189	0000	44500	Restricted Grants – Federal Flow-through	10,000	10,000
24189	0000	44000	Total: Revenue From Federal Sources	10,000	10,000
24189			Total: Student Supp Academic Achievement Title IV	10,000	10,000
24000			Total: Federal Flow-through Grants	312,283	271,225
25000			Federal Direct Grants		
25153			Title XIX MEDICAID 3/21 Years		
25153	0000	43000	Revenue From State Sources		
25153	0000	43214	Inter-Governmental Contract Revenue/REC	22,000	30,000
25153	0000	43000	Total: Revenue From State Sources	22,000	30,000
25153			Total: Title XIX MEDICAID 3/21 Years	22,000	30,000
25233			Rural Education Achievement Program		
25233	0000	11000	Cash Assets		
25233	0000	11112	Restricted Cash	0	10,850
25233	0000	11000	Total: Cash Assets	0	10,850
25233	0000	44000	Revenue From Federal Sources		
25233	0000	44301	Other Restricted Grants – Federal Direct	21,700	0
25233	0000	44000	Total: Revenue From Federal Sources	21,700	0
25233			Total: Rural Education Achievement Program	21,700	10,850
25000			Total: Federal Direct Grants	43,700	40,850
26000			Local Grants		
26156			Turner Foundation		
26156	0000	11000	Cash Assets		
26156	0000	11112	Restricted Cash	17,104	22,154
26156	0000	11000	Total: Cash Assets	17,104	22,154
26156	0000	41000	Revenue From Local Sources		
26156	0000	41500	Investment Income	12,500	0
26156	0000	41000	Total: Revenue From Local Sources	12,500	0
26156			Total: Turner Foundation	29,604	22,154
26000			Total: Local Grants	29,604	22,154
27000			State Flow-through Grants		
27107			27107 GOB Library		
27107	0000	43000	Revenue From State Sources		
27107	0000	43202	State Flow-through Grants	12,519	0
27107	0000	43204	Prior Year Balances	6,388	12,519
27107	0000	43000	Total: Revenue From State Sources	18,907	12,519
27107			Total: 27107 GOB Library	18,907	12,519
27000			Total: State Flow-through Grants	18,907	12,519
29000			Combined State/Local Grants		
29102			Private Dir Grants (Categorical)		
29102	0000	11000	Cash Assets		
29102	0000	11112	Restricted Cash	64,840	153,300

State of New Mexico
Public School Operating Budget
Revenue

Budget			Name:	Cimarron 2020-2021		
Fund	Function	Object	Description	Estimated Amt	Projected Amt	
29102	0000	11000	Total: Cash Assets	64,840	153,300	
29102	0000	41000	Revenue From Local Sources			
29102	0000	41921	Instructional - Categorical	100,000	0	
29102	0000	41000	Total: Revenue From Local Sources	100,000	0	
29102			Total: Private Dir Grants (Categorical)	164,840	153,300	
29000			Total: Combined State/Local Grants	164,840	153,300	
31600			Capital Improvements HB-33			
31600	0000	11000	Cash Assets			
31600	0000	11111	Unrestricted Cash	0	6,570	
31600	0000	11000	Total: Cash Assets	0	6,570	
31600	0000	41000	Revenue From Local Sources			
31600	0000	41110	Ad Valorem Taxes – School District	6,570	0	
31600	0000	41000	Total: Revenue From Local Sources	6,570	0	
31600			Total: Capital Improvements HB-33	6,570	6,570	
31701			Capital Improvements SB-9 Local			
31701	0000	11000	Cash Assets			
31701	0000	11111	Unrestricted Cash	964,713	682,179	
31701	0000	11000	Total: Cash Assets	964,713	682,179	
31701	0000	41000	Revenue From Local Sources			
31701	0000	41110	Ad Valorem Taxes – School District	807,508	824,203	
31701	0000	41113	Oil and Gas Taxes	55,098	46,669	
31701	0000	41000	Total: Revenue From Local Sources	862,606	870,872	
31701			Total: Capital Improvements SB-9 Local	1,827,319	1,553,051	
31703			SB-9 State Match Cash			
31703	0000	11000	Cash Assets			
31703	0000	11112	Restricted Cash	0	12,973	
31703	0000	11000	Total: Cash Assets	0	12,973	
31703	0000	43000	Revenue From State Sources			
31703	0000	43202	State Flow-through Grants	12,973	0	
31703	0000	43000	Total: Revenue From State Sources	12,973	0	
31703			Total: SB-9 State Match Cash	12,973	12,973	
31900			Ed. Technology Equipment Act			
31900	0000	11000	Cash Assets			
31900	0000	11111	Unrestricted Cash	1,125,466	552,666	
31900	0000	11000	Total: Cash Assets	1,125,466	552,666	
31900	0000	41000	Revenue From Local Sources			
31900	0000	41500	Investment Income	10,000	10,000	
31900	0000	41000	Total: Revenue From Local Sources	10,000	10,000	
31900			Total: Ed. Technology Equipment Act	1,135,466	562,666	
41000			Debt Services			
41000	0000	11000	Cash Assets			
41000	0000	11111	Unrestricted Cash	525,859	524,233	
41000	0000	11000	Total: Cash Assets	525,859	524,233	
41000	0000	41000	Revenue From Local Sources			
41000	0000	41110	Ad Valorem Taxes – School District	449,672	483,995	
41000	0000	41113	Oil and Gas Taxes	33,683	36,430	
41000	0000	41500	Investment Income	900	900	
41000	0000	41000	Total: Revenue From Local Sources	484,255	521,325	
41000			Total: Debt Services	1,010,114	1,045,558	
43000			Total Ed. Tech. Debt Services Sub-Fund			
43000	0000	11000	Cash Assets			
43000	0000	11111	Unrestricted Cash	620,369	582,760	
43000	0000	11000	Total: Cash Assets	620,369	582,760	
43000	0000	41000	Revenue From Local Sources			
43000	0000	41110	Ad Valorem Taxes – School District	485,292	451,064	
43000	0000	41113	Oil and Gas Taxes	25,674	50,118	
43000	0000	41500	Investment Income	1,500	1,500	
43000	0000	41000	Total: Revenue From Local Sources	512,466	502,682	
43000			Total: Total Ed. Tech. Debt Services Sub-Fund	1,132,835	1,085,442	

State of New Mexico
Public School Operating Budget
Revenue

Budget		Name:		Cimarron 2020-2021	
Fund	Function	Object	Description	Estimated Amt	Projected Amt
			Total: Revenue	11,427,644	10,543,822

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021

FD	FN	OBJ	JOB Description	Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
			Expenditure				
			Operational				
11000			Instruction				
11000	1000						
11000	1000	51100	1411 Salaries Expense: Teachers-Grades 1-12	1,507,729	28.58	1,609,625	29.58
11000	1000	51100	1412 Salaries Expense: Teachers- Special Education	203,831	3.53	211,085	3.53
11000	1000	51100	1413 Salaries Expense: Teachers-Early Childhood Ed	121,597	2.00	125,915	2.00
11000	1000	51100	1611 Salaries Expense: Substitutes-Sick Leave	20,000	0.00	23,000	0.00
11000	1000	51100	1612 Salaries Expense: Substitutes-Other Leave	15,000	0.00	20,000	0.00
11000	1000	51100	1711 Salaries Expense: Instructional Assistants-Grades 1-12	61,820	2.00	63,409	2.00
11000	1000	51300	1411 Additional Compensation: Teachers-Grades 1-12	8,500	0.00	7,500	0.00
11000	1000	51300	1618 Additional Compensation: Athletics Salaries	50,850	0.00	48,850	0.00
11000	1000	51300	1622 Additional Compensation: Bus Drivers	17,000	0.00	17,000	0.00
11000	1000	51300	1624 Additional Compensation: Activities Salary	5,775	0.00	5,775	0.00
11000	1000	52111	0000 Educational Retirement	275,857	0.00	292,101	0.00
11000	1000	52112	0000 ERA - Retiree Health	38,062	0.00	41,287	0.00
11000	1000	52210	0000 FICA Payments	114,894	0.00	127,988	0.00
11000	1000	52220	0000 Medicare Payments	26,870	0.00	29,933	0.00
11000	1000	52311	0000 Health and Medical Premiums	270,133	0.00	293,222	0.00
11000	1000	52312	0000 Life	2,178	0.00	2,100	0.00
11000	1000	52313	0000 Dental	13,335	0.00	11,091	0.00
11000	1000	52314	0000 Vision	2,840	0.00	2,492	0.00
11000	1000	52315	0000 Disability	1,725	0.00	1,199	0.00
11000	1000	52500	0000 Unemployment Compensation	0	0.00	1,300	0.00
11000	1000	52710	0000 Workers Compensation Premium	30,923	0.00	30,346	0.00
11000	1000	52720	0000 Workers Compensation Employer's Fee	1,375	0.00	1,375	0.00
11000	1000	53330	0000 Professional Development	7,000	0.00	15,000	0.00
11000	1000	53711	0000 Other Charges	15,000	0.00	25,000	0.00
11000	1000	55813	0000 Employee Travel - Non-Teachers	500	0.00	500	0.00
11000	1000	55817	0000 Student Travel	10,000	0.00	15,000	0.00
11000	1000	55819	0000 Employee Travel - Teachers	100	0.00	250	0.00
11000	1000	55915	0000 Other Contract Services	7,000	0.00	10,000	0.00
11000	1000	56118	0000 General Supplies and Materials	16,250	0.00	16,500	0.00
11000	1000		Total: Instruction	2,846,144	36.11	3,048,843	37.11
11000	2000		Support Services				
11000	2100		Support Services-Students				
11000	2100	51100	1214 Salaries Expense: Guidance Counselors/Social Workers	110,875	2.00	114,757	2.00
11000	2100	51100	1215 Salaries Expense: Registered Nurses	33,884	0.82	42,438	0.00
11000	2100	51100	1217 Salaries Expense: Secretarial/Clerical/Technical Assistants	97,830	4.00	102,651	4.00
11000	2100	51300	1217 Additional Compensation: Secretarial/Clerical/Technical Assistants	2,500	0.00	2,500	0.00
11000	2100	52111	0000 Educational Retirement	33,142	0.00	37,122	0.00
11000	2100	52112	0000 ERA - Retiree Health	5,078	0.00	5,247	0.00
11000	2100	52210	0000 FICA Payments	12,743	0.00	16,265	0.00
11000	2100	52220	0000 Medicare Payments	3,562	0.00	3,804	0.00
11000	2100	52311	0000 Health and Medical Premiums	60,332	0.00	67,143	0.00
11000	2100	52312	0000 Life	439	0.00	389	0.00
11000	2100	52313	0000 Dental	3,620	0.00	2,166	0.00
11000	2100	52314	0000 Vision	650	0.00	436	0.00
11000	2100	52315	0000 Disability	300	0.00	427	0.00
11000	2100	52500	0000 Unemployment Compensation	0	0.00	1,300	0.00
11000	2100	52710	0000 Workers Compensation Premium	3,733	0.00	3,856	0.00
11000	2100	52720	0000 Workers Compensation Employer's Fee	525	0.00	525	0.00
11000	2100	53211	0000 Diagnosticians - Contracted	20,000	0.00	28,000	0.00
11000	2100	53212	0000 Speech Therapists - Contracted	42,000	0.00	46,000	0.00
11000	2100	53213	0000 Occupational Therapists - Contracted	37,000	0.00	40,000	0.00
11000	2100	53214	0000 Therapists - Contracted	20,746	0.00	20,000	0.00
11000	2100	53215	0000 Psychologists/Counselors - Contracted	45,000	0.00	49,000	0.00
11000	2100	53218	0000 Specialists - Contracted	22,254	0.00	26,000	0.00
11000	2100	55818	0000 Other Travel - Non-Employees	1,500	0.00	1,500	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021					Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
FD	FN	OBJ	JOB	Description				
11000	2100	55915	0000	Other Contract Services	3,000	0.00	4,000	0.00
11000	2100	56118	0000	General Supplies and Materials	3,000	0.00	4,000	0.00
11000	2100			Total: Support Services-Students	563,713	6.82	619,526	6.00
11000	2200			Support Services-Instruction				
11000	2200	51100	1213	Salaries Expense: Library/Media Assistants	11,930	0.75	12,347	0.75
11000	2200	52111	0000	Educational Retirement	1,788	0.00	1,747	0.00
11000	2200	52112	0000	ERA - Retiree Health	338	0.00	247	0.00
11000	2200	52210	0000	FICA Payments	1,000	0.00	766	0.00
11000	2200	52220	0000	Medicare Payments	673	0.00	179	0.00
11000	2200	52312	0000	Life	243	0.00	0	0.00
11000	2200	52313	0000	Dental	200	0.00	181	0.00
11000	2200	52314	0000	Vision	97	0.00	40	0.00
11000	2200	52710	0000	Workers Compensation Premium	166	0.00	172	0.00
11000	2200	52720	0000	Workers Compensation Employer's Fee	200	0.00	200	0.00
11000	2200	53711	0000	Other Charges	3,025	0.00	3,025	0.00
11000	2200			Total: Support Services-Instruction	19,660	0.75	18,904	0.75
11000	2300			Support Services-General Administration				
11000	2300	51100	1111	Salaries Expense: Superintendent	68,783	0.70	71,191	0.70
11000	2300	51100	1114	Salaries Expense: Administrative Assistants	27,036	0.75	27,983	0.75
11000	2300	51300	1114	Additional Compensation: Administrative Assistants	2,500	0.00	2,500	0.00
11000	2300	51300	1217	Additional Compensation: Secretarial/Clerical/Technical Assistants	40,004	0.00	41,404	0.00
11000	2300	52111	0000	Educational Retirement	20,440	0.00	14,220	0.00
11000	2300	52112	0000	ERA - Retiree Health	3,131	0.00	2,170	0.00
11000	2300	52210	0000	FICA Payments	8,213	0.00	6,336	0.00
11000	2300	52220	0000	Medicare Payments	2,096	0.00	1,625	0.00
11000	2300	52311	0000	Health and Medical Premiums	11,363	0.00	12,490	0.00
11000	2300	52312	0000	Life	83	0.00	83	0.00
11000	2300	52313	0000	Dental	726	0.00	726	0.00
11000	2300	52314	0000	Vision	57	0.00	57	0.00
11000	2300	52315	0000	Disability	259	0.00	109	0.00
11000	2300	52710	0000	Workers Compensation Premium	1,616	0.00	1,645	0.00
11000	2300	52720	0000	Workers Compensation Employer's Fee	200	0.00	200	0.00
11000	2300	53330	0000	Professional Development	7,000	0.00	5,000	0.00
11000	2300	53411	0000	Auditing	30,000	0.00	30,000	0.00
11000	2300	53413	0000	Legal	8,000	0.00	8,000	0.00
11000	2300	53414	0000	Other Services	300	0.00	1,500	0.00
11000	2300	53711	0000	Other Charges	10,000	0.00	10,000	0.00
11000	2300	53712	0000	County Tax Collection Costs	1,585	0.00	1,649	0.00
11000	2300	55811	0000	Board Travel	3,500	0.00	3,500	0.00
11000	2300	55812	0000	Board Training	3,000	0.00	3,000	0.00
11000	2300	55813	0000	Employee Travel - Non-Teachers	3,000	0.00	3,000	0.00
11000	2300	55915	0000	Other Contract Services	12,000	0.00	12,000	0.00
11000	2300	56115	0000	Board Expenses	500	0.00	500	0.00
11000	2300	56118	0000	General Supplies and Materials	8,000	0.00	8,000	0.00
11000	2300			Total: Support Services-General Administration	273,392	1.45	268,888	1.45
11000	2400			Support Services-School Administration				
11000	2400	51100	1112	Salaries Expense: Principals	165,275	2.00	165,485	2.00
11000	2400	51100	1211	Salaries Expense: Coordinator/Subject Matter Specialist	22,705	0.35	23,500	0.35
11000	2400	51100	1613	Salaries Expense: Separation Pay	3,118	0.00	0	0.00
11000	2400	52111	0000	Educational Retirement	27,040	0.00	27,165	0.00
11000	2400	52112	0000	ERA - Retiree Health	3,822	0.00	3,840	0.00
11000	2400	52210	0000	FICA Payments	11,848	0.00	11,903	0.00
11000	2400	52220	0000	Medicare Payments	2,771	0.00	2,784	0.00
11000	2400	52311	0000	Health and Medical Premiums	22,385	0.00	23,131	0.00
11000	2400	52312	0000	Life	134	0.00	134	0.00
11000	2400	52313	0000	Dental	1,305	0.00	1,233	0.00
11000	2400	52314	0000	Vision	321	0.00	205	0.00
11000	2400	52315	0000	Disability	460	0.00	260	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021					Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
FD	FN	OBJ	JOB	Description				
11000	2400	52710	0000	Workers Compensation Premium	2,809	0.00	2,822	0.00
11000	2400	52720	0000	Workers Compensation Employer's Fee	200	0.00	200	0.00
11000	2400			Total: Support Services-School Administration	264,193	2.35	262,662	2.35
11000	2500			Central Services				
11000	2500	51100	1115	Salaries Expense: Assoc. Supt.-Fin./Bus. Mgr.	80,000	1.76	62,811	1.25
11000	2500	51100	1217	Salaries Expense: Secretarial/Clerical/Technical Assistants	8,510	0.36	9,059	0.36
11000	2500	51100	1220	Salaries Expense: Business Office Support	37,100	0.70	38,399	0.70
11000	2500	52111	0000	Educational Retirement	18,269	0.00	12,603	0.00
11000	2500	52112	0000	ERA - Retiree Health	2,582	0.00	3,000	0.00
11000	2500	52210	0000	FICA Payments	8,005	0.00	6,837	0.00
11000	2500	52220	0000	Medicare Payments	1,872	0.00	1,599	0.00
11000	2500	52311	0000	Health and Medical Premiums	14,884	0.00	12,151	0.00
11000	2500	52312	0000	Life	197	0.00	168	0.00
11000	2500	52313	0000	Dental	1,000	0.00	530	0.00
11000	2500	52314	0000	Vision	232	0.00	91	0.00
11000	2500	52315	0000	Disability	214	0.00	53	0.00
11000	2500	52710	0000	Workers Compensation Premium	1,898	0.00	1,621	0.00
11000	2500	52720	0000	Workers Compensation Employer's Fee	200	0.00	333	0.00
11000	2500			Total: Central Services	174,963	2.82	149,255	2.31
11000	2600			Operation & Maintenance of Plant				
11000	2600	51100	1614	Salaries Expense: Maintenance	40,403	0.85	43,023	0.85
11000	2600	51100	1615	Salaries Expense: Custodial	87,655	3.00	90,606	3.00
11000	2600	52111	0000	Educational Retirement	19,181	0.00	25,979	0.00
11000	2600	52112	0000	ERA - Retiree Health	2,710	0.00	3,683	0.00
11000	2600	52210	0000	FICA Payments	8,405	0.00	12,316	0.00
11000	2600	52220	0000	Medicare Payments	1,966	0.00	1,945	0.00
11000	2600	52311	0000	Health and Medical Premiums	10,073	0.00	14,771	0.00
11000	2600	52312	0000	Life	228	0.00	228	0.00
11000	2600	52313	0000	Dental	873	0.00	599	0.00
11000	2600	52314	0000	Vision	198	0.00	122	0.00
11000	2600	52315	0000	Disability	105	0.00	55	0.00
11000	2600	52710	0000	Workers Compensation Premium	1,993	0.00	1,972	0.00
11000	2600	52720	0000	Workers Compensation Employer's Fee	270	0.00	270	0.00
11000	2600	54411	0000	Electricity	70,000	0.00	75,000	0.00
11000	2600	54412	0000	Natural Gas (Buildings)	28,000	0.00	35,000	0.00
11000	2600	54413	0000	Propane/Butane (Buildings)	28,000	0.00	35,000	0.00
11000	2600	54415	0000	Water/Sewage	30,000	0.00	35,000	0.00
11000	2600	54416	0000	Communication Services	28,000	0.00	35,000	0.00
11000	2600	55200	0000	Property/Liability Insurance	225,984	0.00	256,511	0.00
11000	2600	55813	0000	Employee Travel - Non-Teachers	2,000	0.00	2,000	0.00
11000	2600			Total: Operation & Maintenance of Plant	586,044	3.85	669,080	3.85
11000	2900			Other Support Services				
11000	2900	58218	0000	75% June Credit	0	0.00	21,619	0.00
11000	2900			Total: Other Support Services	0	0.00	21,619	0.00
11000	2000			Total: Support Services	1,881,965	18.04	2,009,934	16.71
11000				Total: Operational	4,728,109	54.15	5,058,777	53.82
13000				Pupil Transportation				
13000	2000			Support Services				
13000	2700			Student Transportation				
13000	2700	51100	1113	Salaries Expense: Administrative Associates	36,328	1.00	37,683	1.00
13000	2700	51100	1114	Salaries Expense: Administrative Assistants	29,479	0.30	30,510	0.30
13000	2700	51100	1217	Salaries Expense: Secretarial/Clerical/Technical Assistants	29,638	0.54	20,675	0.54
13000	2700	51100	1611	Salaries Expense: Substitutes-Sick Leave	3,500	0.00	5,000	0.00
13000	2700	51100	1612	Salaries Expense: Substitutes-Other Leave	13,089	0.00	5,000	0.00
13000	2700	51100	1614	Salaries Expense: Maintenance	36,250	1.15	37,943	1.15
13000	2700	51100	1622	Salaries Expense: Bus Drivers	99,231	5.06	106,958	5.06
13000	2700	51300	1114	Additional Compensation: Administrative Assistants	10,000	0.00	10,000	0.00
13000	2700	51300	1615	Additional Compensation: Custodial	1,500	0.00	0	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021

FD	FN	OBJ	JOB	Description	Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
13000	2700	52111	0000	Educational Retirement	34,071	0.00	39,106	0.00
13000	2700	52112	0000	ERA - Retiree Health	4,792	0.00	5,527	0.00
13000	2700	52210	0000	FICA Payments	15,019	0.00	17,135	0.00
13000	2700	52220	0000	Medicare Payments	3,644	0.00	4,007	0.00
13000	2700	52311	0000	Health and Medical Premiums	20,039	0.00	15,280	0.00
13000	2700	52312	0000	Life	552	0.00	552	0.00
13000	2700	52313	0000	Dental	1,496	0.00	1,402	0.00
13000	2700	52314	0000	Vision	298	0.00	244	0.00
13000	2700	52315	0000	Disability	166	0.00	16	0.00
13000	2700	52500	0000	Unemployment Compensation	0	0.00	553	0.00
13000	2700	52710	0000	Workers Compensation Premium	3,893	0.00	4,063	0.00
13000	2700	52720	0000	Workers Compensation Employer's Fee	200	0.00	200	0.00
13000	2700	53711	0000	Other Charges	12,537	0.00	4,500	0.00
13000	2700	54311	0000	Maintenance & Repair - Furniture/Fixtures/Equipment	8,734	0.00	8,000	0.00
13000	2700	54411	0000	Electricity	4,000	0.00	4,000	0.00
13000	2700	54412	0000	Natural Gas (Buildings)	2,500	0.00	2,500	0.00
13000	2700	54415	0000	Water/Sewage	1,980	0.00	2,000	0.00
13000	2700	54416	0000	Communication Services	6,100	0.00	6,100	0.00
13000	2700	55200	0000	Property/Liability Insurance	8,563	0.00	8,277	0.00
13000	2700	55813	0000	Employee Travel - Non-Teachers	1,010	0.00	600	0.00
13000	2700	55816	0000	Bus Driver In-Service Training	250	0.00	0	0.00
13000	2700	55916	0000	Bus Inspections	1,600	0.00	1,600	0.00
13000	2700	56118	0000	General Supplies and Materials	26,498	0.00	5,000	0.00
13000	2700	56211	0000	Gasoline	1,000	0.00	5,000	0.00
13000	2700	56212	0000	Diesel Fuel	35,257	0.00	30,000	0.00
13000	2700	56214	0000	Lubricants/Anti-Freeze	5,562	0.00	5,000	0.00
13000	2700	56215	0000	Tires/Tubes	2,500	0.00	2,482	0.00
13000	2700			Total: Student Transportation	461,276	8.05	426,913	8.05
13000	2000			Total: Support Services	461,276	8.05	426,913	8.05
13000				Total: Pupil Transportation	461,276	8.05	426,913	8.05
21000				Food Services				
21000	3000			Operation of Non-Instructional Services				
21000	3100			Food Services Operations				
21000	3100	51100	1617	Salaries Expense: Food Service	24,878	1.25	26,278	1.25
21000	3100	52111	0000	Educational Retirement	3,570	0.00	3,718	0.00
21000	3100	52112	0000	ERA - Retiree Health	498	0.00	526	0.00
21000	3100	52210	0000	FICA Payments	1,202	0.00	1,629	0.00
21000	3100	52220	0000	Medicare Payments	336	0.00	381	0.00
21000	3100	52311	0000	Health and Medical Premiums	12,337	0.00	13,358	0.00
21000	3100	52312	0000	Life	71	0.00	71	0.00
21000	3100	52313	0000	Dental	510	0.00	510	0.00
21000	3100	52314	0000	Vision	145	0.00	145	0.00
21000	3100	52710	0000	Workers Compensation Premium	366	0.00	386	0.00
21000	3100	52720	0000	Workers Compensation Employer's Fee	40	0.00	68	0.00
21000	3100	53414	0000	Other Services	221,248	0.00	205,324	0.00
21000	3100	53711	0000	Other Charges	830	0.00	1,213	0.00
21000	3100	55813	0000	Employee Travel - Non-Teachers	45	0.00	0	0.00
21000	3100	56118	0000	General Supplies and Materials	350	0.00	0	0.00
21000	3100			Total: Food Services Operations	266,426	1.25	253,607	1.25
21000	3000			Total: Operation of Non-Instructional Services	266,426	1.25	253,607	1.25
21000				Total: Food Services	266,426	1.25	253,607	1.25
22000				Athletics				
22000	1000			Instruction				
22000	1000	53330	0000	Professional Development	2,000	0.00	2,000	0.00
22000	1000	53711	0000	Other Charges	8,000	0.00	24,217	0.00
22000	1000	55817	0000	Student Travel	500	0.00	10,000	0.00
22000	1000	56118	0000	General Supplies and Materials	2,000	0.00	2,000	0.00
22000	1000			Total: Instruction	12,500	0.00	38,217	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021

FD	FN	OBJ	JOB	Description	Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
22000				Total: Athletics	12,500	0.00	38,217	0.00
24000				Federal Flow-through Grants				
24101				Title I - ESEA				
24101	1000			Instruction				
24101	1000	51100	1711	Salaries Expense: Instructional Assistants-Grades 1-12	41,660	2.00	36,204	1.00
24101	1000	51300	1411	Additional Compensation: Teachers-Grades 1-12	1,000	0.00	0	0.00
24101	1000	52111	0000	Educational Retirement	6,853	0.00	7,200	0.00
24101	1000	52112	0000	ERA - Retiree Health	1,600	0.00	1,000	0.00
24101	1000	52210	0000	FICA Payments	3,200	0.00	2,000	0.00
24101	1000	52220	0000	Medicare Payments	1,800	0.00	900	0.00
24101	1000	52311	0000	Health and Medical Premiums	8,100	0.00	8,000	0.00
24101	1000	52312	0000	Life	525	0.00	525	0.00
24101	1000	52313	0000	Dental	560	0.00	560	0.00
24101	1000	52314	0000	Vision	300	0.00	300	0.00
24101	1000	52315	0000	Disability	150	0.00	150	0.00
24101	1000	52720	0000	Workers Compensation Employer's Fee	150	0.00	150	0.00
24101	1000	53330	0000	Professional Development	3,500	0.00	0	0.00
24101	1000	53414	0000	Other Services	500	0.00	0	0.00
24101	1000	53711	0000	Other Charges	500	0.00	0	0.00
24101	1000	56118	0000	General Supplies and Materials	2,525	0.00	0	0.00
24101	1000			Total: Instruction	72,923	2.00	56,989	1.00
24101	2000			Support Services				
24101	2200			Support Services-Instruction				
24101	2200	51100	1213	Salaries Expense: Library/Media Assistants	32,142	1.00	32,463	1.00
24101	2200	52111	0000	Educational Retirement	6,127	0.00	8,000	0.00
24101	2200	52112	0000	ERA - Retiree Health	886	0.00	886	0.00
24101	2200	52210	0000	FICA Payments	2,365	0.00	2,365	0.00
24101	2200	52220	0000	Medicare Payments	555	0.00	555	0.00
24101	2200	52311	0000	Health and Medical Premiums	6,023	0.00	7,237	0.00
24101	2200	52312	0000	Life	93	0.00	93	0.00
24101	2200	52313	0000	Dental	357	0.00	357	0.00
24101	2200	52314	0000	Vision	196	0.00	196	0.00
24101	2200	52720	0000	Workers Compensation Employer's Fee	348	0.00	348	0.00
24101	2200	53711	0000	Other Charges	500	0.00	500	0.00
24101	2200			Total: Support Services-Instruction	49,592	1.00	53,000	1.00
24101	2400			Support Services-School Administration				
24101	2400	51100	1211	Salaries Expense: Coordinator/Subject Matter Specialist	2,677	0.40	0	0.00
24101	2400	52111	0000	Educational Retirement	451	0.00	0	0.00
24101	2400	52112	0000	ERA - Retiree Health	174	0.00	0	0.00
24101	2400	52210	0000	FICA Payments	295	0.00	0	0.00
24101	2400	52220	0000	Medicare Payments	186	0.00	0	0.00
24101	2400	52720	0000	Workers Compensation Employer's Fee	20	0.00	0	0.00
24101	2400			Total: Support Services-School Administration	3,803	0.40	0	0.00
24101	2000			Total: Support Services	53,395	1.40	53,000	1.00
24101				Total: Title I - ESEA	126,318	3.40	109,989	2.00
24106				Entitlement IDEA-B				
24106	1000			Instruction				
24106	1000	51100	1412	Salaries Expense: Teachers- Special Education	20,410	0.34	21,123	0.34
24106	1000	51100	1712	Salaries Expense: Instructional Assistants-Special Education	53,554	2.00	54,669	2.00
24106	1000	52111	0000	Educational Retirement	10,500	0.00	5,067	0.00
24106	1000	52112	0000	ERA - Retiree Health	1,876	0.00	1,876	0.00
24106	1000	52210	0000	FICA Payments	4,200	0.00	1,000	0.00
24106	1000	52220	0000	Medicare Payments	1,200	0.00	1,200	0.00
24106	1000	52311	0000	Health and Medical Premiums	8,955	0.00	5,067	0.00
24106	1000	52312	0000	Life	200	0.00	200	0.00
24106	1000	52313	0000	Dental	450	0.00	450	0.00
24106	1000	52314	0000	Vision	100	0.00	100	0.00
24106	1000	52720	0000	Workers Compensation Employer's Fee	40	0.00	40	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021					Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
FD	FN	OBJ	JOB	Description				
24106	1000	53330	0000	Professional Development	1,500	0.00	500	0.00
24106	1000	56118	0000	General Supplies and Materials	378	0.00	0	0.00
24106	1000			Total: Instruction	103,363	2.34	91,292	2.34
24106	2000			Support Services				
24106	2100			Support Services-Students				
24106	2100	51100	1217	Salaries Expense: Secretarial/Clerical/Technical Assistants	15,128	0.64	16,104	0.64
24106	2100	52111	0000	Educational Retirement	3,000	0.00	1,500	0.00
24106	2100	52112	0000	ERA - Retiree Health	550	0.00	500	0.00
24106	2100	52210	0000	FICA Payments	1,328	0.00	537	0.00
24106	2100	52220	0000	Medicare Payments	350	0.00	350	0.00
24106	2100	52312	0000	Life	40	0.00	40	0.00
24106	2100	52720	0000	Workers Compensation Employer's Fee	50	0.00	50	0.00
24106	2100	56118	0000	General Supplies and Materials	500	0.00	0	0.00
24106	2100			Total: Support Services-Students	20,946	0.64	19,081	0.64
24106	2500			Central Services				
24106	2500	55912	0000	Flowthrough Grants to Charters	9,095	0.00	12,614	0.00
24106	2500			Total: Central Services	9,095	0.00	12,614	0.00
24106	2000			Total: Support Services	30,041	0.64	31,695	0.64
24106				Total: Entitlement IDEA-B	133,404	2.98	122,987	2.98
24109				Preschool IDEA-B				
24109	1000			Instruction				
24109	1000	51100	1412	Salaries Expense: Teachers- Special Education	9,604	0.16	9,940	0.16
24109	1000	52111	0000	Educational Retirement	656	0.00	1,000	0.00
24109	1000	52112	0000	ERA - Retiree Health	193	0.00	200	0.00
24109	1000	52210	0000	FICA Payments	596	0.00	832	0.00
24109	1000	52220	0000	Medicare Payments	160	0.00	160	0.00
24109	1000	52312	0000	Life	55	0.00	55	0.00
24109	1000	52720	0000	Workers Compensation Employer's Fee	30	0.00	30	0.00
24109	1000			Total: Instruction	11,294	0.16	12,217	0.16
24109				Total: Preschool IDEA-B	11,294	0.16	12,217	0.16
24154				Teacher/Principal Training & Recruiting				
24154	1000			Instruction				
24154	1000	51100	1711	Salaries Expense: Instructional Assistants-Grades 1-12	4,750	0.25	4,116	0.25
24154	1000	52111	0000	Educational Retirement	900	0.00	1,021	0.00
24154	1000	52112	0000	ERA - Retiree Health	150	0.00	150	0.00
24154	1000	52210	0000	FICA Payments	440	0.00	440	0.00
24154	1000	52220	0000	Medicare Payments	118	0.00	118	0.00
24154	1000	52311	0000	Health and Medical Premiums	2,000	0.00	1,000	0.00
24154	1000	52312	0000	Life	125	0.00	125	0.00
24154	1000	52313	0000	Dental	150	0.00	150	0.00
24154	1000	52314	0000	Vision	50	0.00	50	0.00
24154	1000	52315	0000	Disability	80	0.00	80	0.00
24154	1000	52316	0000	Other Insurance	250	0.00	250	0.00
24154	1000	53330	0000	Professional Development	22,254	0.00	8,532	0.00
24154	1000			Total: Instruction	31,267	0.25	16,032	0.25
24154				Total: Teacher/Principal Training & Recruiting	31,267	0.25	16,032	0.25
24189				Student Supp Academic Achievement Title IV				
24189	1000			Instruction				
24189	1000	56118	0000	General Supplies and Materials	10,000	0.00	10,000	0.00
24189	1000			Total: Instruction	10,000	0.00	10,000	0.00
24189				Total: Student Supp Academic Achievement Title IV	10,000	0.00	10,000	0.00
24000				Total: Federal Flow-through Grants	312,283	6.79	271,225	5.39
25000				Federal Direct Grants				
25153				Title XIX MEDICAID 3/21 Years				
25153	2000			Support Services				
25153	2100			Support Services-Students				
25153	2100	51100	1215	Salaries Expense: Registered Nurses	8,671	0.18	9,316	0.18
25153	2100	52111	0000	Educational Retirement	900	0.00	2,300	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021					Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
FD	FN	OBJ	JOB	Description				
25153	2100	52112	0000	ERA - Retiree Health	200	0.00	400	0.00
25153	2100	52210	0000	FICA Payments	473	0.00	750	0.00
25153	2100	52220	0000	Medicare Payments	150	0.00	300	0.00
25153	2100	52311	0000	Health and Medical Premiums	1,550	0.00	3,000	0.00
25153	2100	52312	0000	Life	20	0.00	50	0.00
25153	2100	52313	0000	Dental	68	0.00	120	0.00
25153	2100	52314	0000	Vision	16	0.00	50	0.00
25153	2100	52720	0000	Workers Compensation Employer's Fee	25	0.00	50	0.00
25153	2100			Total: Support Services-Students	12,073	0.18	16,336	0.18
25153	2400			Support Services-School Administration				
25153	2400	51100	1211	Salaries Expense: Coordinator/Subject Matter Specialist	7,020	0.15	10,071	0.15
25153	2400	52111	0000	Educational Retirement	800	0.00	900	0.00
25153	2400	52112	0000	ERA - Retiree Health	300	0.00	593	0.00
25153	2400	52210	0000	FICA Payments	625	0.00	550	0.00
25153	2400	52220	0000	Medicare Payments	220	0.00	400	0.00
25153	2400	52311	0000	Health and Medical Premiums	823	0.00	1,000	0.00
25153	2400	52312	0000	Life	25	0.00	50	0.00
25153	2400	52313	0000	Dental	25	0.00	50	0.00
25153	2400	52314	0000	Vision	15	0.00	30	0.00
25153	2400	52720	0000	Workers Compensation Employer's Fee	10	0.00	20	0.00
25153	2400			Total: Support Services-School Administration	9,863	0.15	13,664	0.15
25153	2000			Total: Support Services	21,936	0.33	30,000	0.33
25153				Total: Title XIX MEDICAID 3/21 Years	21,936	0.33	30,000	0.33
25233				Rural Education Achievement Program				
25233	1000			Instruction				
25233	1000	51300	1411	Additional Compensation: Teachers-Grades 1-12	5,000	0.00	5,000	0.00
25233	1000	52111	0000	Educational Retirement	760	0.00	760	0.00
25233	1000	52112	0000	ERA - Retiree Health	100	0.00	100	0.00
25233	1000	52210	0000	FICA Payments	300	0.00	300	0.00
25233	1000	52220	0000	Medicare Payments	85	0.00	85	0.00
25233	1000	52311	0000	Health and Medical Premiums	970	0.00	970	0.00
25233	1000	52312	0000	Life	25	0.00	25	0.00
25233	1000	52313	0000	Dental	25	0.00	25	0.00
25233	1000	52314	0000	Vision	10	0.00	10	0.00
25233	1000	52720	0000	Workers Compensation Employer's Fee	25	0.00	25	0.00
25233	1000			Total: Instruction	7,300	0.00	7,300	0.00
25233	2000			Support Services				
25233	2100			Support Services-Students				
25233	2100	51300	1217	Additional Compensation: Secretarial/Clerical/Technical Assistants	2,250	0.00	2,250	0.00
25233	2100	52111	0000	Educational Retirement	520	0.00	520	0.00
25233	2100	52112	0000	ERA - Retiree Health	30	0.00	30	0.00
25233	2100	52210	0000	FICA Payments	75	0.00	75	0.00
25233	2100	52220	0000	Medicare Payments	25	0.00	25	0.00
25233	2100	52311	0000	Health and Medical Premiums	600	0.00	600	0.00
25233	2100	52312	0000	Life	20	0.00	20	0.00
25233	2100	52313	0000	Dental	10	0.00	10	0.00
25233	2100	52314	0000	Vision	10	0.00	10	0.00
25233	2100	52315	0000	Disability	10	0.00	10	0.00
25233	2100			Total: Support Services-Students	3,550	0.00	3,550	0.00
25233	2000			Total: Support Services	3,550	0.00	3,550	0.00
25233				Total: Rural Education Achievement Program	10,850	0.00	10,850	0.00
25000				Total: Federal Direct Grants	32,786	0.33	40,850	0.33
26000				Local Grants				
26156				Turner Foundation				
26156	1000			Instruction				
26156	1000	53330	0000	Professional Development	0	0.00	1,000	0.00
26156	1000	53711	0000	Other Charges	3,600	0.00	2,900	0.00
26156	1000	55817	0000	Student Travel	0	0.00	7,000	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021					Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
FD	FN	OBJ	JOB	Description				
26156	1000	56118	0000	General Supplies and Materials	3,850	0.00	11,254	0.00
26156	1000			Total: Instruction	7,450	0.00	22,154	0.00
26156				Total: Turner Foundation	7,450	0.00	22,154	0.00
26000				Total: Local Grants	7,450	0.00	22,154	0.00
27000				State Flow-through Grants				
27107				27107 GOB Library				
27107	2000			Support Services				
27107	2200			Support Services-Instruction				
27107	2200	56114	0000	Library And Audio-Visual	6,388	0.00	12,519	0.00
27107	2200			Total: Support Services-Instruction	6,388	0.00	12,519	0.00
27107	2000			Total: Support Services	6,388	0.00	12,519	0.00
27107				Total: 27107 GOB Library	6,388	0.00	12,519	0.00
27000				Total: State Flow-through Grants	6,388	0.00	12,519	0.00
29000				Combined State/Local Grants				
29102				Private Dir Grants (Categorical)				
29102	1000			Instruction				
29102	1000	51300	1411	Additional Compensation: Teachers-Grades 1-12	2,000	0.00	1,966	0.00
29102	1000	52111	0000	Educational Retirement	283	0.00	117	0.00
29102	1000	52112	0000	ERA - Retiree Health	40	0.00	737	0.00
29102	1000	52210	0000	FICA Payments	113	0.00	537	0.00
29102	1000	52220	0000	Medicare Payments	27	0.00	773	0.00
29102	1000	53330	0000	Professional Development	3,090	0.00	4,954	0.00
29102	1000	53711	0000	Other Charges	4,600	0.00	14,200	0.00
29102	1000	55817	0000	Student Travel	162	0.00	61,314	0.00
29102	1000	55915	0000	Other Contract Services	0	0.00	1,326	0.00
29102	1000	56118	0000	General Supplies and Materials	0	0.00	36,700	0.00
29102	1000	57331	0000	Fixed Assets (more than \$5,000)	0	0.00	15,000	0.00
29102	1000			Total: Instruction	10,315	0.00	137,624	0.00
29102	2000			Support Services				
29102	2300			Support Services-General Administration				
29102	2300	53330	0000	Professional Development	0	0.00	1,493	0.00
29102	2300	53711	0000	Other Charges	625	0.00	5,077	0.00
29102	2300	56118	0000	General Supplies and Materials	600	0.00	9,106	0.00
29102	2300			Total: Support Services-General Administration	1,225	0.00	15,676	0.00
29102	2000			Total: Support Services	1,225	0.00	15,676	0.00
29102				Total: Private Dir Grants (Categorical)	11,540	0.00	153,300	0.00
29000				Total: Combined State/Local Grants	11,540	0.00	153,300	0.00
31600				Capital Improvements HB-33				
31600	2000			Support Services				
31600	2300			Support Services-General Administration				
31600	2300	53712	0000	County Tax Collection Costs	27	0.00	0	0.00
31600	2300			Total: Support Services-General Administration	27	0.00	0	0.00
31600	2000			Total: Support Services	27	0.00	0	0.00
31600	4000			Capital Outlay				
31600	4000	54500	0000	Construction Services	0	0.00	6,570	0.00
31600	4000			Total: Capital Outlay	0	0.00	6,570	0.00
31600				Total: Capital Improvements HB-33	27	0.00	6,570	0.00
31701				Capital Improvements SB-9 Local				
31701	2000			Support Services				
31701	2300			Support Services-General Administration				
31701	2300	53712	0000	County Tax Collection Costs	8,075	0.00	8,242	0.00
31701	2300			Total: Support Services-General Administration	8,075	0.00	8,242	0.00
31701	2000			Total: Support Services	8,075	0.00	8,242	0.00
31701	4000			Capital Outlay				
31701	4000	53330	0000	Professional Development	65	0.00	2,500	0.00
31701	4000	54315	0000	Maintenance & Repair - Bldgs/Grnds/Equipment (SB-9)	430,000	0.00	446,398	0.00
31701	4000	54500	0000	Construction Services	530,000	0.00	460,000	0.00
31701	4000	56118	0000	General Supplies and Materials	150,000	0.00	460,000	0.00

State of New Mexico
Public School Operating Budget
Expenditure Detail with Job Class

Budget Name: Cimarron 2020-2021

FD	FN	OBJ	JOB	Description	Estimated Amt	Estimated FTE	Projected Amt	Projected FTE
31701	4000	57312	0000	Buses	27,000	0.00	175,911	0.00
31701	4000			Total: Capital Outlay	1,137,065	0.00	1,544,809	0.00
31701				Total: Capital Improvements SB-9 Local	1,145,140	0.00	1,553,051	0.00
31703				SB-9 State Match Cash				
31703	4000			Capital Outlay				
31703	4000	54500	0000	Construction Services	0	0.00	12,973	0.00
31703	4000			Total: Capital Outlay	0	0.00	12,973	0.00
31703				Total: SB-9 State Match Cash	0	0.00	12,973	0.00
31900				Ed. Technology Equipment Act				
31900	4000			Capital Outlay				
31900	4000	53330	0000	Professional Development	800	0.00	2,000	0.00
31900	4000	53414	0000	Other Services	115,000	0.00	150,000	0.00
31900	4000	54416	0000	Communication Services	6,000	0.00	6,000	0.00
31900	4000	56113	0000	Software	12,000	0.00	15,000	0.00
31900	4000	56118	0000	General Supplies and Materials	124,000	0.00	264,666	0.00
31900	4000	57331	0000	Fixed Assets (more than \$5,000)	325,000	0.00	125,000	0.00
31900	4000			Total: Capital Outlay	582,800	0.00	562,666	0.00
31900				Total: Ed. Technology Equipment Act	582,800	0.00	562,666	0.00
41000				Debt Services				
41000	2000			Support Services				
41000	2300			Support Services-General Administration				
41000	2300	53712	0000	County Tax Collection Costs	4,497	0.00	4,840	0.00
41000	2300			Total: Support Services-General Administration	4,497	0.00	4,840	0.00
41000	2000			Total: Support Services	4,497	0.00	4,840	0.00
41000	5000			Debt Service				
41000	5000	53414	0000	Other Services	540	0.00	1,000	0.00
41000	5000	58214	0000	Debt Service Reserve	0	0.00	519,293	0.00
41000	5000	58311	0000	Bond Principal Payment	380,000	0.00	375,000	0.00
41000	5000	58322	0000	Bond Interest Payment	100,844	0.00	145,425	0.00
41000	5000			Total: Debt Service	481,384	0.00	1,040,718	0.00
41000				Total: Debt Services	485,881	0.00	1,045,558	0.00
43000				Total Ed. Tech. Debt Services Sub-Fund				
43000	2000			Support Services				
43000	2300			Support Services-General Administration				
43000	2300	53712	0000	County Tax Collection Costs	4,902	0.00	4,511	0.00
43000	2300			Total: Support Services-General Administration	4,902	0.00	4,511	0.00
43000	2000			Total: Support Services	4,902	0.00	4,511	0.00
43000	5000			Debt Service				
43000	5000	53414	0000	Other Services	540	0.00	0	0.00
43000	5000	58214	0000	Debt Service Reserve	0	0.00	579,749	0.00
43000	5000	58311	0000	Bond Principal Payment	521,050	0.00	490,000	0.00
43000	5000	58322	0000	Bond Interest Payment	23,583	0.00	11,182	0.00
43000	5000			Total: Debt Service	545,173	0.00	1,080,931	0.00
43000				Total: Total Ed. Tech. Debt Services Sub-Fund	550,075	0.00	1,085,442	0.00
				Total: Expenditure	8,602,681	70.57	10,543,822	68.84

Assurance Statement to be adopted by the board at the board meeting:

A local education agency (LEA) is eligible for assistance under Part B of the Individuals with Disabilities Education Act (IDEA) for a fiscal year if the LEA submits a plan that provides assurances to the State Educational Agency that the LEA meets each of the conditions in 34 CFR §§300.201 through 300.213, including that it has in effect policies and procedures that are consistent with the State's policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174. Authority: 20 U.S.C. 1413(a); 34 CFR § 300.200. The Cimarron Municipal School assures that it has conducted its annual review of Board Policies and Procedures governing special education. The District assures that it has in effect policies and procedures that are consistent with the State's policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174. The District further assures that throughout the period of the grant award, the District will comply with the requirements of the IDEA-B, Subpart C- Local Educational Agency Eligibility.



WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

May 6, 2020

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RE: Walsh Gallegos Handbook of Special Education Procedures – 2020 Updates

Dear Mr. Aguirre and Ms. Aguirre:

I am delighted to provide you with the 2020 Walsh Gallegos Handbook of Special Education Procedures with updates. For your convenience, you are receiving a completely clean updated version as well as a Track Changes version. The updates are reflected in the Track Changes. If you localized your procedures (third column) in 2019, you have two options for updating your procedures to 2020. You can cut and paste the track changes into your old 2019 Handbook or you can localize your new 2020 Handbook.

If you decide to cut and paste the track changes into your old 2019 Handbook, from the Review Tab, you can hit your “next” button to advance to each of the changes, and then copy and paste the changes into your 2020 Handbook. You should also delete the 2019 Index and the 2019 Index of All Hyperlinks and replace them with the updated 2020 .pdf attachments since there are special codes that will not allow these updated versions to be pasted into your old 2020 Handbook.

If you decide to start over with the 2020 Handbook, the instructions for localizing are the same as in the past:

- Items highlighted in **yellow** need to be localized. Once you localize, you can remove the highlights.
- High Plains REC 3 is highlighted so that you can localize with your member districts’ names. The easiest way to do this is to do a search and replace.
- After you have finished making changes, you should refresh the Table of Contents as follows: (1) navigate to the table of contents; (2) click on the table of contents; (3) click where it says “Update Table”; and (4) choose “Update page numbers only.”

- You should not post or distribute the Word version. Instead, once finalized, it should be converted to PDF so that the content cannot be altered. This will not impact the hyperlinks.

Location of Change	Reference of Change	Description of Change
Definitions Used in this Part	NMSA 1978, 22-5-4.12	Added NMAC citation to “restraint” and “seclusion
300.7	ESEA 20 USC 7221i(2)	Revised citation of “charter school”
300.10	Core Academic Subjects	Removed the section
300.18	Highly qualified special education teachers	Removed the IDEA section
300.18	Third Column Procedures	Revised definition of “highly qualified”
300.27	Limited English Proficient	Revised definition and ESEA citation
300.27	Third Column Procedures	Revised definition and ESEA citation
300.35	Scientifically Based research	Removed the section
300.35	Third Column Procedures	Removed the section
300.39	6.29.1.9 NMAC	Revised subsection “G” to “H”
300.39	6.29.1.9 NMAC	Revised subsection “H” to “I”
300.102	“regular high school diploma”(3)(iv)	Revised definition of regular high school diploma and ESEA citation
300.102	6.29.1.9 NMAC	Revised subsection “J” to “K”
300.105	Heading	Updated Hyperlink to index
300.105	IDEA subsection (a)(1)	Revised special education under 300.36 to 300.39
300.105	IDEA subsection(a)(3)	Revised supplementary aides and services under 300.38 to 300.42
300.108	6.29.1.9 NMAC	Revised subsection “J” to “K”
300.111	6.29.1.9 NMAC	Revised subsection “D” to “E”
300.115	IDEA subsection (b)(1)	Revised special education under 300.38 to 300.39
300.116	6.29.1.9 NMAC	Revised subsection “I” to “J”
300.138	IDEA subsection (a)(1)	Removed term “highly qualified” and revised section 300.18 to 300.156(c)
300.138	Third Column Procedures	Removed term” highly qualified” and revised section 300.18 to 300.156 (c)

300.142	Third Column Procedures	Removed term” highly qualified” and revised section 300.18 to 300.156 (c)
300.146	IDEA subsection(b)	Removed citation 300.18
300.151	6.31.2.13 NMAC	Added SEB dissemination requirements under subsection H
300.154	IDEA subsection (b)(1)(i)	Revised supplementary aides and services section 300.41 to 300.42; and transition services section 300.42 to 300.43
300.156	IDEA subsection (c) (1)(i)	Removed “highly qualified” and added special education qualification
300.156	IDEA subsection (d)	Removed “highly qualified” and added special education qualification
300.156	IDEA subsection (e)	Removed “highly qualified” and added special education qualification
300.156	6.61.6.8 NMAC	Added special education licensure
300.157	IDEA subsection (a)(2)	Revised performance goal indicators
300.157	IDEA subsection (b)	Revised interim progress for children
300.160	IDEA subsection (c)(1)	Revised and added alternate academic achievement standards
300.160	6.29.1.9 NMAC	Revised subsection “L” to “M”
300.207	IDEA section	Revised section 2122 to 2102(b) of ESEA
300.207	Third Column	Revised section 2122 to 2102(b) of ESEA
300.306	IDEA subsection (b)(1)(i)	Added language included in 1208(3) of the ESEA
300.320	6.29.1.9 NMAC	Revised subsection “J” to “K”
300.320	6.29.1.9 NMAC	Revised subsection “J” to “K”
300.324	IDEA subsection(d) (2)(ii)	Revised section 300.42 to 300.11
300.324	NMSA 1978, 22-5-4.12	Added 6.11.2.10(E) NMAC citation
300.324	Third Column	Updated Hyperlink
300.503	6.29.1.9 NMAC	Revised subsection “J” to “K”

300.506	Third Column	Updated Hyperlink
300.509	Third Column	Updated Hyperlink
300.530	6.11.2.10 NMAC	Revised subsection “F” to “G” and subsection “G” to “I”
300.530	6.11.2.10 NMAC	Added subsection (I)(5) regarding student not determined eligible
300.530	NMSA 1978, 26-2B	Deleted
300.530	6.12.10.11 NMAC	Added subsections (A-C)
300.530	6.12.10.8 NMAC	Added subsections (1-3)
300.530	Third Column	Revised NMAC citation
300.534	6.11.2.10 NMAC	Revised subsection “G” to “I”
300.535	6.11.2.10 NMAC	Revised subsection “G” to “I”
300.704	IDEA subsection(b)(4)(xi)	Added SEB requirements for technical assistance to LEAs
300.704	IDEA subsection(c)(3)(i)(A)(2)	Revised section 9101 to 8101 of ESEA
Index of citations	Index of citations	Revised all citation changes as required
Index of hyperlinks	Index of all hyperlinks	Updated hyperlinks as required

Thank you for subscribing to the 2020 updates. I hope your Handbook of Procedures becomes an ever-increasing desktop reference and daily tool for you and school personnel within your member districts. If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Lorie A. Gerkey

LORIE A. GERKEY

Enclosures

CIMARRON MUNICIPAL SCHOOLS

Handbook of Special Education Procedures

Updated May 2020

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PURPOSES AND APPLICABILITY

6.31.2.14 NMAC. RULES OF CONSTRUCTION:

- A. U.S. department of education interpretations. The U.S. department of education’s (USDE) interpretations of the provisions of 34 CFR Part 300 as set forth in its Analysis of Comments and Changes to Part 300 at 71 Federal Register 46547-46753 (August 14, 2006), and other interpretations that are published or announced by the USDE in the federal register are recognized as the federal government’s official positions regarding the requirements of the IDEA. Such interpretations shall be followed by the department to the extent that they do not conflict with express provisions of the IDEA or case law from the federal courts.
- B. Uniform Statute and Rule Construction Act. The Uniform Statute and Rule Construction Act, Secs. 12-2A-1 through 20 §applies to the interpretation of 6.31.2 NMAC except to the extent that these rules incorporate permissible variations under the New Mexico version of the Uniform Statute and Rule Construction Act. References in 6.31.2 NMAC to state or federal laws, rules or regulations are intended to incorporate future amendments unless a provision in these rules is irreconcilable with a future amendment under the standards of the Uniform Statute and Rule Construction Act.
- C. Conflicts with state or federal laws or regulations. If any state law, a state rule or regulation adopted by the department or a federal law or regulation grants greater rights to an individual or agency than these rules provide, the provision(s) granting greater rights shall control to the extent necessary to avoid a conflict.

CIMARRON MUNICIPAL SCHOOLS Board Policy along with this Handbook of Procedures constitute the Policies and Procedures of CIMARRON MUNICIPAL SCHOOLS which are designed to be consistent with the State policies and procedures developed pursuant to the IDEA.

The NMPED also provides guidance to local educational agencies in implementing the IDEA. To the extent that the NMPED’s guidance is consistent with the IDEA and does not impose a requirement that is not otherwise imposed by the IDEA without the specific notice required under 34 C.F.R. §300.299(a)(2), CIMARRON MUNICIPAL SCHOOLS will follow the guidance of the NMPED.

CIMARRON MUNICIPAL SCHOOLS Special Education Handbook of Procedures is not be for the purpose of creating a requirement that is not otherwise imposed by the IDEA (and its implementing federal regulations, state statutes and rules) and shall not be construed to create a higher standard. This Handbook of Procedures developed by the Superintendent or at the Superintendent’s direction shall be posted on CIMARRON MUNICIPAL SCHOOLS’s website. CIMARRON MUNICIPAL SCHOOLS Special Education Handbook of Procedures should be interpreted consistent with the IDEA.

CIMARRON MUNICIPAL SCHOOLS Special Education Handbook of Procedures is reviewed and updated, as needed, on at least an annual basis. CIMARRON MUNICIPAL SCHOOLS will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to State policy, or new legal interpretation as are necessary to bring CIMARRON MUNICIPAL SCHOOLS into compliance with the requirements of IDEA.

<p>§ 300.1 Purposes.</p>		
<p>The purposes of this part are—</p> <ul style="list-style-type: none"> (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; (b) To ensure that the rights of children with disabilities and their parents are protected; (c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and (d) To assess and ensure the effectiveness of efforts to educate children with disabilities. <p>(Authority: 20 U.S.C. 1400(d))</p>	<p>6.31.2.2 NMAC. SCOPE:</p> <p>The requirements of these rules are binding on each New Mexico public agency that has direct or delegated authority to provide special education and related services, regardless of whether that agency is receiving funds under the Individuals with Disabilities Education Improvement Act of 2004 and regardless of whether it provides special education and related services directly, by contract or through other arrangements such as referrals by the agency to private schools or facilities. Each public agency is responsible for ensuring that all rights and protections under these rules are afforded to children referred to or placed in private schools or facilities including residential treatment centers, day treatment centers, hospitals, or mental health institutions by that public agency.</p> <p>6.31.2.6 NMAC. OBJECTIVE:</p> <p>The following rule is promulgated to assist New Mexico public agencies in appropriately identifying and providing educational services for children with disabilities and gifted children. The purposes of this rule is (a) to ensure that all children with disabilities and gifted children have available a free appropriate public education which includes special education and related services to meet their unique needs; (b) to ensure that the rights of children with disabilities and gifted children and their parents are protected; (c) to assist public agencies to provide for the education of all children with disabilities and gifted children; and (d) to evaluate and ensure the effectiveness of efforts to educate those children.</p>	<p>CIMARRON MUNICIPAL SCHOOLS maintains systems to ensure that all children with disabilities residing in the District, including children with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education (FAPE).</p> <p>CIMARRON MUNICIPAL SCHOOLS maintains systems to ensure that children with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.</p>

<p>§ 300.2 Applicability of this part to State and local agencies.</p>		
<p>(a) <i>States.</i> This part applies to each State that <i>receives</i> payments under Part B of the Act, as <i>defined</i> in § 300.4.</p> <p>(b) <i>Public agencies within the State.</i> The provisions of this part—</p> <p>(1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including:</p> <p>(i) The State educational agency (SEA).</p> <p>(ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA.</p> <p>(iii) Other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for children with deafness or children with blindness).</p> <p>(iv) State and local juvenile and adult correctional facilities; and</p> <p>(2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B of the Act.</p> <p>(c) <i>Private schools and facilities.</i> Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to children with disabilities—</p> <p>(1) Referred to or placed in private schools and facilities by that public agency; or</p> <p>(2) Placed in private schools by their parents under the provisions of §300.148.</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>J. Children in state-supported educational programs.</p> <p>(1) Children placed or referred by other public agencies.</p> <p>(a) <i>Applicability.</i> The rules in this Paragraph (1) of Subsection J apply to children with disabilities who are being considered for placement in a state-supported educational program or facility by another public agency as a means of providing special education and related services.</p> <p>(b) <i>Responsibility.</i> Each public agency shall ensure that a child with a disability who is being considered for placement in a state-supported educational program by another public agency has all the rights of a related services:</p> <p>(i) in conformance with an IEP;</p> <p>(ii) at no cost to the child’s parents; and</p> <p>(iii) at a school or facility that is accredited by the department or licensed by the New Mexico department of health.</p> <p>(c) <i>Service delivery.</i> With informed parent consent pursuant to 34 CFR Sec. 300.300 and Subsection F of 6.31.2.13 NMAC, and pursuant to the procedures in 34 CFR Sec. 300.304 and Subsection D of 6.31.2.10 NMAC, the state-supported program may conduct such additional evaluations and gather such additional information as it considers necessary to assist the IEP team in making the placement decision. The referring public agency and the receiving state-supported educational program shall be jointly responsible for developing IEPs and ensuring that the child receives a free appropriate public education.</p>	<p>In New Mexico, there are two state-supported educational programs that were created for the express purpose of meeting the needs of students with disabilities in the State.</p> <p>The New Mexico School for the Blind and Visually Impaired (NMSBVI) is a specialized school which provides residential, academic, support, early childhood programs, summer camps and outreach services to the blind and visually impaired students of New Mexico. NMSBVI is an entirely special education school. Today, the main campus is still located on the original site in Alamogordo with an Early Childhood Program and Outreach Program housed in Albuquerque, New Mexico.</p> <p>More information is available on the NMSBVI website.</p> <p>With a long history of serving children and youth who are deaf or hard of hearing, the New Mexico School for the Deaf (NMSD) offers the following programs to the state:</p> <ul style="list-style-type: none"> ■ Preschools and kindergartens - comprehensive and stimulating learning environments for young children ■ Academics - grades 1 through 12, which encompass traditional and elective subjects with a special emphasis on language and literacy development ■ Student Life - a wide range of residential, educational and recreational after-school activities, such as athletics, clubs and life skills development ■ Step*Hi - statewide, family-centered, early intervention services for babies, toddlers and young children ■ Outreach - statewide information and educational support to public schools serving children and youth who are deaf or hard of hearing

<p>(Authority: 20 U.S.C. 1412)</p>	<p>(d) Joint IEPs and interagency agreements. Responsibility for services for children placed in or referred to state-supported educational programs shall be defined by a jointly agreed upon IEP or other written agreement between the referring public agency and the state-supported program.</p> <p>(e) Annual review. At least annually, the referring public agency, the state-supported educational program and the parent shall jointly review the child's IEP and revise it as the joint IEP team deems appropriate.</p> <p>(2) Children enrolled in state-supported educational programs by parents or other public authorities. A state-supported educational program that accepts a child with a disability at the request of a parent or upon the request or order of a noneducational public authority, and without appropriate participation by the public agency that has primary responsibility for serving the child, assumes all responsibility for ensuring the provision of FAPE. The child's LEA or another public agency with educational jurisdiction may agree to share the responsibility pursuant to a joint IEP or other written agreement between the state-supported program, the other agency and, if appropriate, the parent.</p> <p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>K. Children in detention and correctional facilities.</p> <p>(1) If a child with a disability is placed in a juvenile or adult detention or correctional facility, the facility must provide the child with FAPE after the facility learns that the child had been eligible for special education and related services in the last educational placement prior to incarceration or otherwise determines that the child is eligible.</p> <p>...</p>	<p>■ Summer Program - a place where NMSD and non-NMSD students who are deaf or hard of hearing, and in grades 3 – 12, come together in fun, adventurous, academic and non-academic ways</p> <p>More information is available on the NMSD website. New Mexico School for the Deaf</p>
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	<p>(5) A state-supported educational program that serves a juvenile or adult detention or correctional facility shall be responsible for ensuring that FAPE is provided to eligible children in that facility.</p> <p>(6) The local school district in which a detention or correctional facility is located (that is not served by a state-supported educational program) shall be responsible for ensuring that FAPE is made available to eligible children in that facility. A child's LEA of residence or another public agency with educational jurisdiction may agree to share the responsibility pursuant to a written agreement between or among the agencies involved.</p> <p>...</p> <p>L. Children in private schools or facilities.</p> <p>...</p> <p>(6) If not otherwise governed by this rule, the department will determine which school district is responsible for the cost of educating a qualified student in need of special education who has been placed in a private school or facility outside the qualified student's resident school district in accordance with the following procedures.</p> <p>(a) The receiving school district must notify the SEB of the department in writing no later than thirty (30) days after the receiving school district receives notice of the placement. The notice, as described on the department's website, must include: name of student, date of birth of student, date of placement, information regarding the qualified student's resident school district, documentation of placement, including student's IEP, cost of placement, and any other information deemed relevant by the SEB. The receiving school district must provide a copy of the notice to the district identified as the student's resident district.</p> <p>(b) The district identified as the student's resident</p>	
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	<p>district may provide any additional information it deems relevant. Such additional information must be provided no later than 15 days after the resident district receives its copy of the notice described in Subparagraph (a) of this paragraph.</p> <p>(c) No later than 60 days after its receipt of the notice described in Subparagraph (a) of this paragraph, the SEB will issue its determination as to which school district is responsible for the cost of educating the student, together with the amount of any reasonable reimbursement owed to the receiving school district. The SEB may extend the 60 day timeline for good cause.</p>	
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<p>Definitions Used in This Part</p>		
	<p>6.31.2.7 NMAC DEFINITIONS:</p> <p>A. Terms defined by federal laws and regulations. All terms defined in the following federal laws and regulations and any other federally defined terms that are incorporated there by reference are incorporated here for purposes of these rules.</p> <ol style="list-style-type: none"> (1) The Individuals with Disabilities Education Improvement Act of 2004 (IDEA), 20 USC Secs. 1401 and following. (2) The IDEA regulations at 34 CFR Part 300 (governing Part B programs for school-aged children with disabilities), 34 CFR Part 301 (governing programs for preschool children with disabilities). (3) Pursuant to the paperwork reduction provisions of IDEA 20 USC Sec. 1408, all definitions, with the exception of those found in Subsection B of 6.31.2.7 below, contained in the IDEA Parts 300 and 301 at 34 CFR Secs. 300.1 through 300.45, will be adopted by reference. 	<p>CIMARRON MUNICIPAL SCHOOLS utilizes the definitions in the IDEA, its implementing federal regulations, state statutes and rules. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall ensure that personnel are knowledgeable regarding these definitions, and the standards and criteria established through these definitions.</p>

	<p>NMSA 1978, § 22-5-4.12 (2017) [H.B. 75]. Limiting the Use Of Restraint And Seclusion In Schools; Providing for Notice To Parents</p> <p>...</p> <p>I. For the purposes of this section [H.B. 75]:</p> <p>(1) "first responder" means a person based outside of a school who functions within the emergency medical services system and who is dispatched to a school to provide initial emergency aid;</p> <p>(2) "mechanical restraint" means the use of any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove, but "mechanical restraint" does not include mechanical supports or protective devices;</p> <p>(3) "physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort;</p> <p>(4) "restraint" when not otherwise modified means mechanical or physical restraint; 6.11.2.7 NMAC (T)(2018);</p> <p>and</p> <p>(5) "seclusion" means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming." . (6.11.2.7.NMAC (V)(2018))</p>	
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§ 300.4 Act.		
<p><i>Act</i> means the Individuals with Disabilities Education Act, as amended.</p> <p>(Authority: 20 U.S.C. 1400(a))</p>	<p>6.31.2.7 NMAC DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(12) The “IDEA” means the federal Individuals with Disabilities Education Improvement Act of 2004, 20 USC Secs. 1401 and following, including future amendments.</p>	

§ 300.5 Assistive technology device.		
<p><i>Assistive technology device</i> means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.</p> <p>(Authority: 20 U.S.C. 1401(1))</p>		<p>The definition of <i>assistive technology device</i> does not list specific devices, nor would it be practical or possible to include an exhaustive list of assistive technology devices. However, medical devices that are surgically implanted, including those used for breathing, nutrition, and other bodily functions, are excluded from the definition of an <i>assistive technology device</i> in section 602(1)(B) of the Act. The exclusion applicable to a medical device that is surgically implanted includes both the implanted component of the device, as well as its external components. (See 71 Fed. Reg. 46547 (August 14, 2006))</p>

§ 300.6 Assistive technology service.		
<p><i>Assistive technology service</i> means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—</p> <p>(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the</p>		

<p>child in the child’s customary environment;</p> <ul style="list-style-type: none"> (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities; (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (e) Training or technical assistance for a child with a disability or, if appropriate, that child’s family; and (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. <p>(Authority: 20 U.S.C. 1401(2))</p>		
<p>“CFR”. (Not defined in federal regulations; see New Mexico Rules).</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <ul style="list-style-type: none"> B. The following terms shall have the following meanings for purposes of these rules. <ul style="list-style-type: none"> (1) “CFR” means the code of federal regulations, including future amendments. 	

<p>§ 300.7 Charter school.</p>		
<p><i>Charter school</i> has the meaning given the term in section 4310(2) of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 <i>et seq.</i> (ESEA).</p> <p>(Authority: 20 U.S.C. 7221i(2))</p>		

<p>§ 300.8 Child with a disability.</p>		
<p>(a) <i>General.</i></p> <p>(1) <i>Child with a disability</i> means a child evaluated in accordance with §§ 300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.</p> <p>(2)</p> <p>(i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§ 300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.</p> <p>(ii) If, consistent with § 300.39(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.</p> <p>(b) <i>Children aged three through nine experiencing developmental delays. Child with a disability</i> for</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(2) “Child with a disability” means a child who meets all requirements of 34 CFR Sec. 300.8 and who:</p> <p>(a) is aged 3 through 21 or will turn 3 at any time during the school year;</p> <p>(b) has been evaluated in accordance with 34 CFR Secs. 300.304-300.311 and any additional requirements of these or other public education department rules and standards and as having one or more of the disabilities specified in 34 CFR Sec. 300.8 including intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or being developmentally delayed as defined in paragraph (4) below; and who has not received a high school diploma; and</p> <p>(c) at the discretion of each local educational agency and subject to the additional requirements of Paragraph (2) of Subsection F of 6.31.2.10 NMAC, the term “child with a disability” may include a child aged 3 through 9 who is evaluated as being developmentally delayed and who, because of that condition, needs special education and related services.</p>	<p>The NMPED has issued a guidance document titled, New Mexico Technical Evaluation and Assistance Manual: Determining Eligibility for IDEA Part B Special Education Services (, December 2017), available through the NMPED website.</p> <p>For each eligibility category, the Initial Evaluation section in the NM TEAM (December 2017) outlines the assessments, observations, and data that CIMARRON MUNICIPAL SCHOOLS expects the evaluation team to gather throughout the initial evaluation process. This section includes: Highly Recommended Components and Potential Additional Components. The Highly Recommended Components are those components that CIMARRON MUNICIPAL SCHOOLS considers most critical for making an eligibility determination under a specific eligibility category. The Potential Additional Components are those that evaluation teams will most commonly identify as other areas of need for a particular child when considering a specific category. However, CIMARRON MUNICIPAL SCHOOLS reminds evaluation teams that these two lists are not all-inclusive. Each evaluation is unique and should reflect the specific child’s needs as identified by the evaluation team. In addition, CIMARRON MUNICIPAL SCHOOLS reminds evaluation teams that in some cases, standardized measures may not provide the most accurate representation of a child’s abilities or there may not be an appropriate standardized measure for the area being assessed. In these cases, evaluation teams may find that it is necessary to use alternative methods to obtain the data that they need. CIMARRON MUNICIPAL SCHOOLS expect these decisions and their underlying rationale to be clearly documented. With rare exception, CIMARRON MUNICIPAL SCHOOLS expects the evaluation team to include all of</p>

<p>children aged three through nine (or any subset of that age range, including ages three through five), may, subject to the conditions described in §300.111(b), include a child—</p> <ul style="list-style-type: none"> (1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and (2) Who, by reason thereof, needs special education and related services. <p>(c) Definitions of disability terms. The <i>terms</i> used in this definition of a child with a disability are defined as follows:</p> <ul style="list-style-type: none"> (1) <ul style="list-style-type: none"> (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. (ii) Autism does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section. 	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(4) “Developmentally delayed” means a child aged 3 through 9 or who will turn 3 at any time during the school year: with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 per cent below chronological age; and who in the professional judgment of the IEP team and one or more qualified evaluators needs special education and related services in at least one of the following five areas: communication development, cognitive development, physical development, social or emotional development or adaptive development. Use of the developmentally delayed option by individual local educational agencies is subject to the further requirements of Paragraph 2 of Subsection F of 6.31.2.10 NMAC. Local education agencies must use appropriate diagnostic instruments and procedures to ensure that the child qualifies as a child with a developmental delay in accordance with the definition in this paragraph.</p> <p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(5) “Dual discrepancy” means the child does not achieve adequately for the child’s age or to meet grade-level standards established in Standards for Excellence (Chapter 29 of Title 6 of the NMAC); and</p> <ul style="list-style-type: none"> (a) does not make sufficient progress to meet age or grade-level standards; or 	<p>the elements outlined under Highly Recommended Components and to also consider the Potential Additional Components, as appropriate for each individual child. CIMARRON MUNICIPAL SCHOOLS expects a team to document any deviation from these guidelines. (See NM TEAM, December 2017)</p> <p>The report prepared by the group of qualified professionals will address whether the child meets or, in the case of a reevaluation, continues to meet the specific eligibility criteria for the disability or disabilities being evaluated and whether, by reason of the disability or disabilities, the child needs or continues to need special education and related services. Upon completion of the evaluation, the group of qualified professionals and the parent (“the Eligibility Determination Team”) will determine whether the child is eligible for special education services under the IDEA.</p> <p>The NM TEAM (December 2017) contains Initial and Reevaluation Eligibility Determination Forms at the end of each disability category section to guide the Eligibility Determination Team in making an eligibility determination under each of the disability categories. CIMARRON MUNICIPAL SCHOOLS’s Eligibility Determination Team will consider and utilize, as appropriate, the information within these forms including the series of questions. (See NM TEAM, December 2017)</p> <p><u>Developmental Delay</u></p> <p>CIMARRON MUNICIPAL SCHOOLS does use the term developmental delay (DD). An initial evaluation for DD may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); completing direct observations across multiple settings and times; administering and</p>
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<p>(iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.</p> <p>(2) <i>Deaf-blindness</i> means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.</p> <p>(3) <i>Deafness</i> means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.</p> <p>(4)</p> <p>(i) <i>Emotional disturbance</i> means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:</p> <p>(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.</p> <p>(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.</p> <p>(C) Inappropriate types of behavior or feelings under normal circumstances.</p> <p>(D) A general pervasive mood of unhappiness or depression.</p>	<p>(b) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade level standards or intellectual development.</p> <p>(6) "Dyslexia" means a specific learning disability that is neurobiological in origin and that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.</p> <p>NMSA 1978, § 22-13-6 (2019):</p> <p>E. "Dyslexia" means a specific learning disability that is neurobiological in origin and that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.</p> <p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(19)</p> <p>...</p>	<p>analyzing assessment of developmental skills in areas of suspected disability, including one or more of the following: motor skills assessment, assessment of cognitive abilities, speech/language/communication assessment, social/emotional assessment, adaptive behavior information, including the areas of conceptual, social, and practical skills; conducting an assessment of pre-academic skills and/or academic achievement skills; completing multiple direct observations across both structured and unstructured settings and at various times; and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child's present levels of performance. A child with a disability who only needs a related service and not special education is not eligible under IDEA, and is not eligible to receive related services. (See NM TEAM, December 2017) for potential additional components and reevaluation guidance.)</p> <p><u>Autism</u></p> <p>In New Mexico, an operational definition of autism has been developed using a medical model from the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5), with Autism Spectrum Disorder classified under the autism eligibility category for purposes of determining eligibility under Individuals with Disabilities Education Act (IDEA). This broad DSM-5 category and criteria provides valuable descriptive information for evaluators as they attempt to address autism in school settings. However, it is not necessary for an EDT to determine that the child meets the DSM-5 criteria in order to be found eligible for special education and related services under the eligibility category of autism. In addition, CIMARRON MUNICIPAL SCHOOLS expects the evaluation team to be mindful of the fact that they are making an educational, not a medical, determination and that children must also demonstrate a need for special education services in order to be eligible for services</p>
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<p>(E) A tendency to develop physical symptoms or fears associated with personal or school problems.</p> <p>(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.</p> <p>(5) <i>Hearing impairment</i> means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness in this section.</p> <p>(6) <i>Intellectual disability</i> means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance</p> <p>(7) <i>Multiple disabilities</i> means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.</p> <p>(8) <i>Orthopedic impairment</i> means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis,</p>	<p>(b) Speech-language pathology services must meet the following standards to be considered special education:</p> <p>(i) the service is provided to a child who has received appropriate tier I universal screening under Subsection D of 6.29.1.9 NMAC as it may be amended from time to time, before being properly evaluated under 34 CFR Secs. 300.301-300.306 and Subsection D of 6.31.2.10 NMAC;</p> <p>(ii) the IEP team that makes the eligibility determination finds that the child has a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance; and</p> <p>(iii) the speech language pathology service consists of specially designed instruction that is provided to enable the child to have access to the general curriculum and meet the educational standards of the public agency that apply to all children; and</p> <p>(iv) the service is provided at no cost to the parents under a properly developed IEP that meets the requirements of Subsection B of 6.31.2.11 NMAC.</p> <p>NMSA 1978, § 22-13-32 (2019): INTERVENTION FOR STUDENTS DISPLAYING CHARACTERISTICS OF DYSLEXIA.</p> <p>A. Within the course of the 2019-2020 and 2020-2021 school years and in each subsequent school year, all first grade students shall be screened for dyslexia.</p> <p>B. A student whose dyslexia screening demonstrates characteristics of dyslexia and who is having difficulty learning to read, write, spell, understand spoken language or express thoughts clearly shall</p>	<p>under the eligibility category of autism under IDEA (2004). (See NM TEAM, December 2017)</p> <p>An initial evaluation for autism may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); completing direct observations across multiple settings; conducting an assessment of cognitive abilities; completing a systematic review of individual academic achievement performance including formal and informal measures; administering an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented; conducting an adaptive behavior assessment including information in the areas of conceptual, social and practical skills; conducting a speech/language/communication assessment; conducting a sensory processing and motor skills assessment; conducting a social/emotional assessment; gathering autism specific information through the use of an autism instrument; completing a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Deaf-Blindness</u></p> <p>An initial evaluation for deaf-blindness may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical,</p>
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<p>bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).</p> <p>(9) <i>Other health impairment</i> means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—</p> <p>(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and</p> <p>(ii) Adversely affects a child’s educational performance.</p> <p>(10) Specific learning disability—</p> <p>(i) <i>General.</i> Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.</p> <p>(ii) <i>Disorders not included.</i> Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of</p>	<p>receive appropriate classroom interventions or be referred to a student assistance team.</p> <p>C. In accordance with department response to intervention procedures, guidelines and policies, each school district or charter school shall provide timely, appropriate, systematic, scientific, evidence-based interventions prescribed by the student assistance team, with progress monitoring to determine the student’s response or lack of response.</p> <p>D. A parent of a student referred to a student assistance team shall be informed of the parent’s right to request an initial special education evaluation at any time during the school district’s or charter school’s implementation of the interventions prescribed by the student assistance team. If the school district or charter school agrees that the student may have a disability, the student assistance team shall refer the child for an evaluation. The student shall be evaluated within sixty days of receiving the parental consent for an initial evaluation. If the school district or charter school refuses the parent’s request for an initial evaluation, the school district or charter school shall provide written notice of the refusal to the parent, including notice of the parent’s right to challenge the school district’s or charter school’s decision as provided in state and federal law and rules</p> <p>E. Within the course of the 2019-2020 and 2020-2021 school years, every school district and charter school shall develop and implement a literacy professional development plan that includes a detailed framework for structured literacy training by a licensed and accredited or credentialed teacher preparation provider for all elementary school teachers and for training in evidence-based reading intervention for reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia or diagnosed with dyslexia. The plan shall continue to be implemented each school year and may be updated as necessary. The department shall provide lists of recommended teacher professional development</p>	<p>family, and social history, including an interview with the parent(s)/guardian(s); obtaining a current, comprehensive audiological evaluation by a licensed audiologist to determine degree and type of hearing loss, including the assessment of hearing levels (both aided and unaided) and the functional use of hearing; obtaining an eye examination conducted by a licensed eye specialist, such as an ophthalmologist or an optometrist, to determine the presence of an eye condition; completing a functional vision evaluation coordinated by a licensed Teacher(s) of Students with Blindness/Visual Impairment; conducting a speech/language/communication assessment; obtaining a learning media assessment conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment; completing direct observations across multiple settings; completing a systematic review of individual academic achievement, including formal and informal measures; completing a transition assessment, including a functional vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. The eye examination written report (see NM TEAM, December 2017, Appendix B) must include the diagnosis of the eye condition, visual acuity, and recommendations in regard to using prescription lenses. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Hearing Impairment including Deafness</u></p> <p>An initial evaluation for hearing impairment including deafness may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); obtaining a current, comprehensive audiological evaluation by a licensed</p>
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<p>emotional disturbance, or of environmental, cultural, or economic disadvantage.</p> <p>(11) <i>Speech or language impairment</i> means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.</p> <p>(12) <i>Traumatic brain injury</i> means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.</p> <p>(13) <i>Visual impairment including blindness</i> means an impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.</p> <p>(Authority: 20 U.S.C. 1401(3); 1401(30))</p>	<p>materials and opportunities for teachers and school administrators regarding evidence-based reading instruction for students at risk for reading failure and displaying the characteristics of dyslexia.</p> <p>F. School districts and charter schools shall train school administrators and teachers who teach reading to implement appropriate evidence-based reading interventions. School districts and charter schools shall train special education teachers to provide structured literacy training for students who are identified with dyslexia as a specific learning disability and who are eligible for special education services.</p> <p>G. The department shall provide technical assistance for special education diagnosticians and other special education professionals regarding the formal special education evaluation of students suspected of having a specific learning disability, such as dyslexia.</p> <p>H. The department shall adopt rules, standards and guidelines necessary to implement this section.</p>	<p>audiologist to determine degree and type of hearing loss, including the assessment of hearing levels (aided and unaided) and the functional use of hearing; conducting a speech/language/communication assessment; completing a systematic review of individual academic achievement, including formal and informal measures; administering an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented; completing multiple direct observations across both structured and unstructured settings and various times; conducting a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Emotional Disturbance</u></p> <p>CIMARRON MUNICIPAL SCHOOLS expects that the initial eligibility determination under the category of emotional disturbance include the participation of a New Mexico licensed psychologist (clinical or school). (See NM TEAM, December 2017)</p> <p>With respect to the criterion that the student manifest one or more characteristics of emotional disturbance over a long period of time, “a long period of time” is a range of from two to nine months, assuming preliminary interventions have been implemented and proven ineffective during that period. (See OSEP Letter to Anonymous (1989))</p> <p>With respect to the criterion that the student manifest one or more characteristics of emotional disturbance to a “marked degree,” this generally refers to the frequency, duration, or intensity of a student’s emotionally disturbed behavior in comparison to the behavior of peers, and can be indicative of either degree or acuity or</p>
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		<p>pervasiveness. (See OSEP Letter to Anonymous (1989))</p> <p>With respect to the criterion that the emotional disturbance adversely affect educational performance, CIMARRON MUNICIPAL SCHOOLS expects the EDT to determine educational performance on an individual basis including non-academic as well as academic standards as determined by standardized measures. (See OSEP Letter to Lybarger (1990))</p> <p>An initial evaluation for emotional disturbance may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); completing multiple direct observations across both structured and unstructured settings and various times; completing a systematic review of individual academic achievement performance including formal and informal measures; administering an individual academic achievement assessment in the area(s) of suspected disability and for which instruction and intervention has been documented; conducting or reviewing and updating a functional behavioral assessment; conducting or obtaining a psychological evaluation consistent with the area(s) of suspected disability; using rating scales /checklists to collect data about frequency and intensity of behaviors (internalizing or externalizing); completing a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Intellectual Disability</u></p>
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		<p>An initial evaluation for intellectual disability may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); completing multiple direct observations across both structured and unstructured settings and various times; conducting an assessment of cognitive abilities; obtaining adaptive behavior information including the areas of conceptual, social, and practical skills; documenting manifestation of the disability before the age of 18; completing a systematic review of individual academic achievement, including formal and informal measures; administering an individual academic achievement assessment in the areas of suspected disability and for which instruction and intervention have been documented; conducting a speech/language/communication evaluation; conducting a transition assessment, including a vocational evaluation, as appropriate; and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child's present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Multiple Disabilities</u></p> <p>CIMARRON MUNICIPAL SCHOOLS expects that the highly recommended and potential additional components of an initial evaluation be determined by the evaluation team based upon the concomitant disabilities and the guidance provided in the NM TEAM that is specific to those areas of suspected disability and need for special education. (See NM TEAM, December 2017 for reevaluation guidance.)</p> <p><u>Orthopedic Impairment</u></p>
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		<p>An initial evaluation for orthopedic impairment may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); documenting medical diagnosis of a chronic orthopedic impairment (See NM TEAM, December 2017, Appendix B); completing multiple direct observations across both structured and unstructured settings and various times; conducting a motor skills assessment by a licensed occupational therapist, licensed physical therapist, or both; completing a systematic review of individual academic achievement, including formal and informal measures; administering an individual academic achievement assessment in the area(s) of suspected disability and for which instruction and intervention have been documented; conducting a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Other Health Impairment</u></p> <p>The list of acute or chronic health conditions in the definition of other health impairment is not exhaustive, but rather provides examples of problems that children have that could make them eligible for special education and related services under the category of other health impairment. (See 71 Fed. Reg. 46550 (August 14, 2006))</p> <p>IDEA does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has ADD/ADHD. If CIMARRON MUNICIPAL SCHOOLS believes that a</p>
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		<p>medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having ADD/ADHD meets the eligibility criteria of the OHI category, or any other disability category under the IDEA, CIMARRON MUNICIPAL SCHOOLS will ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams (March 14, 1994))</p> <p>If CIMARRON MUNICIPAL SCHOOLS believes that there are other effective methods for determining whether a child suspected of having ADD/ADHD meets the eligibility requirements of the OHI category, then it is permissible for CIMARRON MUNICIPAL SCHOOLS to use qualified personnel other than a licensed physician to conduct the evaluation as long as all of the protections in evaluation procedures are met. (See OSEP Letter to Williams (March 14, 1994))</p> <p>An initial evaluation for other health impairment may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); obtaining documentation from a licensed physician or other qualified health professional, licensed to determine such conditions, that includes a diagnosis of a chronic or acute physical, physiological, or neurological impairment that results in limited strength, vitality, and/or alertness; completing an analysis of individual academic achievement, including formal and informal measures; administering an individual academic achievement assessment in the areas of suspected disability and for which instruction and intervention have been documented; completing direct observations across multiple settings, both structured and unstructured and at various times; if the referral concern being considered is attention, focus, and/or hyperactivity, obtaining behavior rating scales/checklists to collect data about the frequency and intensity of</p>
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		<p>behaviors of concern (internalizing and externalizing), multiple time-sampled classroom observations, and a functional behavioral assessment; conducting a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Specific Learning Disability</u></p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes it must use the State criteria when determining whether a child has a Specific Learning Disability. In the specific learning disability category, CIMARRON MUNICIPAL SCHOOLS expects that evaluation teams adhere to NM TEAM (December 2017) when evaluating a student for a suspected learning disability, as a means of ensuring compliance with State criteria. (See OSEP Letter to Massanari (September 24, 2007); see also OSEP Letter to Zirkel (August 15, 2007).</p> <p>An initial evaluation for a specific learning disability may include (highly recommended): for school aged-children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); completing direct observations across multiple settings, both structured and unstructured and at various times; analyzing observation completed in the child’s learning environments including the general classroom setting, either through the SAT process or as part of the initial evaluation process (the observation must be completed in all areas of difficulty); conducting a comprehensive assessment of cognitive abilities, including verbal and nonverbal skills; gathering and analyzing informal individual academic achievement data, including benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-</p>
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		<p>referenced testing; gathering and analyzing formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, math, written expression, oral expression, and/or listening comprehension; conducting an assessment of cognitive processing skills in the areas related to the suspected area(s) of disability; conducting a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child's present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p>CIMARRON MUNICIPAL SCHOOLS, Shall screen all first grade students for dyslexia. Should the students screening demonstrate characteristics of dyslexia and is having difficulty learning to read, write, spell, understand spoken language or express thoughts clearly CIMARRON MUNICIPAL SCHOOLS shall provide the student appropriate classroom interventions or be referred to a Student assistance team (SAT). (See NMSA 1978, § 22-13-32).</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the District's literacy professional development plan (applicable to all elementary school teachers, reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia or diagnosed with dyslexia) implementing NMSA 1978, § 22-13-32 to ensure students receive evidence-based reading instruction.</p> <p><u>Speech-Language Impairment</u></p> <p>An initial evaluation for a speech-language impairment (speech disorder) may include (highly recommended) : for preschool-aged children, reviewing existing screening data and/or any previously conducted</p>
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		<p>evaluation data and for school-aged children, reviewing and considering complete SAT file; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); conducting a functional communication assessment; assessing intelligibility of speech; administering an oral mechanism/oral motor exam; completing an analysis of a spontaneous speech sample with a focus on areas of concern; conducting a transition assessment, including a vocational evaluation (as indicated); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child's present levels of performance. In addition to the components listed above, the evaluation of articulation may include (highly recommended): assessing stimulability; and completing standardized and/or non-standardized inventory(ies) of speech sounds/phonological processes. In addition to the components listed above, the evaluation of voice may include (highly recommended): completing measures of and/or qualitative descriptions of quality, resonance, pitch, and volume. In addition to the components listed above, the evaluation of fluency may include (highly recommended): completing observations of oral, laryngeal, and respiratory behaviors; and completing a qualitative description of non-measurable aspects of fluency (i.e., coping behaviors, such as circumlocution, starter devices, postponement tactics, or attempts to disguise stuttering and emotional reactions). (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p>An initial evaluation for a speech-language impairment (language disorder) may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); conducting a functional communication assessment; administering standardized</p>
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		<p>and non-standardized assessments of receptive and expressive language in the areas of content (semantics), form (morphology and syntax), and use (pragmatics); completing a systematic review of individual academic achievement, including formal and informal measures; conducting a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Traumatic Brain Injury</u></p> <p>An initial evaluation for traumatic brain injury may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); obtaining medical or historical documentation of a TBI, including premorbid functioning, if available; conducting a speech/language/communication assessment; conducting an assessment of cognitive abilities; completing a systematic review of individual academic achievement, including formal and informal measures; administering an individual academic achievement assessment in the area(s) of suspected disability for which instruction and intervention have been documented; conducting a sensory processing and motor skills assessment; obtaining adaptive behavior information in the areas of conceptual, social, and practical skills; completing multiple direct observations across both structured and unstructured settings and at various times; conducting a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of</p>
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		<p>performance. Specific to this eligibility category, it is vital to obtain any pre-injury information that may be available. This would include information regarding functioning at school, home, and in the community. (See NM TEAM, December 2017 for potential additional components and reevaluation guidance.)</p> <p><u>Visual Impairment</u></p> <p>An initial evaluation for visual impairment may include (highly recommended): for preschool-aged children, reviewing existing screening data and/or any previously conducted evaluation data and for school-aged children, reviewing and considering complete SAT file documentation and existing evaluation data; gathering and analyzing developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s); obtaining an eye examination (within one year) conducted by a licensed eye specialist such as an ophthalmologist or optometrist to determine the presence of an eye condition; conducting a functional vision evaluation by a licensed Teacher(s) of Students with Blindness/Visual Impairment or a certified orientation and mobility specialist; conducting a learning media assessment by a licensed Teacher(s) of Students with Blindness/Visual Impairment; completing multiple direct observations across both structured and unstructured settings and at various times; completing a systematic review of individual academic achievement, including formal and informal measures; administering an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented; completing a transition assessment, including a vocational evaluation (as appropriate); and when an evaluation in any area is unable to be completed using standardized measures, using alternative methods of obtaining data to gather information about the child’s present levels of performance. The eye examination written report (see NM TEAM, December 2017, Appendix B) must include the diagnosis of the eye condition, visual acuity, and recommendations in regard to using prescription lenses.</p>
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		(See NM TEAM, December2017 for potential additional components and reevaluation guidance.)
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<p>§ 300.9 Consent.</p>		
<p><i>Consent</i> means that—</p> <ul style="list-style-type: none"> (a) 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; (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (c) <ul style="list-style-type: none"> (1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. (2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). (3) If the parent revokes consent in writing for their child’s receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child’s education records to remove any references to the child’s receipt of special education and related services because of the revocation of consent. <p>(Authority: 20 U.S.C. 1414(a)(1)(D))</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <ul style="list-style-type: none"> E. Communications in understandable language. Pursuant to 34 CFR Secs. 300.9(a), 300.322(e), 300.503(c) and 300.504(d), each public agency must communicate with parents in understandable language, including the parent’s native language or other mode of communication, unless it is clearly not feasible to do so, if necessary for understanding, in IEP meetings, in written notices and in obtaining consent where consent is required. 	<p>CIMARRON MUNICIPAL SCHOOLS understands that the definition of consent requires a parent to be fully informed of all information relevant to the activity for which consent is sought. CIMARRON MUNICIPAL SCHOOLS further understands that the definition also requires a parent to agree in writing to an activity for which consent is sought. Therefore, whenever consent is used in the regulations, CIMARRON MUNICIPAL SCHOOLS will ensure that the consent is both informed and in writing. (See 71 Fed. Reg. 46551 (August 14, 2006))</p>

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§ 300.11 Day; business day; school day.		
<p>(a) <i>Day</i> means calendar day unless otherwise indicated as business day or school day.</p> <p>(b) <i>Business day</i> means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day, as in § 300.148(d)(1)(ii)).</p> <p>(c)</p> <p>(1) <i>School day</i> means any day, including a partial day that children are in attendance at school for instructional purposes.</p> <p>(2) <i>School day</i> has the same meaning for all children in school, including children with and without disabilities.</p> <p>(Authority: 20 U.S.C. 1221e-3)</p>		

§ 300.12 Educational service agency.		
<p><i>Educational service agency</i> means—</p> <p>(a) A regional public multiservice agency—</p> <p>(1) Authorized by State law to develop, manage, and provide services or programs to LEAs;</p> <p>(2) Recognized as an administrative agency for</p>		

<p>purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State;</p> <p>(b) Includes any other public institution or agency having administrative control and direction over a public elementary school or secondary school; and</p> <p>(c) Includes entities that meet the definition of intermediate educational unit in section 602(23) of the Act as in effect prior to June 4, 1997.</p> <p>(Authority: 20 U.S.C. 1401(5))</p>		
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<p>§ 300.13 Elementary school.</p>		
<p><i>Elementary school</i> means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.</p> <p>(Authority: 20 U.S.C. 1401(6))</p>		

<p>§ 300.14 Equipment.</p>		
<p><i>Equipment</i> means—</p> <p>(a) Machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and</p> <p>(b) All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as</p>		

<p>instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.</p> <p>(Authority: 20 U.S.C. 1401(7))</p>		
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<p>§ 300.15 Evaluation.</p> <p><i>Evaluation</i> means procedures used in accordance with §§ 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.</p> <p>(Authority: 20 U.S.C. 1414(a) (c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will ensure that a child suspected of having one of the enumerated disabilities under the IDEA and needing special education services will be evaluated by a group of qualified professionals. The evaluation will be at no cost to the parent, including any educationally necessary evaluation conducted by a licensed physician to determine the child's medically-related disability that results in the child's need for special education and related services.</p>
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<p>§ 300.16 Excess costs.</p> <p><i>Excess costs</i> means those costs that are in excess of the average annual per-student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate, and that must be computed after deducting—</p> <p>(a) Amounts received—</p> <ol style="list-style-type: none"> (1) Under Part B of the Act; (2) Under Part A of title I of the ESEA; and (3) Under Parts A of title III of the ESEA and; <p>(b) Any State or local funds expended for programs that would qualify for assistance under any of the parts described in paragraph (a) of this section, but</p>		
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<p>excluding any amounts for capital outlay or debt service. (See Appendix A to part 300 for an example of how excess costs must be calculated.)</p> <p>(Authority: 20 U.S.C. 1401(8))</p>		
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<p>§ 300.17 Free appropriate public education.</p> <p><i>Free appropriate public education</i> or <i>FAPE</i> means special education and related services that—</p> <ul style="list-style-type: none"> (a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA, including the requirements of this part; (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324. <p>(Authority: 20 U.S.C. 1401(9))</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(8) A “free appropriate public education (FAPE)” means special education and related services which meet all requirements of 34 CFR Sec. 300.17 and which, pursuant to Sec. 300.17(b), meet all applicable department rules and standards, including but not limited to these rules (6.31.2 NMAC), the Standards for Excellence (6.29.1 NMAC) and department rules governing school personnel preparation, licensure and performance (6.60 NMAC through 6.64 NMAC), student rights and responsibilities (6.11.2 NMAC) and student transportation (6.41.3 and 6.41.4 NMAC).</p> <p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>AS. "Free appropriate public education (FAPE)" means special education and related services that are provided at public expense, under public supervision and direction without charge, which meet the standards of the department in providing appropriate preschool, elementary or secondary education in New Mexico; and which are provided in conformity with an individualized education program (IEP) that meets the</p>	
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	requirements of 34 CFR, Sections 300.320 through 300.324.	
General education curriculum. (Not defined in federal regulations; see New Mexico Rules).	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(9) The “general education curriculum” pursuant to 34 CFR Sec. 300.320, means the same curriculum that a public agency offers for nondisabled children. For New Mexico public agencies whose non-special education programs are subject to department rules, the general curriculum includes the content standards, benchmarks and all other applicable requirements of the Standards for Excellence (Chapter 29 of Title 6 of the NMAC) and any other department rules defining curricular requirements.</p>	

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§ 300.19 Homeless children.		
<i>Homeless children</i> has the meaning given the term <i>homeless children and youths</i> in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 <i>et seq.</i>		<p>CIMARRON MUNICIPAL SCHOOLS will utilize the following definition from the McKinney-Vento Homeless Assistance Act.</p> <p>The term "homeless children and youths" –</p>

<p>(Authority: 20 U.S.C. 1401(11))</p>		<p>(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and</p> <p>(B) includes –</p> <ul style="list-style-type: none"> (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title); (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children (as such term is defined in section 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii). <p>(42 U.S.C. § 11434a)</p>
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<p>§ 300.20 Include.</p>		
<p><i>Include</i> means that the items named are not all of the possible items that are covered, whether like or unlike the ones named.</p>		

(Authority: 20 U.S.C. 1221e-3)		
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§ 300.21 Indian and Indian tribe.		
<p>(a) <i>Indian</i> means an individual who is a member of an Indian</p> <p>(b) <i>Indian tribe</i> means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 <i>et seq.</i>).</p> <p>(c) Nothing in this definition is intended to indicate that the Secretary of the Interior is required to provide services or funding to a State Indian tribe that is not listed in the Federal Register list of Indian entities recognized as eligible to receive services from the United States, published pursuant to Section 104 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a-1.</p> <p>(Authority: 20 U.S.C. 1401(12) and (13))</p>		

§ 300.22 Individualized education program.		
<p><i>Individualized education program</i> or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320 through 300.324.</p> <p>(Authority: 20 U.S.C. 1401(14))</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(11) “Individualized education program” or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in</p>	

	<p>accordance with 34 CFR Secs. 300.320 through 300.324;</p> <p><u>6.29.1.7 NMAC. DEFINITIONS:</u></p> <p>BC. "Individualized education program (IEP)" means a written statement for a student (with a disability) that is developed, reviewed and revised in accordance with 34 CFR, Sections 300.320 through 300.324.</p>	
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§ 300.23 Individualized education program team.		
<p><i>Individualized education program team</i> or <i>IEP Team</i> means a group of individuals described in § 300.321 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.</p> <p>(Authority: 20 U.S.C. 1414(d)(1)(B))</p>		

§ 300.24 Individualized family service plan.		
<p><i>Individualized family service plan</i> or <i>IFSP</i> has the meaning given the term in section 636 of the Act.</p> <p>(Authority: 20 U.S.C. 1401(15))</p>		<p>CIMARRON MUNICIPAL SCHOOLS understands that an IFSP must contain:</p> <ol style="list-style-type: none"> (1) a statement of the infant’s or toddler’s present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria; (2) a statement of the family’s resources, priorities, and concerns relating to enhancing the development of the family’s infant or toddler with a disability; (3) a statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to

		<p>determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary;</p> <p>(4) a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;</p> <p>(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;</p> <p>(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;</p> <p>(7) the identification of the service coordinator from the profession most immediately relevant to the infant’s or toddler’s or family’s needs (or who is otherwise qualified to carry out all applicable responsibilities under this subchapter) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and</p> <p>(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.</p> <p>(20 U.S.C. § 1436)</p>
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<p><u>§ 300.25 Infant or toddler with a disability.</u></p>		
<p><i>Infant or toddler with a disability—</i></p> <p>(a) Means an individual under three years of age who needs early intervention services because the individual—</p> <p>(1) Is experiencing developmental delays, as</p>		

<p>measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or</p> <p>(2) Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay; and</p> <p>(b) May also include, at a State’s discretion—</p> <p>(1) At-risk infants and toddlers; and</p> <p>(2) Children with disabilities who are eligible for services under section 619 and who previously received services under Part C of the Act until such children enter, or are eligible under State law to enter, kindergarten or elementary school, as appropriate, provided that any programs under Part C of the Act serving such children shall include—</p> <p>(i) An educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills; and</p> <p>(ii) A written notification to parents of their rights and responsibilities in determining whether their child will continue to receive services under Part C of the Act or participate in preschool programs under section 619.</p> <p>(Authority: 20 U.S.C. 1401(16) and 1432(5))</p>		
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<p>§ 300.26 Institution of higher education.</p>		
<p><i>Institution of higher education—</i></p> <p>(a) Has the meaning given the term in section 101 of the Higher Education Act of 1965, as amended, 20</p>		

<p>U.S.C. 1021 <i>et seq.</i> (HEA); and</p> <p>(b) Also includes any community college receiving funds from the Secretary of the Interior under the Tribally Controlled Community College or University Assistance Act of 1978, 25 U.S.C. 1801, <i>et seq.</i></p> <p>(Authority: 20 U.S.C. 1401(17))</p>		
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<p>§ 300.27 Limited English proficient.</p>		
<p><i>Limited English proficient</i> has the meaning given the term in English Learner in section 8101 of the ESEA.</p> <p>(Authority: 20 U.S.C. 1401(18))</p>		<p>CIMARRON MUNICIPAL SCHOOLS understands the term “English learner” , when used with respect to an individual, to mean an individual:</p> <p>(A) who is aged 3 through 21;</p> <p>(B) who is enrolled or preparing to enroll in an elementary school or secondary school;</p> <p>(C)</p> <p>(i) who was not born in the United States or whose native language is a language other than English;</p> <p>(ii)</p> <p>(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and</p> <p>(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or</p> <p>(iii) who is migratory, whose native language is a language other than English, and who comes</p>

		<p>from an environment where a language other than English is dominant; and</p> <p>(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual--</p> <ul style="list-style-type: none"> (i) the ability to meet the State's proficient level of achievement on State assessments described in section 6311(b)(3) of the [Elementary and Secondary Education Act]; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. <p>(20 U.S.C. 7801 §)</p>
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<p>§ 300.28 Local educational agency.</p>		
<p>(a) <i>General. Local educational agency or LEA</i> means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.</p> <p>(b) Educational service agencies and other public institutions or agencies. The term includes—</p> <ul style="list-style-type: none"> (1) An educational service agency, as defined in § 300.12; and (2) Any other public institution or agency having administrative control and direction of a public 	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(10) “LEA” means a local educational agency as defined in 34 CFR Sec. 300.28.</p> <p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>BF. "Local educational agency (LEA)" means a local educational agency as defined in 34 CFR Sec. 300.28. The LEA may be a public school district, a state-chartered charter school or a state educational institution.</p>	<p>CIMARRON MUNICIPAL SCHOOLS recognizes that it is a local educational agency (LEA) under the IDEA.</p>

<p>elementary school or secondary school, including a public nonprofit charter school that is established as an LEA under State law.</p> <p>(c) <i>BIA funded schools.</i> The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs, and not subject to the jurisdiction of any SEA other than the Bureau of Indian Affairs, but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the Act with the smallest student population.</p> <p>(Authority: 20 U.S.C. 1401(19))</p>		
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<p><u>§ 300.29 Native language.</u></p> <p>(a) <i>Native language</i>, when used with respect to an individual who is limited English proficient, means the following:</p> <ol style="list-style-type: none"> (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a)(2) of this section. (2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning 		
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<p>environment.</p> <p>(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).</p> <p>(Authority: 20 U.S.C. 1401(20))</p>		
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<p>NMAC.</p>		
<p>(Not defined in federal regulations; see New Mexico Rules).</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(13) “NMAC” means the New Mexico administrative code, including future amendments.</p>	

<p>NMSA 1978.</p>		
<p>(Not defined in federal regulations; see New Mexico Rules).</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(14) “NMSA 1978” means the 1978 Compilation of New Mexico Statutes Annotated, including future amendments.</p>	

<p><u>§ 300.30 Parent.</u></p> <p>(a) <i>Parent</i> means—</p> <ol style="list-style-type: none"> (1) A biological or adoptive parent of a child; (2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent; (3) A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or (5) A surrogate parent who has been appointed in accordance with § 300.519 or section 639(a)(5) of the Act. <p>(b)</p> <ol style="list-style-type: none"> (1) Except as provided in paragraph (b)(2) of this section, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of this section to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. (2) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) of this section to act as the “parent” of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the “parent” for purposes of this section. 	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(15) “Parent” includes, in addition to the persons specified in 34 CFR Sec. 300.30, a child with a disability who has reached age 18 and for whom there is no court-appointed general guardian, limited guardian or other court-appointed person who has legal custody or has otherwise been authorized by a court to make educational decisions on the child’s behalf as provided in Subsection K of 6.31.2.13 NMAC. Pursuant to 34 CFR Sec. 300.519 and department policy, a foster parent of a child with a disability may act as a parent under Part B of the IDEA if: (i) the foster parent or the state children, youth and families department (CYFD) provides appropriate documentation to establish that CYFD has legal custody and has designated the person in question as the child’s foster parent; and (ii) the foster parent is willing to make the educational decisions required of parents under the IDEA; and has no interest that would conflict with the interests of the child. A foster parent who does not qualify under the above requirements but who meets all requirements for a surrogate parent under 34 CFR Sec. 300.519 may be appointed as a surrogate if the public agency responsible for making the appointment deems such action appropriate. (See Subsection J of 6.31.2.13 NMAC.)</p>	<p>CIMARRON MUNICIPAL SCHOOLS understands the phrase “attempting to act as a parent” generally to refer to situations in which an individual attempts to assume the responsibilities of a parent under the IDEA. An individual may “attempt to act as a parent” under the IDEA in many situations; for example, if an individual provides consent for an evaluation or reevaluation, or attends an IEP Team meeting as the child’s parent. (See 71 Fed. Reg. 46567 (August 14, 2004))</p>
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(Authority: 20 U.S.C. 1401(23))		
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§ 300.31 Parent training and information center.		
<i>Parent training and information center</i> means a center assisted under sections 671 or 672 of the Act.		
(Authority: 20 U.S.C. 1401(25))		

§ 300.32 Personally identifiable.		
<i>Personally identifiable</i> means information that contains—		
<ul style="list-style-type: none"> (a) The name of the child, the child’s parent, or other family member; (b) The address of the child; (c) A personal identifier, such as the child’s social security number or student number; or (d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. 		
(Authority: 20 U.S.C. 1415(a))		

§ 300.33 Public agency.		
<i>Public agency</i> includes the SEA, LEAs, ESAs, nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and	6.31.2.7 NMAC. DEFINITIONS:	
	B. The following terms shall have the following meanings	

<p>any other political subdivisions of the State that are responsible for providing education to children with disabilities.</p> <p>(Authority: 20 U.S.C. 1412(a)(11))</p>	<p>for purposes of these rules.</p> <p>...</p> <p>(7) The “educational jurisdiction” of a public agency includes the geographic area, age range and all facilities including residential treatment centers, day treatment centers, hospitals, mental health institutions, juvenile justice facilities, state supported schools, or programs within which the agency is obligated under state laws, rules or regulations or by enforceable agreements including joint powers agreements (JPA) or memoranda of understanding (MOU) to provide educational services for children with disabilities. In situations such as transitions, transfers and special placements, the educational jurisdiction of two or more agencies may overlap and result in a shared obligation to ensure that a particular child receives all the services to which the child is entitled.</p> <p>...</p> <p>(20) A “state-supported educational program” means a publicly funded program that:</p> <ul style="list-style-type: none"> (a) provides special education and related services to children with disabilities who come within the program’s educational jurisdiction; (b) is operated by, or under contractual arrangements for, a state school, state educational institution or other state institution, state hospital or state agency; and (c) is primarily funded through direct legislative appropriations or other direct state support to a public agency other than a local school district. 	
<p>“Puente para los niños fund” (Not defined in federal regulations; see New Mexico Rules).</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p>	

	<p>(16) “Puente para los niños fund” in New Mexico means a risk pool fund to support high cost students with disabilities identified by LEAs pursuant to 34 CFR Sec. 300.704(e)(3)(i).</p>	
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<p>§ 300.34 Related services.</p>		
<p>(a) <i>General. Related services</i> means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.</p> <p>(b) <i>Exception; services that apply to children with surgically implanted devices, including cochlear implants.</i></p> <p>(1) Related services do not include a medical device that is surgically implanted, the optimization of that device’s functioning (e.g., mapping), maintenance of that device, or the replacement of that device.</p> <p>(2) Nothing in paragraph (b)(1) of this section—</p> <p>(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be</p>		<p>CIMARRON MUNICIPAL SCHOOLS understands that the list of related services in the IDEA is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education. (See 71 Fed. Reg. 46569 (August 14, 2006))</p>

<p>necessary for the child to receive FAPE.</p> <ul style="list-style-type: none"> (ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or (iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in §300.113(b). <p>(c) <i>Individual related services terms defined.</i> The terms used in this definition are defined as follows:</p> <ul style="list-style-type: none"> (1) <i>Audiology</i> includes— <ul style="list-style-type: none"> (i) Identification of children with hearing loss; (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; (iv) Creation and administration of programs for prevention of hearing loss; (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and (vi) Determination of children’s needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of 		
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<p>amplification.</p> <p>(2) <i>Counseling services</i> means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.</p> <p>(3) <i>Early identification and assessment of disabilities in children</i> means the implementation of a formal plan for identifying a disability as early as possible in a child's life.</p> <p>(4) <i>Interpreting services</i> includes—</p> <p>(i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and</p> <p>(ii) Special interpreting services for children who are deaf-blind.</p> <p>(5) <i>Medical services</i> means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.</p> <p>(6) <i>Occupational therapy</i>—</p> <p>(i) Means services provided by a qualified occupational therapist; and</p> <p>(ii) Includes—</p> <p>(A) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;</p> <p>(B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and</p>		
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<p>(C) Preventing, through early intervention, initial or further impairment or loss of function.</p> <p>(7) Orientation <i>and mobility services</i>—</p> <p>(i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and</p> <p>(ii) Includes teaching children the following, as appropriate:</p> <p>(A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);</p> <p>(B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;</p> <p>(C) To understand and use remaining vision and distance low vision aids; and</p> <p>(D) Other concepts, techniques, and tools.</p> <p>(8)</p> <p>(i) <i>Parent counseling and training</i> means assisting parents in understanding the special needs of their child;</p> <p>(ii) Providing parents with information about</p>		
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<p>child development; and</p> <p>(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.</p> <p>(9) <i>Physical therapy</i> means services provided by a qualified physical therapist.</p> <p>(10) <i>Psychological services</i> includes—</p> <p>(i) Administering psychological and educational tests, and other assessment procedures;</p> <p>(ii) Interpreting assessment results;</p> <p>(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;</p> <p>(iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;</p> <p>(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and</p> <p>(vi) Assisting in developing positive behavioral intervention strategies.</p> <p>(11) <i>Recreation</i> includes—</p> <p>(i) Assessment of leisure function;</p> <p>(ii) Therapeutic recreation services;</p> <p>(iii) Recreation programs in schools and community agencies; and</p> <p>(iv) Leisure education.</p> <p>(12) <i>Rehabilitation counseling services</i> means</p>		
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<p>services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 <i>et seq.</i></p> <p>(13) <i>School health services and school nurse services</i> means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.</p> <p>(14) <i>Social work services in schools</i> includes—</p> <ul style="list-style-type: none"> (i) Preparing a social or developmental history on a child with a disability; (ii) Group and individual counseling with the child and family; (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and (v) Assisting in developing positive behavioral intervention strategies. <p>(15) <i>Speech-language pathology services</i> includes—</p>		
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<ul style="list-style-type: none"> (i) Identification of children with speech or language impairments; (ii) Diagnosis and appraisal of specific speech or language impairments; (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments; (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments. <p>(16) <i>Transportation</i> includes—</p> <ul style="list-style-type: none"> (i) Travel to and from school and between schools; (ii) Travel in and around school buildings; and (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability. <p>(Authority: 20 U.S.C. 1401(26))</p>		
<p>“SAT” (Not defined in federal regulations; see New Mexico Rules).</p>	<p><u>6.29.1.7 NMAC. DEFINITIONS:</u></p> <p>CM. "Student assistance team (SAT)" is a school-based group of people whose purpose is to provide additional tier II support (consistent with requirements of the three-tier model of student intervention provided in</p>	

	<p>Subsection D of 6.29.1.9 NMAC) to students who are experiencing academic or behavioral difficulties that are preventing them from benefiting from general education, because they are either performing below or above expectations. (Public agencies may have similar names used for this team, such as "student success team" or "student support team.")</p> <p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(17) “SAT” means the student assistance team, which is a school-based group of people whose purpose is to provide additional educational support to students who are experiencing difficulties that are preventing them from benefiting from general education.</p>	
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<p>§ 300.36 Secondary school.</p>		
<p><i>Secondary school</i> means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.</p> <p>(Authority: 20 U.S.C. 1401(27))</p>		

<p>§ 300.37 Services plan.</p>		
<p><i>Services plan</i> means a written statement that describes the special education and related services the LEA will provide to a parentally- placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with § 300.132, and is developed and implemented in accordance with §§300.137 through 300.139.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>		

<p>§ 300.38 Secretary.</p>		
<p><i>Secretary</i> means the Secretary of Education.</p> <p>(Authority: 20 U.S.C. 1401(28))</p>		

<p>§ 300.39 Special education.</p>		
<p>(a) <i>General.</i></p> <p>(1) <i>Special education</i> means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—</p> <p>(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and</p> <p>(ii) Instruction in physical education.</p> <p>(2) <i>Special education</i> includes each of the</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(19) “Special education” means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.</p>	

<p>following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—</p> <ul style="list-style-type: none"> (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards; (ii) Travel training; and (iii) Vocational education. <p>(b) <i>Individual special education terms defined.</i> The terms in this definition are defined as follows:</p> <ul style="list-style-type: none"> (1) <i>At no cost</i> means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program. (2) <i>Physical education</i> means— <ul style="list-style-type: none"> (i) The development of— <ul style="list-style-type: none"> (A) Physical and motor fitness; (B) Fundamental motor skills and patterns; and (C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and (ii) Includes special physical education, adapted physical education, movement education, and motor development. (3) <i>Specially designed instruction</i> means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction— <ul style="list-style-type: none"> (i) To address the unique needs of the child that result from the child’s disability; and 	<ul style="list-style-type: none"> (a) As authorized by 34 CFR Sec. 300.8(a)(2)(ii) and 300.39(a)(2)(i), “special education” in New Mexico may include speech-language pathology services. (b) Speech-language pathology services must meet the following standards to be considered special education: <ul style="list-style-type: none"> (i) the service is provided to a child who has received appropriate tier I universal screening under Subsection D of 6.29.1.9 NMAC as it may be amended from time to time, before being properly evaluated under 34 CFR Secs. 300.301-300.306 and Subsection D of 6.31.2.10 NMAC; (ii) the IEP team that makes the eligibility determination finds that the child has a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance; and (iii) the speech language pathology service consists of specially designed instruction that is provided to enable the child to have access to the general curriculum and meet the educational standards of the public agency that apply to all children; and (iv) the service is provided at no cost to the parents under a properly developed IEP that meets the requirements of Subsection B of 6.31.2.11 NMAC. (c) If all of the above standards are met, the service will be considered as special education rather than a related service. (d) Student/staff caseloads shall meet the requirements of Paragraphs (1) and (2) of Subsection H of 6.29.1.9 NMAC. 	
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<p>(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.</p> <p>(4) <i>Travel training</i> means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—</p> <p>(i) Develop an awareness of the environment in which they live; and</p> <p>(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).</p> <p>(5) <i>Vocational education</i> means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.</p> <p>(Authority: 20 U.S.C. 1401(29))</p>	<p>6.29.1.11 NMAC. PROGRAM REQUIREMENTS:</p> <p>F. Special education. Special education is specially-designed instruction that is provided at no cost to parents to meet the unique needs of a student with a disability, as defined in the IDEA regulations (34 CFR Part 300 and state special education regulations (6.31.2 NMAC). Special education programs shall:</p> <ol style="list-style-type: none"> (1) provide specially-designed instruction in career and technical education and travel training for students whose IEPs require such services; (2) provide instruction to students placed on homebound services as per their IEP; and (3) provide instruction in state-supported educational programs, hospitals, institutions and other settings. As set forth in the state special education regulations at Paragraph (15) of Subsection C of 6.31.2.7 NMAC, special education may include speech-language pathology services consisting of specially-designed instruction that is provided to enable a student with a disability, as recognized under IDEA, to have access to the general curriculum and to meet the educational standards of the public agency that apply to all children; (4) provide instruction, in accordance with Section 22-13-1 (D) NMSA 1978, for the unique needs of gifted and talented students; (5) be assessed as part of the EPSS process; and (6) support the local curriculum and EPSS. <p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>W. "Caseload" means the total number of students receiving special education and speech-only services as special education, for whom a special education teacher or speech language pathologist has responsibility for developing and monitoring the students' IEPs. "Caseload" may also mean the number of students for which individual support services staff members are responsible.</p>	
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	<p>...</p> <p>AB. "Class load" means the number of students for whom a teacher structures activities at a given time.</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>H. Class loads. Class loads shall be in compliance with the most current class load requirements in Section 22-10A-20 NMSA 1978 and Section 22-5-15 NMSA 1978.</p> <p>...</p> <p>(5) Students receiving special education services integrated into a regular classroom for any part of the day shall be counted in the calculation of class load averages. Students receiving special education services not integrated into the regular classroom shall not be counted in the calculation of class load averages. Only classroom teachers charged with responsibility for the regular classroom instructional program shall be counted in determining average class loads. In elementary schools offering only one grade level, average class loads may be calculated by averaging appropriate grade levels between schools in the school district.</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>I. Student/staff caseloads in gifted and special education.</p> <p>(1) The student/staff caseload shall not exceed 35:1 for a special education teacher and 60:1 for a speech-language pathologist for special education services or speech-only services, in which properly licensed special education teachers or speech-language pathologists travel from class to class or school to school, providing services to students with disabilities whose individualized education programs (IEPs) require a minimal amount of special education. (A minimal amount of special education</p>	
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	<p>services shall not exceed 10 percent of the school day/week.)</p> <p>(2) The student/staff caseload shall not exceed 24:1 for a special education teacher and 35:1 for a speech-language pathologist for special education services or speech-only services which properly-licensed special education teachers or speech-language pathologists provide to students with disabilities whose IEPs require a moderate amount of special education. (A moderate amount of special education services shall be less than 50 percent of the school day.)</p> <p>(3) The student/staff caseload shall not exceed 15:1 for special education services in which properly licensed special education teachers provide services to students with disabilities whose IEPs require an extensive amount of special education for a portion of the school day as appropriate to implement the plan. (An extensive amount of special education services shall be provided 50 percent or more of the school day.)</p> <p>(4) The student/staff caseload shall not exceed 8:1 for special education services in which a properly licensed professional provides services to students with disabilities whose IEPs require a maximum amount of special education. (A maximum amount of special education services shall be provided in an amount approaching a full school day.)</p> <p>(5) The student/adult caseload shall not exceed 4:1 for center-based special education services in which one of the adults in the program is a properly licensed professional providing three- and four-year old children with the amount of special education needed to implement each child's IEP.</p> <p>(6) The student/adult caseload shall not exceed 2:1 for center-based special education services in which three- and four-year old children have profound educational needs.</p>	
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	<p>(7) Adequate student/staff caseloads shall be provided to appropriately address needs identified in the IEPs. Paraprofessionals and assistants who are appropriately trained and supervised in accordance with applicable department licensure rules or written department policy may be used to assist in the provision of special education and related services to students with disabilities under Part B of IDEA.</p> <p>(8) If the student/staff caseload ratio exceeds the standards provided above, a request for waiver shall be submitted to the department for review and approval by the secretary.</p>	
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<p>§ 300.40 State.</p>		
<p><i>State</i> means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.</p> <p>(Authority: 20 U.S.C. 1401(31))</p>		

<p>§ 300.41 State educational agency.</p>		
<p><i>State educational agency</i> or <i>SEA</i> means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.</p> <p>(Authority: 20 U.S.C. 1401(32))</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(3) “Department” means the public education department.</p> <p>...</p> <p>(18) “SEB” means the special education bureau of the public education department.</p>	

§ 300.42 Supplementary aids and services.		
<p><i>Supplementary aids and services</i> means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§ 300.114 through 300.116.</p> <p>(Authority: 20 U.S.C. 1401(33))</p>		

§ 300.43 Transition services.		
<p>(a) <i>Transition services</i> means a coordinated set of activities for a child with a disability that—</p> <p>(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;</p> <p>(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—</p> <p>(i) Instruction;</p> <p>(ii) Related services;</p>	<p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>CP. "Transition" means the goal of creating a seamless transition from one part of the educational system to the next.</p> <p>CQ. "Transition plan" means a coordinated set of activities for a student with a disability, which specifies special education and related services designed to meet a student's unique needs and to prepare the student for future education, employment and independent living. The use of individualized educational program (IEP) transition planning, graduation planning and post-secondary transitions is described in Subparagraph (a) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC.</p>	<p>The definition of transition is written broadly to include a range of services, including vocational and career training that are needed to meet the individual needs of a child with a disability. CIMARRON MUNICIPAL SCHOOLS expects that IEP Teams will make decisions regarding transition services on the basis of the child's individual needs, taking into account the child's strengths, preferences, and interests. As with all special education and related services, the student's IEP Team determines the transition services that are needed to provide a FAPE to a child with a disability based on the needs of the child, and not on the disability category or severity of the disability. (See 71 Fed. Reg. 46579 (August 14, 2006))</p>

<p>(iii) Community experiences;</p> <p>(iv) The development of employment and other post- school adult living objectives; and</p> <p>(v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.</p> <p>(b) <i>Transition services</i> for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.</p> <p>(Authority: 20 U.S.C. 1401(34))</p>		
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<p>§ 300.44 Universal design.</p>		
<p><i>Universal design</i> has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.</p> <p>(Authority: 20 U.S.C. 1401(35))</p>		
<p>“USC” (Not defined in federal regulations; see New Mexico Rules).</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(21) “USC” means the United States code, including future amendments.</p>	

<p><u>§ 300.45 Ward of the State.</u></p> <p>(a) <i>General.</i> Subject to paragraph (b) of this section, <i>ward of the State</i> means a child who, as determined by the State where the child resides, is—</p> <ol style="list-style-type: none"> (1) A foster child; (2) A ward of the State; or (3) In the custody of a public child welfare agency. <p>(b) <i>Exception.</i> Ward of the State does not include a foster child who has a foster parent who meets the definition of a <i>parent</i> in § 300.30.</p> <p>(Authority: 20 U.S.C. 1401(36))</p>		
	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>E. The definitions in Subsection E apply only to Section 13, Subsection I (additional rights of parents, students, and public agencies - due process hearings).</p> <ol style="list-style-type: none"> (1) "Expedited hearing" means a hearing that is available on request by a parent or a public agency under 34 CFR Secs. 300.532(c) and is subject to the requirements of 34 CFR Sec. 300.532(c). (2) "Gifted services" means special education services to gifted children as defined in Subsection A of 6.31.2.12 NMAC. (3) "Transmit" means to mail, send by electronic mail or telecopier (facsimile machine) or hand deliver a written notice or other document and obtain written proof of delivery by one of the following means: <ol style="list-style-type: none"> (a) an electronic mail system's confirmation of a completed transmission to an e-mail address that is shown to be valid for the individual to whom the transmission was sent; (b) a telecopier machine's confirmation of a completed transmission to a number which is 	

	<p>shown to be valid for the individual to whom the transmission was sent;</p> <ul style="list-style-type: none"> (c) a receipt from a commercial or government carrier showing to whom the article was delivered and the date of delivery; (d) a written receipt signed by the secretary of education or designee showing to whom the article was hand-delivered and the date delivered; or (e) a final decision to any party not represented by counsel for a due process hearing by the U.S. postal service, certified mail, return receipt requested, showing to whom the articles was delivered and the date of delivery. 	
	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>F. The definitions in Subsection F apply only to Section 9, Subsection B (public agency funding and staffing) and Section 11, Subsection L (children in private schools or facilities):</p> <ul style="list-style-type: none"> (1) "Qualified student" means, pursuant to Paragraph (1) of Subsection A of Section 22-13-8 NMSA 1978, a public school student who: <ul style="list-style-type: none"> (a) has not graduated from high school; (b) is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students; and (c) in terms of age: <ul style="list-style-type: none"> (i) is at least five years of age prior to 12:01 a.m. on September 1 of the school year or will be five years of age prior to 12:01 a.m. on September 1 of the school year if the student is enrolled in a public school extended-year kindergarten program that begins prior to the start of the regular school year; 	

	<ul style="list-style-type: none"> (ii) is at least three years of age at any time during the school year and is receiving special education pursuant to rules of the department; or (iii) has not reached the student's twenty-second birthday on the first day of the school year and is receiving special education in accordance with federal law. <p>(2) "School-age person" means, pursuant to Paragraph (2) of Subsection A of Section 22-13-8 NMSA 1978, a person who is not a qualified student but who meets the federal requirements for special education and who:</p> <ul style="list-style-type: none"> (a) will be at least three years old at any time during the school year; (b) is not more than twenty-one years of age; and (c) has not received a high school diploma or its equivalent. <p>NMSA 1978, 22-1-2 Definitions.- - as used in the Public School Code:</p> <p>---</p> <p>O. "school-age person" means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year, who has not received a high school diploma or its equivalent and who has not reached the person's twenty-second birthday on the first day of the school year and meets other criteria provided in the Public School Finance Act.</p>	
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<p>SUBPART B—STATE ELIGIBILITY</p>		
<p>GENERAL</p>		
<p>§ 300.100 Eligibility for assistance.</p>		
<p>A State is eligible for assistance under Part B of the Act for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets the</p>		

<p>conditions in §§ 300.101 through 300.176.</p> <p>(Authority: 20 U.S.C. 1412(a))</p>		
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<p>FAPE Requirements</p>		
<p>§ 300.101 Free appropriate public education (FAPE).</p>		
<p>(a) <i>General.</i> A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in § 300.530(d).</p> <p>(b) FAPE for children beginning at age 3.</p> <p>(1) Each State must ensure that—</p> <p>(i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child’s third birthday; and</p> <p>(ii) An IEP or an IFSP is in effect for the child by that date, in accordance with § 300.323(b).</p> <p>(2) If a child’s third birthday occurs during the summer, the child’s IEP Team shall determine the date when services under the IEP or IFSP will begin.</p> <p>(c) <i>Children advancing from grade to grade.</i></p> <p>(1) Each State must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing</p>	<p>6.31.2.8 NMAC. RIGHT TO A FREE APPROPRIATE PUBLIC EDUCATION (FAPE):</p> <p>A. All children with disabilities aged 3 through 21 or who will turn 3 at any time during the school year who reside in New Mexico, including children with disabilities who have been suspended or expelled from school, have the right to a free appropriate public education that is made available by one or more public agencies in compliance with all applicable requirements of 34 CFR Secs. 300.101 and 300.120 and these or other department rules and standards. Children with disabilities who are enrolled in private schools have the rights provided by 34 CFR Secs. 300.129-300.148 and Subsection L of 6.31.2.11 NMAC.</p> <p>B. Only children who meet the criteria in these rules may be included in calculating special education program units for state funding and counted as eligible children for federal flow-through funds under Part B of the IDEA.</p> <p>6.31.2.11 EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>A. Preschool programs for children aged 3 through 5.</p>	

<p>from grade to grade.</p> <p>(2) The determination that a child described in paragraph (a) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.</p> <p>(Authority: 20 U.S.C. 1412(a)(1)(A))</p>	<p>(1) Each public agency shall ensure that a free appropriate public education is available for each preschool child with a disability within its educational jurisdiction no later than the child's third birthday and that an individualized education program (IEP) under Part B or an individual family services plan (IFSP) under Part C of the IDEA is in effect by that date in compliance with 34 CFR Secs. 300.101, 300.124 and 300.323(b).</p> <p>(2) Eligibility to enroll in Part B preschool program.</p> <p>(a) If a child turns three at any time during the school year and is determined to be eligible under Part B, the child may enroll in a Part B preschool program when the child turns three if the parent so chooses, whether or not the child has previously been receiving Part C services.</p> <p>(b) Notwithstanding subparagraph (a) of this paragraph, if a child turns three at any time prior to July 1, 2012 and is enrolled in a Part C program, the parent has the option of having the child complete the remainder of the school year in early intervention services or, if the child is determined to be eligible under Part B, enrolling the child in a Part B preschool program.</p> <p>(3) To ensure effective transition from IDEA Part C programs to IDEA Part B programs, each public agency must conduct a full and individual initial comprehensive evaluation, at no cost to the parent, and in compliance with requirements of 34 CFR Secs. 300.300, 300.301, 300.302, 300.304 and 300.305 and other department rules and standards before the initial provision of Part B special education and related services to a child with a disability.</p> <p>(a) The initial comprehensive evaluation process shall be conducted in all areas of suspected disability.</p>	
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	<p>(b) The Part B eligibility determination team shall review current assessments and shall determine the additional data and assessments needed for the comprehensive evaluation. Current assessments are defined as assessments, other than medical assessments, conducted no more than six months prior to the date of the meeting of the Part B eligibility determination team.</p> <p>(c) The Part B eligibility determination team must consider educationally relevant medical assessments as part of the review of existing evaluation data. The determination of eligibility may not be made solely on the basis of medical assessments. If the team considers medical assessments conducted more than six months prior to the date of the meeting, the team must document the appropriateness of considering such medical assessments.</p> <p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>A. Preschool programs for children aged 3 through 5. ...</p> <p>(5) In particular: ...</p> <p>(h) In compliance with 34 CFR Sec. 300.101(b)(2), if a child's birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin. Each public agency must engage in appropriate planning with the Part C lead agency so that the eligible child will be prepared to receive Part B special education and related services when the IEP team determines that the services under the IEP or IFSP will begin.</p>	
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<p>§ 300.102 Limitation—exception to FAPE for certain ages.</p> <p>(a) <i>General.</i> The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:</p> <p>(1) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children of those ages.</p> <p>(2)</p> <p>(i) Children aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility—</p> <p>(A) Were not actually identified as being a child with a disability under § 300.8; and</p> <p>(B) Did not have an IEP under Part B of the Act.</p> <p>(ii) The exception in paragraph (a)(2)(i) of this section does not apply to children with disabilities, aged 18 through 21, who—</p> <p>(A) Had been identified as a child with a disability under § 300.8 and had received services in accordance with an IEP, but who left school prior to their incarceration; or</p> <p>(B) Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability under § 300.8.</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>G. Graduation planning and post-secondary transitions.</p> <p>...</p> <p>(6) Students eligible for special education services are entitled to a FAPE through age 21. If a student turns 22 during the school year, that student shall be allowed to complete the school year and shall continue to receive special education and related services during that school year. If the student turns 22 prior to the first day of the school year, the student is no longer eligible to receive special education and related services.</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>K. Graduation requirements.</p> <p>(13) Graduation requirements for issuance of a conditional certificate of transition for students with an IEP. The development of a program of study and the granting of a diploma, or use of a conditional certificate of transition in the form of a continuing or transition individualized educational program (IEP) for students receiving special education services, includes the following governing principles:</p> <p>...</p> <p>(o) Students eligible for special education services are entitled to a FAPE through age 21. If a student turns 22 during the school year, the student shall be allowed to complete the school year. If a student becomes 22 prior to the first day of the school year, the student is no longer eligible to receive special education services.</p>	<p>CIMARRON MUNICIPAL SCHOOLS recognizes that children with disabilities who have not graduated with a regular high school diploma still have an entitlement to a FAPE until the child reaches the age at which eligibility ceases under the age requirements within the State. (See 71 Fed. Reg. 46580 (August 14, 2006))</p>
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<p>(3)</p> <p>(i) Children with disabilities who have graduated from high school with a regular high school diploma.</p> <p>(ii) The exception in paragraph (a)(3)(i) of this section does not apply to children who have graduated from high school but have not been awarded a regular high school diploma.</p> <p>(iii) Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.</p> <p>(iv) As used in paragraphs (a)(3)(i) through (a)(3)(iii) of this section, the term <i>regular high school diploma</i> means the standard high school diploma awarded to the preponderance of student in the State that is fully aligned with State standard, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 111(b)(1)(E) of the ESEA. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance or similar lesser credential. (4) Children with disabilities who are eligible under subpart H of this part, but who receive early intervention services under Part C of the Act.</p> <p>(b) <i>Documents relating to exceptions.</i> The State must assure that the information it has provided to the Secretary regarding the exceptions in paragraph (a) of this section, as required by §300.700 (for purposes of making grants to States under this part), is current and accurate.</p>	<p>(p) The receipt of a diploma terminates the service eligibility of students with special education needs.</p> <p>(q) All diplomas awarded by a school district or charter school shall be identical in appearance, content and effect, except that symbols or notations may be added to individual students' diplomas to reflect official school honors or awards earned by students.</p>	
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(Authority: 20 U.S.C. 1412(a)(1)(B)–(C))		
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Other FAPE Requirements		
§ 300.103 FAPE—methods and payments.		

<p>(a) Each State may use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of this part. For example, if it is necessary to place a child with a disability in a residential facility, a State could use joint agreements between the agencies involved for sharing the cost of that placement.</p> <p>(b) Nothing in this part relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.</p> <p>(c) Consistent with § 300.323(c), the State must ensure that there is no delay in implementing a child’s IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.</p> <p>(Authority: 20 U.S.C. 1401(8), 1412(a)(1)).</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>B. Public agency funding and staffing.</p> <p>(1) Each public agency that provides special education or related services to children with disabilities shall allocate sufficient funds, staff, facilities and equipment to ensure that the requirements of the IDEA and all department rules and standards that apply to programs for children with disabilities are met.</p> <p>(2) The public agency with primary responsibility for ensuring that FAPE is available to a child with a disability on the date set by the department for a child count or other report shall include that child in its report for that date. Public agencies with shared or successive responsibilities for serving a particular child during a single fiscal year are required to negotiate equitable arrangements through joint powers agreements or memorandums of understanding or interstate agreements for sharing the funding and other resources available for that child. Such agreements shall include provisions with regard to resolving disputes between the parties to the agreement.</p>	<p>CIMARRON MUNICIPAL SCHOOLS assures that it has allocated sufficient funds, staff, facilities and equipment to ensure that the requirements of the IDEA and all department rules and standards that apply to programs for children with disabilities are met.</p>
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<p>§ 300.104 Residential placement</p>		
<p>If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.</p> <p>(Authority: 20 U.S.C. 1412(a)(1), 1412(a)(10)(B))</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>B. Public agency funding and staffing.</p> <p>...</p> <p>(3) Placement of students in private residential treatment centers, or other out of home treatment or habilitation programs, by the IEP team or by a due process decision. In no event shall a child with an IEP be allowed to remain in an out of home treatment or habilitation program for more than 10 days without receiving special education and related services. The school district in which the qualified student or school-age person lives, whether in-state or out-of-state, is responsible for the educational, nonmedical care and room and board costs of that placement.</p> <p>(a) Agreements between the resident school district of the qualified student or school-age person and a private residential treatment center must be on the form posted on the department's website or on a form otherwise approved by the department and must be reviewed and approved by the secretary of public education.</p> <p>(b) Agreements must provide for:</p> <p>(i) student evaluations and eligibility;</p> <p>(ii) an educational program for each qualified student or school-age person that meets state standards for such programs, except that teachers employed by private schools are not required to be highly qualified;</p> <p>(iii) the provision of special education and related services in conformance with an IEP that meets the requirements of federal</p>	<p>CIMARRON MUNICIPAL SCHOOLS understands that parents are not required to bear the costs of a public or private residential placement if such placement is determined necessary to provide a FAPE. (See 71 Fed. Reg. 46581 (August 14, 2006)) The IEP Team determines whether a residential placement is the least restrictive environment for providing a FAPE to an individual child.</p>

	<p>and state law and applicable regulations and rules;</p> <ul style="list-style-type: none"> (iv) adequate classroom or other physical space that allows the school district to provide an appropriate education; (v) a detailed description of the costs for the placement; and (vi) an acknowledgement of the authority of the local school board and the department to conduct on-site evaluations of programs and student progress to ensure that state standards are met. <p>(4) Placement of students in public residential treatment centers, or other out of home treatment or habilitation programs, by the IEP team or by a due process decision. The sending school shall be responsible for the provision of special education and related services. In no event shall a child with an IEP be allowed to remain in an out of home treatment or habilitation program for more than 10 days without receiving special education and related services.</p>	
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<p><u>§ 300.105 Assistive technology.</u></p>		
<p>(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§ 300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's—</p> <ul style="list-style-type: none"> (1) Special education under § 300.39; (2) Related services under § 300.34; or 		<p>34 C.F.R. § 300.105 specifies the circumstances under which CIMARRON MUNICIPAL SCHOOLS is responsible for making available assistive technology devices and assistive technology services to children with disabilities. (See 71 Fed. Reg. 46581 (August 14, 2006))</p> <p>Whether an augmentative communication device, playback devices, or other devices could be considered an assistive technology device for a child depends on</p>

<p>(3) Supplementary aids and services under §§300.42 and 300.114(a)(2)(ii).</p> <p>(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE. —</p> <p>(Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(B)(i))</p>		<p>whether the device is used to increase, maintain, or improve the functional capabilities of a child with a disability, and whether the child's IEP Team determines that the child needs the device in order to receive a FAPE. (See 71 Fed. Reg. 46547 (August 14, 2006))</p> <p>As a general matter, however, CIMARRON MUNICIPAL SCHOOLS is not responsible for providing personal devices, such as eyeglasses or hearing aids that a child with a disability requires, regardless of whether the child is attending school. (See 71 Fed. Reg. 46581 (August 14, 2006))</p> <p>If a hearing aid meets the definition of an <i>assistive technology device</i> for a particular child, CIMARRON MUNICIPAL SCHOOLS is responsible for the provision of the assistive technology device as part of FAPE, only if: the device is required as part of the child's <i>special education</i> defined in § 300.39; <i>related services</i> defined in § 300.34; or <i>supplementary aids and services</i> defined in § 300.42. CIMARRON MUNICIPAL SCHOOLS expects the IEP Team to make this decision on an individualized basis. (See 71 Fed. Reg. 46581 (August 14, 2006))</p> <p>If an IEP Team determines that the child requires a personal device that is not surgically implanted (e.g., eyeglasses) in order to receive a FAPE, CIMARRON MUNICIPAL SCHOOLS will ensure that the device is provided at no cost to the child's parents. (See 71 Fed. Reg. 46581 (August 14, 2006))</p>
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<p>§ 300.106 Extended school year services.</p>		
<p>(a) <i>General.</i></p> <p>(1) Each public agency must ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.</p>		<p>CIMARRON MUNICIPAL SCHOOLS recognizes that some children with disabilities may not receive a FAPE unless they receive necessary services during times when other children, both disabled and nondisabled, normally would not be served. (See 71 Fed. Reg. 46581 (August 14, 2006))</p>

<p>(2) Extended school year services must be provided only if a child’s IEP Team determines, on an individual basis, in accordance with §§ 300.320 through 300.324, that the services are necessary for the provision of FAPE to the child.</p> <p>(3) In implementing the requirements of this section, a public agency may not—</p> <ul style="list-style-type: none"> (i) Limit extended school year services to particular categories of disability; or (ii) Unilaterally limit the type, amount, or duration of those services. <p>(b) <i>Definition.</i> As used in this section, the term extended school year services means special education and related services that—</p> <ul style="list-style-type: none"> (1) Are provided to a child with a disability— <ul style="list-style-type: none"> (i) Beyond the normal school year of the public agency; (ii) In accordance with the child’s IEP; and (iii) At no cost to the parents of the child; and (2) Meet the standards of the SEA. <p>(Authority: 20 U.S.C. 1412(a)(1))</p>		<p>The determination of whether a child requires extended school year (ESY) services for FAPE is an IEP Team decision.</p> <p>With respect to ESY services, CIMARRON MUNICIPAL SCHOOLS expects that the IEP Team analysis of whether the child’s level of achievement would be jeopardized by a summer break in his or her structured educational programming will be based not only on retrospective data, such as past regression and rate of recoupment, but also on predictive data, based on the opinion of professionals in consultation with the child’s parents, and circumstantial considerations of the child’s individual situation at home and in his or her neighborhood and community. (See Johnson v. Bixby Independent Sch. Dist. No. 4, 921 F.2d 1022, 1028 (10th Cir. 1990))</p> <p>Typically, ESY services are provided during the summer months. However, ESY services will be provided to a child with a disability during times other than the summer, such as before and after regular school hours or during school vacations, if the IEP Team determines that the child requires ESY services during those time periods in order to receive a FAPE. CIMARRON MUNICIPAL SCHOOLS recognizes that the regulations give the IEP Team the flexibility to determine when ESY services are appropriate, depending on the circumstances of the individual child. (See 71 Fed. Reg. 46582 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the Mountain Plains Regional Resource Center’s Primer on the Provision of Extended School Year Services for Parents and Educators (2006), available through the NMPED website.</p>
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<p>§ 300.107 Nonacademic services.</p> <p>The State must ensure the following:</p> <ul style="list-style-type: none"> (a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. (b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available. <p>(Authority: 20 U.S.C. 1412(a)(1))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will take steps, including the provision of supplementary aids and services determined appropriate and necessary by a child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. (See 71 Fed. Reg. 46541 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not consider the list of nonacademic and extracurricular services and activities in § 300.107(b) to be exhaustive. The list provides examples of services and activities that may afford children with disabilities an equal opportunity for participation in the services offered to other children of the public agency. (See 71 Fed. Reg. 46583 (August 14, 2006))</p>
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<p>§ 300.108 Physical education.</p> <p>The State must ensure that public agencies in the State comply with the following:</p> <ul style="list-style-type: none"> (a) <i>General.</i> Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades. (b) <i>Regular physical education.</i> Each child with a disability must be afforded the opportunity to 	<p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>K. Graduation requirements.</p> <p>...</p> <p>(12) Excuses from physical education. The physical education graduation requirement may be waived by the secretary, based upon a request by the local superintendent or charter school administrator with documentation from a licensed medical doctor, osteopath, certified nurse practitioner with</p>	<p>CIMARRON MUNICIPAL SCHOOLS makes physical education available equally to children with disabilities and children without disabilities. If physical education is not available to all children (<i>i.e.</i>, children with and without disabilities), the CIMARRON MUNICIPAL SCHOOLS is not required to make physical education available for children with disabilities (<i>e.g.</i>, a district may provide physical education to all children through grade 10, but not to any children in their junior and senior years). However, if physical education is specially designed to meet the unique needs of a child</p>
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<p>participate in the regular physical education program available to nondisabled children unless—</p> <ul style="list-style-type: none"> (1) The child is enrolled full time in a separate facility; or (2) The child needs specially designed physical education, as prescribed in the child’s IEP. <p>(c) <i>Special physical education.</i> If specially designed physical education is prescribed in a child’s IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.</p> <p>(d) <i>Education in separate facilities.</i> The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with this section.</p> <p>(Authority: 20 U.S.C. 1412(a)(5)(A))</p>	<p>prescriptive authority or chiropractor, that the student has a permanent or chronic condition that does not permit physical activity. Such requests shall be submitted using the department’s physical education waiver request form. This form shall include: name of superintendent; district/school; mailing address; phone; fax; email address; name of a secondary contact person including the same information; date of submission; local board policy requirement and approval, if required; date of board approval; statement of applicable district or charter school policy and, for each student for whom the waiver is requested: name, school and year of student graduation, district affirmation that it possesses required medical documentation, name and email address of school principal and rationale for the request. A student receiving special education supports and services pursuant to the IDEA or Section 504 of the federal Rehabilitation Act may also be eligible to request this waiver, when appropriate medical documentation is provided in the IEP.</p>	<p>with a disability and is set out in that child’s IEP, CIMARRON MUNICIPAL SCHOOLS will provide those services whether or not they are provided to other children in the CIMARRON MUNICIPAL SCHOOLS. (See 71 Fed. Reg. 46583 (August 14, 2006))</p>
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<p>§ 300.109 Full educational opportunity goal (FEOG).</p>		
<p>The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and a detailed timetable for accomplishing that goal.</p> <p>(Authority: 20 U.S.C. 1412(a)(2))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide full educational opportunity to all children with disabilities, including by taking steps to ensure that children with disabilities have access to the same program options that are available to nondisabled children. CIMARRON MUNICIPAL SCHOOLS recognizes that this would apply to dual enrollment programs in post-secondary or community-based settings. Therefore, to the extent that CIMARRON MUNICIPAL SCHOOLS offers dual enrollment programs in post-secondary or community-based settings to a nondisabled student, CIMARRON MUNICIPAL SCHOOLS would have that option available to a student with disabilities whose IEP Team determined that such a program would best meet the student’s needs. (See 71 Fed. Reg. 46583 (August 14, 2006))</p>

§ 300.110 Program options.		
<p>The State must ensure that each public agency takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.</p> <p>(Authority: 20 U.S.C. 1412(a)(2), 1413(a)(1))</p>		<p>CIMARRON MUNICIPAL SCHOOLS recognizes a full educational opportunity would apply to dual enrollment programs in post-secondary or community-based settings. Therefore, to the extent that CIMARRON MUNICIPAL SCHOOLS offers dual enrollment programs in post-secondary or community-based settings to a nondisabled student, CIMARRON MUNICIPAL SCHOOLS would have that option available to a student with disabilities whose IEP Team determined that such a program would best meet the student's needs. (See 71 Fed. Reg. 46583 (August 14, 2006))</p>

§ 300.111 Child find.		
<p>(a) <i>General.</i></p> <p>(1) The State must have in effect policies and procedures to ensure that—</p> <p>(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and</p> <p>(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.</p> <p>(b) <i>Use of term developmental delay.</i> The following provisions apply with respect to implementing the child find requirements of this section:</p> <p>(1) A State that adopts a definition of</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>A. Compliance with applicable laws and regulations. Each New Mexico public agency, within the scope of its authority, shall develop and implement appropriate policies, procedures, programs and services to ensure that all children with disabilities who reside within the agency's educational jurisdiction, including children who are enrolled in private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, or are schooled at home, are identified and evaluated and have access to a free appropriate public education (FAPE) in compliance with all applicable requirements of state and federal laws and regulations. This obligation applies to all New Mexico public agencies that are responsible under laws, rules, regulations or written agreements for providing educational services for children with disabilities, regardless of whether that agency receives funds under the IDEA and regardless of whether it provides special education and related</p>	<p>CIMARRON MUNICIPAL SCHOOLS will comply with its child find obligations.</p> <p>CIMARRON MUNICIPAL SCHOOLS has adopted and will implement the following procedures to ensure that all children with disabilities within its educational jurisdiction and who are in need of special education and related services, are located, evaluated and identified: [INSERT]</p> <p>CIMARRON MUNICIPAL SCHOOLS permits referrals from any source that suspects a child may be eligible for special education and related services. CIMARRON MUNICIPAL SCHOOLS's child find activities typically include a screening process to determine whether the child should be referred for a full evaluation to determine eligibility for special education and related services. Persons such as employees of the SEA, CIMARRON MUNICIPAL SCHOOLS, or other public agencies responsible for the education of the child may identify children who might need to be referred for an evaluation. However, it is the parent of a child and the CIMARRON MUNICIPAL SCHOOLS</p>

<p><i>developmental delay</i> under § 300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).</p> <p>(2) A State may not require an LEA to adopt and use the term <i>developmental delay</i> for any children within its jurisdiction.</p> <p>(3) If an LEA uses the term <i>developmental delay</i> for children described in § 300.8(b), the LEA must conform to both the State’s definition of that term and to the age range that has been adopted by the State.</p> <p>(4) If a State does not adopt the term <i>developmental delay</i>, an LEA may not independently use that term as a basis for establishing a child’s eligibility under this part.</p> <p>(c) <i>Other children in child find.</i> Child find also must include—</p> <p>(1) Children who are suspected of being a child with a disability under § 300.8 and in need of special education, even though they are advancing from grade to grade; and</p> <p>(2) Highly mobile children, including migrant children.</p> <p>(d) <i>Construction.</i> Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in § 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.</p> <p>(Authority: 20 U.S.C. 1401(3)); 1412(a)(3))</p>	<p>services directly, by contract, by referrals to private schools or facilities including residential treatment centers, day treatment centers, hospitals, mental health institutions or through other arrangements.</p> <p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>A. Child find. Each public agency shall adopt and implement policies and procedures to ensure that all children with disabilities who reside within the agency’s educational jurisdiction, including children with disabilities attending private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, detention and correctional facilities, children who are schooled at home, highly mobile children, children who reside on Indian reservations and children who are advancing from grade to grade, regardless of the severity of their disability, and who are in need of special education and related services, are located, evaluated and identified in compliance with all applicable requirements of 34 CFR Secs. 300.111, 300.131, 300.301-306 and these or other department rules and standards. For preschool children, child find screenings shall serve as interventions under Subsection B of 6.31.2.10 NMAC.</p> <p>B. The public agency shall follow a three tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning as set forth in Subsection D of 6.29.1.9 NMAC.</p> <p>C. Criteria for identifying children with perceived specific learning disabilities.</p> <p>(1) Each public agency must use the three tiered model of student intervention for students suspected of having a perceived specific learning disability, consistent with the department rules, policies and standards for children who are being referred for evaluation due to a suspected disability under the</p>	<p>that have the responsibility to initiate the evaluation procedures. (See 71 Fed. Reg. 46636 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not specify how long a child can receive early intervening services before an initial evaluation is conducted. If a child receiving early intervening services is suspected of having a disability, CIMARRON MUNICIPAL SCHOOLS will conduct a full and individual evaluation in accordance with §§ 300.301, 300.304 and 300.305 to determine if the child is a child with a disability and needs special education and related services. (See 71 Fed. Reg. 46626 (August 14, 2006))</p> <p>In CIMARRON MUNICIPAL SCHOOLS, child find is an ongoing process. CIMARRON MUNICIPAL SCHOOLS expects that children whose parents revoke consent will be identified, located and offered an evaluation in the same manner as any other child if the child is suspected of having a disability and being in need of special education and related services. CIMARRON MUNICIPAL SCHOOLS has policies and procedures in place to ensure effective child find, including that general education teachers make appropriate referrals of children suspected of having a disability, which would include the referral of children whose parents have previously revoked consent for such services. (See 73 Fed. 73012 (December 1, 2008))</p>
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	<p>specific learning disability category in compliance with 34 CFR Sec. 300.307.</p> <p>...</p> <p>(d) A parent may request an initial special education evaluation at any time during the public agency's implementation of tiers 1 and 2 of the three-tier model of student intervention. If the public agency agrees with the parent that the child may be a child who is eligible for special education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue prior written notice in accordance with 34 CFR Sec. 300.503. The parent can challenge this decision by requesting a due process hearing.</p> <p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>K. Children in detention and correctional facilities.</p> <p>...</p> <p>(9) Children placed in juvenile or adult detention or correctional facilities must be provided learning opportunities and instruction that meet the state standards with benchmarks.</p> <p>L. Children in private schools or facilities.</p> <p>...</p> <p>(8) Children schooled at home. Each LEA shall locate, evaluate and determine the eligibility of children with disabilities who are schooled at home pursuant to Secs. 22-2-2(H) NMSA 1978.</p> <p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>BX. "Response to intervention (RtI)" means a multi-tiered organizational framework that uses a set of increasingly intensive academic or behavioral supports, matched to</p>	
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	<p>student need, as a system for making educational programming and eligibility decisions. It is a continuum of school-wide support that contributes to overall comprehensive school improvement efforts. In New Mexico, the RtI framework is called the “the three-tier model of student intervention.”</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>E. Student intervention system. The school and district shall follow a three-tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning or behavior.</p> <p>(1) In tier 1, the school and district shall ensure that adequate universal screening in the areas of general health and well-being, language proficiency status and academic levels of proficiency has been completed for each student enrolled. If data from universal screening, a referral from a parent, a school staff member or other information available to a school or district suggests that a particular student needs educational support for learning or behavior, then the student shall be referred to the SAT for consideration of interventions at the tier 2 level.</p> <p>(2) In tier 2, a properly-constituted SAT at each school, which includes the student’s parents and the student (as appropriate), shall conduct the student study process and consider, implement and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. As part of the child study process, the SAT shall address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles and instructional delivery mechanisms in order to rule out other possible causes of the student's educational difficulties. The SAT shall create no undue delay for full initial evaluation to determine eligibility for</p>	
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	<p>special education for a student who is identified as homeless or in foster care under the state’s foster care system or based on criteria to assess housing stability status under the federal McKinney-Vento Act and the 2015 ESSA Title IV, Part B, due to the high mobility of this specific population group. When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student’s needs promptly on an individualized basis, which may include a referral for a full, initial evaluation to determine possible eligibility for special education and related services consistent with the requirements of Subsections D-F of 6.31.2.10 NMAC and federal regulations at 34 CFR § 300.300.</p> <p>(3) In tier 3, a student has been identified as a student with disability or gifted under the state criteria for giftedness deemed eligible for special education and related services, and an IEP is developed by a properly-constituted IEP team, pursuant to Subsection B of 6.31.2.11 NMAC and federal regulations at 34 CFR § 300.321.</p> <p>(4) The department’s manual, <i>the student assistance team and the three-tier model of student intervention</i>, shall be the guiding document for schools and districts to use in implementing the student intervention system.</p>	<p>CIMARRON MUNICIPAL SCHOOLS uses the NMPED manual, Response to Intervention Framework (2014), as its guiding document in implementing the student intervention system. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p>
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<p>§ 300.112 Individualized education programs (IEP).</p>		
<p>The State must ensure that an IEP, or an IFSP that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with §§ 300.320 through 300.324, except as provided in § 300.300(b)(3)(ii).</p>		<p>IDEA 2004 required the U.S. Department of Education to develop a model IEP form. The U.S. Department of Education has developed an IEP form to assist States and school districts in understanding the IEP content requirements. The Model Form: Individualized Education Program developed by the U.S. Department</p>

<p>(Authority: 20 U.S.C. 1412(a)(4))</p>		<p>of Education is available through the U.S. Department of Education’s website.</p> <p>The NMPED has also developed model IEP forms for Preschool/Elementary School and Secondary (updated February 2015) along with a guide, Developing Quality IEPs, available through the NMPED website.</p> <p>CIMARRON MUNICIPAL SCHOOLS uses a localized IEP form based upon the NMPED form and guidance document.</p>
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<p>§ 300.113 Routine checking of hearing aids and external components of surgically implanted medical devices.</p> <p>(a) <i>Hearing aids.</i> Each public agency must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.</p> <p>(b) <i>External components of surgically implanted medical devices.</i></p> <p>(1) Subject to paragraph (b)(2) of this section, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly.</p> <p>(2) For a child with a surgically implanted medical device who is receiving special education and related services under this part, a public agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).</p> <p>(Authority: 20 U.S.C. 1401(1), 1401(26)(B))</p>		<p>CIMARRON MUNICIPAL SCHOOLS recognizes its obligation to change a battery or routinely check an external component of a surgically implanted medical device to make sure it is turned on and operating. However, mapping a cochlear implant (or paying the costs associated with mapping) is not routine checking and is not the responsibility of CIMARRON MUNICIPAL SCHOOLS. (See 71 Fed. Reg. 46581 (August 14, 2006))</p>
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<u>Least Restrictive Environment (LRE)</u>		
<u>§ 300.114 LRE requirements.</u>		
<p>(a) <i>General.</i></p> <p>(1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.</p> <p>(2) Each public agency must ensure that—</p> <p>(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and</p> <p>(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</p> <p>(b) <i>Additional requirement—State funding mechanism—</i></p> <p>(1) <i>General.</i></p> <p>(i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and</p> <p>(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>C. Least restrictive environment.</p> <p>(1) Except as provided in 34 CFR Sec. 300.324(d) and Subsection K of 6.31.2.11 NMAC for children with disabilities who are convicted as adults under state law and incarcerated in adult prisons, all educational placements and services for children with disabilities must be provided in the least restrictive environment that is appropriate to each child’s needs in compliance with 34 CFR Secs. 300.114-300.120.</p> <p>(2) In determining the least restrictive environment for each child’s needs, public agencies and their IEP teams shall ensure that the following requirements are met.</p> <p>(a) The requirements of 34 CFR Sec. 300.114(a)(2) for each public agency to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and that special classes, separate schooling or other removal of children with disabilities from the general educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</p> <p>(b) The required continuum of alternative placements as specified in 34 CFR Sec. 300.115.</p>	<p>CIMARRON MUNICIPAL SCHOOLS acknowledges there is a strong preference in favor of educating children with disabilities in the regular classroom with appropriate aids and supports; however, a regular classroom placement is not appropriate for every child with a disability. Placement decisions will be made on a case-by-case basis and must be appropriate for the needs of the child. (See 71 Fed. Reg. 46589 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS presumes that the first placement option to consider for each child with a disability is the regular classroom in the school that the child would attend if not disabled, with appropriate supplementary aids and services to facilitate such placement. (See 71 Fed. Reg. 46588 (August 14, 2006))</p>

<p>which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.</p> <p>(2) <i>Assurance.</i> If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.</p> <p>(Authority: 20 U.S.C. 1412(a)(5))</p>	<p>(c) The requirement of 34 CFR Sec. 300.116(c) that each child with a disability be educated in the school that he or she would attend if nondisabled unless the child's IEP requires some other arrangement.</p> <p>(d) The requirement of 34 CFR Sec. 300.116(e) that a child with a disability not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.</p> <p>(e) The requirements of 34 CFR Sec. 300.320(a)(4) that the IEP for each child with a disability include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities with nondisabled children.</p> <p>(f) The requirement of 34 CFR Sec. 300.324(a)(3) that the regular education teacher of a child with a disability, as a member of the IEP team, must assist in determining the supplementary aids and services, program modifications or supports for school personnel that will be provided for the child in compliance with Sec. 300.320(a)(4).</p> <p>(g) The requirement of 34 CFR Sec. 300.320(a)(5) that the IEP include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and the activities described in Sec. 300.320(a)(4) and 300.117.</p> <p>(h) The requirements of 34 CFR Sec. 300.503 that a public agency give the parents written notice a</p>	
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	<p>reasonable time before the agency proposes or refuses to initiate or change the educational placement of the child or the provision of FAPE to the child and that the notice include a description of any other options considered and the reasons why those options were rejected.</p> <p>(i) The requirement of 34 CFR Sec. 300.120 that the department carry out activities to ensure that Sec. 300.114 is implemented by each agency and that, if there is evidence that a public agency makes placements that are inconsistent with Sec. 300.114, the department must review the public agency's justification for its actions and assist in planning and implementing any necessary corrective action.</p>	
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<p>§ 300.115 Continuum of alternative placements.</p>		
<p>(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.</p> <p>(b) The continuum required in paragraph (a) of this section must—</p> <p>(1) Include the alternative placements listed in the definition of special education under § 300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and</p> <p>(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.</p>		<p>CIMARRON MUNICIPAL SCHOOLS will make available a full continuum of placements. CIMARRON MUNICIPAL SCHOOLS understands that there is no requirement that each of the placements on the continuum be utilized.</p>

(Authority: 20 U.S.C. 1412(a)(5))		
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<p>§ 300.116 Placements.</p> <p>In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that—</p> <p>(a) The placement decision—</p> <ol style="list-style-type: none"> (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and (2) Is made in conformity with the LRE provisions of this subpart, including §§ 300.114 through 300.118; <p>(b) The child’s placement—</p> <ol style="list-style-type: none"> (1) Is determined at least annually; (2) Is based on the child’s IEP; and (3) Is as close as possible to the child’s home; <p>(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;</p> <p>(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and</p> <p>(e) A child with a disability is not removed from education in age- appropriate regular classrooms solely because of needed modifications in the general education curriculum.</p> <p>(Approved by the Office of Management and Budget under control number 1820–0030)(Authority: 20 U.S.C.</p>	<p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>J. Length of school day and year.</p> <p>...</p> <p>(3) All students shall be in school-directed programs, exclusive of lunch, for a minimum of the following:</p> <ol style="list-style-type: none"> (a) kindergarten, for half-day programs: two and one-half (2 and 1/2) hours per day or 450 hours per year; or, for full-day programs: five and one-half (5 and 1/2) hours per day or 990 hours per year; (b) grades one through six: five and one-half (5 and 1/2) hours per day or 990 hours per year; and (c) grades seven through twelve: six (6) hours per day or 1,080 hours per year. 	<p>CIMARRON MUNICIPAL SCHOOLS expects the IEP Team to follow the Tenth Circuit standard for determining the least restrictive environment. First, the IEP Team will consider whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily. If the answer is “no”, and the IEP Team intends to provide special education or to remove the child from regular education, CIMARRON MUNICIPAL SCHOOLS’s IEP Team will examine whether the school has mainstreamed the child to the maximum extent appropriate. (See L.B. v. Nebo School District, 379 F.3d 966 (10th Cir. 2004))</p> <p>The Tenth Circuit standard includes five factors for consideration:</p> <ul style="list-style-type: none"> ■ Whether the district has taken steps to accommodate the child with disabilities in regular education (by providing supplementary aids and services or modifying its regular education program); ■ Whether these efforts were sufficient or token (the requirement that districts modify and supplement regular education is broad; however, districts need not provide every conceivable supplementary aid or service to assist the child); ■ Whether the child will receive an educational benefit from regular education; ■ The child’s overall educational experience in the mainstreamed environment, balancing the benefits of regular and special education (since, on the one hand, the nonacademic benefit that the child receives from mainstreaming may tip the balance in favor of mainstreaming, even if the child cannot flourish academically; while on the other hand,
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<p>1412(a)(5))</p>		<p>placing the child in regular education may be detrimental to the child); and</p> <ul style="list-style-type: none"> ■ The effect the disabled child’s presence has on the regular classroom environment. <p>(See L.B. v. Nebo School District, 379 F.3d 966 (10th Cir. 2004))</p> <p>CIMARRON MUNICIPAL SCHOOLS believes that if a child with a disability has behavioral problems that are so disruptive in a regular classroom that the education of other children is significantly impaired, the needs of the child with a disability generally cannot be met in that environment. However, before making such a determination, CIMARRON MUNICIPAL SCHOOLS will ensure that consideration has been given to the full range of supplementary aids and services that could be provided to the child in the regular educational environment to accommodate the unique needs of the child with a disability. If the IEP Team determines that, even with the provision of supplementary aids and services, the child’s IEP could not be implemented satisfactorily in the regular educational environment, that placement would not be the LRE placement for that child at that particular time, because her or his unique educational needs could not be met in that setting. (See 71 Fed. Reg. 46589 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will utilize the same process for determining the educational placement for children with low-incidence disabilities (including children who are deaf, hard of hearing, or deaf-blind), as used for determining the educational placement for all children with disabilities. That is, each child’s educational placement will be determined on an individual case-by case basis depending on each child’s unique educational needs and circumstances, rather than by the child’s category of disability, and will be based on the child’s IEP. (See 71 Fed. Reg. 46586 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not consider maintaining a child’s placement in an</p>
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		<p>educational program that is substantially and materially similar to the former placement to be a change in placement. (See 71 Fed. Reg. 46588-89 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that there is nothing in the IDEA that requires a detailed explanation in the student’s IEP of why their educational needs or education placements cannot be met in the location the parents request; however, CIMARRON MUNICIPAL SCHOOLS will strive to adequately communicate such to parents. (See 71 Fed. Reg. 46588 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that children with disabilities have available an instructional day commensurate with that of children without disabilities. The IEP Team may provide for a shortened school day as part of the child’s IEP only in rare circumstances specific to the needs of the individual child. (See NMPED memoranda regarding Shortened School Days for Students with Disabilities (November 13, 2002) and Length of School Day and Instructional Time (January 3, 2003))</p> <p>CIMARRON MUNICIPAL SCHOOLS prohibits shortening the school day for a student with disabilities solely to accommodate transportation schedules or in order to accommodate teacher planning time or for administrative convenience. (See NMPED memorandum regarding Length of School Day and Instructional Time (January 3, 2003))</p> <p>CIMARRON MUNICIPAL SCHOOLS will only shorten the school day for a child with a disability in the rare circumstance that it is educationally justified to meet the student’s unique needs, as determined and documented by the IEP Team. Legitimate factors that IEP teams consider and that may indicate the need for a shortened school day include the student’s stamina, medical needs, and behavioral and/or emotional needs. (See NMPED memorandum regarding Length of School Day and Instructional Time (January 3, 2003))</p>
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<p>§ 300.117 Nonacademic settings.</p>		
<p>In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.</p> <p>(Approved by the Office of Management and Budget under control number 1820-0030)(Authority: 20 U.S.C. 1412(a)(5))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide supplementary aids and services in extracurricular and nonacademic settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. (See 71 Fed. Reg. 46578 (August 14, 2006))</p>

<p>§ 300.118 Children in public or private institutions.</p>		
<p>Except as provided in § 300.149(d) (regarding agency responsibility for general supervision for some individuals in adult prisons), an SEA must ensure that § 300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).</p> <p>(Authority: 20 U.S.C. 1412(a)(5))</p>		

<p>§ 300.119 Technical assistance and training activities.</p>		
<p>Each SEA must carry out activities to ensure that teachers</p>		

<p>and administrators in all public agencies—</p> <ul style="list-style-type: none"> (a) Are fully informed about their responsibilities for implementing § 300.114; and (b) Are provided with technical assistance and training necessary to assist them in this effort. <p>(Authority: 20 U.S.C. 1412(a)(5))</p>		
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<p>§ 300.120 Monitoring activities.</p>		
<ul style="list-style-type: none"> (a) The SEA must carry out activities to ensure that § 300.114 is implemented by each public agency. (b) If there is evidence that a public agency makes placements that are inconsistent with § 300.114, the SEA must— <ul style="list-style-type: none"> (1) Review the public agency’s justification for its actions; and (2) Assist in planning and implementing any necessary corrective action. <p>(Authority: 20 U.S.C. 1412(a)(5))</p>		

<p>Additional Eligibility Requirements</p>		
<p>§ 300.121 Procedural safeguards.</p>		
<ul style="list-style-type: none"> (a) <i>General.</i> The State must have procedural safeguards in effect to ensure that each public agency in the State meets the requirements of §§ 300.500 through 300.536. (b) <i>Procedural safeguards identified.</i> Children with disabilities and their parents must be afforded the 		<p>CIMARRON MUNICIPAL SCHOOLS’s Board Policy along with this Handbook of Procedures constitute the Policies and Procedures of CIMARRON MUNICIPAL SCHOOLS which are designed to be consistent with State policies and procedures established under § 300.121 and §§ 300.500 through 300.536 to ensure that</p>

<p>procedural safeguards identified in paragraph (a) of this section.</p> <p>(Authority: 20 U.S.C. 1412(a)(6)(A))</p>		<p>children with disabilities and their parents are afforded the procedural safeguards under the IDEA.</p> <p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English Version), Derechos de los Padres y del/la Niño(a) en la Educación Especial: Su Aviso Interino Sobre Procedimientos De Protección (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and Child rights in Special Education Procedurals Safeguards Notice (Russian) are available through the NMPED.</p>
<p>§ 300.122 Evaluation.</p> <p>Children with disabilities must be evaluated in accordance with §§300.300 through 300.311 of subpart D of this part.</p> <p>(Authority: 20 U.S.C. 1412(a)(7))</p>		<p>CIMARRON MUNICIPAL SCHOOLS’s Board Policy along with this Handbook of Procedures constitute the Policies and Procedures of CIMARRON MUNICIPAL SCHOOLS which are designed to be consistent with State policies and procedures established under § 300.122 and §§ 300.300 through 300.311 to ensure that children with disabilities are evaluated under the IDEA.</p>
<p>§ 300.123 Confidentiality of personally identifiable information.</p> <p>The State must have policies and procedures in effect to ensure that public agencies in the State comply with §§ 300.610 through 300.626 related to protecting the confidentiality of any personally identifiable information collected, used, or maintained under Part B of the Act.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS’s Board Policy (including policies to ensure compliance with the Family Educational Rights and Privacy Act) along with this Handbook of Procedures and CIMARRON MUNICIPAL SCHOOLS’s annual FERPA notice constitute the Policies and Procedures of CIMARRON MUNICIPAL SCHOOLS which are designed to be consistent with State policies and procedures established under § 300.123 and §§ 300.610 through 300.626 related</p>

		to protecting the confidentiality of any personally identifiable information collected, used, or maintained under Part B of the Act.
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<p>§ 300.124 Transition of children from the Part C program to preschool programs.</p>		
<p>The State must have in effect policies and procedures to ensure that—</p> <ul style="list-style-type: none"> (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act; (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with § 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act. <p>(Authority: 20 U.S.C. 1412(a)(9))</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>A. Preschool programs for children aged 3 through 5.</p> <ul style="list-style-type: none"> (1) Each public agency shall ensure that a free appropriate public education is available for each preschool child with a disability within its educational jurisdiction no later than the child’s third birthday and that an individualized education program (IEP) under Part B or an individual family services plan (IFSP) under Part C of the IDEA is in effect by that date in compliance with 34 CFR Secs. 300.101, 300.124 and 300.323(b). (2) Eligibility to enroll in Part B preschool program. <ul style="list-style-type: none"> (a) If a child turns three at any time during the school year and is determined to be eligible under Part B, the child may enroll in a Part B preschool program when the child turns three if the parent so chooses, whether or not the child has previously been receiving Part C services. (b) Notwithstanding subparagraph (a) of this paragraph, if a child turns three at any time prior to July 1, 2012 and is enrolled in a Part C program, the parent has the option of having the child complete the remainder of the school year in early intervention services or, if the child is determined to be eligible under Part B, enrolling the child in a Part B preschool program. 	<p>CIMARRON MUNICIPAL SCHOOLS’s Board Policy along with this Handbook of Procedures constitute the Policies and Procedures of CIMARRON MUNICIPAL SCHOOLS which are designed to be consistent with State policies and procedures established under § 300.124, § 300.101, and § 300.323 for the transition of children from the IDEA Part C programs to IDEA Part B programs.</p> <p>CIMARRON MUNICIPAL SCHOOLS will implement its Policies and Procedures to ensure a smooth and effective transition from IDEA Part C (FIT Program) to Part B programs for preschool children with disabilities within CIMARRON MUNICIPAL SCHOOLS’s educational jurisdiction, in compliance with 34 C.F.R. § 300.124.</p> <p>The IDEA Part C lead agency must share the directory information of potentially eligible students with their LEA(s) including CIMARRON MUNICIPAL SCHOOLS.</p> <p>CIMARRON MUNICIPAL SCHOOLS will make reasonable efforts to establish productive working relations with local Part C programs and when given reasonable notice shall participate in the ninety day transition planning conferences arranged by local Part C providers.</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that the process of sharing this data must be completed in a Memorandum of Understanding (MOU) or Interagency</p>

	<p>(3) To ensure effective transitioning from IDEA Part C programs to IDEA Part B programs, each public agency must conduct a full and individual initial comprehensive evaluation, at no cost to the parent, and in compliance with requirements of 34 CFR Secs. 300.300, 300.301, 300.302, 300.304 and 300.305 and other department rules and standards before the initial provision of Part B special education and related services to a child with a disability.</p> <p>(a) The initial comprehensive evaluation process shall be conducted in all areas of suspected disability.</p> <p>(b) The Part B eligibility determination team shall review current assessments and shall determine the additional data and assessments needed for the comprehensive evaluation. Current assessments are defined as assessments, other than medical assessments, conducted no more than six months prior to the date of the meeting of the Part B eligibility determination team.</p> <p>(c) The Part B eligibility determination team must consider educationally relevant medical assessments as part of the review of existing evaluation data. The determination of eligibility may not be made solely on the basis of medical assessments. If the team considers medical assessments conducted more than six months prior to the date of the meeting, the team must document the appropriateness of considering such medical assessments.</p> <p>(4) Each public agency shall develop and implement appropriate policies and procedures to ensure a smooth and effective transition from Part C to Part B programs for preschool children with disabilities within the agency's educational jurisdiction, in compliance with 34 CFR Sec. 300.124. Each LEA and other public agencies as appropriate shall make reasonable efforts to establish productive working relations with local Part C programs and when given</p>	<p>Agreement between both CIMARRON MUNICIPAL SCHOOLS and the Part C lead agency.</p> <p>On September 6, 2011, the U.S. Department of Education announced the release of the final regulations for the early intervention program under Part C of the IDEA. CIMARRON MUNICIPAL SCHOOLS is committed to a seamless transition of children with disabilities from the Part C program to its Part B program. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the Part C regulations and U.S. Department of Education Non Regulatory Guidance related to same in order to effectuate a seamless transition.</p>
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	<p>reasonable notice shall participate in the transition planning conferences arranged by local Part C providers.</p> <p>(5) In particular:</p> <ul style="list-style-type: none"> (a) Each LEA shall survey Part C programs within its educational jurisdiction in its child find efforts to identify children who will be eligible to enter the LEA’s Part B preschool program in future years. (b) Each LEA shall promote parent and family involvement in transition planning with Part C programs, community programs and related services providers at least six months before the child is eligible to enter the LEA’s Part B preschool program. (c) Each LEA shall establish and implement procedures to support successful transitions including parent training, professional development for special educators and general educators, and student and parent self-advocacy training and education. (d) Each LEA shall assist parents in becoming their child’s advocates as the child makes the transition through systems. (e) Each LEA shall participate in transition planning conferences arranged by the designated Part C lead agency no less than 90 days prior to the anticipated transition or the child's third birthday, whichever occurs first, to facilitate informed choices for all families. (f) Each LEA shall designate a team including parents and qualified professionals to review existing evaluation data for each child entering the LEA’s preschool program in compliance with 34 CFR Sec. 300.305, and based on that review to identify what additional data, if any, are needed to determine the child’s eligibility for Part B services or develop an appropriate program in a manner that is consistent with 	
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	<p>Paragraph (3) of Subsection A of this section. The notice of procedural safeguards shall be given to the parents as provided in Paragraph (3) of Subsection D of 6.31.2.13 NMAC.</p> <p>(g) Development of IFSP, IEP or IFSP-IEP.</p> <p>(i) The IFSP, IEP, or IFSP-IEP will be developed by a team constituted in compliance with 34 CFR Sec. 300.321 that includes parents. For children transitioning from Part C programs to Part B programs, the team must also include one or more early intervention providers who are knowledgeable about the child. “Early intervention providers” are defined as Part C service coordinators or other representatives of the Part C system.</p> <p>(ii) For each child transitioning from a Part C program to a Part B preschool program, the LEA shall initiate a meeting to develop the eligible child’s IFSP, IEP or IFSP-IEP, in accordance with 34 CFR Sec. 300.124. The IFSP, IEP or IFSP must be developed and implemented no later than the child’s third birthday, consistent with 34 CFR Sec. 300.101(b).</p> <p>(h) In compliance with 34 CFR Sec. 300.101(b)(2), if a child’s birthday occurs during the summer, the child’s IEP team shall determine the date when services under the IEP or IFSP will begin. Each public agency must engage in appropriate planning with the Part C lead agency so that the eligible child will be prepared to receive Part B special education and related services when the IEP team determines that the services under the IEP or IFSP will begin.</p> <p>(i) Each public agency shall develop policies and procedures to ensure a successful transition from Part B preschool for children with</p>	
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	disabilities who are eligible for continued services in pre-kindergarten and kindergarten.	
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§§ 300.125–300.128 [Reserved]		
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Children in Private Schools		
§ 300.129 State responsibility regarding children in private schools.		
<p>The State must have in effect policies and procedures that ensure that LEAs, and, if applicable, the SEA, meet the private school requirements in §§ 300.130 through 300.148.</p> <p>(Authority: 20 U.S.C. 1412(a)(10))</p>		<p>The NMPED has issued a memorandum containing guidance regarding Children in Private Schools (November 14, 2005) available through the NMPED website. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance.</p> <p>The U.S. Department of Education has issued guidance documents titled, "Questions and Answers On Serving Children with Disabilities Placed By Their Parents at Private Schools"(Revised April 2011), available through the U.S. Department of Education website. These guidance documents provide detailed responses to frequently asked questions, and provide a clear explanation of CIMARRON MUNICIPAL SCHOOLS’s duty to parentally-placed private school children. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p>

Children With Disabilities Enrolled by Their Parents in Private Schools		
§ 300.130 Definition of parentally-placed private school children with disabilities.		
<p><i>Parentally-placed private school children with disabilities</i> means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in § 300.13 or secondary school in § 300.36, other than children with disabilities covered under §§ 300.145 through 300.147.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>(a) Parentally placed private school children with disabilities means children with disabilities enrolled by their parents in private schools, including religious schools or facilities, such as residential treatment centers, day treatment centers, hospitals, mental health institutions, other than children with disabilities who are covered under 34 CFR Secs. 300.145 through 300.147.</p> <p>(b) A school district in which a private school or facility is located shall not be considered the resident school district of a school-age person if residency is based solely on the school-age person's enrollment at the facility and the school-age person would not otherwise be considered a resident of the state.</p>	<p>New Mexico’s statutory definition of a “private school” specifically excludes a home school. However, CIMARRON MUNICIPAL SCHOOLS’s child find duty still extends to home-school students. (See NMPED Memorandum Children in Private Schools (November 14, 2005))</p>
§ 300.131 Child find for parentally-placed private school children with disabilities.		
<p>(a) <i>General.</i> Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p>	<p>CIMARRON MUNICIPAL SCHOOLS’s child find duty applies to students enrolled in private schools by their parents, whether or not accredited, and to homeschooled students within CIMARRON</p>

<p>religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §§ 300.111 and 300.201.</p> <p>(b) <i>Child find design.</i> The child find process must be designed to ensure—</p> <p>(1) The equitable participation of parentally-placed private school children; and</p> <p>(2) An accurate count of those children.</p> <p>(c) <i>Activities.</i> In carrying out the requirements of this section, the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency’s public school children.</p> <p>(d) <i>Cost.</i> The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under §300.133.</p> <p>(e) <i>Completion period.</i> The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with § 300.301.</p> <p>(f) <i>Out-of-State children.</i> Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(ii))</p>	<p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(c) Each LEA must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private schools, including religious elementary schools and secondary schools located in the education jurisdiction of the LEA, in accordance with 34 CFR Secs. 300.131 and 300.111.</p>	<p>MUNICIPAL SCHOOLS’s jurisdiction, whether or not registered with the NMPED. (See NMPED Memorandum regarding Children in Private Schools (November 14, 2005))</p> <p>CIMARRON MUNICIPAL SCHOOLS will monitor and document all child find activities that include homeschooled and private school students within their respective jurisdictions, including the specific activities conducted, the dates of each activity, and the results of each activity. (See NMPED Memorandum regarding Children in Private Schools (November 14, 2005))</p> <p>All screenings and evaluations resulting from CIMARRON MUNICIPAL SCHOOLS’s child find activities will be free to parents, including parents of home-schooled students and parents of students who attend private school by parent choice. (See NMPED Memorandum regarding Children in Private Schools (November 14, 2005))</p> <p>CIMARRON MUNICIPAL SCHOOLS has options as to ensure child find responsibilities. CIMARRON MUNICIPAL SCHOOLS may assume the responsibility or contract with another public agency, or make other arrangements. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>CIMARRON MUNICIPAL SCHOOLS’s child find duty for parentally-placed children with disabilities in private schools extends to children aged 3 through 5 only if the school or facility meets the definition of “elementary school”. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>The child find activities conducted by CIMARRON MUNICIPAL SCHOOLS for parentally-placed private school children will be similar to activities undertaken for child find for children in CIMARRON MUNICIPAL SCHOOLS, and will not be delayed. (See OSERS Q/A</p>
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		<p>on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>CIMARRON MUNICIPAL SCHOOLS’s child find duty also includes children from other states attending private elementary schools and secondary schools located in CIMARRON MUNICIPAL SCHOOLS. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>§ 300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement.</p>		
<p>(a) General. To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services determined in accordance with § 300.137, unless the Secretary has arranged for services to those children under the by-pass provisions in §§300.190 through 300.198.</p> <p>(b) Services plan for parentally-placed private school children with disabilities. In accordance with paragraph (a) of this section and §§ 300.137 through 300.139, a services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part.</p> <p>(c) Record keeping. Each LEA must maintain in its records, and provide to the SEA, the following</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(d) Each public agency must develop a “service plan” that describes the special education and related services the LEA will provide to a parentally placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR Sec. 300.132 and that is developed and implemented in accordance with 34 CFR Secs. 300.137 through 300.139. The provision applies only to private schools and not to private facilities where an IEP must be in place.</p> <p>(e) Pursuant to 34 CFR Sec. 300.133, each LEA is obligated to spend a proportionate amount of its federal IDEA Part B funds to assist private school children with disabilities placed in a</p>	<p>If appropriate, CIMARRON MUNICIPAL SCHOOLS will inform the parents that the LEA of residence is responsible for providing the child a free appropriate public education (FAPE) if the student leaves the private school and enrolls in public school. If the parent makes clear his or her intention to keep the child in the private school, the LEA where the child resides does not have to create an IEP. (See NMPED Q/A on IDEA and Private Schools (May 7, 2010))</p> <p>Every parentally-placed private school child with a disability attending a private school within CIMARRON MUNICIPAL SCHOOLS, who has been designated by the CIMARRON MUNICIPAL SCHOOLS to receive special education and related services, will have a service plan. The plan will describe the specific special education or related services that CIMARRON MUNICIPAL SCHOOLS will provide to the child. CIMARRON MUNICIPAL SCHOOLS will ensure that a representative of the private school attends each meeting to develop the plan, or use other methods to ensure participation by the private school, including conference telephone calls. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>

<p>information related to parentally-placed private school children covered under §§300.130 through 300.144:</p> <ul style="list-style-type: none"> (1) The number of children evaluated; (2) The number of children determined to be children with disabilities; and (3) The number of children served. <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(i))</p>	<p>private school or private facility by a parent who assumes responsibility for such placement. In doing so, LEAs must use the formula for calculating proportionate amount and annual count of parentally placed private school children with disabilities in accordance with 34 CFR Sec. 300.133. The public agency shall not use IDEA funds to benefit private schools as provided in 34 CFR Sec. 300.141. The state is not required to distribute state funds for such school-age persons. Furthermore, the Constitution and laws of New Mexico prohibit public agencies from spending state funds to assist private schools or facilities or their students.</p> <p>...</p> <ul style="list-style-type: none"> (7) The department will assign a unique student identifier for school-age persons who have service plans, including those who are not residents of the state but who are attending private residential treatment facilities in the state. 	<p>The NMPED has developed a model Private School Service Plan form available through the NMPED website. CIMARRON MUNICIPAL SCHOOLS uses a localized service plan form based upon the NMPED form and guidance.</p> <p>Although the IDEA and its regulations do not specify how often a service plan must be written, CIMARRON MUNICIPAL SCHOOLS will generally review and revise a service plan annually, as appropriate. (See OSERS Q & A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>CIMARRON MUNICIPAL SCHOOLS will maintain in its records and provide to the NMPED the number of parentally-placed private school children evaluated, the number of parentally-placed private school children determined to have disabilities under Part B of the IDEA, and the number of children provided with equitable services. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>§ 300.133 Expenditures.</p> <ul style="list-style-type: none"> (a) <i>Formula.</i> To meet the requirement of § 300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally- placed private school children with disabilities: <ul style="list-style-type: none"> (1) For children aged 3 through 21, an amount that is the same proportion of the LEA’s total subgrant under section 611(f) of the Act as the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools 	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <ul style="list-style-type: none"> L. Children in private schools or facilities. <ul style="list-style-type: none"> (1) Children enrolled by parents in private schools or facilities. <p>...</p> <ul style="list-style-type: none"> (e) Pursuant to 34 CFR Sec. 300.133, each LEA is obligated to spend a proportionate amount of its 	<p>If the LEA has not expended the entire proportionate share of its IDEA funds by the end of the fiscal year, CIMARRON MUNICIPAL SCHOOLS will obligate the remaining funds for services for parentally-placed private school students with disabilities during a carry-over period of one additional year. CIMARRON MUNICIPAL SCHOOLS will enter the proportionate share in the uniform chart of accounts. (See NMPED Q/A on IDEA and Private Schools (May 7, 2010))</p> <p>For technical assistance on how to calculate the proportionate share, see OSERS Q & A on Serving</p>
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<p>located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.</p> <p>(2)</p> <p>(i) For children aged three through five, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of parentally-placed private school children with disabilities aged three through five who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged three through five.</p> <p>(ii) As described in paragraph (a)(2)(i) of this section, children aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in §300.13.</p> <p>(3) If an LEA has not expended for equitable services all of the funds described in paragraphs (a)(1) and (a)(2) of this section by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.</p> <p>(b) <i>Calculating proportionate amount.</i> In calculating the proportionate amount of Federal funds to be</p>	<p>federal IDEA Part B funds to assist private school children with disabilities placed in a private school or private facility by a parent who assumes responsibility for such placement. In doing so, LEAs must use the formula for calculating proportionate amount and annual count of parentally placed private school children with disabilities in accordance with 34 CFR Sec. 300.133. The public agency shall not use IDEA funds to benefit private schools as provided in 34 CFR Sec. 300.141. The state is not required to distribute state funds for such school-age persons. Furthermore, the Constitution and laws of New Mexico prohibit public agencies from spending state funds to assist private schools or facilities or their students.</p>	<p>Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011), Section H.</p> <p>In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children (ages 5 through 21) with disabilities, CIMARRON MUNICIPAL SCHOOLS will ensure that the count is conducted between October 1st and December 1st of each year, or by the annual child count date set by the New Mexico Public Education Department. (See NMPED Q/A on IDEA and Private Schools (May 7, 2010))</p>
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<p>provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools under § 300.134, must conduct a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. (See Appendix B for an example of how proportionate share is calculated).</p> <p>(c) <i>Annual count of the number of parentally-placed private school children with disabilities.</i></p> <p>(1) Each LEA must—</p> <p>(i) After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities (consistent with §300.134), determine the number of parentally- placed private school children with disabilities attending private schools located in the LEA; and</p> <p>(ii) Ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year.</p> <p>(2) The count must be used to determine the amount that the LEA must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year.</p> <p>(d) <i>Supplement, not supplant.</i> State and local funds may supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities under this part.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>		
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<p>§ 300.134 Consultation.</p> <p>To ensure timely and meaningful consultation, an LEA, or, if appropriate, an SEA, must consult with private school representatives and representatives of parents of parentally- placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:</p> <p>(a) Child find. The child find process, including—</p> <p>(1) How parentally-placed private school children suspected of having a disability can participate equitably; and</p> <p>(2) How parents, teachers, and private school officials will be informed of the process.</p> <p>(b) <i>Proportionate share of funds.</i> The determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities under § 300.133(b), including the determination of how the proportionate share of those funds was calculated.</p> <p>(c) <i>Consultation process.</i> The consultation process among the LEA, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services.</p> <p>(d) <i>Provision of special education and related services.</i> How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of—</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(g) Pursuant to 34 CFR Secs. 300.134 and 300.135, LEAs must ensure timely and meaningful consultation with private school representatives and representatives of parents of parentally placed private school children with disabilities. If the LEA fails to engage in meaningful and timely consultation or did not give due consideration to a request from private school officials, private school officials have the right to submit a complaint to the department. The private school official and the LEA must follow the procedures outlined in 34 CFR Sec. 300.136.</p>	<p>CIMARRON MUNICIPAL SCHOOLS believes that effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by CIMARRON MUNICIPAL SCHOOLS. CIMARRON MUNICIPAL SCHOOLS will strive to establish positive and productive working relationships that make planning easier and ensure that the services provided meet the needs of eligible parentally placed private school children with disabilities. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>CIMARRON MUNICIPAL SCHOOLS will consult, in a timely and meaningful way, with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for parentally placed private school children. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>In the consultation process, CIMARRON MUNICIPAL SCHOOLS will address the child find process and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers and private school officials will be informed of the process. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>In the consultation process, CIMARRON MUNICIPAL SCHOOLS will address the proportionate share of federal funds available to serve parentally-placed private school children with disabilities, including the determination of how the share was calculated. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>(1) The types of services, including direct services and alternate service delivery mechanisms; and</p> <p>(2) How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and</p> <p>(3) How and when those decisions will be made;</p> <p>(e) <i>Written explanation by LEA regarding services.</i> How, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(iii))</p>		<p>In the consultation process, CIMARRON MUNICIPAL SCHOOLS will address how, where, and by whom special education and related services will be provided, including a discussion of types of services – including direct services and alternate service delivery mechanisms, as well as how the services will be apportioned if funds are insufficient. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>If CIMARRON MUNICIPAL SCHOOLS disagrees with the views of the private school officials on the provision of services or the types of services, CIMARRON MUNICIPAL SCHOOLS will provide a written explanation of the reasons why CIMARRON MUNICIPAL SCHOOLS chooses not to adopt the recommendations of the private school officials. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>CIMARRON MUNICIPAL SCHOOLS will submit a Consultation Documentation as part of their New Mexico Local Application for IDEA-B Funding. This appears as part of Objective 7 on the application. Representatives of each private school within the CIMARRON MUNICIPAL SCHOOLS’s jurisdiction are required to sign and date this form indicating that they have been made aware by CIMARRON MUNICIPAL SCHOOLS’s appropriate provisions contained in the IDEA. (See NMPED Q/A on IDEA and Private Schools (May 7, 2010))</p>
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<p>§ 300.135 Written affirmation.</p>		
<p>(a) When timely and meaningful consultation, as required by §300.134, has occurred, the LEA must obtain a written affirmation signed by the representatives of participating private schools.</p> <p>(b) If the representatives do not provide the affirmation within a reasonable period of time, the LEA must forward the documentation of the consultation process to the SEA.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(iv))</p>		<p>After the consultation has occurred, CIMARRON MUNICIPAL SCHOOLS will obtain a written affirmation signed by the representative of the private school. If the representatives do not provide the affirmation within a reasonable period of time, CIMARRON MUNICIPAL SCHOOLS will forward the documentation of the consultation process to the NMPED. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>

<p>§ 300.136 Compliance.</p>		
<p>(a) <i>General.</i> A private school official has the right to submit a complaint to the SEA that the LEA—</p> <p>(1) Did not engage in consultation that was meaningful and timely; or</p> <p>(2) Did not give due consideration to the views of the private school official.</p> <p>(b) <i>Procedure.</i></p> <p>(1) If the private school official wishes to submit a complaint, the official must provide to the SEA the basis of the noncompliance by the LEA with the applicable private school provisions in this part; and</p> <p>(2) The LEA must forward the appropriate documentation to the SEA.</p> <p>(3)</p> <p>(i) If the private school official is dissatisfied with the decision of the SEA, the official</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(g) Pursuant to 34 CFR Secs. 300.134 and 300.135, LEAs must ensure timely and meaningful consultation with private school representatives and representatives of parents of parentally placed private school children with disabilities. If the LEA fails to engage in meaningful and timely consultation or did not give due consideration to a request from private school officials, private school officials have the right to submit a complaint to the department. The private school official and the</p>	<p>In New Mexico, although the child find duty extends to home-school students, the requirements for proportionate spending and “meaningful and timely consultation” do not apply to home-schooled students. Parents who home school their children do not have the right to file a state-level complaint against CIMARRON MUNICIPAL SCHOOLS alleging a violation of these consultations requirements. (See NMPED Memorandum regarding Children in Private Schools (November 14, 2005))</p>

<p>may submit a complaint to the Secretary by providing the information on noncompliance described in paragraph (b)(1) of this section; and</p> <p>(ii) The SEA must forward the appropriate documentation to the Secretary.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(v))</p>	<p>LEA must follow the procedures outlined in 34 CFR Sec. 300.136.</p>	
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<p>§ 300.137 Equitable services determined.</p> <p>(a) <i>No individual right to special education and related services.</i> No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.</p> <p>(b) <i>Decisions.</i></p> <p>(1) Decisions about the services that will be provided to parentally-placed private school children with disabilities under §§ 300.130 through 300.144 must be made in accordance with paragraph (c) of this section and §300.134(c).</p> <p>(2) The LEA must make the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities.</p> <p>(c) <i>Services plan for each child served under §§300.130 through 300.144.</i> If a child with a disability is enrolled in a religious or other private school by the child’s parents and will receive special education or related services from an LEA, the LEA must—</p> <p>(1) Initiate and conduct meetings to develop,</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(d) Each public agency must develop a “service plan” that describes the special education and related services the LEA will provide to a parentally placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR Sec. 300.132 and that is developed and implemented in accordance with 34 CFR Secs. 300.137 through 300.139. The provision applies only to private schools and not to private facilities where an IEP must be in place.</p> <p>...</p>	<p>CIMARRON MUNICIPAL SCHOOLS understands that it has the obligation to provide the group of parentally-placed private school children with disabilities with equitable participation in the services funded with federal IDEA funds. However, children with disabilities enrolled in private schools by their parents have no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school other than child find, including evaluations. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>review, and revise a services plan for the child, in accordance with §300.138(b); and</p> <p>(2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>	<p>(f) No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. Pursuant to 34 CFR Sec. 300.137, the LEA must make the final decisions with respect to the services to be provided to eligible parentally placed private school children with disabilities.</p>	
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<p>§ 300.138 Equitable services provided.</p> <p>(a) <i>General.</i></p> <p>(1) The services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the special education teacher requirements of §300.156 (c)..</p> <p>(2) Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.</p> <p>(b) <i>Services provided in accordance with a services plan.</i></p> <p>(1) Each parentally-placed private school child with a disability who has been designated to receive services under § 300.132 must have a</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(d) Each public agency must develop a “service plan” that describes the special education and related services the LEA will provide to a parentally placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR Sec. 300.132 and that is developed and implemented in accordance with 34 CFR Secs. 300.137 through 300.139. The provision applies only to private schools and not to private facilities where an IEP must be in place.</p>	<p>Equitable services will be provided to parentally-placed private school children with disabilities by CIMARRON MUNICIPAL SCHOOLS employees or through contract by CIMARRON MUNICIPAL SCHOOLS with an individual, association, agency or organization. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>If CIMARRON MUNICIPAL SCHOOLS personnel is providing equitable services to private school children on or off the premises of the private school, those CIMARRON MUNICIPAL SCHOOLS personnel must meet the special education teacher qualification requirements in section 300.156 (c) . However, if CIMARRON MUNICIPAL SCHOOLS contracts with private school teachers to provide equitable services, those private school teachers do not have to meet the special education teacher qualification requirements. (See OSERS Q & A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>Although IDEA and its regulations do not specify how often a service plan must be written, CIMARRON MUNICIPAL SCHOOLS will generally review and</p>
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<p>services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in §§ 300.134 and 300.137, it will make available to parentally-placed private school children with disabilities.</p> <p>(2) The services plan must, to the extent appropriate—</p> <p>(i) Meet the requirements of § 300.320, or for a child ages three through five, meet the requirements of § 300.323(b) with respect to the services provided; and</p> <p>(ii) Be developed, reviewed, and revised consistent with §§ 300.321 through 300.324.</p> <p>(c) <i>Provision of equitable services.</i></p> <p>(1) The provision of services pursuant to this section and §§300.139 through 300.143 must be provided:</p> <p>(i) By employees of a public agency; or</p> <p>(ii) Through contract by the public agency with an individual, association, agency, organization, or other entity.</p> <p>(2) Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(vi))</p>		<p>revise a service plan annually, as appropriate. (See OSERS Q & A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>§ 300.139 Location of services and transportation.</p> <p>(a) <i>Services on private school premises.</i> Services to parentally- placed private school children with disabilities may be provided on the premises of private, including religious, schools, to the extent consistent with law.</p> <p>(b) <i>Transportation—</i></p> <p>(1) <i>General.</i></p> <p>(i) If necessary for the child to benefit from or participate in the services provided under this part, a parentally-placed private school child with a disability must be provided transportation—</p> <p>(A) From the child’s school or the child’s home to a site other than the private school; and</p> <p>(B) From the service site to the private school, or to the child’s home, depending on the timing of the services.</p> <p>(ii) LEAs are not required to provide transportation from the child’s home to the private school.</p> <p>(2) <i>Cost of transportation.</i> The cost of the transportation described in paragraph (b)(1)(i) of this section may be included in calculating whether the LEA has met the requirement of §300.133.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(d) Each public agency must develop a “service plan” that describes the special education and related services the LEA will provide to a parentally placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR Sec. 300.132 and that is developed and implemented in accordance with 34 CFR Secs. 300.137 through 300.139. The provision applies only to private schools and not to private facilities where an IEP must be in place.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will provide services on-site at the child’s private school so as to not unduly disrupt the child’s educational experience, unless there is a compelling rationale for these services to be provided off-site. (See OSERS Q & A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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§ 300.140 Due process complaints and State complaints.		
<p>(a) <i>Due process not applicable, except for child find.</i></p> <p>(1) Except as provided in paragraph (b) of this section, the procedures in §§ 300.504 through 300.519 do not apply to complaints that an LEA has failed to meet the requirements of §§300.132 through 300.139, including the provision of services indicated on the child’s services plan.</p> <p>(b) <i>Child find complaints—to be filed with the LEA in which the private school is located.</i></p> <p>(1) The procedures in §§ 300.504 through 300.519 apply to complaints that an LEA has failed to meet the child find requirements in § 300.131, including the requirements in §§ 300.300 through 300.311.</p> <p>(2) Any due process complaint regarding the child find requirements (as described in paragraph (b)(1) of this section) must be filed with the LEA in which the private school is located and a copy must be forwarded to the SEA.</p> <p>(c) <i>State complaints.</i></p> <p>(1) Any complaint that an SEA or LEA has failed to meet the requirements in §§ 300.132 through 300.135 and 300.137 through 300.144 must be filed in accordance with the procedures described in §§ 300.151 through 300.153.</p> <p>(2) A complaint filed by a private school official under §300.136(a) must be filed with the SEA in accordance with the procedures in §300.136(b).</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>(1) Children enrolled by parents in private schools or facilities.</p> <p>...</p> <p>(h) Pursuant to 34 CFR Secs. 300.140, the due process provisions of Subsection I of 6.31.2.13 NMAC are not applicable except for child find complaints which must be filed in compliance with 34 CFR Sec. 300.140(b). Any complaint that the department or any LEA has failed to meet the requirements in 34 CFR Secs, 300.132 through 300.135 and 300.137 through 300.144 must be filed in accordance with the provisions described in Subsection H of 6.31.2.13 NMAC</p>	<p>Although the child find duty extends to home-school students, the requirements for proportionate spending and “meaningful and timely consultation” do not apply to home-schooled students. Parents who home school their children do not have the right to file a state-level complaint against CIMARRON MUNICIPAL SCHOOLS alleging a violation of these consultations requirements. (See NMPED Memorandum regarding Children in Private Schools (November 14, 2005))</p>

<p>§ 300.141 Requirement that funds not benefit a private school.</p>		
<p>(a) An LEA may not use funds provided under section 611 or 619 of the Act to finance the existing level of instruction in a private school or to otherwise benefit the private school.</p> <p>(b) The LEA must use funds provided under Part B of the Act to meet the special education and related services needs of parentally-placed private school children with disabilities, but not for meeting—</p> <ol style="list-style-type: none"> (1) The needs of a private school; or (2) The general needs of the students enrolled in the private school. <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will control and administer the funds used to provide special education and related services to parentally-placed private school children with disabilities, and will maintain title to materials, equipment, and property purchased with those funds. Private school officials may not obligate or receive Part B funds. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p> <p>CIMARRON MUNICIPAL SCHOOLS will not pay any IDEA Part B funds for equitable services directly to a private school. Nor will any IDEA Part B funds be used for repairs, minor remodeling, or construction of private school facilities. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
<p>§ 300.142 Use of personnel.</p>		
<p>(a) <i>Use of public school personnel.</i> An LEA may use funds available under sections 611 and 619 of the Act to make public school personnel available in other than public facilities—</p> <ol style="list-style-type: none"> (1) To the extent necessary to provide services under §§300.130 through 300.144 for parentally-placed private school children with disabilities; and (2) If those services are not normally provided by the private school. 		<p>If CIMARRON MUNICIPAL SCHOOLS personnel is providing equitable services to private school children on or off the premises of the private school, those CIMARRON MUNICIPAL SCHOOLS personnel must meet the special education teacher qualification requirements in section 300.156 (c) . However, if CIMARRON MUNICIPAL SCHOOLS contracts with private school teachers to provide equitable services, those private school teachers do not have to meet the special education teacher qualification requirements. (See OSERS Q & A on Serving Children With</p>

<p>(b) Use of private school personnel. An LEA may use funds available under sections 611 and 619 of the Act to pay for the services of an employee of a private school to provide services under §§ 300.130 through 300.144 if—</p> <p>(1) The employee performs the services outside of his or her regular hours of duty; and</p> <p>(2) The employee performs the services under public supervision and control.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>		<p>Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>§ 300.143 Separate classes prohibited.</p> <p>An LEA may not use funds available under section 611 or 619 of the Act for classes that are organized separately on the basis of school enrollment or religion of the children if—</p> <p>(a) The classes are at the same site; and</p> <p>(b) The classes include children enrolled in public schools and children enrolled in private schools.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>		
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<p>§ 300.144 Property, equipment, and supplies.</p> <p>(a) A public agency must control and administer the funds used to provide special education and related services under §§300.137 through 300.139, and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in the Act.</p>		<p>CIMARRON MUNICIPAL SCHOOLS may place equipment and supplies in a private school for the period of time needed for the specific program. (See OSERS Q/A on Serving Children With Disabilities Placed by Their Parents at Private Schools (Revised April 2011))</p>
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<p>(b) The public agency may place equipment and supplies in a private school for the period of time needed for the Part B program.</p> <p>(c) The public agency must ensure that the equipment and supplies placed in a private school—</p> <ol style="list-style-type: none"> (1) Are used only for Part B purposes; and (2) Can be removed from the private school without remodeling the private school facility. <p>(d) The public agency must remove equipment and supplies from a private school if—</p> <ol style="list-style-type: none"> (1) The equipment and supplies are no longer needed for Part B purposes; or (2) Removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes. <p>(e) No funds under Part B of the Act may be used for repairs, minor remodeling, or construction of private school facilities.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A)(vii))</p>		
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Children With Disabilities in Private Schools Placed or Referred by Public Agencies		
§ 300.145 Applicability of §§ 300.146 through 300.147.		
<p>Sections 300.146 through 300.147 apply only to children with disabilities who are or have been placed in or referred to a private school or facility by a public agency as a means of providing special education and related services.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(B))</p>		

§ 300.146 Responsibility of SEA.		
<p>Each SEA must ensure that a child with a disability who is placed in or referred to a private school or facility by a public agency—</p> <p>(a) Is provided special education and related services—</p> <p>(1) In conformance with an IEP that meets the requirements of §§ 300.320 through 300.325; and</p> <p>(2) At no cost to the parents;</p> <p>(b) Is provided an education that meets the standards that apply to education provided by the SEA and LEAs including the requirements of this part, except for §300.156(c); and</p> <p>(c) Has all of the rights of a child with a disability who is served by a public agency.</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>...</p> <p>(2) Children placed in or referred to private schools or facilities by New Mexico public agencies. Each public agency shall ensure that a child with a disability who is placed in or referred to a private school or facility by the agency as a means of providing special education and related services is provided services in compliance with the requirements of 34 CFR Secs. 300.146 and 300.147. Such a child has all the rights of a child with a disability who is served by a public agency.</p> <p>(3) Children placed in or referred to private schools or facilities by New Mexico public non-educational agencies. For a qualified student or school-age</p>	

<p>(Authority: 20 U.S.C. 1412(a)(10)(B))</p>	<p>person in need of special education placed in a private school or facility by a New Mexico public noneducational agency with custody or control of the qualified student or school-age person or by a New Mexico court of competent jurisdiction, the school district in which the facility is located shall be responsible for the planning and delivery of special education and related services, unless the qualified student's or school-age person's resident school district has an agreement with the facility to provide such services. The district must make reasonable efforts to involve the qualified student or school-age person's resident school district in the IEP process.</p> <p>(4) Children placed in or referred to private schools or facilities by public noneducational agencies other than New Mexico public agencies. A school district in which a private school or facility is located shall not be considered the resident school district of a school-age person if residency is based solely on the school-age person's enrollment at the facility and the school-age person would not otherwise be considered a resident of the state.</p> <p>...</p> <p>(6) If not otherwise governed by this rule, the department will determine which school district is responsible for the cost of educating a qualified student in need of special education who has been placed in a private school or facility outside the qualified student's resident school district in accordance with the following procedures.</p> <p>(a) The receiving school district must notify the SEB of the department in writing no later than thirty (30) days after the receiving school district receives notice of the placement. The notice, as described on the department's website, must include: name of student, date of birth of student, date of placement, information regarding the qualified student's resident school district, documentation of placement, including</p>	
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	<p>student’s IEP, cost of placement, and any other information deemed relevant by the SEB. The receiving school district must provide a copy of the notice to the district identified as the student’s resident district.</p> <p>(b) The district identified as the student’s resident district may provide any additional information it deems relevant. Such additional information must be provided no later than 15 days after the resident district receives its copy of the notice described in Subparagraph (a) of this paragraph.</p> <p>(c) No later than 60 days after its receipt of the notice described in Subparagraph (a) of this paragraph, the SEB will issue its determination as to which school district is responsible for the cost of educating the student, together with the amount of any reasonable reimbursement owed to the receiving school district. The SEB may extend the 60 day timeline for good cause.</p>	
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<p>§ 300.147 Implementation by SEA.</p>		
<p>In implementing § 300.146, the SEA must—</p> <p>(a) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;</p> <p>(b) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a child with a disability; and</p> <p>(c) Provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(B))</p>		

<u>Children With Disabilities Enrolled by Their Parents in Private Schools When FAPE Is at Issue</u>		
<u>§ 300.148 Placement of children by parents when FAPE is at issue.</u>		
<p>(a) <i>General.</i> This part does not require an LEA to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made FAPE available to the child and the parents elected to place the child in a private school or facility. However, the public agency must include that child in the population whose needs are addressed consistent with §§300.131 through 300.144.</p> <p>(b) <i>Disagreements about FAPE.</i> Disagreements between the parents and a public agency regarding the availability of a program appropriate for the child, and the question of financial reimbursement, are subject to the due process procedures in §§ 300.504 through 300.520.</p> <p>(c) <i>Reimbursement for private school placement.</i> If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private preschool, elementary school, or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the SEA and LEAs.</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>L. Children in private schools or facilities.</p> <p>...</p> <p>(5) Children placed in private schools or facilities by parents when FAPE is at issue. The responsibility of a local educational agency to pay for the cost of education for a child with a disability who is placed in a private school or facility such as residential treatment centers, day treatment centers, hospitals or mental health institutions, by parents who allege that the LEA failed to offer FAPE is governed by the requirements of 34 CFR Sec. 300.148. Disagreements between a parent and a public agency regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures of Subsection I of 6.31.2.13 NMAC.</p>	<p>CIMARRON MUNICIPAL SCHOOLS understands that disagreements between a parent and CIMARRON MUNICIPAL SCHOOLS regarding the availability of a program appropriate for the child and the question of financial responsibility are subject to the due process procedures. (See 71 Fed. Reg. 46599 (August 14, 2007))</p> <p>When a parent intends to enroll their child in a private school at public expense, CIMARRON MUNICIPAL SCHOOLS expects that parents will notify the CIMARRON MUNICIPAL SCHOOLS</p> <ul style="list-style-type: none"> ■ At the most recent IEP Team meeting that the parents attended prior to removal of the child from the public school, that they are rejecting the placement proposed by the CIMARRON MUNICIPAL SCHOOLS to provide FAPE to their child, including by stating their concerns and their intent to enroll their child in a private school at public expense; or ■ At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, that they are rejecting the placement proposed by the CIMARRON MUNICIPAL SCHOOLS to provide FAPE to their child, including by stating their concerns and their intent to enroll their child in a private school at public expense. <p>CIMARRON MUNICIPAL SCHOOLS acknowledges that tuition reimbursement is available if a hearing officer or court concludes both that CIMARRON MUNICIPAL SCHOOLS’s placement violated the IDEA, and that the private school placement was proper under the IDEA. (See 71 Fed. Reg. 46599 (August 14,</p>

<p>(d) <i>Limitation on reimbursement.</i> The cost of reimbursement described in paragraph (c) of this section may be reduced or denied—</p> <p>(1) If—</p> <p>(i) At the most recent IEP Team meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or</p> <p>(ii) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in paragraph (d)(1)(i) of this section;</p> <p>(2) If, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in §300.503(a)(1), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or</p> <p>(3) Upon a judicial finding of unreasonableness with respect to actions taken by the parents.</p> <p>(e) <i>Exception.</i> Notwithstanding the notice requirement in paragraph (d)(1) of this section, the cost of reimbursement—</p>		<p>2007); <i>School Committee of the Town of Burlington v. Department of Education</i>, 471 U.S. 359 (1985))</p> <p>CIMARRON MUNICIPAL SCHOOLS acknowledges that a unilateral parental placement does not need to meet New Mexico standards in order to be considered by a hearing officer or court to be “appropriate” as those standards only apply if public agencies initiate the placement. (See 71 Fed. Reg. 46599 (August 14, 2007); see also, <i>Florence County School District Four v. Carter</i>, 471 U.S.359 (1993))</p>
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<p>(1) Must not be reduced or denied for failure to provide the notice if—</p> <ul style="list-style-type: none"> (i) The school prevented the parents from providing the notice; (ii) The parents had not received notice, pursuant to §300.504, of the notice requirement in paragraph (d)(1) of this section; or (iii) Compliance with paragraph (d)(1) of this section would likely result in physical harm to the child; and <p>(2) May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if—</p> <ul style="list-style-type: none"> (i) The parents are not literate or cannot write in English; or (ii) Compliance with paragraph (d)(1) of this section would likely result in serious emotional harm to the child. <p>(Authority: 20 U.S.C. 1412(a)(10)(C))</p>		
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<p>SEA Responsibility for General Supervision and Implementation of Procedural Safeguards</p>		
<p>§ 300.149 SEA responsibility for general supervision.</p>		
<p>(a) The SEA is responsible for ensuring—</p> <ul style="list-style-type: none"> (1) That the requirements of this part are carried out; and (2) That each educational program for children with disabilities administered within the State, including each program administered by any 	<p>6.31.2.3 NMAC. STATUTORY AUTHORITY:</p> <p>Section 22-13-5 NMSA 1978 authorizes the public education department to develop and establish regulations and standards for the conduct of special education in the schools and classes of the public school system in the state and in all institutions</p>	<p>CIMARRON MUNICIPAL SCHOOLS recognizes the general supervisory authority of the NMPED.</p>

<p>other State or local agency (but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior)—</p> <ul style="list-style-type: none"> (i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and (ii) Meets the educational standards of the SEA (including the requirements of this part). <p>(3) In carrying out this part with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 <i>et seq.</i>) are met.</p> <p>(b) The State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in §§ 300.600 through 300.602 and §§ 300.606 through 300.608.</p> <p>(c) Part B of the Act does not limit the responsibility of agencies other than educational agencies for providing or paying some or all of the costs of FAPE to children with disabilities in the State.</p> <p>(d) Notwithstanding paragraph (a) of this section, the Governor (or another individual pursuant to State law) may assign to any public agency in the State the responsibility of ensuring that the requirements of Part B of the Act are met with respect to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons.</p> <p>(Authority: 20 U.S.C. 1412(a)(11); 1416)</p>	<p>wholly or partially supported by the state and to monitor and enforce those regulations and standards. Section 22-13-6.1 NMSA 1978 authorizes the public education department to adopt standards pertaining to the determination of who is a gifted child as part of the educational standards for New Mexico schools. Section 22-13-5 NMSA 1978 directs the public education department to establish rules and standards under Public Law 108-446, now the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). The IDEA at 20 USC Sec. 1412(a)(11) requires the state educational agency in each participating state to ensure that the requirements of the IDEA and state educational standards are met in all educational programs administered by any state or local educational agency for children with disabilities aged 3 through 21.</p>	
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<p>§ 300.150 SEA implementation of procedural safeguards.</p>		
<p>The SEA (and any agency assigned responsibility pursuant to §300.149(d)) must have in effect procedures to inform each public agency of its responsibility for ensuring effective implementation of procedural safeguards for the children with disabilities served by that public agency.</p> <p>(Authority: 20 U.S.C. 1412(a)(11); 1415(a))</p>		

<p>CONFLICT RESOLUTION AT THE LOWEST POSSIBLE LEVEL</p>		
<p>Conflict Resolution at the Lowest Possible Level.</p>		
<p>(Not in Federal Regulations; See New Mexico Rules)</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>C. Definitions related to dispute resolution. The following terms are listed in the order that reflects a continuum of dispute resolution options and shall have the following meanings for the purposes of these rules.</p> <p>(1) “Facilitated IEP (FIEP) meeting” means an IEP meeting that utilizes an independent, state approved, state-funded, trained facilitator as an IEP facilitator to assist the IEP team to communicate openly and effectively, in order to resolve conflicts related to a student’s IEP.</p> <p>(2) “Mediation” means a meeting or series of meetings that utilizes an independent, state-approved, state-funded, trained mediator to assist parties to reconcile disputed matters related to a student’s IEP or other educational, non-IEP-related issues.</p> <p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>G. Conflict management and resolution.</p>	<p>IDEA requires that parents turn first to the IDEA’s administrative framework to resolve any conflicts they have with CIMARRON MUNICIPAL SCHOOLS including regarding identification, evaluation, educational placement, or the provision of a FAPE. The Tenth Circuit federal court of appeals has interpreted the IDEA’s exhaustion requirements broadly, “noting Congress’ clear intention to allow those with experience in educating the nation’s disabled children ‘at least the first crack at formulating a plan to overcome the consequences of educational shortfalls.’” (Ellenberg v. New Mexico Military Institute, 478 F.3d 1262 (10th Cir. 2007))</p> <p>CIMARRON MUNICIPAL SCHOOLS seeks to establish and maintain productive working relationships with the parents of each child it serves and to deal constructively with disagreements. Toward that end, CIMARRON MUNICIPAL SCHOOLS provides appropriate training for staff and parents in skills and techniques of conflict prevention and management and dispute resolution. (See 6.31.2.13(G)(1) NMAC)</p>

	<p>(1) Each public agency shall seek to establish and maintain productive working relationships with the parents of each child the agency serves and to deal constructively with disagreements. Toward that end, each public agency is strongly encouraged to provide appropriate training for staff and parents in skills and techniques of conflict prevention and management and dispute resolution, and to utilize an informal dispute resolution method as set forth under Subparagraph (a) of Paragraph (2) of Subsection G of 6.31.2.13 NMAC to resolve disagreements at the local level whenever practicable.</p> <p>(2) Spectrum of dispute resolution options. To facilitate dispute prevention as well as swift, early conflict resolution whenever possible, the department and the public agency shall ensure that the following range of dispute resolution options is available to parents and public agency personnel.</p> <p>(a) Informal dispute resolution option. If a disagreement arises between parents and a public agency over a student's IEP or educational program, either the parents or the public agency may convene a new IEP meeting at any time to attempt to resolve their differences at the local level, without state-level intervention.</p> <p>(b) Third-party assisted intervention. The special education bureau (SEB) of the department will ensure that mediation is available to parents and public agencies who request such third-party assisted intervention before filing a state-level complaint or a request for a due process hearing. The SEB will honor a request for mediation that:</p> <p>(i) is in writing;</p> <p>(ii) is submitted to the SEB;</p>	<p>CIMARRON MUNICIPAL SCHOOLS utilizes informal dispute resolution methods to resolve disagreements at the local level whenever practicable. (See 6.31.2.13(G)(2) NMAC)</p> <p>CIMARRON MUNICIPAL SCHOOLS encourages parents to contact the campus principal first in an effort to resolve conflicts. If those efforts are not resolved to the parent's satisfaction, they should then contact the Department of Special Education.</p>
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	<ul style="list-style-type: none"> (iii) is a mutual request signed by both parties or their designated representatives; (iv) includes a statement of the matter(s) in dispute and a description of any previous attempts to resolve these matters at the local level; and (v) any request that does not contain all of these elements will be declined, with an explanation for the SEB's decision and further guidance, as appropriate. <p>(c) Formal dispute resolution.</p> <ul style="list-style-type: none"> (i) A state-level complaint may be filed with the SEB of the department by the parents of a child, or by another individual or organization on behalf of a child, as described under Subparagraph (a) of Paragraph (2) of Subsection H of 6.31.2.13 NMAC. Once a complaint has been filed, the parties may agree to convene a FIEP meeting or mediation as described under Paragraph (3) of Subsection H of 6.31.2.13 NMAC. (ii) A request for a due process hearing may be filed by parents or their authorized representative, or by a public agency, as described under Paragraph (5) of Subsection I of 6.31.2.13 NMAC. A resolution session between the parties must be convened by the public agency following a request for a due process hearing, unless the parties agree in writing to waive that option or to convene a mediation instead, as described under Paragraph (8) of Subsection I of 6.31.2.13 NMAC. 	
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	(d) The Mediation Procedures Act does not apply to mediations conducted under 6.31.2 NMAC.	
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<u>State Complaint Procedures</u>		
<u>§ 300.151 Adoption of State complaint procedures.</u>		
<p>(a) <i>General.</i> Each SEA must adopt written procedures for—</p> <p>(1) Resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of § 300.153 by—</p> <p>(i) Providing for the filing of a complaint with the SEA; and</p> <p>(ii) At the SEA’s discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency’s decision on the complaint; and</p> <p>(2) Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the State procedures under §§ 300.151 through 300.153.</p> <p>(b) <i>Remedies for denial of appropriate services.</i> In resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address—</p> <p>(1) The failure to provide appropriate services,</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>H. State complaint procedures.</p> <p>(1) Scope and dissemination</p> <p>(a) This Subsection H of 6.31.2.13 NMAC prescribes procedures to be used in filing and processing complaints alleging the failure of the department or a public agency to comply with state or federal laws or regulations governing programs for children with disabilities under the IDEA or with state statutes or regulations governing educational services for gifted children.</p> <p>(b) The SEB shall disseminate information regarding state complaint procedures to parents and other interested individuals and organizations, as identified by the SEB, including parent centers, information centers, advocacy agencies, independent living centers, and other appropriate entities throughout the state.</p> <p>(i) The SEB shall place documents regarding state complaint procedures in English and Spanish, including state complaint forms, in an easily accessible location on the SEB website.</p>	

<p>including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and</p> <p>(2) Appropriate future provision of services for all children with disabilities.</p> <p>(Authority: 20 U.S.C. 1221e-3)</p>	<p>(ii) The SEB shall, on a yearly basis, send an email to the organizations and individuals identified in Subparagraph (b) of Paragraph (1) of Subsection H or 6.31.2.13 NMAC providing information regarding state complaint procedures and encouraging these organizations and individuals to post a link to the SEB website on their website.</p> <p>(iii) Upon request by any individual or organization, the SEB shall provide the information regarding state complaint procedures, as posted on the SEB’s website, in print or electronic form.</p>	
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<p>§ 300.152 Minimum State complaint procedures.</p>		
<p>(a) <i>Time limit; minimum procedures.</i> Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under § 300.153 to—</p> <p>(1) Carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;</p> <p>(2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;</p> <p>(3) Provide the public agency with the opportunity to respond to the complaint, including, at a minimum—</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>H. State complaint procedures.</p> <p>...</p> <p>(3) Preliminary meeting.</p> <p>(a) FIEP meeting: mediation. Parties to a state-level complaint may choose to convene a FIEP meeting or mediation instead of a CAIEP meeting. To do so, the public agency must (and the parent may) notify the SEB of the department in writing within 1 business day of reaching their decision to jointly request one of these ADR options. A FIEP meeting or</p>	<p>The NMPED has issued guidance regarding facilitated IEP meetings. The Facilitated IEP Meeting Fact Sheet (May 2012) is available through the NMPED website.</p> <p>A parent can contact the CIMARRON MUNICIPAL SCHOOLS’s special education director to request a FIEP meeting as an alternative form of dispute resolution whether or not the parent has filed a State-level complaint. Both the CIMARRON MUNICIPAL SCHOOLS and parent must agree to engage in this process. When a parent files a State-level complaint, the CIMARRON MUNICIPAL SCHOOLS and parent may choose to convene a FIEP meeting. The CIMARRON MUNICIPAL SCHOOLS by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p>

<ul style="list-style-type: none"> (i) At the discretion of the public agency, a proposal to resolve the complaint; and (ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with § 300.506; <p>(4) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part; and</p> <p>(5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains—</p> <ul style="list-style-type: none"> (i) Findings of fact and conclusions; and (ii) The reasons for the SEA’s final decision. <p>(b) <i>Time extension; final decision; implementation.</i> The SEA’s procedures described in paragraph (a) of this section also must—</p> <p>(1) Permit an extension of the time limit under paragraph (a) of this section only if—</p> <ul style="list-style-type: none"> (i) Exceptional circumstances exist with respect to a particular complaint; or (ii) The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation pursuant to paragraph (a)(3)(ii) of this section, or to engage in other alternative means of dispute resolution, if available in the State; and 	<p>mediation shall be completed not later than 14 days after the assignment of the IEP facilitator or mediator by the SEB, unless a brief extension is granted by the SEB based on exceptional circumstances. Each session in the FIEP or mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the complaint.</p> <p>(b) Mediation requirements. If the parties choose to use mediation, the following requirements apply.</p> <ul style="list-style-type: none"> (i) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. (ii) Any mediated agreement must state that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. Any such agreement must also be signed by both the parent and a representative of the agency who has the authority to bind such agency, and shall be enforceable in any state court of competent jurisdiction or in a district court of the United States. (iii) If a mediated agreement involves IEP-related issues, the agreement must state that the public agency will subsequently convene an IEP meeting to inform the student's service providers of their responsibilities under that agreement, and revise the student's IEP accordingly. (iv) The mediator shall transmit a copy of the written mediation agreement to each party 	<p>Either the CIMARRON MUNICIPAL SCHOOLS or the parent can request mediation as an alternative form of dispute resolution by contacting the NMPED’s Special Education Bureau and asking to speak to the ADR Coordinator to obtain a Request for Mediation form. Both the CIMARRON MUNICIPAL SCHOOLS and parent must agree to engage in mediation. When a parent files a State-level complaint, the CIMARRON MUNICIPAL SCHOOLS and parent may choose to participate in mediation. The CIMARRON MUNICIPAL SCHOOLS by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p>
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<p>(2) Include procedures for effective implementation of the SEA's final decision, if needed, including—</p> <ul style="list-style-type: none"> (i) Technical assistance activities; (ii) Negotiations; and (iii) Corrective actions to achieve compliance. <p>(c) <i>Complaints filed under this section and due process hearings under § 300.507 and §§ 300.530 through 300.532.</i></p> <p>(1) If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§ 300.530 through 300.532, or contains multiple issues of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in paragraphs (a) and (b) of this section.</p> <p>(2) If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties—</p> <ul style="list-style-type: none"> (i) The due process hearing decision is binding on that issue; and (ii) The SEA must inform the complainant to that effect. <p>(3) A complaint alleging a public agency's failure to implement a due process hearing decision must be resolved by the SEA.</p>	<p>within 7 days of the meeting at which the agreement was concluded. A mediation agreement involving a claim or issue that later goes to a due process hearing may be received in evidence if the hearing officer rules that part or all of the agreement is relevant to one or more IDEA issues that are properly before the hearing officer for decision.</p> <p>(v) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.</p> <p>(vi) Any other requirement provided in 34 CFR 300.506(b) that is not otherwise provided herein.</p> <p>(4) Complaints and due process hearings on the same issues. Pursuant to 34 CFR Sec. 300.152(c).</p> <ul style="list-style-type: none"> (a) The SEB of the department shall set aside any part of a written complaint that is also the subject of a due process hearing under Subsection I of 6.31.2.13 NMAC until the conclusion of the hearing and any civil action. Any issue in the complaint that is not a part of the due process hearing or civil action will be resolved by the SEB as provided in Subsection H of 6.31.2.13 NMAC. (b) If an issue is raised in a complaint that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding and the SEB must inform the complainant to that effect. (c) A complaint alleging a public agency's failure to implement a due process decision will be resolved by the SEB as provided in this Subsection H of 6.31.2.13 NMAC. 	
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<p>(Authority: 20 U.S.C. 1221e-3)</p>	<p>(5) Complaints against public agencies.</p> <p>(a) Impartial review. Upon receipt of a complaint that meets the requirements of Paragraph (2) of Subsection H of 6.31.2.13 NMAC above, the SEB of the department shall:</p> <ul style="list-style-type: none"> (i) undertake an impartial investigation which shall include complete review of all documentation presented and may include an independent on-site investigation, if determined necessary by the SEB; (ii) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; (iii) provide the public agency with the opportunity to respond to the allegations in the complaint; and (iv) review all relevant information and make an independent determination as to whether the public agency is violating a requirement of an applicable state or federal statute or regulation. <p>(b) Decision. A written decision which includes findings of fact, conclusions, and the reasons for the decision and which addresses each allegation in the complaint shall be issued by the SEB and mailed to the parties within sixty (60) days of receipt of the written complaint, regardless of whether or not the parties agree to convene a FIEP meeting, or mediation. Such decision shall further include procedures for effective implementation of the final decision, if needed, including technical assistance, negotiations, and if corrective action is required, such action shall be designated and shall include the timeline for correction and the</p>	
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	<p>possible consequences for continued noncompliance.</p> <p>(c) Failure or refusal to comply. If the public agency fails or refuses to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance may be effected by the department by any means authorized by state or federal laws or regulations. The department shall retain jurisdiction over the issue of noncompliance with the law or regulations and shall retain jurisdiction over the implementation of any corrective action required.</p> <p>(6) Complaints against the department. If the complaint concerns a violation by the department and: is submitted in writing to the secretary of education; is signed by the complainant or a designated representative; includes a statement that the department has violated a requirement of an applicable state or federal law or regulation; contains a statement of facts on which the allegation of violation is based, and otherwise meets the requirements of Paragraph (2) of Subsection H of 6.31.2.13 NMAC, the secretary of education or designee shall appoint an impartial person or impartial persons to conduct an investigation.</p> <p>(a) Investigation. The person or persons appointed shall: acknowledge receipt of the complaint in writing; undertake an impartial investigation which shall include a complete review of all documentation presented and may include an independent onsite investigation, if necessary; give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; provide the department with the opportunity to respond to the complaint; and review all relevant information and make an independent determination as to whether the department is</p>	
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	<p>violating a requirement of an applicable state or federal statute or regulation.</p> <p>(b) Decision. A written decision, including findings of fact, conclusions, recommendations for corrective action, and the reasons for the decision and addressing each allegation in the complaint, shall be issued by the person or persons appointed pursuant to this paragraph and mailed to the parties within sixty (60) days of receipt of the written complaint. The person appointed pursuant to this paragraph has no authority to order rulemaking by the department.</p> <p>(7) Extension of time limit. An extension of the time limit under Subparagraph (b) of Paragraph (5) or Subparagraph (b) of Paragraph (6) of this Subsection H of 6.31.2.13 NMAC shall be permitted by the SEB of the department only if exceptional circumstances exist with respect to a particular complaint or if the parent or any other party filing a complaint and the public agency involved agree to extend the time to engage in mediation or a FIEP meeting.</p> <p>(8) Conflicts with federal laws or regulations. If any federal law or regulation governing any federal program subject to this regulation affords procedural rights to a complainant which exceed those set forth in Subsection H of 6.31.2.13 NMAC for complaints within the scope of these rules, such statutory or regulatory right(s) shall be afforded to the complainant. In acknowledging receipt of such a complaint, the SEB shall set forth the procedures applicable to that complaint.</p>	
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<p>§ 300.153 Filing a complaint.</p>		

<p>(a) An organization or individual may file a signed written complaint under the procedures described in §§ 300.151 through 300.152.</p> <p>(b) The complaint must include—</p> <p>(1) A statement that a public agency has violated a requirement of Part B of the Act or of this part;</p> <p>(2) The facts on which the statement is based;</p> <p>(3) The signature and contact information for the complainant; and</p> <p>(4) If alleging violations with respect to a specific child—</p> <p>(i) The name and address of the residence of the child;</p> <p>(ii) The name of the school the child is attending;</p> <p>(iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;</p> <p>(iv) A description of the nature of the problem of the child, including facts relating to the problem; and</p> <p>(v) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.</p> <p>(c) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with § 300.151.</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>H. State complaint procedures.</p> <p>...</p> <p>(2) Requirements for complaints.</p> <p>(a) The SEB of the department shall accept and investigate complaints from organizations or individuals that raise issues within the scope of this procedure as defined in the preceding Paragraph (1) of Subsection H of 6.31.2.13 NMAC. The complaint must: (i) be in writing; (ii) be submitted to the SEB (or to the secretary of education, in the case of a complaint against the department); (iii) be signed by the complainant or a designated representative and have the complainant's contact information; (iv) if alleging violations with respect to a specific child, include the name and address of the child and the school the child is attending; (v) include a statement that the department or a public agency has violated a requirement of an applicable state or federal law or regulation; and (vi) contain a statement of the facts on which the allegation of violation is based, and (vii) include a description of a proposed resolution of the problem to the extent known. Any complaint that does not contain each of these elements will be declined, with an explanation for the SEB's decision and further guidance, as appropriate.</p> <p>(b) If the complaint alleges violations with respect to a specific child, the complaint must include the information required by 34 CFR 300.153(b)(4).</p> <p>(c) The party filing the complaint must forward a copy of the complaint to the public agency</p>	
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<p>(d) The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA.</p> <p>(Authority: 20 U.S.C. 1221e-3)</p>	<p>serving the child at the same time the party files the complaint with the SEB of the department.</p> <p>(d) Pursuant to 34 CFR Sec. 300.153(c), the complaint must allege a violation that occurred not more than one year before the date the complaint is received by the SEB in accordance with Subparagraph (a) of Paragraph (2) of Subsection H of 6.31.2.13 NMAC.</p>	
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<p>METHODS OF ENSURING SERVICES</p>		
<p>§ 300.154 Methods of ensuring services.</p>		
<p>(a) <i>Establishing responsibility for services.</i> The Chief Executive Officer of a State or designee of that officer must ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each noneducational public agency described in paragraph (b) of this section and the SEA, in order to ensure that all services described in paragraph (b)(1) of this section that are needed to ensure FAPE are provided, including the provision of these services during the pendency of any dispute under paragraph (a)(3) of this section. The agreement or mechanism must include the following:</p> <p>(1) An identification of, or a method for defining, the financial responsibility of each agency for providing services described in paragraph (b)(1) of this section to ensure FAPE to children with disabilities. The financial responsibility of each noneducational public agency described in paragraph (b) of this section, including the State Medicaid agency and other public insurers of children with disabilities, must precede the financial</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>B. Public Agency Funding and Staffing</p> <p>(5) Educational agencies may seek payment or reimbursement from noneducational agencies or public or private insurance for services or devices covered by those agencies that are necessary to ensure FAPE to children with disabilities. Claims for payment or reimbursement shall be subject to the procedures and limitations established in 34 CFR Secs. 300.154(b) and 300.154(d) through (g), Section 22-13-8 NMSA 1978 and any laws, regulations, executive orders, contractual arrangements or other requirements governing the noneducational payor’s obligations.</p> <p>...</p> <p>(7) Children with disabilities who are covered by public benefits or insurance. Pursuant to 34 CFR Sec. 300.154(d), a public agency may use the medicaid or other public benefits or insurance in which a child participates to provide or pay for services required</p>	<p>(See U.S. Department of Education’s Non-Regulatory Guidance on the IDEA Part B Regulations Regarding Parental Consent for the Use of Public Benefits or Insurance to Pay for Services under the IDEA, Issued February 14, 2013, and Effective March 18, 2013)</p> <p>CIMARRON MUNICIPAL SCHOOLS notifies parents in writing of a number of safeguards to protect their rights before the CIMARRON MUNICIPAL SCHOOLS accesses the child’s or parent’s public benefits or insurance to pay for services under the IDEA for the first time and annually thereafter.</p> <p>CIMARRON MUNICIPAL SCHOOLS obtains a one-time written consent from the parent that meets the requirements of 34 CFR §99.30 and §300.622, and that specifies that the parent understands and agrees that the CIMARRON MUNICIPAL SCHOOLS may access the child’s or parent’s public benefits or insurance to pay for special education or related services under part 300 (services under the IDEA).</p>

<p>responsibility of the LEA (or the State agency responsible for developing the child's IEP).</p> <p>(2) The conditions, terms, and procedures under which an LEA must be reimbursed by other agencies.</p> <p>(3) Procedures for resolving interagency disputes (including procedures under which LEAs may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.</p> <p>(4) Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in paragraph (b)(1) of this section.</p> <p>(b) <i>Obligation of noneducational public agencies.</i></p> <p>(1)</p> <p>(i) If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or pursuant to paragraph (a) of this section, to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in § 300.5 relating to assistive technology devices, § 300.6 relating to assistive technology services, §300.34 relating to related services, §300.42 relating to supplementary aids and services, and § 300.43 relating to transition services) that are necessary for ensuring FAPE to children with disabilities within the State, the public agency must fulfill that obligation or responsibility, either directly or through</p>	<p>under the IDEA Part B regulations, as permitted under the public insurance program, except as provided in (a) below.</p> <p>(a) With regard to services required to provide FAPE to an eligible child, the public agency:</p> <p>(i) may not require parents to sign up for or enroll in public insurance programs in order for their child to receive FAPE under Part B of the IDEA;</p> <p>(ii) may not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA Part B regulations, but pursuant to 34 CFR Sec. 300.154(f)(2), may pay the cost that the parent otherwise would be required to pay; and</p> <p>(iii) may not use a child's benefits under a public benefits or insurance program if that use would: (A) decrease available lifetime coverage or any other insured benefit; (B) result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school; (C) increase premiums or lead to the discontinuation of benefits or insurance; or (D) risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.</p> <p>(b) Prior to obtaining the parental consent described in Subparagraph (c) of this paragraph, and prior to accessing the parent or child's public benefits, the public agency must provide written notice to the child's parents, consistent with 34 CFR Sec. 300.503(c). The written notice must be provided annually thereafter.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will not use Medicaid or other public benefits or insurance or private insurance without consent.</p>
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<p>contract or other arrangement pursuant to paragraph (a) of this section or an agreement pursuant to paragraph (c) of this section.</p> <p>(ii) A noneducational public agency described in paragraph (b)(1)(i) of this section may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context.</p> <p>(2) If a public agency other than an educational agency fails to provide or pay for the special education and related services described in paragraph (b)(1) of this section, the LEA (or State agency responsible for developing the child’s IEP) must provide or pay for these services to the child in a timely manner. The LEA or State agency is authorized to claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services and that agency must reimburse the LEA or State agency in accordance with the terms of the interagency agreement or other mechanism described in paragraph (a) of this section.</p> <p>(c) <i>Special rule.</i> The requirements of paragraph (a) of this section may be met through—</p> <p>(1) State statute or regulation;</p> <p>(2) Signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or</p> <p>(3) Other appropriate written methods as determined by the Chief Executive Officer of the State or designee of that officer and approved by the Secretary.</p>	<p>(i) The notice must include a statement of the parental consent provisions in 34 CFR Sec. 99.30 and 34 CFR Sec. 300.622 and must specify: (A) the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to the child; (B) the purpose of the disclosure (e.g., billing for services under 34 CFR Part 300; (C) the agency to which the disclosure may be made (e.g. New Mexico medicaid program); and (D) that the parent understands and agrees that the public agency may access the parent’s or child’s public benefits or insurance to pay for services under 34 CFR Part 300.</p> <p>(ii) The notice must further include: (A) a statement of the “no cost” provisions in 34 CFR Sec. 300.154(d)(2)(i)-(iii); (B) a statement that the parents have the right under 34 CFR Parts 99 and 300 to withdraw their consent to disclosure of their child’s personally identifiable information to the New Mexico medicaid program at any time; and (C) a statement that the withdrawal of consent or refusal to provide consent under 34 CFR Parts 99 and 300 to disclose personally identifiable information to the New Mexico medicaid program does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.</p> <p>(c) Prior to accessing a child’s or parent’s public benefits or insurance for the first time, and after providing notice to the child’s parents consistent with Subparagraph (b) of this paragraph, the public agency must obtain written parental consent as defined by 34 CFR Sec. 300.9. The written consent, consistent</p>	
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<p>(d) <i>Children with disabilities who are covered by public benefits or insurance.</i></p> <p>(1) A public agency may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under this part, as permitted under the public benefits or insurance program, except as provided in paragraph (d)(2) of this section.</p> <p>(2) With regard to services required to provide FAPE to an eligible child under this part, the public agency—</p> <p>(i) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE under Part B of the Act;</p> <p>(ii) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to this part, but pursuant to paragraph (g)(2) of this section, may pay the cost that the parents otherwise would be required to pay;</p> <p>(iii) May not use a child's benefits under a public benefits or insurance program if that use would—</p> <p>(A) Decrease available lifetime coverage or any other insured benefit;</p> <p>(B) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;</p>	<p>with the requirements of 34 CFR Sec. 300.154(d)(2)(iv), must:</p> <p>(i) meet the requirements of 34 CFR Sec. 99.30 and 34 CFR Sec. 300.622 and must specify: (A) the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to the child; (B) the purpose of the disclosure (e.g., billing for services under 34 CFR Part 300; (C) the agency to which the disclosure may be made (e.g, New Mexico medicaid program); and</p> <p>(ii) must specify that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under 34 CFR Part 300.</p> <p>(d) The public agency is not required to obtain a new parental consent if the following conditions are present:</p> <p>(i) there is no change in any of the following: the type of services to be provided to the child; the amount of services to be provided to the child; or the cost of the services to be charged to the public benefits or insurance program; and</p> <p>(ii) the public agency has on file a parental consent meeting the requirements of 34 CFR Sec. 300.9, 34 CFR Sec. 99.30 and 34 CFR Sec. 300.622.</p> <p>(e) Once the public agency obtains the one-time consent consistent with 34 CFR Sec. 300.154(d)(2)(iv), the public agency is not required to obtain parental consent before it accesses the child's or parent's public benefits or insurance in the future, regardless of whether</p>	
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<p>(C) Increase premiums or lead to the discontinuation of benefits or insurance; or</p> <p>(D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures; and</p> <p>(iv) Prior to accessing a child’s or parent’s public benefits or insurance for the first time, and after providing notification to the child’s parents consistent with paragraph (d)(2)(v) of this section, must obtain written, parental consent that—</p> <p>(A) Meets the requirements of § 99.30 of this title and § 300.622, which consent must specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child), the purpose of the disclosure (e.g., billing for services under part 300), and the agency to which the disclosure may be made (e.g., the State’s public benefits or insurance program (e.g., Medicaid)); and</p> <p>(B) Specifies that the parent understands and agrees that the public agency may access the parent’s or child’s public benefits or insurance to pay for services under part 300.</p> <p>(v) Prior to accessing a child’s or parent’s public benefits or insurance for the first time, and annually thereafter, must provide written notification, consistent with § 300.503(c), to the child’s parents, that includes—</p>	<p>there is a change in the type or amount of services to be provided to the child or a change in the cost of the services to be charged to the public benefits or insurance program.</p> <p>(f) If a child transfers to a new public agency, the new public agency must provide the written notification described in 34 CFR Sec. 300.154(d)(2)(v) and Subparagraph (b) of this paragraph, and must then obtain parental consent meeting the requirements of 34 CFR Sec. 300.154(d)(2)(iv).</p> <p>(8) Children with disabilities who are covered by private insurance benefits. Pursuant to 34 CFR Sec. 300.154(e), an educational agency must obtain a parent’s informed written consent for each proposed use of private insurance benefits and must inform parents that their refusal to permit the use of their private insurance will not relieve the educational agency of its responsibility to ensure that all required services are provided at no cost to the parents. The public agency may not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA Part B regulations.</p> <p>(9) Pursuant to 34 CFR Sec. 300.154(f):</p> <p>(a) if a public agency is unable to obtain parental consent to use the parent’s private insurance, or public benefits or insurance when the parent would incur a cost for a specified service required under the IDEA Part B regulations, to ensure FAPE the public agency may use its Part B funds to pay for the service; and</p> <p>(b) to avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parent would incur a cost, the public agency may use its Part B funds to pay the cost the parents otherwise</p>	
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<p>(A) A statement of the parental consent provisions in §300.154(d)(2)(iv)(A)-(B);</p> <p>(B) A statement of the “no cost” provisions in §300.154(d)(2)(i)-(iii);</p> <p>(C) A statement that the parents have the right under 34 CFR part 99 and part 300 to withdraw their consent to disclosure of their child’s personally identifiable information to the agency responsible for the administration of the State’s public benefits or insurance program (e.g., Medicaid) at any time; and</p> <p>(D) A statement that the withdrawal of consent or refusal to provide consent under 34 CFR part 99 and part 300 to disclose personally identifiable information to the agency responsible for the administration of the State’s public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.</p> <p>(e) <i>Children with disabilities who are covered by private insurance.</i></p> <p>(1) With regard to services required to provide FAPE to an eligible child under this part, a public agency may access the parents’ private insurance proceeds only if the parents provide consent consistent with § 300.9.</p> <p>(2) Each time the public agency proposes to access the parents’ private insurance proceeds, the agency must—</p> <p>(i) Obtain parental consent in accordance</p>	<p>would have to pay to use the parent’s insurance (e.g., the deductible or co-pay amounts).</p>	
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<p>with paragraph (e)(1) of this section; and</p> <p>(ii) Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.</p> <p>(f) <i>Use of Part B funds.</i></p> <p>(1) If a public agency is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required under this part, to ensure FAPE the public agency may use its Part B funds to pay for the service.</p> <p>(2) To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the public agency may use its Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).</p> <p>(g) <i>Proceeds from public benefits or insurance or private insurance.</i></p> <p>(1) Proceeds from public benefits or insurance or private insurance will not be treated as program income for purposes of 34 CFR 80.25.</p> <p>(2) If a public agency spends reimbursements from Federal funds (e.g., Medicaid) for services under this part, those funds will not be considered "State or local" funds for purposes of the maintenance of effort provisions in §§300.163 and 300.203.</p>		
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<p>(h) <i>Construction.</i> Nothing in this part should be construed to alter the requirements imposed on a State Medicaid agency, or any other agency administering a public benefits or insurance program by Federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, 42 U.S.C. 1396 through 1396v and 42 U.S.C. 1397aa through 1397jj, or any other public benefits or insurance program.</p> <p>(Authority: 20 U.S.C. 1412(a)(12) and (e))</p>		
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<p>Additional Eligibility Requirements</p>		
<p>§ 300.155 Hearings relating to LEA eligibility.</p>		
<p>The SEA must not make any final determination that an LEA is not eligible for assistance under Part B of the Act without first giving the LEA reasonable notice and an opportunity for a hearing under 34 CFR 76.401(d).</p> <p>(Authority: 20 U.S.C. 1412(a)(13))</p>		

<p>§ 300.156 Personnel qualifications.</p>		
<p>(a) <i>General.</i> The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.</p> <p>(b) <i>Related services personnel and paraprofessionals.</i> The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>B. Public Agency Funding and Staffing ...</p> <p>(10) Staff training and qualifications.</p> <p>(a) Each public agency is responsible for ensuring that personnel serving children with disabilities are qualified under state licensure requirements and are adequately prepared for their assigned</p>	<p>CIMARRON MUNICIPAL SCHOOLS ensures that personnel essential to carrying out the purposes of the IDEA are appropriately and adequately prepared and trained including by ensuring that those personnel also have the content knowledge and skills to serve children with disabilities. (See 71 Fed. Reg. 46562 (August 14, 2004))</p> <p>CIMARRON MUNICIPAL SCHOOLS will provide training to its school administrators and teachers who teach reading to implement appropriate research-based reading interventions prior to referring the student for a</p>

<p>(1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and</p> <p>(2) Ensure that related services personnel who deliver services in their discipline or profession—</p> <p>(i) Meet the requirements of paragraph (b)(1) of this section; and</p> <p>(ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and</p> <p>(iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.</p> <p>(c) <i>Qualifications for special education teachers.</i> <i>(1)</i>The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school--</p> <p>(i) Has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 CFR 200.56 (a)(2)(ii) as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in</p>	<p>responsibilities, pursuant to 34 CFR Sec. 300.156. Paraprofessionals and assistants who are appropriately trained and supervised in accordance with applicable department licensure rules or written department policy may be used to assist in the provision of special education and related services to children with disabilities under Part B of the IDEA.</p> <p>(b) Each public agency and charter school shall train their school administrators and teachers who teach reading to implement appropriate research-based reading interventions prior to referring the student for a special education evaluation and shall train their special education teachers to provide appropriate specialized reading instruction for students with dyslexia who have been identified as eligible for special education services.6.61.6.8 NMAC Requirements:</p> <p>A. Persons seeking licensure in special education pursuant to the provisions of this rule shall meet all the requirements enumerated in Subsections A or B of this section.</p> <p>(1) bachelor's degree from a regionally accredited college or university and including, for those licensees or applicants first entering a college or university beginning in the fall of 2017, the following:</p> <p>(a) nine semester hours in communication</p> <p>(b) six semester hours in mathematics</p> <p>(c) eight semester hours in laboratory science</p> <p>(d) nine semester hours in social and behavioral Science</p> <p>(e) nine semester hours in humanities and fine arts;</p> <p>and</p> <p>(2) credits from a regionally accredited college or university which include: 30 semester hours of professional education in a special education program approved by the public education</p>	<p>special education evaluation. CIMARRON MUNICIPAL SCHOOLS will also train its special education teachers to provide appropriate specialized reading instruction for students with dyslexia who have been identified as eligible for special education services. Such training may be through the New Mexico Dyslexia Professional Development Modules hosted by the Region IX Educational Cooperative in Ruidoso, New Mexico. These modules are provided through a partnership between the New Mexico Special Education Bureau and the 95 Percent Group Inc., Susan L. Hall, Ed.D., Founder and President and the Region IX Education Cooperative.</p>
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<p>the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the teacher must meet the certification or licensing requirements, if any, set forth in the State's public charter school law;</p> <p>(ii) Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis;</p> <p>and</p> <p>(iii) Holds at least a bachelor's degree.</p> <p>(2) A teacher will be considered to meet the standard in paragraph (c)(1)(i) of this section if that teacher is participating in an alternate route to special education certification program under which—</p> <p>(i) The teacher—</p> <p>(A) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;</p> <p>(B) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;</p> <p>(C) Assumes functions as a teacher only for a specified period of time not to exceed three years; and</p> <p>(D) Demonstrates satisfactory progress toward full certification as prescribed by the State; and</p> <p>(ii) The State ensures, through its certification and licensure process, that the provisions in paragraph (c)(2)(i) of this section are met.</p> <p>(d) <i>Policy.</i> In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit,</p>	<p>department ("PED") ("department"), including completion of the department's approved functional areas and related competencies; and including</p> <p>(3) a mandatory student teaching component and at the option of the college or university, a practicum component; and</p> <p>(4) 24 semester hours in one of the following teaching fields: mathematics, science(s), language arts, reading, and social studies (or other content related areas); and</p> <p>(5) in addition to the requirements specified in Subsection A of this section, six hours of reading in subject matter content for those licensees or applicants who first entered any college or university on or after August 1, 2001 regardless of when they graduate or earn their degree; and</p> <p>(6) passage of all required portions of the current New Mexico teacher test or any successor teacher test adopted by the department; and</p> <p>(7) satisfy the requirements of a highly qualified beginning pre K-12 special education teacher; or</p> <p>B. possess a valid certificate issued by the national board for professional teaching standards for the appropriate grade level and type.</p> <p>...</p>	
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<p>hire, train, and retain personnel who meets the applicable requirements described in paragraph (c) of this section to provide special education and related services under this part to children with disabilities.</p> <p>(e) <i>Rule of construction.</i> Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA or LEA employee to meet the applicable requirement described in paragraph (c) of this section, or to prevent a parent from filing a complaint about staff qualifications with the SEA as provided for under this part.</p> <p>(Authority: 20 U.S.C. 1412(a)(14))</p>		
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<p>§ 300.157 Performance goals and indicators.</p>		
<p>The State must—</p> <p>(a) Have in effect established goals for the performance of children with disabilities in the State that—</p> <ol style="list-style-type: none"> (1) Promote the purposes of this part, as stated in § 300.1; (2) Are the same as the State’s long-term goals and measurements of interim progress for children with disabilities under section 111(c)(4)(A)(i) of the ESEA. (3) Address graduation rates and dropout rates, as well as such other factors as the State may determine; and 	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>D. Performance goals and indicators.</p> <ol style="list-style-type: none"> (1) Pursuant to the requirements of 34 CFR Sec. 300.157(a), the content standards and benchmarks from the department’s Standards for Excellence (Chapter 29 of Title 6 of the NMAC) for all children attending public schools and state-supported educational programs in New Mexico shall provide the basic performance goals and indicators for children with disabilities in the general education curriculum. (2) The IEP academic goals must align with the New Mexico content standards and benchmarks, including the expanded performance standards for students with significant cognitive disabilities, however, 	

<p>(4) Are consistent, to the extent appropriate, with any other goals and academic standards for children established by the State;</p> <p>(b) Have in effect established performance indicators the State will use to assess progress toward achieving the goals described in paragraph (a) of this section, including Measurements of interim progress for children with disabilities under section 111(c)(4)(A)(i) of the ESEA 20 U.S.C.6311; and</p> <p>(c) Annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under paragraph (a) of this section, which may include elements of the reports required under section 1111(h) of the ESEA.</p> <p>(Authority: 20 U.S.C. 1412(a)(15))</p>	<p>functional goals do not have to align with the standards and benchmarks.</p> <p>(a) Beginning in the 2012-2013 school year, IEP academic goals in English language arts and mathematics for students in grades K through three must align with the English Language Arts Common Core Standards (6.29.13 NMAC) and the Mathematics Common Core Standards (6.29.14 NMAC).</p> <p>(b) Beginning in the 2013-2014 school year, IEP academic goals in English language arts and mathematics for students in grades four through 12 must align with the English Language Arts Common Core Standards (6.29.13 NMAC) and the Mathematics Common Core Standards (6.29.14 NMAC).</p> <p>(3) Unless waivers or modifications covering individual public agencies' programs have been allowed by the department or the secretary of education, the general education curriculum and the content standards and benchmarks shall only be adapted to the extent necessary to meet the needs of individual children with disabilities as determined by IEP teams in individual cases.</p> <p>E. Participation in statewide and district-wide assessments. Each local educational agency and other public agencies when applicable shall include all children with disabilities in all statewide and district-wide assessment programs. Each public agency shall collect and report performance results in compliance with the requirements of 34 CFR Sec. 300.157 and Sec. 1111(h) of the Elementary and Secondary Education Act, and any additional requirements established by the department. Students with disabilities may participate:</p> <p>(1) in the appropriate general assessment in the same manner as their nondisabled peers; this may include the use of adaptations that are deemed appropriate for all students by the department; or</p>	
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	<p>(2) in the appropriate general assessment with appropriate accommodations in administration if necessary; public agencies shall use the current guidance from the department about accommodations as specified in the student’s IEP; or</p> <p>(3) in alternate assessments for the small number of students for whom alternate assessments are appropriate under the department’s established participation criteria; the IEP team must agree and document that the student is eligible for participation in an alternate assessment based on alternate achievement standards according to 34 CFR Sec. 300.320(a)(6).</p>	
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<p>§§ 300.158–300.159 [Reserved]</p>		
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<p>§ 300.160 Participation in assessments.</p>		
<p>(a) General. A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs.</p> <p>(b) Accommodation guidelines.</p> <p>(1) A State (or, in the case of a district-wide</p>	<p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>M. Statewide student assessment system. As stated in 22-2-8.13 NMSA 1978, students' knowledge and skills are assessed and evaluated through the New Mexico content standards with benchmarks and performance standards, the New Mexico standards-based assessments (SBA) and local measures. All public schools, state educational institutions and educational programs conducted in state institutions other than New Mexico military institute, as noted in the scope of this rule,</p>	<p>CIMARRON MUNICIPAL SCHOOLS’s IEP teams will follow the NMPED guidelines when determining how a child will participate in the New Mexico Statewide Assessment Program, including how to select allowable accommodations and decide whether a child with a disability meets the criteria to be assessed based on modified or alternate academic achievement standards. CIMARRON MUNICIPAL SCHOOLS will use the most current forms and follow the most current guidance of the NMPED.</p>

<p>assessment, an LEA) must develop guidelines for the provision of appropriate accommodations.</p> <p>(2) The State's (or, in the case of a district-wide assessment, the LEA's) guidelines must--</p> <p>(i) Identify only those accommodations for each assessment that do not invalidate the score; and</p> <p>(ii) Instruct IEP Teams to select, for each assessment, only those accommodations that do not invalidate the score.</p> <p>(c) Alternate assessments aligned with alternate academic achievement standards for student with the most significant cognitive disabilities.</p> <p>(1) If a State has adopted alternate academic achievement standards for children with disabilities who are students with the most significant cognitive disabilities as permitted in section 1111(b)(1)(E) of the ESEA, the State (or, in the case of a district-wide assessment, an LEA) must develop and implement alternate assessments and guidelines for the participation in alternate assessments of those children with disabilities who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs, as provided in paragraph (a) of this section.</p> <p>(2) For assessing the academic progress of children with disabilities who are students with the most significant cognitive disabilities under title I of the ESEA, the alternate assessments and guidelines in paragraph (c)(1) of this section must—</p> <p>(i) Be aligned with the challenging State academic content standards under section 1111(b)(1) of the ESEA and alternate academic achievement</p>	<p>shall participate in the statewide student assessment system.</p> <p>...</p> <p>(2) Exceptions. Exceptions include special provisions and requirements for the assessment of English language learners and students with IEPs.</p> <p>...</p> <p>(b) Students with IEPs. Students with IEPs who receive special education and related services 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, 34 CFR 300.320 (a)(2)(ii) and 34 CFR 300.320(a)(6), the IEPs for such students shall specify which assessments each student will participate in and what, if any, accommodations or modifications 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 meet state-approved criteria, methods and instruments.</p>	
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<p>standards under section 1111(b)(1)(E) of the ESEA; and</p> <p>(ii) Measure the achievement of children with disabilities who are students with the most significant cognitive disabilities against those standards.</p> <p>(3) Consistent with section 1111(b)(1)(E)(ii) of the ESEA and 34 CFR 200.6(c)(6), a State may not adopt modified academic achievement standards or any other alternate academic achievement standards that do not meet the requirements in section 1111(b)(1)(E) of the ESEA for any children with disabilities under section 602(3) of the IDEA.</p> <p>(d) Explanation to IEP Teams. A State (or in the case of a district-wide assessment, an LEA) must—</p> <p>(1) Provide to IEP teams a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on alternate academic achievement standards, including any effects of State and local policies on a student’s education resulting from taking an alternate assessment aligned with alternate academic achievement standards, such as how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; and</p> <p>(2) Not preclude a student with the most significant cognitive disabilities who takes an alternate assessment aligned with alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.</p> <p>(e) Inform parents. A State (or in the case of a district-wide assessment, an LEA) must ensure that parents of students selected to be assessed using an alternate assessment aligned with alternate academic</p>		
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<p>achievement standards under the State’s guidelines in paragraph (c)(1) of this section are informed, consistent with 34 CFR 200.2(e), that their child’s achievement will be measured based on alternate academic achievement standards, and of how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma.</p> <p>(f) Reports. An SEA (or, in the case of a district-wide assessment, an LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:</p> <ol style="list-style-type: none"> (1) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments. (2) The number of children with disabilities, if any, participating in alternate assessments based on gradelevel academic achievement standards in school years prior to 2017–2018. (3) The number of children with disabilities, if any, participating in alternate assessments aligned with modified academic achievement standards in school years prior to 2016– 2017. (4) The number of children with disabilities who are students with the most significant cognitive disabilities participating in alternate assessments aligned with alternate academic achievement standards. (5) Compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regularassessments, alternate assessments based on grade-level academic achievement standards (prior to 2017– 2018), alternate 		
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<p>assessments based on modified academic achievement standards (prior to 2016–2017), and alternate assessments aligned with alternate academic achievement standards if—</p> <ul style="list-style-type: none"> (i) The number of children participating in those assessments is sufficient to yield statistically reliable information; and (ii) Reporting that information will not reveal personally identifiable information about an individual student on those assessments. <p>(g) Universal design. An SEA (or, in the case of a district-wide assessment, an LEA) must, to the extent possible, use universal design principles in developing and administering any assessments under this section.</p>		
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<p>§ 300.161 [Reserved]</p>		
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<p>§ 300.162 Supplementation of State, local, and other Federal funds.</p>		
<ul style="list-style-type: none"> (a) <i>Expenditures.</i> Funds paid to a State under this part must be expended in accordance with all the provisions of this part. (b) <i>Prohibition against commingling.</i> <ul style="list-style-type: none"> (1) Funds paid to a State under this part must not be commingled with State funds. (2) The requirement in paragraph (b)(1) of this section is satisfied by the use of a separate accounting system that includes an audit trail of the expenditure of funds paid to a State 		

<p>under this part. Separate bank accounts are not required. (<i>See</i> 34 CFR 76.702 (Fiscal control and fund accounting procedures).)</p> <p>(c) <i>State-level nonsupplanting.</i></p> <p>(1) Except as provided in § 300.202, funds paid to a State under Part B of the Act must be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of the SEA or LEAs) expended for special education and related services provided to children with disabilities under Part B of the Act, and in no case to supplant those Federal, State, and local funds.</p> <p>(2) If the State provides clear and convincing evidence that all children with disabilities have available to them FAPE, the Secretary may waive, in whole or in part, the requirements of paragraph (c)(1) of this section if the Secretary concurs with the evidence provided by the State under § 300.164.</p> <p>(Authority: 20 U.S.C. 1412(a)(17))</p>		
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<p>§ 300.163 Maintenance of State financial support.</p>		
<p>(a) <i>General.</i> A State must not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.</p> <p>(b) <i>Reduction of funds for failure to maintain support.</i> The Secretary reduces the allocation of funds under section 611 of the Act for any fiscal year following the fiscal year in which the State fails to comply with the requirement of paragraph (a) of this</p>		

<p>section by the same amount by which the State fails to meet the requirement.</p> <p>(c) <i>Waivers for exceptional or uncontrollable circumstances.</i> The Secretary may waive the requirement of paragraph (a) of this section for a State, for one fiscal year at a time, if the Secretary determines that—</p> <p>(1) Granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or</p> <p>(2) The State meets the standard in § 300.164 for a waiver of the requirement to supplement, and not to supplant, funds received under Part B of the Act.</p> <p>(d) <i>Subsequent years.</i> If, for any fiscal year, a State fails to meet the requirement of paragraph (a) of his section, including any year for which the State is granted a waiver under paragraph (c) of this section, the financial support required of the State in future years under paragraph (a) of this section shall be the amount that would have been required in the absence of that failure and not the reduced level of the State’s support.</p> <p>(Authority: 20 U.S.C. 1412(a)(18))</p>		
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<p>§ 300.164 Waiver of requirement regarding supplementing and not supplanting with Part B funds.</p>		
<p>(a) Except as provided under §§ 300.202 through 300.205, funds paid to a State under Part B of the Act must be used to supplement and increase the level of Federal, State, and local funds (including</p>		

<p>funds that are not under the direct control of SEAs or LEAs) expended for special education and related services provided to children with disabilities under Part B of the Act and in no case to supplant those Federal, State, and local funds. A State may use funds it retains under § 300.704(a) and (b) without regard to the prohibition on supplanting other funds.</p> <p>(b) If a State provides clear and convincing evidence that all eligible children with disabilities throughout the State have FAPE available to them, the Secretary may waive for a period of one year in whole or in part the requirement under §300.162 (regarding State-level nonsupplanting) if the Secretary concurs with the evidence provided by the State.</p> <p>(c) If a State wishes to request a waiver under this section, it must submit to the Secretary a written request that includes—</p> <p>(1) An assurance that FAPE is currently available, and will remain available throughout the period that a waiver would be in effect, to all eligible children with disabilities throughout the State, regardless of the public agency that is responsible for providing FAPE to them. The assurance must be signed by an official who has the authority to provide that assurance as it applies to all eligible children with disabilities in the State;</p> <p>(2) All evidence that the State wishes the Secretary to consider in determining whether all eligible children with disabilities have FAPE available to them, setting forth in detail—</p> <p>(i) The basis on which the State has concluded that FAPE is available to all eligible children in the State; and</p> <p>(ii) The procedures that the State will</p>		
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<p>implement to ensure that FAPE remains available to all eligible children in the State, which must include—</p> <p>(A) The State’s procedures under § 300.111 for ensuring that all eligible children are identified, located and evaluated;</p> <p>(B) The State’s procedures for monitoring public agencies to ensure that they comply with all requirements of this part;</p> <p>(C) The State’s complaint procedures under §§300.151 through 300.153; and</p> <p>(D) The State’s hearing procedures under §§300.511 through 300.516 and §§ 300.530 through 300.536;</p> <p>(3) A summary of all State and Federal monitoring reports, and State complaint decisions (<i>See</i> §§ 300.151 through 300.153) and hearing decisions (<i>See</i> §§ 300.511 through 300.516 and §§ 300.530 through 300.536), issued within three years prior to the date of the State’s request for a waiver under this section, that includes any finding that FAPE has not been available to one or more eligible children, and evidence that FAPE is now available to all children addressed in those reports or decisions; and</p> <p>(4) Evidence that the State, in determining that FAPE is currently available to all eligible children with disabilities in the State, has consulted with the State advisory panel under §300.167.</p> <p>(d) If the Secretary determines that the request and supporting evidence submitted by the State makes a</p>		
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<p>prima facie showing that FAPE is, and will remain, available to all eligible children with disabilities in the State, the Secretary, after notice to the public throughout the State, conducts a public hearing at which all interested persons and organizations may present evidence regarding the following issues:</p> <p>(1) Whether FAPE is currently available to all eligible children with disabilities in the State.</p> <p>(2) Whether the State will be able to ensure that FAPE remains available to all eligible children with disabilities in the State if the Secretary provides the requested waiver.</p> <p>(e) Following the hearing, the Secretary, based on all submitted evidence, will provide a waiver, in whole or in part, for a period of one year if the Secretary finds that the State has provided clear and convincing evidence that FAPE is currently available to all eligible children with disabilities in the State, and the State will be able to ensure that FAPE remains available to all eligible children with disabilities in the State if the Secretary provides the requested waiver.</p> <p>(f) A State may receive a waiver of the requirement of section 612(a)(18)(A) of the Act and § 300.164 if it satisfies the requirements of paragraphs (b) through (e) of this section.</p> <p>(g) The Secretary may grant subsequent waivers for a period of one year each, if the Secretary determines that the State has provided clear and convincing evidence that all eligible children with disabilities throughout the State have, and will continue to have throughout the one-year period of the waiver, FAPE available to them.</p> <p>(Authority: 20 U.S.C. 1412(a)(17)(C), (18)(C)(ii))</p>		
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<p>§ 300.165 Public participation.</p>		
<p>(a) Prior to the adoption of any policies and procedures needed to comply with Part B of the Act (including any amendments to those policies and procedures), the State must ensure that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.</p> <p>(b) Before submitting a State plan under this part, a State must comply with the public participation requirements in paragraph (a) of this section and those in 20 U.S.C. 1232d(b)(7).</p> <p>(Authority: 20 U.S.C. 1412(a)(19); 20 U.S.C. 1232d(b)(7))</p>		

<p>§ 300.166 Rule of construction.</p>		
<p>In complying with §§ 300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to LEAs, including funding based on student attendance or enrollment, or inflation.</p> <p>(Authority: 20 U.S.C. 1412(a)(20))</p>		

<p>State Advisory Panel</p>		
<p>§ 300.167 State advisory panel.</p>		
<p>The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.</p>		

(Authority: 20 U.S.C. 1412(a)(21)(A))		
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§ 300.168 Membership.		
<p>(a) <i>General.</i> The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including—</p> <ol style="list-style-type: none"> (1) Parents of children with disabilities (ages birth through 26); (2) Individuals with disabilities; (3) Teachers; (4) Representatives of institutions of higher education that prepare special education and related services personnel; (5) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 <i>et seq.</i>); (6) Administrators of programs for children with disabilities; (7) Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities; (8) Representatives of private schools and public charter schools; 		

<p>(9) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;</p> <p>(10) A representative from the State child welfare agency responsible for foster care; and</p> <p>(11) Representatives from the State juvenile and adult corrections agencies.</p> <p>(b) <i>Special rule.</i> A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).</p> <p>(Authority: 20 U.S.C. 1412(a)(21)(B) and (C))</p>		
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<p>§ 300.169 Duties.</p> <p>The advisory panel must—</p> <p>(a) Advise the SEA of unmet needs within the State in the education of children with disabilities;</p> <p>(b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;</p> <p>(c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;</p> <p>(d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and</p> <p>(e) Advise the SEA in developing and implementing</p>		
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<p>policies relating to the coordination of services for children with disabilities.</p> <p>(Authority: 20 U.S.C. 1412(a)(21)(D))</p>		
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<p>Other Provisions Required for State Eligibility</p>		
<p>§ 300.170 Suspension and expulsion rates.</p>		
<p>(a) <i>General.</i> The SEA must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—</p> <p>(1) Among LEAs in the State; or</p> <p>(2) Compared to the rates for nondisabled children within those agencies.</p> <p>(b) <i>Review and revision of policies.</i> If the discrepancies described in paragraph (a) of this section are occurring, the SEA must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with the Act.</p> <p>(Authority: 20 U.S.C. 1412(a)(22))</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>F. Behavioral management and discipline.</p> <p>...</p> <p>(4) LEAs must keep an accurate accounting of suspension and expulsion rates for children with disabilities as compared to children without disabilities to ensure that children with disabilities are not being expelled or suspended at a significantly higher rate than children without disabilities.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED as deemed necessary by the NMPED to carry out its duty to determine if significant discrepancies exist between the rates of long-term suspensions and expulsions of children with and without disabilities or any other information that may be required by the NMPED or the U.S. Department of Education.</p>

<p>§ 300.171 Annual description of use of Part B funds.</p>		
<p>(a) In order to receive a grant in any fiscal year a State must annually describe—</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide the NMPED with information needed by the NMPED to enable the NMPED to carry out its duties under the</p>

<p>(1) How amounts retained for State administration and State-level activities under § 300.704 will be used to meet the requirements of this part; and</p> <p>(2) How those amounts will be allocated among the activities described in § 300.704 to meet State priorities based on input from LEAs.</p> <p>(b) If a State’s plans for use of its funds under § 300.704 for the forthcoming year do not change from the prior year, the State may submit a letter to that effect to meet the requirement in paragraph (a) of this section.</p> <p>(c) The provisions of this section do not apply to the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated States.</p> <p>(Authority: 20 U.S.C. 1411(e)(5))</p>		<p>IDEA, including, with respect to 34 C.F.R. § 300.171, information relating to use of IDEA Part B funds.</p>
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<p>§ 300.172 Access to instructional materials.</p>		
<p>(a) <i>General.</i> The State must—</p> <p>(1) Adopt the National Instructional Materials Accessibility Standard (NIMAS), published as appendix C to part 300, for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after publication of the NIMAS in the Federal Register on July 19, 2006 (71 FR 41084); and</p> <p>(2) Establish a State definition of “timely manner” for purposes of paragraphs (b)(2) and (b)(3) of this section if the State is not coordinating with the National Instructional Materials Access</p>		<p>Nothing in 34 C.F.R. § 300.210 shall be construed to require an LEA to coordinate with the National Instructional Materials Access Center (NIMAC). CIMARRON MUNICIPAL SCHOOLS has chosen not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in 34 C.F.R. §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.</p>

<p>Center (NIMAC) or (b)(3) and (c)(2) of this section if the State is coordinating with the NIMAC.</p> <p>(b) <i>Rights and responsibilities of SEA.</i></p> <p>(1) Nothing in this section shall be construed to require any SEA to coordinate with the NIMAC.</p> <p>(2) If an SEA chooses not to coordinate with the NIMAC, the SEA must provide an assurance to the Secretary that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.</p> <p>(3) Nothing in this section relieves an SEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats, but are not included under the definition of blind or other persons with print disabilities in § 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.</p> <p>(4) In order to meet its responsibility under paragraphs (b)(2), (b)(3), and (c) of this section to ensure that children with disabilities who need instructional materials in accessible formats are provided those materials in a timely manner, the SEA must ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials.</p> <p>(c) <i>Preparation and delivery of files.</i> If an SEA chooses to coordinate with the NIMAC, as of December 3, 2006, the SEA must—</p>		
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<p>(1) As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, must enter into a written contract with the publisher of the print instructional materials to—</p> <p>(i) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instructional materials using the NIMAS; or</p> <p>(ii) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.</p> <p>(2) Provide instructional materials to blind persons or other persons with print disabilities in a timely manner.</p> <p>(d) <i>Assistive technology.</i> In carrying out this section, the SEA, to the maximum extent possible, must work collaboratively with the State agency responsible for assistive technology programs.</p> <p>(e) <i>Definitions.</i></p> <p>(1) In this section and §300.210—</p> <p>(i) <i>Blind persons or other persons with print disabilities</i> means children served under this part who may qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled “An Act to provide books for adult blind,” approved March 3, 1931, 2 U.S.C 135a;</p> <p>(ii) <i>National Instructional Materials Access Center</i> or <i>NIMAC</i> means the center</p>		
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<p>established pursuant to section 674(e) of the Act;</p> <p>(iii) <i>National Instructional Materials Accessibility Standard</i> or <i>NIMAS</i> has the meaning given the term in section 674(e)(3)(B) of the Act;</p> <p>(iv) <i>Specialized formats</i> has the meaning given the term in section 674(e)(3)(D) of the Act.</p> <p>(2) The definitions in paragraph (e)(1) of this section apply to each State and LEA, whether or not the State or LEA chooses to coordinate with the NIMAC.</p> <p>(Authority: 20 U.S.C. 1412(a)(23), 1474(e))</p>		
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<p>§ 300.173 Overidentification and disproportionality.</p>		
<p>The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in § 300.8.</p> <p>(Authority: 20 U.S.C. 1412(a)(24))</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>E. Significant disproportionality.</p> <p>(1) Pursuant to CFR 34 Sec. 300.646, LEAs must provide for the collection and examination of data to determine if significant disproportionality, based on race and ethnicity, is occurring with respect to:</p> <p>(a) the identification of children as children with disabilities including the identification of children as children with disabilities in accordance with a particular impairment as defined by 34 CFR Sec. 300.8;</p> <p>(b) the placement in particular educational settings of these children; and</p>	<p>CIMARRON MUNICIPAL SCHOOLS complies with Title VI of the Civil Rights Act of 1964 which protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance.</p> <p>The Office for Civil Rights under the U.S. Department of Education (“OCR”) provides school districts and state departments of education guidance in satisfying Title VI. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the Provision of an Equal Education Opportunity to Limited-English Proficient Students (Revised August 2000).</p>

	(c) the incidence, duration and type of disciplinary actions, including suspensions and expulsions.	
§ 300.174 Prohibition on mandatory medication.	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>J. Prohibition on mandatory medication. Each LEA and other public agencies serving students with disabilities are prohibited from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for a student as a condition of attending school, receiving an evaluation under 34 CFR Secs. 300.300 through 300.311, or receiving services under Part B of the IDEA. This prohibition shall be construed as provided in 34 CFR Sec. 300.174(b).</p>	The NMPED has issued a memorandum regarding the Prohibition on Mandatory Medication (October 7, 2005) available through the NMPED website. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this memorandum.
<p>(a) <i>General.</i> The SEA must prohibit State and LEA personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation under §§ 300.300 through 300.311, or receiving services under this part.</p> <p>(b) <i>Rule of construction.</i> Nothing in paragraph (a) of this section shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under § 300.111 (related to child find).</p> <p>(Authority: 20 U.S.C. 1412(a)(25))</p>		
§ 300.175 SEA as provider of FAPE or direct services. [Text omitted from these procedures.]		
§ 300.176 Exception for prior State plans. [Text omitted from these procedures.]		

§ 300.177 States' sovereign immunity. [Text omitted from these procedures.]		
Department Procedures		
§ 300.178 Determination by the Secretary that a State is eligible to receive a grant. [Text omitted from these procedures.]		
§ 300.179 Notice and hearing before determining that a State is not eligible to receive a grant. [Text omitted from these procedures.]		
§ 300.180 Hearing official or panel. [Text omitted from these procedures.]		
§ 300.181 Hearing procedures. [Text omitted from these procedures.]		
§ 300.182 Initial decision; final decision. [Text omitted from these procedures.]		

§ 300.183 Filing requirements. [Text omitted from these procedures.]		
§ 300.184 Judicial review. [Text omitted from these procedures.]		
§ 300.185 [Reserved]		
§ 300.186 Assistance under other Federal programs. [Text omitted from these procedures.]		
By-pass for Children in Private Schools		
§ 300.190 By-pass—general. [Text omitted from these procedures.]		
§ 300.191 Provisions for services under a by-pass. [Text omitted from these procedures.]		

§ 300.192 Notice of intent to implement a by-pass. [Text omitted from these procedures.]		
§ 300.193 Request to show cause. [Text omitted from these procedures.]		
§ 300.194 Show cause hearing. [Text omitted from these procedures.]		
§ 300.195 Decision. [Text omitted from these procedures.]		
§ 300.196 Filing requirements. [Text omitted from these procedures.]		
§ 300.197 Judicial review. [Text omitted from these procedures.]		

<p>§ 300.198 Continuation of a by-pass.</p> <p>[Text omitted from these procedures.]</p>		
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<p>State Administration</p>		
<p>§ 300.199 State administration.</p>		
<p>(a) <i>Rulemaking.</i> Each State that receives funds under Part B of the Act must—</p> <ol style="list-style-type: none"> (1) Ensure that any State rules, regulations, and policies relating to this part conform to the purposes of this part; (2) Identify in writing to LEAs located in the State and the Secretary any such rule, regulation, or policy as a State- imposed requirement that is not required by Part B of the Act and Federal regulations; and (3) Minimize the number of rules, regulations, and policies to which the LEAs and schools located in the State are subject under Part B of the Act. <p>(b) <i>Support and facilitation.</i> State rules, regulations, and policies under Part B of the Act must support and facilitate LEA and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.</p> <p>(Authority: 20 U.S.C. 1407)</p>	<p>6.31.2.3 NMAC. STATUTORY AUTHORITY:</p> <p>Section 22-13-5 NMSA 1978 authorizes the public education department to develop and establish regulations and standards for the conduct of special education in the schools and classes of the public school system in the state and in all institutions wholly or partially supported by the state and to monitor and enforce those regulations and standards. Section 22-13-6.1 NMSA 1978 authorizes the public education department to adopt standards pertaining to the determination of who is a gifted child as part of the educational standards for New Mexico schools. Section 22-13-5 NMSA 1978 directs the public education department to establish rules and standards under Public Law 108-446, now the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). The IDEA at 20 USC Sec. 1412(a)(11) requires the state educational agency in each participating state to ensure that the requirements of the IDEA and state educational standards are met in all educational programs administered by any state or local educational agency for children with disabilities aged 3 through 21.</p>	

<p>SUBPART C—LOCAL EDUCATIONAL AGENCY ELIGIBILITY</p>		
<p>§ 300.200 Condition of assistance.</p>		

<p>An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§300.201 through 300.213.</p> <p>(Authority: 20 U.S.C. 1413(a))</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>C. IDEA applications and assurances. Each New Mexico public agency that desires to receive IDEA flow-through funds shall file an annual application with the department in the form prescribed by the department. Each application shall:</p> <ol style="list-style-type: none"> (1) provide all information requested by the department; (2) demonstrate to the department’s satisfaction that the agency is in compliance with all applicable requirements of 34 CFR Secs. 300.200-300.230 and these or other department rules and standards; (3) include an agreement that the agency upon request will provide any further information the department requires to determine the agency’s initial or continued compliance with all applicable requirements; (4) include assurances satisfactory to the department that the public agency does and will continue to operate its programs in compliance with all applicable federal and state programmatic, fiscal and procedural requirements including the development of joint powers agreements, memoranda of understanding or other interagency agreements to address shared or successive responsibilities to meet the educational needs of a particular child during a single fiscal year; and (5) pursuant to Subsection C of Section 22-8-11, NMSA 1978, the department shall not approve and certify an operating budget of any school district or state-chartered charter school that fails to demonstrate that parental involvement in the process was solicited. 	<p>Each year, CIMARRON MUNICIPAL SCHOOLS submits a local application for assistance under Part B of the IDEA. As part of the application, CIMARRON MUNICIPAL SCHOOLS’s Board of Education provides assurance to the NMPED Special Education Bureau that the applicable Federal, State and local laws and regulations will be met as described in the Local Application for IDEA Part B Funding.</p> <p>As part of the assurance process, CIMARRON MUNICIPAL SCHOOLS provides NMPED with documentation that it has in effect Special Education Policies and Procedures consistent with State’s policies and procedures. CIMARRON MUNICIPAL SCHOOLS further submits or otherwise makes available, as requested, its Policies and Procedures including updates if any, on a timetable established by the NMPED.</p> <p>This Handbook of Procedures constitutes the CIMARRON MUNICIPAL SCHOOLS’s Procedures.</p>
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<p>§ 300.201 Consistency with State policies.</p>		
<p>The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174.</p> <p>(Authority: 20 U.S.C. 1413(a)(1))</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>A. Compliance with applicable laws and regulations. Each New Mexico public agency, within the scope of its authority, shall develop and implement appropriate policies, procedures, programs and services to ensure that all children with disabilities who reside within the agency’s educational jurisdiction, including children who are enrolled in private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, or are schooled at home, are identified and evaluated and have access to a free appropriate public education (FAPE) in compliance with all applicable requirements of state and federal laws and regulations. This obligation applies to all New Mexico public agencies that are responsible under laws, rules, regulations or written agreements for providing educational services for children with disabilities, regardless of whether that agency receives funds under the IDEA and regardless of whether it provides special education and related services directly, by contract, by referrals to private schools or facilities including residential treatment centers, day treatment centers, hospitals, mental health institutions or through other arrangements.</p> <p>NMSA 1978, § 22-5-4.12 (2017) [H.B. 75]. Limiting the Use Of Restraint And Seclusion In Schools; Providing for Notice To Parents</p> <p>...</p> <p>C. Schools shall establish policies and procedures for the use of restraint or seclusion techniques in a school safety plan; provided that:</p>	<p>CIMARRON MUNICIPAL SCHOOLS’s Board Policy along with this Handbook of Procedures constitute the Policies and Procedures of CIMARRON MUNICIPAL SCHOOLS which are designed to be consistent with the State’s policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174.</p> <p>CIMARRON MUNICIPAL SCHOOLS’s Special Education Handbook of Procedures is not for the purpose of creating a requirement that is not otherwise imposed by the IDEA (and its implementing federal regulations, state statutes and rules) and shall not be construed to create a higher standard. This Handbook of Procedures developed at the Superintendent’s direction shall be posted on the CIMARRON MUNICIPAL SCHOOLS’s website. CIMARRON MUNICIPAL SCHOOLS Special Education Handbook of Procedures should be interpreted consistent with the IDEA.</p> <p>CIMARRON MUNICIPAL SCHOOLS’s Special Education Handbook of Procedures is reviewed and updated, as needed, on at least an annual basis. CIMARRON MUNICIPAL SCHOOLS will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to State policy, or new legal interpretation as are necessary to bring CIMARRON MUNICIPAL SCHOOLS into compliance with the requirements of the IDEA.</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the Board’s Policy and School Safety Plan (applicable to all students including students with disabilities)</p>

	<p>(1) the school safety plan shall not be specific to any individual student; and</p> <p>(2) any school safety plan shall be drafted by a planning team that includes at least one special education expert.</p> <p>...</p> <p>F. Policies regarding restraint and seclusion shall consider school district support and strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.</p>	<p>implementing NMSA 1978, § 22-5-4.12 (2017) [H.B. 75].</p>
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<p>§ 300.202 Use of amounts.</p> <p>(a) <i>General.</i> Amounts provided to the LEA under Part B of the Act—</p> <p>(1) Must be expended in accordance with the applicable provisions of this part;</p> <p>(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and</p> <p>(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.</p> <p>(b) <i>Excess cost requirement—</i></p> <p>(1) <i>General.</i></p> <p>(i) The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to</p>		<p>Amounts provided to CIMARRON MUNICIPAL SCHOOLS under Part B of the IDEA:</p> <ul style="list-style-type: none"> ■ Will be expended in accordance with the applicable provisions of Part B of the IDEA; ■ Will be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with 34 C.F.R. § 300.202(b); and ■ Will be used to supplement State, local, and other Federal funds and not to supplant those Funds.
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<p>paragraph (b)(1)(ii) of this section.</p> <p>(ii) The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.</p> <p>(2)</p> <p>(i) An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.</p> <p>(ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of <i>excess costs</i> in § 300.16. That amount may not include capital outlay or debt service.</p> <p>(3) If two or more LEAs jointly establish eligibility in accordance with § 300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in § 300.16 in those agencies for elementary or secondary school students, as the case may be.</p> <p>(Authority: 20 U.S.C. 1413(a)(2)(A))</p>		
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<p><u>§ 300.203 Maintenance of effort.</u></p> <p>(a) <i>General.</i> Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.</p> <p>(b) <i>Standard.</i></p> <p>(1) Except as provided in paragraph (b)(2) of this section, the SEA must determine that an LEA complies with paragraph (a) of this section for purposes of establishing the LEA’s eligibility for an award for a fiscal year if the LEA budgets, for the education of children with disabilities, at least the same total or per capita amount from either of the following sources as the LEA spent for that purpose from the same source for the most recent prior year for which information is available:</p> <p>(i) Local funds only.</p> <p>(ii) The combination of State and local funds.</p> <p>(2) An LEA that relies on paragraph (b)(1)(i) of this section for any fiscal year must ensure that the amount of local funds it budgets for the education of children with disabilities in that year is at least the same, either in total or per capita, as the amount it spent for that purpose in the most recent fiscal year for which information is available and the standard in paragraph (b)(1)(i) of this section was used to establish its compliance with this section.</p> <p>(3) The SEA may not consider any expenditures made from funds provided by the Federal Government for which the SEA is required to</p>		<p>Except as provided in 34 C.F.R. §§ 300.204 and 300.205, funds provided to CIMARRON MUNICIPAL SCHOOLS under Part B of the IDEA will not be used to reduce the level of expenditures for the education of children with disabilities made by CIMARRON MUNICIPAL SCHOOLS from local funds below the level of those expenditures for the preceding fiscal year.</p>
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<p>account to the Federal Government or for which the LEA is required to account to the Federal Government directly or through the SEA in determining an LEA's compliance with the requirement in paragraph (a) of this section.</p> <p>(Authority: 20 U.S.C. 1413(a)(2)(A))</p>		
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<p>§ 300.204 Exception to maintenance of effort.</p> <p>Notwithstanding the restriction in § 300.203(a), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:</p> <ul style="list-style-type: none"> (a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel. (b) A decrease in the enrollment of children with disabilities. (c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child— <ul style="list-style-type: none"> (1) Has left the jurisdiction of the agency; (2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or (3) No longer needs the program of special education. (d) The termination of costly expenditures for long- 		
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<p>term purchases, such as the acquisition of equipment or the construction of school facilities.</p> <p>(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c)</p> <p>(Authority: 20 U.S.C. 1413(a)(2)(B))</p>		
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<p>§ 300.205 Adjustment to local fiscal efforts in certain fiscal years.</p>		
<p>(a) <i>Amounts in excess.</i> Notwithstanding § 300.202(a)(2) and (b) and § 300.203(a), and except as provided in paragraph (d) of this section and § 300.230(e)(2), for any fiscal year for which the allocation received by an LEA under § 300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by § 300.203(a) by not more than 50 percent of the amount of that excess.</p> <p>(b) <i>Use of amounts to carry out activities under ESEA.</i> If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities.</p> <p>(c) <i>State prohibition.</i> Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.</p>		

<p>(d) <i>Special rule.</i> The amount of funds expended by an LEA for early intervening services under § 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section.</p> <p>(Authority: 20 U.S.C. 1413(a)(2)(C))</p>		
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<p>§ 300.206 Schoolwide programs under title I of the ESEA.</p> <p>(a) <i>General.</i> Notwithstanding the provisions of §§ 300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, except that the amount used in any schoolwide program may not exceed—</p> <p>(1)</p> <p>(i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by</p> <p>(ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by</p> <p>(2) The number of children with disabilities participating in the schoolwide program.</p> <p>(b) <i>Funding conditions.</i> The funds described in paragraph (a) of this section are subject to the following conditions:</p> <p>(1) The funds must be considered as Federal Part B funds for purposes of the calculations required by §300.202(a)(2) and (a)(3).</p> <p>(2) The funds may be used without regard to the</p>		<p>To the extent CIMARRON MUNICIPAL SCHOOLS uses IDEA Part B funds to carry out a school-wide program under section 1114 of the Elementary and Secondary Education Act, CIMARRON MUNICIPAL SCHOOLS will use those funds consistent with 34 C.F.R. § 300.206, and CIMARRON MUNICIPAL SCHOOLS will meet all other requirements of the IDEA Part B, including ensuring that children with disabilities in school-wide program schools:</p> <ul style="list-style-type: none"> ■ Receive services in accordance with a properly developed IEP; and ■ Are afforded all of the rights and services guaranteed to children with disabilities under the IDEA-B.
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<p>requirements of §300.202(a)(1).</p> <p>(c) <i>Meeting other Part B requirements.</i> Except as provided in paragraph (b) of this section, all other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools—</p> <ol style="list-style-type: none"> (1) Receive services in accordance with a properly developed IEP; and (2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act. <p>(Authority: 20 U.S.C. 1413(a)(2)(D))</p>		
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<p>§ 300.207 Personnel development.</p> <p>The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of § 300.156 (related to personnel qualifications) and section 2102(b) of the ESEA.</p> <p>(Authority: 20 U.S.C. 1413(a)(3))</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>B. Public Agency Funding and Staffing</p> <ol style="list-style-type: none"> (10) Staff training and qualifications. <ol style="list-style-type: none"> (a) Each public agency is responsible for ensuring that personnel serving children with disabilities are qualified under state licensure requirements and are adequately prepared for their assigned responsibilities, pursuant to 34 CFR Sec. 300.156. Paraprofessionals and assistants who are appropriately trained and supervised in accordance with applicable department licensure rules or written department policy may be used to assist in the provision of special education and related services to children with disabilities under Part B of the IDEA. 	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that all personnel necessary to carry out the IDEA are appropriately and adequately prepared, subject to the requirements of 34 C.F.R. §300.156 (related to personnel qualifications) and section 2102(b) of the ESEA.</p>
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	<p>(b) Each public agency and charter school shall train their school administrators and teachers who teach reading to implement appropriate research-based reading interventions prior to referring the student for a special education evaluation and shall train their special education teachers to provide appropriate specialized reading instruction for students with dyslexia who have been identified as eligible for special education services.</p>	
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<p>§ 300.208 Permissive use of funds.</p> <p>(a) <i>Uses.</i> Notwithstanding §§ 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:</p> <p>(1) <i>Services and aids that also benefit nondisabled children.</i> For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.</p> <p>(2) <i>Early intervening services.</i> To develop and implement coordinated, early intervening educational services in accordance with § 300.226.</p> <p>(3) <i>High cost special education and related services.</i> To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.</p> <p>(b) <i>Administrative case management.</i> An LEA may use</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>D. Early intervening services set aside funds. Fifteen percent set aside.</p> <p>(1) Pursuant to 34 CFR Secs. 300.208(a)(2) and 300.266, LEAs may use up to fifteen percent of the amount the LEA receives under Part B of IDEA to implement early intervening services for children with or without disabilities in kindergarten through grade 12 with particular emphasis on children in kindergarten through grade three.</p> <p>(2) Prior to the implementation or use of these set aside funds, the LEA must have on record with the department an approved plan for use of these funds as described by 34 CFR Sec. 300.226(b) and how such activities will be coordinated with regional education cooperatives as described in 34 CFR Sec. 300.226(e), if applicable.</p> <p>(3) The LEA plan for use of set aside funds shall be submitted as an addendum to its annual application for Part B funding. If the LEA determines to implement a set aside plan after the initial application, a request for implementation of a set</p>	<p>To the extent CIMARRON MUNICIPAL SCHOOLS uses IDEA Part B funds to carry out any of the permissive uses described in 34 C.F.R. § 300.208, such funds will be used consistent with 34 C.F.R. § 300.208.</p>
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<p>funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.</p> <p>(Authority: 20 U.S.C. 1413(a)(4))</p>	<p>aside plan must be submitted for approval 60 days before the implementation of the plan.</p> <p>(4) Each LEA that develops and maintains coordinated, early intervening services must report annually to the department as provided in 34 CFR Sec. 300.226(d).</p>	
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<p>§ 300.209 Treatment of charter schools and their students.</p> <p>(a) <i>Rights of children with disabilities.</i> Children with disabilities who attend public charter schools and their parents retain all rights under this part.</p> <p>(b) <i>Charter schools that are public schools of the LEA.</i></p> <p>(1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—</p> <p>(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and</p> <p>(ii) Provide funds under Part B of the Act to those charter schools—</p> <p>(A) On the same basis as the LEA provides funds to the LEA’s other</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>I. Children in charter schools.</p> <p>(1) Pursuant to 34 CFR Sec. 300.209, children with disabilities who attend public charter schools and their parents retain all rights under Part B of IDEA.</p> <p>(2) Charter schools that are public schools of the LEA:</p> <p>(a) the LEA must serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and</p> <p>(b) the LEA must provide funds under Part B of IDEA to those charter schools on the same basis as the LEA provides funds to the LEA’s other public schools, including proportional distribution based on relative enrollment of children with disabilities, and at the same time</p>	
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<p>public schools, including proportional distribution based on relative enrollment of children with disabilities; and</p> <p>(B) At the same time as the LEA distributes other Federal funds to the LEA’s other public schools, consistent with the State’s charter school law.</p> <p>(2) If the public charter school is a school of an LEA that receives funding under § 300.705 and includes other public schools—</p> <p>(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and</p> <p>(ii) The LEA must meet the requirements of paragraph (b)(1) of this section.</p> <p>(c) <i>Public charter schools that are LEAs.</i> If the public charter school is an LEA, consistent with § 300.28, that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.</p> <p>(d) <i>Public charter schools that are not an LEA or a school that is part of an LEA.</i></p> <p>(1) If the public charter school is not an LEA receiving funding under § 300.705, or a school that is part of an LEA receiving funding under § 300.705, the SEA is responsible for ensuring that the requirements of this part are met.</p> <p>(2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However,</p>	<p>as the LEA distributes other federal funds to the LEA’s other public schools, consistent with the state’s charter school law; and</p> <p>(c) if the public charter school is a school of an LEA that receives funding under 34 CFR Sec. 300.705 and includes other public schools:</p> <p>(i) the LEA is responsible for ensuring that the requirements of this part are met, unless state law assigns that responsibility to some other entity; and</p> <p>(ii) the LEA must meet the requirements of Paragraph (2) of this subsection.</p> <p>(3) Public charter schools that are LEAs. If the public charter school is an LEA, consistent with 34 CFR Sec. 300.28, that receives funding under 34 CFR Sec. 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless state law assigns that responsibility to some other entity. Charter schools who are LEAs authorized under the public education commission must satisfy child find requirements for children enrolled in the charter school.</p> <p>(4) Public charter schools that are not an LEA or a school that is part of an LEA.</p> <p>(a) If the public charter school is not an LEA receiving funding under 34 CFR Sec. 300.705, or a school that is part of an LEA receiving funding under 34 CFR Sec. 300.705, the department is responsible for ensuring that the requirements of this part are met.</p> <p>(b) Subparagraph (a) of this paragraph does not preclude the governor from assigning initial responsibility for ensuring the requirements of this part are met to another entity, however, the department must maintain the ultimate</p>	
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<p>the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with § 300.149.</p> <p>(Authority: 20 U.S.C. 1413(a)(5))</p>	<p>responsibility for ensuring compliance with this part, consistent with 34 CFR Sec. 300.149.</p>	
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<p>§ 300.210 Purchase of instructional materials.</p>		
<p>(a) <i>General.</i> Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under § 300.172.</p> <p>(b) <i>Rights of LEA.</i></p> <p>(1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.</p> <p>(2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.</p> <p>(3) Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in § 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.</p>		<p>Nothing in 34 C.F.R. § 300.210 shall be construed to require an LEA to coordinate with the National Instructional Materials Access Center (NIMAC). CIMARRON MUNICIPAL SCHOOLS has chosen not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.</p> <p>The CIMARRON MUNICIPAL SCHOOLS will ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in 34 C.F.R. §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.</p>

(Authority: 20 U.S.C. 1413(a)(6))		
§ 300.211 Information for SEA.		
<p>The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to §§ 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act.</p> <p>(Authority: 20 U.S.C. 1413(a)(7))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide the NMPED with information needed by NMPED to enable the NMPED to carry out its duties under the IDEA, including, with respect to 34 C.F.R. § 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under the IDEA Part B.</p>
§ 300.212 Public information.		
<p>The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act.</p> <p>(Authority: 20 U.S.C. 1413(a)(8))</p>		<p>CIMARRON MUNICIPAL SCHOOLS makes available to parents of children with disabilities and to the general public all documents relating to the eligibility of the CIMARRON MUNICIPAL SCHOOLS under the IDEA.</p>
§ 300.213 Records regarding migratory children with disabilities.		
<p>The LEA must cooperate in the Secretary's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children.</p> <p>(Authority: 20 U.S.C. 1413(a)(9))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will cooperate with the Secretary of the U.S. Department of Education's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children.</p>

<p>§§ 300.214–300.219 [Reserved]</p>		
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<p>§ 300.220 Exception for prior local plans.</p> <p>(a) <i>General.</i> If an LEA or a State agency described in § 300.228 has on file with the SEA policies and procedures that demonstrate that the LEA or State agency meets any requirement of § 300.200, including any policies and procedures filed under Part B of the Act as in effect before December 3, 2004, the SEA must consider the LEA or State agency to have met that requirement for purposes of receiving assistance under Part B of the Act.</p> <p>(b) <i>Modification made by an LEA or State agency.</i> Subject to paragraph (c) of this section, policies and procedures submitted by an LEA or a State agency in accordance with this subpart remain in effect until the LEA or State agency submits to the SEA the modifications that the LEA or State agency determines are necessary.</p> <p>(c) <i>Modifications required by the SEA.</i> The SEA may require an LEA or a State agency to modify its policies and procedures, but only to the extent necessary to ensure the LEA’s or State agency’s compliance with Part B of the Act or State law, if—</p> <ol style="list-style-type: none"> (1) After December 3, 2004, the effective date of the Individuals with Disabilities Education Improvement Act of 2004, the applicable provisions of the Act (or the regulations developed to carry out the Act) are amended; (2) There is a new interpretation of an applicable provision of the Act by Federal or State courts; 		
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<p>or</p> <p>(3) There is an official finding of noncompliance with Federal or State law or regulations.</p> <p>(Authority: 20 U.S.C. 1413(b))</p>		
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<p>§ 300.221 Notification of LEA or State agency in case of ineligibility.</p>		
<p>If the SEA determines that an LEA or State agency is not eligible under Part B of the Act, then the SEA must—</p> <p>(a) Notify the LEA or State agency of that determination; and</p> <p>(b) Provide the LEA or State agency with reasonable notice and an opportunity for a hearing.</p> <p>(Authority: 20 U.S.C. 1413(c))</p>		

<p>§ 300.222 LEA and State agency compliance.</p>		
<p>(a) <i>General.</i> If the SEA, after reasonable notice and an opportunity for a hearing, finds that an LEA or State agency that has been determined to be eligible under this subpart is failing to comply with any requirement described in §§300.201 through 300.213, the SEA must reduce or must not provide any further payments to the LEA or State agency until the SEA is satisfied that the LEA or State agency is complying with that requirement.</p> <p>(b) <i>Notice requirement.</i> Any State agency or LEA in receipt of a notice described in paragraph (a) of this section must, by means of public notice, take the</p>		

<p>measures necessary to bring the pendency of an action pursuant to this section to the attention of the public within the jurisdiction of the agency.</p> <p>(c) <i>Consideration.</i> In carrying out its responsibilities under this section, each SEA must consider any decision resulting from a hearing held under §§ 300.511 through 300.533 that is adverse to the LEA or State agency involved in the decision.</p> <p>(Authority: 20 U.S.C. 1413(d))</p>		
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<p><u>§ 300.223 Joint establishment of eligibility.</u></p> <p>(a) <i>General.</i> An SEA may require an LEA to establish its eligibility jointly with another LEA if the SEA determines that the LEA will be ineligible under this subpart because the agency will not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.</p> <p>(b) <i>Charter school exception.</i> An SEA may not require a charter school that is an LEA to jointly establish its eligibility under paragraph (a) of this section unless the charter school is explicitly permitted to do so under the State’s charter school statute.</p> <p>(c) <i>Amount of payments.</i> If an SEA requires the joint establishment of eligibility under paragraph (a) of this section, the total amount of funds made available to the affected LEAs must be equal to the sum of the payments that each LEA would have received under § 300.705 if the agencies were eligible for those payments.</p> <p>(Authority: 20 U.S.C. 1413(e)(1) and (2))</p>		
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<p>§ 300.224 Requirements for establishing eligibility.</p>		
<p>(a) <i>Requirements for LEAs in general.</i> LEAs that establish joint eligibility under this section must—</p> <ol style="list-style-type: none"> (1) Adopt policies and procedures that are consistent with the State’s policies and procedures under §§ 300.101 through 300.163, and §§ 300.165 through 300.174; and (2) Be jointly responsible for implementing programs that receive assistance under Part B of the Act. <p>(b) <i>Requirements for educational service agencies in general.</i> If an educational service agency is required by State law to carry out programs under Part B of the Act, the joint responsibilities given to LEAs under Part B of the Act—</p> <ol style="list-style-type: none"> (1) Do not apply to the administration and disbursement of any payments received by that educational service agency; and (2) Must be carried out only by that educational service agency. <p>(c) <i>Additional requirement.</i> Notwithstanding any other provision of §§ 300.223 through 300.224, an educational service agency must provide for the education of children with disabilities in the least restrictive environment, as required by § 300.112.</p> <p>(Authority: 20 U.S.C. 1413(e)(3) and (4))</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>F. Annual determinations. Each local educational agency and other public agencies when applicable shall be assigned an annual determination. The determinations must be consistent with those provided in 34 CFR Sec. 300.603(b) based on the local educational agency’s performance on the targets established in the department’s state performance plan.</p> <ol style="list-style-type: none"> (1) For determinations of needs intervention and needs substantial intervention, the local educational agency may request an opportunity for an informal hearing. The request for hearing must be made in writing to the secretary of public education within 30 days of the date of the determination. (2) The hearing will afford the local educational agency the opportunity to demonstrate why the department should not make the determination of needs intervention or needs substantial intervention. The hearing shall be conducted by the secretary or the secretary’s designee. Formal rules of evidence shall not apply to the hearing. <p>G. Notification of public agency in case of ineligibility. Pursuant to 34 CFR Sec. 300.221, if the department determines that a public agency is not eligible under Part B of the act, the department shall notify the affected agency of that determination and provide the agency with reasonable notice and an opportunity for a hearing under 34 CFR Sec. 76.401(d).</p> <p>H. Withholding of funds for noncompliance. Pursuant to 34 CFR Sec. 300.222, if the department, after reasonable notice and an opportunity for a hearing</p>	

	<p>under 34 CFR Sec. 76.401(d), finds that a public agency that has previously been determined to be eligible is failing to comply with any requirement described in 34 CFR Secs. 300.201-300.213 and 34 CFR Sec. 300.608, the department must reduce or may not provide any further Part B payments to the public agency until the department is satisfied that the public agency is in compliance with that requirement.</p>	
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<p>§ 300.225 [Reserved]</p>		
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<p>§ 300.226 Early intervening services.</p> <p>(a) General. An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to § 300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. (See Appendix D for examples of how § 300.205(d), regarding local maintenance of effort, and § 300.226(a) affect one another.)</p> <p>(b) Activities. In implementing coordinated, early intervening services under this section, an LEA may carry out activities that include—</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>D. Early intervening services set aside funds. Fifteen percent set aside.</p> <p>(1) Pursuant to 34 CFR Secs. 300.208(a)(2) and 300.266, LEAs may use up to fifteen percent of the amount the LEA receives under Part B of IDEA to implement early intervening services for children with or without disabilities in kindergarten through grade 12 with particular emphasis on children in kindergarten through grade three.</p> <p>(2) Prior to the implementation or use of these set aside funds, the LEA must have on record with the department an approved plan for use of these funds as described by 34 CFR Sec. 300.226(b) and how such activities will be coordinated with regional education cooperatives as described in 34 CFR Sec. 300.226(e), if applicable.</p>	<p>IDEA gives local educational agencies flexibility to develop and implement coordinated, early intervening services for children who are not currently receiving special education services, but who require additional academic and behavioral support to succeed in a regular education environment. (See 71 Fed. Reg. 46628 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that prior NMPED Special Education Bureau approval is required to use set aside funds for early intervening services. If CIMARRON MUNICIPAL SCHOOLS develops and maintains coordinated, early intervening services, it will timely submit to the NMPED Special Education Bureau a final progress report.</p> <p>CIMARRON MUNICIPAL SCHOOLS does not believe it is appropriate or necessary to specify how long a child can receive early intervening services before an initial evaluation is conducted. If a child receiving early intervening services is suspected of having a disability and a need for special education, CIMARRON MUNICIPAL SCHOOLS will conduct a full and</p>
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<p>(1) Professional development (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and</p> <p>(2) Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.</p> <p>(c) Construction. Nothing in this section shall be construed to either limit or create a right to FAPE under Part B of the Act or to delay appropriate evaluation of a child suspected of having a disability.</p> <p>(d) Reporting. Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on—</p> <p>(1) The number of children served under this section who received early intervening services; and</p> <p>(2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.</p> <p>(e) <i>Coordination with ESEA.</i> Funds made available to carry out this section may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.</p>	<p>(3) The LEA plan for use of set aside funds shall be submitted as an addendum to its annual application for Part B funding. If the LEA determines to implement a set aside plan after the initial application, a request for implementation of a set aside plan must be submitted for approval 60 days before the implementation of the plan.</p> <p>(4) Each LEA that develops and maintains coordinated, early intervening services must report annually to the department as provided in 34 CFR Sec. 300.226(d).</p>	<p>individual evaluation to determine if the child is a child with a disability and needs special education and related services. (See 71 Fed. Reg. 46626 (August 14, 2006))</p>
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(Authority: 20 U.S.C. 1413(f))		
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<p>§ 300.227 Direct services by the SEA.</p>		
<p>(a) <i>General.</i></p> <p>(1) An SEA must use the payments that would otherwise have been available to an LEA or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that LEA, or for whom that State agency is responsible, if the SEA determines that the LEA or State agency—</p> <ul style="list-style-type: none"> (i) Has not provided the information needed to establish the eligibility of the LEA or State agency, or elected not to apply for its Part B allotment, under Part B of the Act; (ii) Is unable to establish and maintain programs of FAPE that meet the requirements of this part; (iii) Is unable or unwilling to be consolidated with one or more LEAs in order to establish and maintain the programs; or (iv) Has one or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of these children. <p>(2) <i>SEA administrative procedures.</i></p> <ul style="list-style-type: none"> (i) In meeting the requirements in paragraph (a)(1) of this section, the SEA may provide special education and related 		

<p>services directly, by contract, or through other arrangements.</p> <p>(ii) The excess cost requirements of §300.202(b) do not apply to the SEA.</p> <p>(b) <i>Manner and location of education and services.</i> The SEA may provide special education and related services under paragraph (a) of this section in the manner and at the locations (including regional or State centers) as the SEA considers appropriate. The education and services must be provided in accordance with this part.</p> <p>(Authority: 20 U.S.C. 1413(g))</p>		
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<p>§ 300.228 State agency eligibility.</p> <p>Any State agency that desires to receive a subgrant for any fiscal year under § 300.705 must demonstrate to the satisfaction of the SEA that—</p> <p>(a) All children with disabilities who are participating in programs and projects funded under Part B of the Act receive FAPE, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and</p> <p>(b) The agency meets the other conditions of this subpart that apply to LEAs.</p> <p>(Authority: 20 U.S.C. 1413(h))</p>		
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<p>§ 300.229 Disciplinary information.</p> <p>(a) The State may require that a public agency include</p>		
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<p>in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children.</p> <p>(b) The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child.</p> <p>(c) If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.</p> <p>(Authority: 20 U.S.C. 1413(i))</p>		
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<p><u>§ 300.230 SEA flexibility.</u></p> <p>(a) <i>Adjustment to State fiscal effort in certain fiscal years.</i> For any fiscal year for which the allotment received by a State under § 300.703 exceeds the amount the State received for the previous fiscal year and if the State in school year 2003– 2004 or any subsequent school year pays or reimburses all LEAs within the State from State revenue 100 percent of the non-Federal share of the costs of special education and related services, the SEA, notwithstanding §§ 300.162 through 300.163 (related to State-level nonsupplanting and maintenance of effort), and § 300.175 (related to direct services by the SEA) may reduce the level of expenditures from State sources for the education of children with disabilities by not more than 50 percent of the amount of such excess.</p>		
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<p>(b) <i>Prohibition.</i> Notwithstanding paragraph (a) of this section, if the Secretary determines that an SEA is unable to establish, maintain, or oversee programs of FAPE that meet the requirements of this part, or that the State needs assistance, intervention, or substantial intervention under § 300.603, the Secretary prohibits the SEA from exercising the authority in paragraph (a) of this section.</p> <p>(c) <i>Education activities.</i> If an SEA exercises the authority under paragraph (a) of this section, the agency must use funds from State sources, in an amount equal to the amount of the reduction under paragraph (a) of this section, to support activities authorized under the ESEA, or to support need-based student or teacher higher education programs.</p> <p>(d) <i>Report.</i> For each fiscal year for which an SEA exercises the authority under paragraph (a) of this section, the SEA must report to the Secretary—</p> <ol style="list-style-type: none"> (1) The amount of expenditures reduced pursuant to that paragraph; and (2) The activities that were funded pursuant to paragraph (c) of this section. <p>(e) <i>Limitation.</i></p> <ol style="list-style-type: none"> (1) Notwithstanding paragraph (a) of this section, an SEA may not reduce the level of expenditures described in paragraph (a) of this section if any LEA in the State would, as a result of such reduction, receive less than 100 percent of the amount necessary to ensure that all children with disabilities served by the LEA receive FAPE from the combination of Federal funds received under Part B of the Act and State funds received from the SEA. (2) If an SEA exercises the authority under paragraph (a) of this section, LEAs in the State 		
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<p>may not reduce local effort under § 300.205 by more than the reduction in the State funds they receive.</p> <p>(Authority: 20 U.S.C. 1413(j))</p>		
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<p><u>SUBPART D—EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS</u></p>		
<p><u>Parental Consent</u></p>		
<p><u>§ 300.300 Parental consent.</u></p>		
<p>(a) <i>Parental consent for initial evaluation</i></p> <p>(1)</p> <p>(i) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under § 300.8 must, after providing notice consistent with §§ 300.503 and 300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation.</p> <p>(ii) Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.</p> <p>(iii) The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.</p> <p>(2) For initial evaluations only, if the child is a ward of the State and is not residing with the child’s parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>F. Parental consent.</p> <p>(1) Informed parental consent as defined in 34 CFR Sec. 300.9 must be obtained in compliance with 34 CFR Sec. 300.300 before</p> <p>(a) conducting an initial evaluation or reevaluation; and</p> <p>(b) initial provision of special education and related services to a child with a disability. Consent for initial evaluation must not be construed as consent for initial provision of special education and related services. If parental consent is not provided for the initial evaluation or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the due process and mediation procedures in Subsection I of 6.31.2.13 NMAC.</p> <p>(2) Pursuant to 34 CFR Sec. 300.300(d)(1), parental consent is not required before</p>	<p>CIMARRON MUNICIPAL SCHOOLS will begin the process of obtaining parental consent for initial evaluation by identifying the parent and contacting the parent through various means such as by phone or through written correspondence, or by speaking to the parent in parent-teacher conferences. (See 71 Fed. Reg. 46629 (August 14, 2006))</p> <p>An initial evaluation of a child is the first complete assessment of a child to determine if the child has a disability under the IDEA, and the nature and extent of special education and related services required. Once a child has been fully evaluated, a decision has been rendered that a child is eligible for services under the IDEA, and the required services have been determined, CIMARRON MUNICIPAL SCHOOLS will consider any subsequent evaluation of a child to be a reevaluation. (See 71 Fed. Reg. 46640 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will use reasonable efforts to obtain parental consent. CIMARRON MUNICIPAL SCHOOLS will document its efforts to obtain parental consent, and maintain such documentation in the child’s special education file. The level of effort shall be appropriate to the situation. The actions of CIMARRON MUNICIPAL SCHOOLS when seeking parental consent will reflect genuine effort and will include more than one effort or means.</p>

<p>—</p> <p>(i) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;</p> <p>(ii) The rights of the parents of the child have been terminated in accordance with State law; or</p> <p>(iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.</p> <p>(3)</p> <p>(i) If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation under paragraph (a)(1) of this section, or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of this part (including the mediation procedures under §300.506 or the due process procedures under §§300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such parental consent.</p> <p>(ii) The public agency does not violate its obligation under § 300.111 and §§ 300.301 through 300.311 if it declines to pursue the evaluation.</p> <p>(b) Parental <i>consent for services</i></p>	<p>(a) reviewing existing data as part of an evaluation or a reevaluation; or</p> <p>(b) administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.</p> <p>(3) Pursuant to 34 CFR Sec. 300.300(b), if the parents of a child with a disability refuse consent for the initial provision of special education and related services, the public agency may not use the due process and mediation procedures in Subsection I of 6.31.2.13 NMAC in order to obtain agreement or a ruling that the services may be provided to the child. If the parent refuses consent or fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency will not be considered to be in violation of the requirement to make FAPE available to the child and is not required to convene an IEP team meeting or develop an IEP under 34 CFR Secs. 300.320 and 300.324. All provisions of 34 CFR Sec. 300.300 must be followed with respect to parental consent.</p> <p>(4) Pursuant to 34 CFR Sec. 300.300(c)(2), informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it has taken reasonable measures to obtain that consent by using procedures consistent with those in 34 CFR Sec. 300.322(d) and the child’s parent has failed to respond.</p> <p>(5) Pursuant to 34 CFR Sec. 300.300(d)(3), a public agency may not use a parent’s refusal to consent to one service or activity for which consent is required to deny the parent or child any other service, benefit or activity of the public agency, except as required by 34 CFR Part 300.</p> <p>(6) Pursuant to 34 CFR Sec. 300.300(b)(4), parents may revoke consent for the continued provision of all special education and related services for their child.</p>	<p>CIMARRON MUNICIPAL SCHOOLS may proceed with a child’s initial evaluation without first obtaining the requisite parental consent when one or more of the circumstances in § 300.300(a)(2) are met and a surrogate has not yet been appointed so as not to postpone the child’s evaluation to await the appointment of a surrogate. (See 71 Fed. Reg. 46631 (August 14, 2006))</p> <p>If a surrogate parent already has been appointed because CIMARRON MUNICIPAL SCHOOLS, after reasonable efforts, could not locate a parent, CIMARRON MUNICIPAL SCHOOLS will not have to again attempt to contact other individuals meeting the definition of parent to seek consent. (See 71 Fed. Reg. 46631 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will use its consent override procedures only in rare circumstances when a parent refuses to consent to an initial evaluation or a reevaluation. CIMARRON MUNICIPAL SCHOOLS is not required to pursue an initial evaluation of a child suspected of having a disability if the parent does not provide consent for the initial evaluation. CIMARRON MUNICIPAL SCHOOLS is in the best position to determine whether, in a particular case, an initial evaluation should be pursued, and will make that determination on a case-by-case basis. (See 71 Fed. Reg. 46632 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that the consent override procedures are not available when a parent refuses to consent to the initial provision of special education and related services (or fails to respond to a request for consent to the initial provision of special education and related services). When a parent refuses to consent to the initial provision of special education and related services, CIMARRON MUNICIPAL SCHOOLS will refer the child to the SAT for individual consideration.</p> <p>CIMARRON MUNICIPAL SCHOOLS considers the “initial provision of services” to be the first time a</p>
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<p>(1) A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.</p> <p>(2) The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.</p> <p>(3) If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public agency—</p> <p style="padding-left: 20px;">(i) May not use the procedures in subpart E of this part (including the mediation procedures under §300.506 or the due process procedures under §§300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;</p> <p style="padding-left: 20px;">(ii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent; and</p> <p style="padding-left: 20px;">(iii) Is not required to convene an IEP Team meeting or develop an IEP under §§300.320 and 300.324 for the child.</p> <p>(4) If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency—</p>	<p>The revocation of consent must be in writing. After providing prior written notice in accordance with 34 CFR Sec. 300.503, the public agency must cease the provision of special education and related services for that child. The public agency may not use the due process and mediation procedures in Subsection I of 6.31.2.13 NMAC in order to obtain agreement or a ruling that services may be provided to the child. The public agency will not be considered to be in violation of the requirement to make FAPE available to the child once consent has been revoked. The public agency will also not be required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.</p>	<p>parent is offered special education and related services after the child has been evaluated and has been determined to be a child with a disability. (See 71 Fed. Reg. 46633 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will use the phrase “initial provision of services” rather than “consent for placement for receipt of special education and related services,” to make clear that consent does not need to be sought every time a particular service is provided to the child. Additionally, “placement” refers to the provision of special education services, rather than a specific place, such as a specific classroom or specific school. (See 71 Fed. Reg. 46640 (August 14, 2006))</p> <p>If the parent refuses to consent to the initial provision of special education and related services, CIMARRON MUNICIPAL SCHOOLS is not required to convene an IEP Team meeting or develop an IEP. CIMARRON MUNICIPAL SCHOOLS is relieved of any potential liability for failure to convene an IEP Team meeting or develop an IEP for a child whose parents have refused consent or failed to respond to a request for consent to the initial provision of special education and related services. CIMARRON MUNICIPAL SCHOOLS may however, convene an IEP Team meeting and develop an IEP for a child as a means of informing the parent about the services that would be provided with the parent’s consent. (See 71 Fed. Reg. 46634 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands the concern that a parent of a child with a disability who refuses to consent to the provision of special education and related services may not fully understand the extent of the special education and related services their child would receive without the development of an IEP. However, the consent provisions of the Act do not create the right of parents to consent to each specific special education and related service that their child receives. Instead, the parents have the right to consent to the initial provision of special education and related services. “Fully informed,” in this context, means that CIMARRON MUNICIPAL SCHOOLS has given the</p>
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<p>(i) May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with §300.503 before ceasing the provision of special education and related services;</p> <p>(ii) May not use the procedures in subpart E of this part (including the mediation procedures under §300.506 or the due process procedures under §§300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;</p> <p>(iii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and</p> <p>(iv) Is not required to convene an IEP Team meeting or develop an IEP under §§300.320 and 300.324 for the child for further provision of special education and related services</p> <p>(c) <i>Parental consent for reevaluations</i></p> <p>(1) Subject to paragraph (c)(2) of this section, each public agency —</p> <p>(i) Must obtain informed parental consent, in accordance with § 300.300(a)(1), prior to conducting any reevaluation of a child with a disability.</p> <p>(ii) If the parent refuses to consent to the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures</p>		<p>parent an explanation of what special education and related services are and the types of services that might be found to be needed for their child, rather than the exact program of services that would be included in an IEP. The CIMARRON MUNICIPAL SCHOOLS will ensure that the parent has been given an explanation of what special education and related services are and the type of services that might be found to be needed for their child. (See 71 Fed. Reg. 46634 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will not conduct a reevaluation without consent except when CIMARRON MUNICIPAL SCHOOLS can demonstrate that it has made reasonable efforts to obtain such consent and the child’s parent has failed to respond to a request for consent. When CIMARRON MUNICIPAL SCHOOLS has made reasonable efforts to obtain such consent and the child’s parent has failed to respond to a request for consent, CIMARRON MUNICIPAL SCHOOLS will conduct a reevaluation of the child, except in the case of a home schooled or parentally-placed private schooled child. When a parent refuses to consent, the decision to use the consent override procedures is made by CIMARRON MUNICIPAL SCHOOLS on a case by case basis.</p> <p>If a parent revokes consent for a provision of special education and related services, CIMARRON MUNICIPAL SCHOOLS may inquire as to why they are revoking consent. However, CIMARRON MUNICIPAL SCHOOLS will not require a parent to provide an explanation, either orally or in writing, prior to ceasing the provision of special education and related services. (See 73 Fed. 73008 (December 1, 2008))</p> <p>When CIMARRON MUNICIPAL SCHOOLS receives a parental revocation of consent, in writing, for all special education and related services for a child, CIMARRON MUNICIPAL SCHOOLS will provide prior written notice and within a reasonable time, will discontinue all special education and related services to the child. CIMARRON MUNICIPAL SCHOOLS may not use the procedures in subpart E of these regulations,</p>
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<p>described in paragraph (a)(3) of this section.</p> <p>(iii) The public agency does not violate its obligation under § 300.111 and §§ 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.</p> <p>(2) The informed parental consent described in paragraph (c)(1) of this section need not be obtained if the public agency can demonstrate that —</p> <p>(i) It made reasonable efforts to obtain such consent; and</p> <p>(ii) The child’s parent has failed to respond.</p> <p>(d) Other <i>consent requirements</i></p> <p>(1) Parental consent is not required before —</p> <p>(i) Reviewing existing data as part of an evaluation or a reevaluation; or</p> <p>(ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.</p> <p>(2) In addition to the parental consent requirements described in paragraphs (a), (b), and (c) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent’s refusal to consent does not result in a failure to provide the child with FAPE.</p> <p>(3) A public agency may not use a parent’s refusal to consent to one service or activity under</p>		<p>including mediation procedures or the due process procedures, to obtain agreement or a ruling that the services may be provided to the child. (See 73 Fed. Reg. 73011 (December 1, 2008))</p> <p><u>Revocation of Consent for Services (Partial vs. Complete Revocation of Consent)</u></p> <p>A parent has the right under the IDEA to unilaterally revoke consent for the receipt of all special education and related services (complete revocation). (See 34 C.F.R. § 300.300(b)(4)) However, the consent revocation provisions of the IDEA do not provide for partial revocation (revocation to a particular service). If a parent disagrees with the provision of a particular special education or related service, and the IEP Team concludes that the child would be provided with a FAPE if the child did not receive that service, the IEP Team may remove the service from the child’s IEP. If, however, the parent and CIMARRON MUNICIPAL SCHOOLS disagree in an IEP Team meeting about whether the child would be provided with FAPE if the child did not receive a particular service, CIMARRON MUNICIPAL SCHOOLS must specify the service(s) it believes are necessary for FAPE (even if the parent disagrees) and provide the parent with Prior Written Notice. The parent may use the due process procedures to seek a ruling that the service with which the parent disagrees is not appropriate for their child. (See 73 Fed. Reg. 73011 (December 1, 2008))</p> <p>If a parent revokes consent for a child to receive special education and related services (complete revocation), after CIMARRON MUNICIPAL SCHOOLS provides prior written notice and ceases services, CIMARRON MUNICIPAL SCHOOLS will consider the child a general education student. The child will also be considered a general education student under the ESEA. CIMARRON MUNICIPAL SCHOOLS will not be obligated to provide accommodations that were previously contained in the child’s IEP. (See 73 Fed. Reg. 73011 (December 1, 2008)) The child may be placed in any classroom where other general education</p>
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<p>paragraphs (a), (b), (c), or (d)(2) of this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.</p> <p>(4)</p> <p>(i) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures (described in paragraphs(a)(3) and (c)(1) of this section); and</p> <p>(ii) The public agency is not required to consider the child as eligible for services under §§ 300.132 through 300.144.</p> <p>(5) To meet the reasonable efforts requirement in paragraphs (a)(1)(iii), (a)(2)(i), (b)(2), and (c)(2)(i) of this section, the public agency must document its attempts to obtain parental consent using the procedures in §300.322(d).</p> <p>(Authority: 20 U.S.C. 1414(a)(1)(D) and 1414(c))</p>		<p>students are placed. If a child whose parent has revoked consent is placed in a classroom that is co-taught by a general education teacher and a special education teacher, then that child is placed in the classroom as a general education student and should be treated the same as all other general education students in that classroom. (73 Fed. Reg. 73013 (December 1, 2008))</p> <p>Students who are no longer receiving special education and related services due to the revocation of parental consent to the continued provision of special education and related services will be subject to CIMARRON MUNICIPAL SCHOOLS's discipline procedures without the discipline protections provided in the Act. CIMARRON MUNICIPAL SCHOOLS expects the parents to consider the possible consequences of discipline procedures when making the decision to revoke consent for the provision of special education and related services. (See 73 Fed. Reg. 73013 (December 1, 2008))</p> <p>CIMARRON MUNICIPAL SCHOOLS personnel will not encourage a parent to revoke consent for special education and related services. (73 Fed. Reg. 73014 (December 1, 2008))</p>
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<p>Evaluations and Reevaluations</p>		
<p>§ 300.301 Initial evaluations.</p>		
<p>(a) <i>General.</i> Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>D. Evaluations and reevaluations.</p> <p>(1) Initial evaluations.</p>	<p>Either a parent or a public agency may initiate a request for an initial evaluation. The language “public agency” does not include employees of SEAs or LEAs (e.g., teachers and related services providers), unless they are acting for the SEA or LEA, or of other State agencies (e.g., probation officers, social workers, or staff from</p>

<p>(b) <i>Request for initial evaluation.</i> Consistent with the consent requirements in § 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.</p> <p>(c) <i>Procedures for initial evaluation.</i> The initial evaluation—</p> <p>(1)</p> <p>(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or</p> <p>(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and</p> <p>(2) Must consist of procedures—</p> <p>(i) To determine if the child is a child with a disability under § 300.8; and</p> <p>(ii) To determine the educational needs of the child.</p> <p>(d) <i>Exception.</i> The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—</p> <p>(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or</p> <p>(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8.</p> <p>(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is</p>	<p>(a) Each public agency must conduct a full and individual initial evaluation, at no cost to the parent, and in compliance with requirements of 34 CFR Secs. 300.305 and 300.306 and other department rules and standards before the initial provision of special education and related services to a child with a disability.</p> <p>(b) Request for initial evaluation. Consistent with the consent requirement in 34 CFR Sec. 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.</p> <p>(c) Procedures for initial evaluation.</p> <p>(i) The initial evaluation must be conducted within 60 calendar days of receiving parental consent for evaluation.</p> <p>(ii) Each public agency must follow evaluation procedures in compliance with applicable requirements of 34 CFR Sec. 300.304 and other department rules and standards to determine:</p> <p>(1) if the child is a child with a disability under 34 CFR Sec. 300.8; and</p> <p>(2) if the child requires special education and related services to benefit from their education program.</p> <p>(iii) Each public agency shall maintain a record of the receipt, processing and disposition of any referral for an individualized evaluation. All appropriate evaluation data, including complete SAT file documentation and summary reports from all individuals evaluating the child shall be reported in writing for presentation to the eligibility determination team.</p>	<p>State agencies that are not public agencies as defined in § 300.33). (See 71 Fed. Reg. 46636 (August 14, 2006))</p> <p>In CIMARRON MUNICIPAL SCHOOLS, the public agency initiates a request for an initial evaluation through the Student Assistance Team process.</p> <p>The requirements in § 300.301(b) pertain to the initiation of an evaluation under §§ 300.301 through 300.305 and should not be confused with the State's child find responsibilities. The child find requirements permit referrals from any source that suspects a child may be eligible for special education and related services. (See 71 Fed. Reg. 46636 (August 14, 2006))</p> <p>A parent may initiate a request for an initial evaluation to determine if the child is a child with a disability. If, however, CIMARRON MUNICIPAL SCHOOLS does not suspect that the child has a disability and denies the request for an initial evaluation, CIMARRON MUNICIPAL SCHOOLS must provide prior written notice to the parents which explains, among other things, why the CIMARRON MUNICIPAL SCHOOLS refuses to conduct an initial evaluation and the information that was used as the basis to make that decision. The parent may challenge such a refusal by requesting a due process hearing. (See 71 Fed. Reg. 46636 (August 14, 2006))</p> <p>Consistent with the U.S. Department of Education interpretation, CIMARRON MUNICIPAL SCHOOLS declines to specify the timeframe from referral for evaluation to parental consent, or the timeframe from the completion of an evaluation to the determination of eligibility, as we are not in a position to determine the maximum number of days that should apply to these periods in all circumstances. (See 71 Fed. Reg. 46637 (August 14, 1006))</p>
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<p>making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.</p> <p>(Authority: 20 U.S.C. 1414(a))</p>	<ul style="list-style-type: none"> (iv) A parent may request an initial special education evaluation at any time during the SAT process. If the public agency agrees with the parent that the child may be a child who is eligible for special education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue prior written notice in accordance with 34 CFR Sec. 300.503. The parent can challenge this decision by requesting a due process hearing. (d) Exception to the 60 day time frame. The requirements of this subsection do not apply: <ul style="list-style-type: none"> (i) if the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (ii) if the child enrolls in a school of another LEA after the 60 day time frame in this subsection has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under 34 CFR Sec. 300.8. (e) The exception to the 60 day time frame in Item (ii) of Subparagraph (d) of Paragraph (1) of Subsection D of 6.31.2.10 NMAC applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. <p>...</p> <p>F. Eligibility determinations.</p> <p>...</p>	
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	<p>(2) Optional use of developmentally delayed classification for children aged 3 through 9</p> <p>(a) The developmentally delayed classification may be used at the option of individual local education agencies but may only be used for children who do not qualify for special education under any other disability category.</p>	
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<p>§ 300.302 Screening for instructional purposes is not evaluation.</p>		
<p>The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.</p> <p>(Authority: 20 U.S.C. 1414(a)(1)(E))</p>		

<p>§ 300.303 Reevaluations.</p>		
<p>(a) <i>General.</i> A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311—</p> <p>(1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or</p> <p>(2) If the child’s parent or teacher requests a reevaluation.</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>D. Evaluations and reevaluations.</p> <p>...</p> <p>(2) Reevaluations.</p> <p>(a) Each LEA must ensure that a reevaluation of each child is conducted at least once every three years, unless the parent and the public agency agree that a reevaluation is unnecessary, and is in compliance with the requirements of 34 CFR Secs. 300.303-300.311, and any other applicable department rules and standards.</p>	<p>A reevaluation is any evaluation subsequent to the initial evaluation. The initial evaluation is the first complete assessment of a child to determine if the child has a disability under the IDEA, and the nature and extent of special education and related services required. (See 71 Fed. Reg. 46640 (August 14, 2006)) However, if a parent who revoked consent for special education and related services later requests that his or her child be re-enrolled in special education, CIMARRON MUNICIPAL SCHOOLS will treat this request as a request for an initial evaluation, rather than a reevaluation. (See 73 Fed. 73015 (December 1, 2008))</p>

<p>(b) <i>Limitation.</i> A reevaluation conducted under paragraph (a) of this section—</p> <p>(1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and</p> <p>(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.</p> <p>(Authority: 20 U.S.C. 1414(a)(2))</p>	<p>(b) Reevaluations may be conducted more often if:</p> <p>(i) the LEA determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or</p> <p>(ii) the child’s parent or teacher requests a reevaluation.</p> <p>(c) Reevaluations may not occur more than once a year, unless the parent and public agency agree otherwise.</p> <p>...</p> <p>F. Eligibility determinations.</p> <p>...</p> <p>(2) Optional use of developmentally delayed classification for children aged 3 through 9</p> <p>...</p> <p>(b) Children who are classified as developmentally delayed must be reevaluated during the school year in which they turn 9 and will no longer be eligible in this category when they become 10. A student who does not qualify under any other available category at age 10 will no longer be eligible for special education and related services.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will conduct timely reevaluations as required by the IDEA.</p> <p>CIMARRON MUNICIPAL SCHOOLS will not condition a reevaluation on the parent providing a reason for requesting the reevaluation. (See 71 Fed. Reg. 46640 (August 14, 2006))</p> <p>If a parent requests a reevaluation, and CIMARRON MUNICIPAL SCHOOLS disagrees that a reevaluation is needed, CIMARRON MUNICIPAL SCHOOLS will provide prior written notice to the parent that explains, among other things, why CIMARRON MUNICIPAL SCHOOLS refuses to conduct the reevaluation and the parent’s right to contest CIMARRON MUNICIPAL SCHOOLS’s decision through mediation or a due process hearing. (See 71 Fed. Reg. 46640 (August 14, 2006))</p> <p>As part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, will review existing evaluation data. The review of existing evaluation data is part of the reevaluation process. The opportunity for a parent and CIMARRON MUNICIPAL SCHOOLS to agree that a reevaluation is unnecessary occurs before the reevaluation begins (including before the review of existing evaluation data). (See 71 Fed. Reg. 46641 (August 14, 2006))</p> <p>Prior to reaching an agreement that a reevaluation is unnecessary, the parent and CIMARRON MUNICIPAL SCHOOLS will discuss the advantages and disadvantages of conducting a reevaluation, as well as what effect a reevaluation might have on the child’s educational program. (See 71 Fed. Reg. 46641 (August 14, 2006))</p>
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<p>§ 300.304 Evaluation procedures.</p>		

<p>(a) <i>Notice.</i> The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct.</p> <p>(b) <i>Conduct of evaluation.</i> In conducting the evaluation, the public agency must—</p> <p>(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—</p> <p>(i) Whether the child is a child with a disability under § 300.8; and</p> <p>(ii) The content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);</p> <p>(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and</p> <p>(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.</p> <p>(c) <i>Other evaluation procedures.</i> Each public agency must ensure that—</p> <p>(1) Assessments and other evaluation materials used to assess a child under this part—</p> <p>(i) Are selected and administered so as not to</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>D. Evaluations and reevaluations.</p> <p>...</p> <p>(2) Reevaluations.</p> <p>...</p> <p>(d) Procedures for conducting evaluations and reevaluations.</p> <p>(i) The public agency must provide notice to the parents of a child with a disability that describes any evaluation procedures the agency proposes to conduct in compliance with 34 CFR Sec. 300.503.</p> <p>...</p> <p>(iv) Each public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the child’s family that may assist in determining if the child is a child with a disability, the content of the child’s IEP including information related to assisting the child to be involved and progress in the general education curriculum or for a preschool child to participate in appropriate activities.</p> <p>...</p> <p>E. Procedural requirements for the assessment and evaluation of culturally and linguistically diverse children.</p> <p>(1) Each public agency must ensure that tests and other evaluation materials used to assess children are selected, provided and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child’s native language or other mode of communication, such as</p>	<p>CIMARRON MUNICIPAL SCHOOLS will assess a child in all areas related to the suspected disability. This may include, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. This is not an exhaustive list of areas that may be assessed. Decisions regarding the areas to be assessed are determined by the suspected needs of the child. If a child’s behavior or physical status is of concern, evaluations addressing these areas will be conducted. (See 71 Fed. Reg. 46643 (August 14, 2006))</p> <p>It is standard test administration practice of CIMARRON MUNICIPAL SCHOOLS to include in the evaluation report the extent to which an assessment varied from standard conditions, including the language or other mode of communication that was used in assessing a child. (See, 71 Fed. Reg. 46643 (August 14, 2006))</p> <p>The native language information may be found in the student’s cumulative folder as part of the enrollment information. Upon enrollment, parents complete the home language portion which indicates the language normally used by the parents and the language normally used by the child in the home. If necessary, additional information will be gathered to determine the native language of the child for purposes of providing and administering assessments and other evaluation materials in the child’s native language or other mode of communication and in the form most likely to yield accurate information.</p> <p>The NMPED has issued a guidance document titled, New Mexico Technical Evaluation and Assistance Manual: Determining Eligibility for IDEA Part B Special Education Services (NM TEAM, December 2017), available through the NMPED website. The NM TEAM presents a sustained effort to standardize evaluation and assessment procedures and eligibility criteria in every IDEA disability category. CIMARRON MUNICIPAL SCHOOLS expects its evaluation teams to use and follow the guidelines and recommendations</p>
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<p>be discriminatory on a racial or cultural basis;</p> <ul style="list-style-type: none"> (ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer; (iii) Are used for the purposes for which the assessments or measures are valid and reliable; (iv) Are administered by trained and knowledgeable personnel; and (v) Are administered in accordance with any instructions provided by the producer of the assessments. <p>(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.</p> <p>(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).</p> <p>(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional</p>	<p>American sign language, and in the form most likely to yield accurate information, on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to select, provide or administer pursuant to 34 CFR Sec. 300.304(c)(1).</p> <ul style="list-style-type: none"> (2) Each public agency must ensure that selected assessments and measures are valid and reliable and are administered in accordance with instructions provided by the assessment producer and are administered by trained and knowledgeable personnel. (3) Each public agency must consider information about a child’s language proficiency in determining how to conduct the evaluation of the child to prevent misidentification. A child may not be determined to be a child with a disability if the determinant factor for that eligibility determination is limited English proficiency. Comparing academic achievement results with grade level peers in the public agency with similar cultural and linguistic backgrounds should guide this determination process and ensure that the child is exhibiting the characteristics of a disability and not merely language difference in accordance with 34 CFR Sec. 300.306(b)(1). (4) Each public agency must ensure that the child is assessed in all areas related to the suspected disability. (5) Policies for public agency selection of assessment instruments include: <ul style="list-style-type: none"> (a) assessment and evaluation materials that are tailored to assess specific areas of educational need; and (b) assessments that are selected ensure that results accurately reflect the child’s aptitude or achievement level. (6) Public agencies in New Mexico shall devote particular attention to the foregoing requirements in 	<p>established within this manual. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p>
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<p>status, general intelligence, academic performance, communicative status, and motor abilities;</p> <p>(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children’s prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301(d)(2) and (e), to ensure prompt completion of full evaluations.</p> <p>(6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.</p> <p>(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.</p> <p>(Authority: 20 U.S.C. 1414(b)(1)-(3), 1412(a)(6)(B))</p>	<p>light of the state’s cultural and linguistic diversity. Persons assessing culturally or linguistically diverse children shall consult appropriate professional standards to ensure that their evaluations are not discriminatory and should include appropriate references to such standards and concerns in their written reports.</p>	
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<p>§ 300.305 Additional requirements for evaluations and reevaluations.</p>		
<p>(a) <i>Review of existing evaluation data.</i> As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—</p> <p>(1) Review existing evaluation data on the child, including—</p> <p>(i) Evaluations and information provided by</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>D. Evaluations and reevaluations.</p> <p>...</p> <p>(2) Reevaluations.</p> <p>...</p>	<p>CIMARRON MUNICIPAL SCHOOLS may include “other qualified professionals, as appropriate” who may not be part of the child’s IEP Team in the group that determines if additional data are needed to make an eligibility determination and determine the child’s educational needs. CIMARRON MUNICIPAL SCHOOLS does not define “other qualified professionals” for purposes of the review of existing evaluation data, but instead, will make that</p>

<p>the parents of the child;</p> <p>(ii) Current classroom-based, local, or State assessments, and classroom-based observations; and</p> <p>(iii) Observations by teachers and related services providers; and</p> <p>(2) On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine—</p> <p>(i)</p> <p>(A) Whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child; or</p> <p>(B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;</p> <p>(ii) The present levels of academic achievement and related developmental needs of the child;</p> <p>(iii)</p> <p>(A) Whether the child needs special education and related services; or</p> <p>(B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and</p> <p>(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education</p>	<p>(d) Procedures for conducting evaluations and reevaluations.</p> <p>...</p> <p>(ii) The initial evaluation (if appropriate) and any reevaluations must begin with a review of existing information by a group that includes the parents, the other members of a child’s IEP team and other qualified professionals, as appropriate, to determine what further evaluations and information are needed to address the question in 34 CFR Sec. 300.305(a)(2). Pursuant to 34 CFR Sec. 300.305(b), the group may conduct its review without a meeting.</p> <p>(iii) If it is determined that a child requires an individualized evaluation or reevaluation the public agency is required to follow the procedures established by the department.</p> <p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>A. Preschool programs for children aged 2 through 5.</p> <p>...</p> <p>(5) In particular:</p> <p>...</p> <p>(f) Each LEA shall designate a team including parents and qualified professionals to review existing evaluation data for each child entering the LEA’s preschool program in compliance with 34 CFR Sec. 300.305, and based on that review to identify what additional data, if any, are needed to determine the child’s eligibility for Part B services or develop an appropriate program in a manner that is consistent with Paragraph (3) of Subsection A of this section.</p>	<p>determination on a case by case basis as appropriate to the specific child. (See Fed. Reg. 46644 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will conduct a review of existing evaluation data prior to an initial evaluation, if appropriate, and prior to any reevaluation. The reevaluation always commences with the review of existing evaluation data. The review of existing evaluation data determines the scope of the evaluation. CIMARRON MUNICIPAL SCHOOLS is not required to obtain parental consent before reviewing existing data as part of an initial evaluation or a reevaluation. (See OSEP Letter to Anonymous (Feb. 6, 2007))</p> <p>If a parent who revoked consent for special education and related services later requests that his or her child be re-enrolled in special education, CIMARRON MUNICIPAL SCHOOLS will treat this request as a request for an initial evaluation, rather than a reevaluation. However, depending on the existing data available, a new evaluation may not always be required. The IEP Team and other qualified professionals may review existing evaluation data as part of an initial evaluation (if appropriate) that includes classroom based, local, or State assessments, and classroom based observations by teachers and related services providers. On the basis of that review and input from the child’s parents, the IEP Team and other qualified professionals will identify what additional data, if any, are needed to determine whether the child is a child with a disability and the educational needs of the child. Therefore, CIMARRON MUNICIPAL SCHOOLS may not always have to expend resources on a “new” initial evaluation. (See 73 Fed. 73015 (December 1, 2008))</p> <p>Based on the review of existing evaluation data, and input from the child's parents, the IEP Team and other qualified professionals, as appropriate, must determine whether additional data are needed to determine whether the child continues to be a child with a disability, and the educational needs of the child; the present levels of academic achievement and related developmental needs</p>
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<p>curriculum.</p> <p>(b) <i>Conduct of review.</i> The group described in paragraph (a) of this section may conduct its review without a meeting.</p> <p>(c) <i>Source of data.</i> The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.</p> <p>(d) <i>Requirements if additional data are not needed.</i></p> <p>(1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of—</p> <p>(i) That determination and the reasons for the determination; and</p> <p>(ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.</p> <p>(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.</p> <p>(e) <i>Evaluations before change in eligibility.</i></p> <p>(1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§ 300.304 through 300.311 before determining that the child is no longer a child with a disability.</p>	<p>The notice of procedural safeguards shall be given to the parents as provided in Paragraph (3) of Subsection D of 6.31.2.13 NMAC.</p> <p>...</p> <p>G. Graduation planning and post-secondary transitions.</p> <p>...</p> <p>(5) For a child whose eligibility terminates due to graduation from secondary school with a regular diploma or due to reaching his twenty-second birthday, the public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals pursuant to 34 CFR Sec. 300.305(e)(3).</p>	<p>of the child; whether the child continues to need special education; and whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum. If following the review of existing evaluation data, the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, CIMARRON MUNICIPAL SCHOOLS will notify the child's parents of: (i) that determination and the reasons for the determination; and (ii) the right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs. Under these circumstances, CIMARRON MUNICIPAL SCHOOLS may not conduct an assessment unless requested to do so by the child's parents. If the parents do not request an assessment, then the review of existing data constitutes the reevaluation. (See OSEP Letter to Anonymous (Feb. 6, 2007))</p> <p>CIMARRON MUNICIPAL SCHOOLS will prepare a Summary of Performance as required by the IDEA for each child with a disability prior to the child's eligibility terminating due to graduation with a regular high school diploma or due to exceeding age eligibility for a FAPE. The Summary of Performance takes the place of a reevaluation.</p> <p>CIMARRON MUNICIPAL SCHOOLS is not required to conduct evaluations for children to meet the entrance or eligibility requirements of another institution or agency. The requirements for secondary transition are intended to help parents and schools assist children with disabilities transition beyond high school. However, CIMARRON MUNICIPAL SCHOOLS is not required to assess a child with a disability to determine the child's eligibility to be considered a child with a disability in another agency, such as a vocational rehabilitation program, or a college or other</p>
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<p>(2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child’s eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.</p> <p>(3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals.</p> <p>(Authority: 20 U.S.C. 1414(c))</p>		<p>postsecondary setting. CIMARRON MUNICIPAL SCHOOLS is also not required to provide the postsecondary services that may be included in the Summary of Performance. (See 71 Fed. Reg. 46644 (August 14, 2006))</p>
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<p>§ 300.306 Determination of eligibility.</p>		
<p>(a) <i>General.</i> Upon completion of the administration of assessments and other evaluation measures—</p> <p>(1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in § 300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and</p> <p>(2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent</p> <p>(b) <i>Special rule for eligibility determination.</i> A child must not be determined to be a child with a disability under this part—</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>D. Evaluations and reevaluations.</p> <p>(1) Initial evaluations</p> <p>...</p> <p>(f) The eligibility determination team including the parent and child, if appropriate, must meet to determine if the child is a child with a disability and requires an IEP upon completion of the initial evaluation.</p> <p>(2) Reevaluations</p> <p>...</p>	<p>CIMARRON MUNICIPAL SCHOOLS will make eligibility decisions within a reasonable period of time following the completion of an evaluation. (See 71 Fed. Reg. 46728 (August 14, 2006))</p> <p>The change from “team members” to “group members” was made in the 1999 regulations to distinguish this group from the IEP Team, since the group of qualified professionals and the parent that makes the eligibility determination does not necessarily have to be the same as the IEP Team members. (See 71 Fed. Reg. 46649 (August 14, 2006)) In New Mexico, the group that makes the eligibility determination is called the “Eligibility Determination Team” (EDT).</p> <p>While it would be appropriate for parents to review documents related to the determination of eligibility prior to the eligibility determination, it would not be</p>

<p>(1) If the determinant factor for that determination is—</p> <p>(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (December 9, 2015));</p> <p>(ii) Lack of appropriate instruction in math; or</p> <p>(iii) Limited English proficiency; and</p> <p>(2) If the child does not otherwise meet the eligibility criteria under §300.8(a).</p> <p>(c) <i>Procedures for determining eligibility and educational need.</i></p> <p>(1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must—</p> <p>(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and</p> <p>(ii) Ensure that information obtained from all of these sources is documented and carefully considered.</p> <p>(2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for</p>	<p>(e) Each public agency shall maintain a record of the receipt, processing, and disposition of any referral for an individualized reevaluation. Reevaluation shall be completed on or before the three year anniversary date. All appropriate reevaluation data and summary reports from all individuals evaluating the child shall be reported in writing for presentation to the eligibility team or IEP team.</p> <p>...</p> <p>E. Procedural requirements for the assessment and evaluation of culturally and linguistically diverse children.</p> <p>...</p> <p>(3) Each public agency must consider information about a child’s language proficiency in determining how to conduct the evaluation of the child to prevent misidentification. A child may not be determined to be a child with a disability if the determinant factor for that eligibility determination is limited English proficiency. Comparing academic achievement results with grade level peers in the public agency with similar cultural and linguistic backgrounds should guide this determination process and ensure that the child is exhibiting the characteristics of a disability and not merely language difference in accordance with 34 CFR Sec. 300.306(b)(1).</p> <p>...</p> <p>F. Eligibility determinations.</p> <p>(1) General rules regarding eligibility determinations.</p> <p>(a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7</p>	<p>appropriate for CIMARRON MUNICIPAL SCHOOLS to provide documentation of the determination of eligibility prior to discussing a child’s eligibility for special education and related services with the parent. Providing documentation of the eligibility determination to a parent prior to a discussion with the parent regarding the child’s eligibility could indicate that CIMARRON MUNICIPAL SCHOOLS made its determination without including the parent, and possibly qualified professionals, in the decision. (See 71 Fed. Reg. 46645 (August 14, 2006))</p> <p>The eligibility group which includes the parent should work toward consensus, but CIMARRON MUNICIPAL SCHOOLS has the ultimate responsibility to determine whether the child is a child with a disability. CIMARRON MUNICIPAL SCHOOLS encourages parents and school personnel to work together in making the eligibility determination. If the parent disagrees with CIMARRON MUNICIPAL SCHOOLS’s determination regarding eligibility, CIMARRON MUNICIPAL SCHOOLS must provide the parent with prior written notice and the parent’s right to seek resolution of any disagreement through an impartial due process hearing. (See 71 Fed. Reg. 46661 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will hold a meeting to develop the child’s IEP within 30 days of determining that a child is eligible for special education services under the IDEA. (See 71 Fed. Reg. 46637 (August 14, 2006))</p> <p>Neither the IDEA nor State law establishes a timeline for providing a copy of the evaluation report or the documentation of determination of eligibility to the parents, instead leaving it up to local discretion. CIMARRON MUNICIPAL SCHOOLS will ensure that parents have the information they need to participate meaningfully in IEP Team meetings, which may include reviewing their child’s records. CIMARRON MUNICIPAL SCHOOLS will comply with a parent request to inspect and review existing education records, including an evaluation report, without unnecessary</p>
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<p>the child in accordance with §§ 300.320 through 300.324.</p> <p>(Authority: 20 U.S.C. 1414(b)(4) and (5))</p>	<p>NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306 and these or other department rules and standards and, for a child suspected of having a specific learning disability, in compliance with the additional procedures of 34 CFR Secs. 300.307-300.311, and these or other department rules, policies and standards.</p> <p>(b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.</p>	<p>delay and before any meeting regarding an IEP, and in no case more than 45 days after the request has been made. (See 34 C.F.R. § 300.613(a))</p> <p>CIMARRON MUNICIPAL SCHOOLS will respond to reasonable requests for explanations and interpretations of records. (See 34 C.F.R. § 300.613(b)(1)) (See 71 Fed. Reg. 46645 (August 14, 2006))</p> <p>Whether a child has received “appropriate instruction” is appropriately left to State and CIMARRON MUNICIPAL SCHOOLS officials to determine. While information regarding the quality of instruction a child received in the past may be helpful in determining whether a child is eligible for special education services, it is not essential. CIMARRON MUNICIPAL SCHOOLS, however, must ensure that the determinant factor in deciding that a child is a child with a disability is not a lack of appropriate instruction in reading and math. (See 71 Fed. Reg. 46646 (August 14, 2006))</p>
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<p>Additional Procedures for Identifying Children With Specific Learning Disabilities</p>		
<p>§ 300.307 Specific learning disabilities.</p>		
<p>(a) <i>General.</i> A State must adopt, consistent with § 300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the State—</p> <p>(1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10);</p> <p>(2) Must permit the use of a process based on the child’s response to scientific, research-based intervention; and</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>...</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(5) “Dual discrepancy” means the child does not achieve adequately for the child's age or to meet grade-level standards established in Standards for Excellence (Chapter 29 of Title 6 of the NMAC); and</p> <p>(a) does not make sufficient progress to meet age or grade-level standards; or</p>	<p>The NMPED has issued a guidance document titled, New Mexico Technical Evaluation and Assistance Manual: Determining Eligibility for IDEA Part B Special Education Services (NM TEAM, December 2017), available through the NMPED website.</p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes it must use the State criteria when determining whether a child has a Specific Learning Disability. In the specific learning disability category, CIMARRON MUNICIPAL SCHOOLS expects that evaluation teams adhere to NM TEAM (December 2017) when evaluating a student for a suspected learning disability, as a means of ensuring compliance with State criteria. (See OSEP Letter to</p>

<p>(3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10).</p> <p>(b) <i>Consistency with State criteria.</i> A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.</p> <p>(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))</p>	<p>(b) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade level standards or intellectual development.</p> <p>(6) "Dyslexia" means a specific learning disability that is neurobiological in origin and that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.</p> <p>NMSA 1978, § 22-13-6 (2019):</p> <p>E. "Dyslexia" means a specific learning disability that is neurobiological in origin and that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.</p>	<p>Massanari (September 24, 2007); see also OSEP Letter to Zirkel (August 15, 2007).</p> <p>When designing and conducting an initial evaluation or reevaluation for an individual child suspected of having a learning disability using the severe discrepancy model, the Highly Recommended and Potential Additional components of an evaluation will be considered and followed as appropriate given the characteristics and needs of the individual child.</p> <p>Consistent with federal and New Mexico state regulations, two distinct models of determining SLD eligibility have been established: severe discrepancy and dual discrepancy. Regardless of the model, areas to be covered in an initial evaluation are identical. It is not the components but the interpretation and use of the results that differs from model to model. To successfully make an appropriate eligibility determination under the SLD category, CIMARRON MUNICIPAL SCHOOLS expects EDTs to understand the criteria for each of the methods (i.e., severe discrepancy and dual discrepancy). (See NM TEAM, December 2017)</p> <p>CIMARRON MUNICIPAL SCHOOLS implements the dual discrepancy model in kindergarten through third grade utilizing the student assistance team and the three-tier model of student intervention as defined and described in NM TEAM. The dual discrepancy model is optional for grades 4-6. Otherwise, the CIMARRON MUNICIPAL SCHOOLS uses the severe discrepancy model as defined and described in NM TEAM. (See NM TEAM, December 2017)</p> <p>In addition, for any child who has been referred for an evaluation due to specific difficulties in reading or written expression, CIMARRON MUNICIPAL SCHOOLS expects that assessments be conducted to determine whether the child demonstrates the characteristics of dyslexia. Not all children with SLD in reading and/or written expression will demonstrate the characteristics of dyslexia, as dyslexia is defined as a specific pattern of processing deficits. However,</p>
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		CIMARRON MUNICIPAL SCHOOLS expects EDTs to consider dyslexia for all students referred for an evaluation for potential eligibility under the category of SLD in the areas of reading and/or written expression. (See NM TEAM, December 2017)
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§ 300.308 Additional group members.		
<p>The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in § 300.8, must be made by the child’s parents and a team of qualified professionals, which must include—</p> <p>(a)</p> <ol style="list-style-type: none"> (1) The child’s regular teacher; or (2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or (3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and <p>(b) At least one person qualified to conduct <i>individual</i> diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</p> <p>(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will ensure that a child suspected of having a specific learning disability (SLD) and needing special education services is evaluated by a group of qualified professionals, and that the eligibility determination is made by a group of qualified professionals and the parent.</p> <p>The requirement that the group of qualified professionals include “at least one person qualified to conduct individual diagnostic evaluations of children” allows decisions about the specific qualifications of the members to be made at the local level, so that the composition of the group may vary depending on the nature of the child’s suspected disability, the expertise of local staff, and other relevant factors. For example, for a child suspected of having an SLD in the area of reading, it might be important to include a reading specialist as part of the eligibility group. However, for a child suspected of having an SLD in the area of listening comprehension, it might be appropriate for the group to include a speech-language pathologist with expertise in auditory processing disorders. CIMARRON MUNICIPAL SCHOOLS will make these decisions on a case-by-case basis, taking into account individual factors. (See 71 Fed. Reg. 46650 (August 14, 2006))</p>

<p>§ 300.309 Determining the existence of a specific learning disability.</p>		
<p>(a) The group described in § 300.306 may <i>determine</i> that a child has a specific learning disability, as defined in § 300.8(c)(10), if—</p> <p>(1) The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards:</p> <ul style="list-style-type: none"> (i) Oral expression. (ii) Listening comprehension. (iii) Written expression. (iv) Basic reading skill. (v) Reading fluency skills. (vi) Reading comprehension. (vii) Mathematics calculation. (viii) Mathematics problem solving. <p>(2)</p> <ul style="list-style-type: none"> (i) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in paragraph (a)(1) of this section when using a process based on the child’s response to scientific, research-based intervention; or (ii) The child exhibits a pattern of strengths 	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>B. The public agency shall follow a three tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning as set forth in Subsection D of 6.29.1.9 NMAC.</p> <p>C. Criteria for identifying children with perceived specific learning disabilities.</p> <p>(1) Each public agency must use the three tiered model of student intervention for students suspected of having a perceived specific learning disability, consistent with the department rules, policies and standards for children who are being referred for evaluation due to a suspected disability under the specific learning disability category in compliance with 34 CFR Sec. 300.307.</p> <p>(a) The public agency must, subject to Subparagraph (d) of this paragraph, require that the group established under 34 CFR Secs. 300.306(a)(1) and 300.308 for the purpose of determining eligibility of students suspected of having a specific learning disability, consider data obtained during implementation of tiers 1 and 2 in making an eligibility determination.</p> <p>(b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation required in 34 CFR Secs. 300.304 through 300.306:</p> <ul style="list-style-type: none"> (i) data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular 	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the group of qualified professionals appropriately assesses the child’s academic achievement.</p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes it must use the State criteria when determining whether a child has a Specific Learning Disability. In the specific learning disability category, CIMARRON MUNICIPAL SCHOOLS expects that evaluation teams adhere to NM TEAM (December 2017) when evaluating a student for a suspected learning disability, as a means of ensuring compliance with State criteria. (See OSEP Letter to Massanari (September 24, 2007); see also OSEP Letter to Zirkel (August 15, 2007).</p> <p>An initial evaluation for a specific learning disability may include (highly recommended): a review and consideration of SAT file documentation; gathering and analyzing development/educational, medical, family and social history, including an interview with the parent(s) guardian(s); analyzing observation completed in the child’s learning environments including the general classroom setting, either through the SAT process or as part of the initial evaluation process; conducting a comprehensive assessment of cognitive abilities, including verbal and nonverbal skills; completing a systematic review of individual academic achievement, including formal and informal measures; administering an individual academic achievement in the area(s) of suspected disability for which instruction and intervention have been documented (required for all SLD areas, including oral expression and listening comprehension); conducting an assessment of processing skills in the areas related to the suspected area(s) of disability; conducting a transition assessment, including a vocational evaluation (as appropriate); and, when an evaluation in any area is unable to be completed using standardized measures, using</p>

<p>and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with §§300.304 and 300.305; and</p> <p>(3) The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of—</p> <ul style="list-style-type: none"> (i) A visual, hearing, or motor disability; (ii) Mental retardation; (iii) Emotional disturbance; (iv) Cultural factors; (v) Environmental or economic disadvantage; or (vi) Limited English proficiency. <p>(b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306—</p> <ul style="list-style-type: none"> (1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was 	<p>education settings, delivered by qualified personnel; and</p> <ul style="list-style-type: none"> (ii) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. <p>...</p> <p>(2) Preschool children suspected of having a specific learning disability must be evaluated in accordance with Subparagraph (f) of Paragraph (5) of Subsection A of 6.31.2.11 NMAC and 34 CFR Secs. 300.300 through 300.305, which may include the severe discrepancy model.</p> <p>(3) Public agencies must implement the dual discrepancy model in kindergarten through third grade utilizing the student assistance team and the three-tier model of student intervention as defined and described in the New Mexico Technical Evaluation and Assessment Manual (New Mexico T.E.A.M.). Data on initial evaluations for perceived learning disabilities in grades K-3 must be submitted to the department through the student teacher accountability reporting system (STARS).</p> <p>(4) In identifying children with specific learning disabilities in grades 4 through 12, the public agency may use the dual discrepancy model as defined and described in the New Mexico Technical Evaluation and Assessment Manual (New Mexico T.E.A.M.) or the severe discrepancy model as defined and described in New Mexico T.E.A.M.</p>	<p>alternative methods of obtaining student’s present levels of performance. (See NM TEAM, December 2017)</p> <p>CIMARRON MUNICIPAL SCHOOLS requires that evaluations include a review and/or assessment of all components within the specific area of difficulty. For example, if concerns are documented in any area of reading, all associated areas (e.g., phonics, fluency, phonemic awareness, vocabulary, and comprehension) must be reviewed and/or assessed. (See NM TEAM, December 2017)</p> <p>For any child who has been referred for an evaluation due to specific difficulties in reading or written expression, assessments should be conducted to determine whether the child demonstrates the characteristics of dyslexia. CIMARRON MUNICIPAL SCHOOLS recognizes that not all children with SLD in reading and/or written expression will demonstrate the characteristics of dyslexia, as dyslexia is defined as a specific pattern of processing deficits. (See NM TEAM, December 2017)</p> <p>Intellectual development is included as one of three standards of comparison, along with age and State-approved grade-level standards. The reference to “intellectual development” in this provision means that the child exhibits a pattern of strengths and weaknesses in performance relative to a standard of intellectual development such as commonly measured by IQ tests. Use of the term is consistent with the discretion provided in the IDEA in allowing the continued use of discrepancy models. (See 71 Fed. Reg. 46651 (August 14, 2006))</p> <p>Under the Dual Discrepancy Model, the results from the assessment of cognitive abilities should be utilized solely to determine the level of the student’s cognitive functioning. The data are not to be used for making discrepancy determinations. (See NM TEAM, December 2017)</p>
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<p>provided to the child's parents.</p> <p>(c) The public agency must promptly request <i>parental</i> consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in §300.306(a)(1)—</p> <p>(1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (b)(1) and (b)(2) of this section; and</p> <p>(2) Whenever a child is referred for an evaluation.</p> <p>(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))</p>		<p>When using a significant discrepancy model, CIMARRON MUNICIPAL SCHOOLS evaluators will ensure that adequate data are gathered, recognizing that there is a substantial research base summarized in several recent consensus reports that does not support the hypothesis that a discrepancy model by itself can differentiate children with disabilities and children with general low achievement. (See 71 Fed. Reg. 46650 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the eligibility group considers the effect of cultural factors on a child's performance. Such consideration should take into account multiple sources of information, including the home environment, language proficiency, and other contextual factors gathered in the evaluation. (See 71 Fed. Reg. 46655 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the group of qualified professionals eliminate all exclusionary factors before the group of qualified professionals and the parent reach the conclusion that the child is a child with a specific learning disability.</p> <p>Eligibility is contingent on the ability of CIMARRON MUNICIPAL SCHOOLS to provide appropriate instruction. Determining the basis of low achievement when a child has been given appropriate instruction is the responsibility of the eligibility group. (See 71 Fed. Reg. 46656 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands it is important for the eligibility group to have the information that it needs to rule out that the child's underachievement is a result of a lack of appropriate instruction. That could include evidence that the child was provided appropriate instruction either before, or as a part of, the referral process. (See 71 Fed. Reg. 46656 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the eligibility group considers whether the child received appropriate instruction from qualified personnel. For</p>
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		<p>children who attend private schools or charter schools or who are home schooled, it may be necessary to obtain information from parents and teachers about the curricula used and the child’s progress with various teaching strategies. The eligibility group also may use information from current classroom-based assessments or classroom observations. On the basis of the available information, the eligibility group may identify other information that is needed to determine whether the child’s low achievement is due to a disability, and not primarily the result of lack of appropriate instruction. The requirements for special education eligibility or the expectations for the quality of teachers or instructional programs are not affected, and do not differ, by the location or venue of a child’s instruction. (See 71 Fed. Reg. 46656 (August 14, 2006))</p> <p>Before determining that a child has a specific learning disability, CIMARRON MUNICIPAL SCHOOLS will ensure that the group of qualified professionals consider data that demonstrate that prior to or as part of the referral process, the child received appropriate instruction in regular education settings and that data-based documentation of repeated assessments of achievement during instruction was provided to the child’s parents.</p> <p>If the child has not made adequate progress under these conditions after an appropriate period of time, CIMARRON MUNICIPAL SCHOOLS will refer the child for an evaluation to determine if special education and related services are needed. Additionally, the child’s parents and the group of qualified professionals are permitted to extend the 60-day evaluation timelines for initial evaluation by mutual written agreement. (See 71 Fed. Reg. 46750 (August 14, 2006))</p>
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<p>§ 300.310 Observation.</p>		
<p>(a) The public agency must ensure that the child is observed in the child’s learning environment</p>		<p>CIMARRON MUNICIPAL SCHOOLS believes important information can be obtained about a child</p>

<p>(including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.</p> <p>(b) The group described in § 300.306(a)(1), in <i>determining</i> whether a child has a specific learning disability, must decide to—</p> <p>(1) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or</p> <p>(2) Have at least one member of the group described in §300.306(a)(1) conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with § 300.300(a), is obtained.</p> <p>(c) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.</p> <p>(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))</p>		<p>through observation in the classroom, or for a child less than school age, in an environment appropriate for a child of that age. CIMARRON MUNICIPAL SCHOOLS believes that objective observations are essential to assessing a child's performance and will be a part of routine classroom instruction. CIMARRON MUNICIPAL SCHOOLS will utilize appropriate observation and documentation of the child's academic performance and behavior in the areas of difficulty to determine whether a child has a SLD. (See 71 Fed. Reg. 46659 (Monday, August 14, 2006))</p> <p>In the CIMARRON MUNICIPAL SCHOOLS, the observation is completed in the child's learning environments including the general classroom setting, either through the SAT process or as part of the initial evaluation process. CIMARRON MUNICIPAL SCHOOLS expects that the observation be completed in all areas of difficulty.</p>
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<p>§ 300.311 Specific documentation for the eligibility determination.</p> <p>(a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in § 300.306(a)(2), must contain a statement of—</p> <p>(1) Whether the child has a specific learning disability;</p> <p>(2) The basis for making the determination,</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>C. Criteria for identifying children with perceived specific learning disabilities.</p> <p>(1) Each public agency must use the three tiered model of student intervention for students suspected of</p>	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the written evaluation report prepared by the group of qualified professionals for a possible learning disability contains all of the requisite documentation. The report will address whether the child meets or continues to meet the specific eligibility criteria for a specific learning disability and whether, by reason of the child's specific learning disability, the child needs or continues to need special education and related services.</p>
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<p>including an assurance that the determination has been made in accordance with §300.306(c)(1);</p> <p>(3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child’s academic functioning;</p> <p>(4) The educationally relevant medical findings, if any;</p> <p>(5) Whether—</p> <p>(i) The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards consistent with § 300.309(a)(1); and</p> <p>(ii)</p> <p>(A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with § 300.309(a)(2)(i); or</p> <p>(B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with §300.309(a)(2)(ii);</p> <p>(6) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child’s achievement level; and</p>	<p>having a perceived specific learning disability, consistent with the department rules, policies and standards for children who are being referred for evaluation due to a suspected disability under the specific learning disability category in compliance with 34 CFR Sec. 300.307.</p> <p>...</p> <p>(c) The documentation of the determination of eligibility, as required by 34 CFR Sec. 300.306(c)(1), must meet the requirements of 34 CFR Sec. 300.311, including:</p> <p>(i) a statement of the basis for making the determination and an assurance that the determination has been made in accordance with 34 CFR Sec. 300.306(c)(1); and</p> <p>(ii) a statement whether the child does not achieve adequately for the child's age or to meet state-approved grade-level standards consistent with 34 CFR Sec. 300.309(a)(1); and</p> <p>(iii) a statement whether the child does not make sufficient progress to meet age or grade-level standards consistent with 34 CFR Sec. 300.309(a)(2)(i), or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade level standards or intellectual development consistent with 34 CFR Sec. 300.309(a)(2)(ii); and</p> <p>(iv) if the child has participated in a process that assesses the child's response to scientific, research-based intervention: a statement of the instructional strategies used and the student-centered data collected; documentation that the child's parents were notified about the state's</p>	
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<p>(7) If the child has participated in a process that assesses the child’s response to scientific, research-based intervention—</p> <p>(i) The instructional strategies used and the student- centered data collected; and</p> <p>(ii) The documentation that the child’s parents werenotified about—</p> <p style="padding-left: 40px;">(A) The State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;</p> <p style="padding-left: 40px;">(B) Strategies for increasing the child’s rate of learning; and</p> <p style="padding-left: 40px;">(C) The parents’ right to request an evaluation.</p> <p>(b) Each group member must certify in writing whether the report reflects the member’s conclusion. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusions.</p> <p>(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))</p>	<p>policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; strategies for increasing the child's rate of learning; and the parents' right to request an evaluation.</p>	
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<p><u>INDIVIDUALIZED EDUCATION PROGRAMS</u></p>		
<p><u>§ 300.320 Definition of individualized education program.</u></p>		
<p>(a) <i>General.</i> As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include—</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>B. Individualized education programs (IEPs).</p>	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP for every child with a disability includes a statement of the child’s “functional performance” <u>and</u> “academic performance” since IDEA requires both, and</p>

<p>(1) A statement of the child’s present levels of academic achievement and functional performance, including –</p> <p>(i) How the child’s disability affects the child’s involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or</p> <p>(ii) For preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities.</p> <p>(2)</p> <p>(i) A statement of measurable annual goals, including academic and functional goals designed to—</p> <p>(A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and</p> <p>(B) Meet each of the child’s other educational needs that result from the child’s disability;</p> <p>(ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short- term objectives;</p> <p>(3) A description of—</p> <p>(i) How the child’s progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and</p> <p>(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of</p>	<p>(1) Except as provided in 34 CFR Secs. 300.130-300.144 for children enrolled by their parents in private schools, each public agency (1) shall develop, implement, review and revise an IEP in compliance with all applicable requirements of 34 CFR Secs. 300.320-300.328 and these or other department rules and standards for each child with a disability (within its educational jurisdiction); and (2) shall ensure that an IEP is developed, implemented, reviewed and revised in compliance with all applicable requirements of 34 CFR Sec. 300.320-300.328, and these or other department rules and standards for each child with a disability who is placed in or referred to a private school or facility by the public agency.</p> <p>...</p> <p>E. Participation in statewide and district-wide assessments. Each local educational agency and other public agencies when applicable shall include all children with disabilities in all statewide and district-wide assessment programs. Each public agency shall collect and report performance results in compliance with the requirements of 34 CFR Sec. 300.157 and Sec. 1111(h) of the Elementary and Secondary Education Act, and any additional requirements established by the department. Students with disabilities may participate:</p> <p>(1) in the appropriate general assessment in the same manner as their nondisabled peers; this may include the use of adaptations that are deemed appropriate for all students by the department; or</p> <p>(2) in the appropriate general assessment with appropriate accommodations in administration if necessary; public agencies shall use the current guidance from the department about accommodations as specified in the student’s IEP; or</p> <p>(3) in alternate assessments for the small number of students for whom alternate assessments are appropriate under the department’s established participation criteria; the IEP team must agree and document that the student is eligible for participation</p>	<p>therefore, neither can be omitted. (See 71 Fed. Reg. 46662 (August 14, 2006))</p> <p>“Functional” is a term that CIMARRON MUNICIPAL SCHOOLS generally understands to refer to skills or activities that are not considered academic or related to a child’s academic achievement. Instead, “functional” is often used in the context of routine activities of everyday living. (See 71 Fed. Reg. 4661 (August 14, 2006))</p> <p>Neither the IDEA nor CIMARRON MUNICIPAL SCHOOLS requires goals to be written for each specific discipline. (See 71 Fed. Reg. 4662 (August 14, 2006)) Instead, for example, if the IEP Team has determined that a student needs speech and language therapy services as a component of FAPE, the IEP must include goals that address the student’s need to develop and/or improve communication-related skills; however, it would not be necessary to label the goals as “speech therapy” goals. Therefore, if the IEP includes goals which appropriately address the student’s need to develop communication-related skills, no additional or separate “therapy” goals are required. (See OSEP Letter to Hayden (Oct. 3, 1994))</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP for every child with a disability includes functional and academic measurable annual goals. CIMARRON MUNICIPAL SCHOOLS will further ensure that the IEP of a child who takes the NM Alternate Assessment includes benchmarks or short-term objectives.</p> <p>IDEA does not require goals to have outcomes and measures on a specific assessment tool. However, CIMARRON MUNICIPAL SCHOOLS expects that the goals be objectively measurable. (See 71 Fed. Reg. 46662 (August 14, 2006))</p> <p>Report cards and quarterly report cards are examples of when periodic reports on the child’s progress toward meeting the annual goals might be provided. The</p>
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<p>quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—</p> <p>(i) To advance appropriately toward attaining the annual goals;</p> <p>(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and</p> <p>(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;</p> <p>(5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;</p> <p>(6)</p> <p>(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments consistent with section 612(a)(16) of the Act; and</p>	<p>in an alternate assessment based on alternate achievement standards according to 34 CFR Sec. 300.320(a)(6).</p> <p>...</p> <p>G. Graduation planning and post-secondary transitions.</p> <p>(1) The IEP for each child with a disability in grades 8 through 12 is developed, implemented and monitored in compliance with all applicable requirements of the department’s Standards for Excellence, (Chapter 29 of Title 6 of the NMAC), and these or other department rules and standards. The graduation plan shall be integrated into the transition planning and services provided in compliance with 34 CFR Secs. 300.320(b), 300.324(c).</p> <p>(a) Graduation plans must include the course of study, projected date of graduation and if the child is not on target for the graduation plan, the strategies and responsibilities of the public agency, child and family must be identified in the IEP.</p> <p>(b) Graduation options for children with disabilities at Paragraph (13) of Subsection J of 6.29.1.9 NMAC must align with state standards with benchmarks when appropriate.</p> <p>(c) An alternative degree that does not fully align with the state’s academic standards, such as a certificate or general educational development credential (GED), does not end a child’s right to FAPE pursuant to 34 CFR Sec. 300.102(a)(3).</p> <p>(2) Appropriate post-secondary transition planning for children with disabilities is essential. Public agencies shall integrate transition planning into the IEP process pursuant to 34 CFR Secs. 300.320(b), 300.324(c) and shall establish and implement appropriate policies, procedures, programs and services to promote successful post-secondary</p>	<p>specific times that progress reports are to be provided to parents and the specific manner and format in which a child’s progress toward meeting the annual goals is reported are best left to State and CIMARRON MUNICIPAL SCHOOLS officials to determine. (See 71 Fed. Reg. 46664 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team determines for each individual child how progress toward meeting the annual goals will be measured, and when parents will be provided with periodic reports of the child’s progress. CIMARRON MUNICIPAL SCHOOLS will maintain copies of the progress reports provided to parents.</p> <p>CIMARRON MUNICIPAL SCHOOLS permits use of electronic mail to provide parents with their child’s IEPs and related documentation, such as progress reports provided that the parents agree to use the electronic mail option, and has safeguards in place to ensure the integrity of the process. (See OSEP Letter to Breton (2014))</p> <p>If the child fails to make progress under the IEP, CIMARRON MUNICIPAL SCHOOLS expects that the IEP be reviewed and the reasons for the lack of progress be identified. If necessary, CIMARRON MUNICIPAL SCHOOLS expects that the IEP will be revised to assist the child in achieving his/her annual goals, and that any services needed to achieve those goals will be included in the IEP, including both special education and related services. (See OSEP Letter to Morris (August 15, 2007))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not require all IEP Team meetings to include a focused discussion on research-based methods as such requirements are unnecessary and would be overly burdensome. (See 71 Fed. Reg. 46665 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS expects that school personnel will select and use methods that research has shown to be effective, to the extent that methods based on peer-reviewed research are available.</p>
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<p>(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, a statement of why—</p> <p>(A) The child cannot participate in the regular assessment; and</p> <p>(B) The particular alternate assessment selected is appropriate for the child; and</p> <p>(7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.</p> <p>(b) <i>Transition services.</i> Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—</p> <p>(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and</p> <p>(2) The transition services (including courses of study) needed to assist the child in reaching those goals.</p> <p>(c) <i>Transfer of rights at age of majority.</i> Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under § 300.520.</p>	<p>transitions for children with disabilities. Transition services for students 14-21 include the following.</p> <p>(a) Transition services are a coordinated set of activities for a child with a disability that emphasizes special education and related services designed to meet unique needs and prepare them for future education, employment and independent living.</p> <p>(b) Transition services are designed to be within a results oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.</p> <p>(c) Transition services must be based on the individual child's needs, taking into account the child's strengths, preferences and interests and includes:</p> <p>(i) instruction;</p> <p>(ii) related services;</p> <p>(iii) community experiences;</p> <p>(iv) the development of employment and other post-school adult living objectives; and</p> <p>(v) when appropriate, acquisition of daily living skills and the provision of a functional vocational evaluation.</p> <p>(d) Transition services for children with disabilities may be considered special education, if provided as individually designed instruction, aligned with the state standards with</p>	<p>This does not mean that the service with the greatest body of research is the service necessarily required for a child to receive FAPE. (See 71 Fed. Reg. 46665 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that there is nothing in the Act to suggest that the failure of a public agency to provide services based on peer-reviewed research would automatically result in a denial of FAPE. (See 71 Fed. Reg. 46665 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not require that every IEP include specific instructional methodologies. CIMARRON MUNICIPAL SCHOOLS recognizes the U.S. Department of Education's longstanding position that it is an IEP Team decision whether to include instructional methods in an IEP. Therefore, if an IEP Team determines that specific instructional methods are necessary for the child to receive a FAPE, then instructional methods may be addressed in the IEP. (See 71 Fed. Reg. 46665 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS expects that that the amount of services in an IEP shall be clearly stated in a manner that is appropriate to each specific service and clear to all who are involved in the development and implementation of the child's IEP. The statement of the amount of each specific service must be sufficiently specific to reflect the commitment of CIMARRON MUNICIPAL SCHOOLS resources to the particular service to ensure that the child's IEP addresses the child's identified educational needs. CIMARRON MUNICIPAL SCHOOLS does not permit using ranges of time to express the CIMARRON MUNICIPAL SCHOOLS's level of commitment to a particular special educational or related service since a child's IEP would not contain the specific amount of time committed for that service. (See OSEP Letter to Akron (1990))</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as</p>
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<p>(d) <i>Construction.</i> Nothing in this section shall be construed to require—</p> <p>(1) That additional information be included in a child’s IEP beyond what is explicitly required in section 614 of the Act; or</p> <p>(2) The IEP Team to include information under one component of a child’s IEP that is already contained under another component of the child’s IEP.</p> <p>(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6))</p>	<p>benchmarks, or related service, if required to assist a child with a disability to benefit from special education as provided in 34 CFR Sec. 300.43.</p> <p>(3) State rules require the development of measurable post-school goals beginning not later than the first IEP to be in effect when the child turns 14, or younger, if determined appropriate by the IEP team, and updated annually thereafter. Pursuant to 34 CFR Sec. 300.320(b), the IEP must include:</p> <p>(a) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills;</p> <p>(b) the transition services (including courses of study) needed to assist the child in reaching those goals; and</p> <p>(c) a statement that the child has been informed of the child’s rights under this title, if any, that will transfer to the child on reaching the age of majority.</p> <p>(4) Measurable post school goals refer to goals the child seeks to achieve after high school graduation. The goals themselves must be measurable while the child is still in high school. In addition, the nature of these goals will be different depending on the needs, abilities and wishes of each individual child.</p> <p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>K. Transfer of parental rights to students at age 18.</p> <p>...</p> <p>(2) Pursuant to 34 CFR Sec. 300.320(c), each annual IEP review for a child who is 14 or older must include a discussion of the rights that will transfer</p>	<p>appropriate), shall inform appropriate personnel of the following key guidance documents:</p> <ul style="list-style-type: none"> ■ NMPED Memorandum containing guidance regarding Frequency of Service Stated on an IEP (September 8, 2004), available through the NMPED website. ■ From LRP Publications, Mountain Plains Regional Resource Center, and Parent Alliance, an Overview of Special Education Transportation: A Primer for Parents and Educators (2003), available through the NMPED website. <p>CIMARRON MUNICIPAL SCHOOLS’s IEP teams will follow NMPED guidelines when determining how a child will participate in the New Mexico Statewide Assessment Program, including how to select allowable accommodations and decide whether a child with a disability meets the criteria to be assessed based on modified or alternate academic achievement standards.</p> <p>CIMARRON MUNICIPAL SCHOOLS will use the most current forms and follow the most current guidance of the NMPED as reflected in the New Mexico Statewide Assessment Program Procedures Manual. This guidance is updated annually by the NMPED.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team timely conducts graduation planning and addresses all IDEA and State requirements for graduation.</p> <p>NMPED has issued a guidance document regarding Graduation Options for Students with Disabilities (May 2010), available through the NMPED website. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p>
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	<p>when the child turns 18 and, as appropriate, a discussion of the parents' plans for obtaining a guardian before that time. The IEP of a child who is 14 or older must include a statement that the child and the parent have been informed of the rights that will transfer to the child at age 18.</p> <p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>A. "Ability program of study" means an alternative graduation option for students with disabilities. This option is based upon the student's meeting or exceeding IEP goals and objectives, with or without reasonable accommodations of delivery and assessment methods, referencing skill attainment at a student's ability level which provides a clear and coordinated transition to meaningful employment or other appropriate day habilitation or community membership and independent living, as appropriate to meet anticipated functional needs.</p> <p>...</p> <p>V. "Career readiness program of study" means an alternative graduation option for students with disabilities. This option is based upon meeting the department's employability and career education standards with benchmarks and performance standards as identified in the student's IEP.</p> <p>...</p> <p>CF. "Standard program of study" means a program of study that is based upon the student's meeting or exceeding all requirements for graduation as specified in Section 22-13-1.1 NMSA 1978.</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>K. Graduation requirements.</p> <p>...</p> <p>(13) Graduation requirements for issuance of a conditional certificate of transition for students with</p>	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team timely complies with the requirements for transfer of rights at age of majority.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team complies with the IDEA transition provisions beginning no later than the first IEP to be in effect when the child turns 14, or younger if appropriate, and updated annually thereafter.</p> <p>If an IEP Team chooses to address transition before age 14, CIMARRON MUNICIPAL SCHOOLS understands that the same requirements apply. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A F-3)</p> <p>CIMARRON MUNICIPAL SCHOOLS expects that the IEP Team include in the IEP measurable postsecondary goals based on age-appropriate transition assessments for every 14-year-old (and beyond) student with a disability regardless of the student's skill levels relating to education, employment, and training. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A F-1)</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that the only area in which postsecondary goals are not required in the IEP is in the area of independent living skills. Goals in the area of independent living are required only if appropriate. It is up to the child's IEP Team to determine whether IEP goals related to the development of independent living skills are appropriate and necessary for the child to receive FAPE. (See 71 Fed. Reg. 46668 (August 14, 2006); see also, OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A F-2)</p> <p>CIMARRON MUNICIPAL SCHOOLS expects IEP teams to draft measurable postsecondary transition goals. However, nothing in the IDEA requires CIMARRON MUNICIPAL SCHOOLS to measure the child's progress on these postsecondary transition goals, or provide any special education services to the child</p>
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	<p>an IEP. The development of a program of study and the granting of a diploma, or use of a conditional certificate of transition in the form of a continuing or transition individualized educational program (IEP) for students receiving special education services, includes the following governing principles:</p> <p>(a) The IEP team is responsible for determining whether the student has completed a planned program of study based on the student's strengths, interests, preferences, identified educational and functional needs and long-term educational or occupational goals, making the student eligible to receive either a diploma or a conditional certificate of transition. A conditional certificate of transition allows the student to participate in graduation activities. If a student receives a conditional certificate of transition, the student shall then return to the program specified in the IEP to complete the student's secondary program and meet the requirements for a diploma. In addition, all IEPs shall provide a description of how the student's progress toward meeting annual goals and graduation requirements will be measured, and at what intervals progress will be reported to parents or guardians. A student shall be awarded a diploma upon completion of a planned program of study that meets the requirements of paragraph (b).</p> <p>(b) A student may be awarded a diploma (Section 22-13-1.1 NMSA 1978) using any of the following programs of study described in (i) through (iii). All IEP team discussion points and decisions identified herein, including the identification of the student's program of study and any student or parent proposals accepted or rejected by the IEP team (if the student has not reached the age of majority), shall be documented on the student's IEP and in the prior written notice (PWN) of proposed action.</p>	<p>after the child has graduated from a regular high school or exceeded the mandatory age range for FAPE. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A F-4)</p> <p>IDEA 2004 required the U.S. Department of Education to develop a model IEP form. The U.S. Department of Education has developed an IEP form to assist States and school districts in understanding the IEP content requirements. The Model Form: Individualized Education Program developed by the U.S. Department of Education is available through the U.S. Department of Education's website.</p> <p>NMPED has also developed a model IEP form along with a guide, Developing Quality IEPs, available through the NMPED website.</p> <p>CIMARRON MUNICIPAL SCHOOLS uses a localized IEP form based upon the NMPED form and guidance document.</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), will inform appropriate personnel of the NMPED guide to developing quality IEPs.</p> <p>CIMARRON MUNICIPAL SCHOOLS expects that IEP Teams document consideration of the IEP requirements with sufficient detail to show they complied with the requirement to develop, review, and revise the IEP. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-7)</p>
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	<ul style="list-style-type: none"> (i) A standard program of study is based upon meeting or exceeding all requirements for graduation based on the New Mexico standards for excellence (Subsection J of 6.29.1.9 NMAC) with or without reasonable accommodations of delivery and assessment methods. In addition, a student shall pass all sections of the current state graduation examination(s) administered pursuant to Section 22-13-1.1(I) NMSA 1978 under standard administration or with state-approved accommodations, and shall meet all other standard graduation requirements of the district. (ii) A career readiness alternative program of study is developed to provide relevance and is based on a student's career interest as it relates to one of the career clusters, with or without reasonable accommodations of delivery and assessment methods. In addition, a student shall take the current state graduation examination(s) administered pursuant to Subsection K of Section 22-13-1.1 NMSA 1978, under standard administration or with state-approved accommodations as determined by the SEA. Once the student has attempted the state graduation examination and is unable to meet the minimum requirements on all sections of the assessments and achieve a level of competency, the IEP team can set the minimum passing scores. The student shall earn at least the minimum number of credits required by the district or charter school for graduation through standard or alternative courses that address the employability and career development standards with benchmarks and performance standards, as determined by the IEP team. Course work shall include a 	
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	<p>minimum of four units of career development opportunities and learning experiences that may include any of the following: career readiness and vocational course work, work experience, community-based instruction, student service learning, job shadowing, mentoring or entrepreneurship related to the student's occupational choices. Credits for work experience shall be related to the program of study that the school offers and specific to the district's ability to offer work experience or community-based instruction credits. The student shall achieve competency in all areas of the employability and career development standards with benchmarks and performance standards, as determined by the IEP team and the student's interest as it relates to the career clusters. The program of study shall address the New Mexico content standards with benchmarks and performance standards in other subject areas as appropriate.</p> <p>(iii) An ability program of study was developed for students who have a significant cognitive disability or severe mental health issues. The IEP goals and functional curriculum course work shall be based on the New Mexico standards with benchmarks and performance standards and employability and career development standards with benchmarks and performance standards. Students in this program of study shall earn the minimum number of credits or be provided equivalent educational opportunities required by the district or charter school, with course work individualized to meet the unique needs of the student through support of the IEP. In addition, a student shall take either the current state</p>	
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	<p>graduation examination(s) administered pursuant to Subsection K of Section 22-13-1.1 NMSA 1978, under standard administration or with state-approved accommodations, or the state-approved alternate assessment. The student shall achieve a level of competency pre-determined by the student's IEP team on the current graduation examination or the state-approved alternate assessment, and meet all other graduation requirements established by the IEP team.</p> <p>(c) The new requirements for the career readiness and ability pathways become effective beginning with students graduating in 2009.</p> <p>(d) By the end of the eighth grade, each student's IEP shall contain a proposed individual program of study for grades nine through twelve. The program of study shall identify by name all course options the student may take and shall align with the student's long-range measurable post-secondary goals and transition services to facilitate a smooth transition to high school and beyond. This program of study shall be reviewed on an annual basis and adjusted to address the student's strengths, interests, preferences and areas of identified educational and functional needs. The IEP team shall document on the IEP the student's progress toward earning required graduation credits and passing the current graduation examination.</p> <p>(e) A district or charter school shall provide each student, who has an IEP and who graduates or reaches the maximum age for special education services, a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting post-secondary goals.</p> <p>(f) Students graduating on the standard program of study shall meet the state's minimum</p>	
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	<p>requirements on all sections of the graduation examination. IEP teams shall document a plan of action on the IEP and the PWN to be carried out by both the student and the district or charter school, to ensure that the student will pass all sections of the graduation examination.</p> <p>(g) To establish a level of proficiency on the current graduation examination or the state-approved alternate assessment for students on a career readiness program of study or ability program of study, IEP teams shall review the student's performance on the first attempt, and establish a targeted proficiency on all sections that are below the state's minimum requirement. For those students who meet participation criteria for the New Mexico alternate assessment, IEP teams shall set targeted levels of proficiency based upon previous performance on the test. If the student has previously been administered the New Mexico alternate assessment and has achieved an advanced level of overall performance, the IEP team shall arrange for the student to participate in the general graduation examination, and shall identify appropriate accommodations that the student may require. IEP teams shall document the targeted levels of proficiency on the IEP and the PWN, outlining the plan of action to be taken by both the student and the district or charter school to ensure that the student will meet the targeted levels of proficiency. Districts or charter schools may submit a written request for a waiver to the secretary in cases where a student has medical or mental health issues that may result in regression or that negatively influence the student's ability to achieve targeted levels of proficiency. The written request shall be signed by the superintendent or charter school administrator and shall include documentation of the medical or mental health issues.</p> <p>(h) Changes in programs of study.</p>	
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	<ul style="list-style-type: none"> (i) Departures from the standard program of study for students receiving special education services and supports shall be considered in the order of the options listed in Subparagraph (b) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC. Any modified program of study may depart from a standard program of study only so far as is necessary to meet an individual student's educational needs as determined by the IEP team. Districts and charter schools are obligated to meet the requirements of IDEA to provide students with IEPs on any one of the three programs of study, and access to the general curriculum in the least restrictive environment. When an alternative program of study is developed, a building administrator or designee who has knowledge about the student shall be a member of the IEP team (ii) Districts and charter schools shall document changes from the standard program of study on the PWN. IEP teams shall identify the reasons for changing the student's program of study, shall provide parents with clear concise explanations of the career readiness or ability programs of study, shall notify parents and students of the potential consequences that may limit the student's post-secondary options, and shall make required changes to the IEP and course of study, to ensure that the student meets the requirements of that program of study. (iii) The IEP team shall not change the program of study for a student entering the final year of high school (not the cohort with which the student entered high school) from the standard program of study to the career readiness program of study, nor 	
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	<p>from the career readiness program of study to the ability program of study, after the 20th school day of the final year of high school. IEP teams may change a student's program of study from the ability program of study to the career readiness program of study, or from the career readiness program of study to the standard program of study, if the student meets the graduation requirements of that program of study and if the change is made and documented appropriately in a revised IEP and PWN by a properly constituted IEP team in a properly convened meeting.</p> <ul style="list-style-type: none"> (i) A student who receives special education services may be granted a conditional certificate of transition in the form of a continuing or transition IEP when: <ul style="list-style-type: none"> (i) the IEP team provides sufficient documentation and justification that the issuance of a conditional certificate of transition for an individual student is warranted; (ii) prior to the student's projected graduation date, the IEP team provides a PWN stating that the student will receive a conditional certificate of transition; (iii) the district or charter school ensures that a conditional certificate of transition is not a program of study and does not end the student's right to a FAPE; (iv) the district or charter school ensures that a conditional certificate of transition entitles a student who has attended four years or more of high school to participate in graduation activities, and requires that the student continue receiving special education supports and services needed to obtain the high school diploma; 	
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	<ul style="list-style-type: none"> (v) the district or charter school ensures that, prior to receiving a conditional certificate of transition, the student has a continuing or transition IEP; (vi) the student's continuing or transition IEP outlines measures, resources and specific responsibilities for both the student and the district or charter school to ensure that the student receives a diploma. (j) A student who does not return to complete the program of study as outlined in the continuing or transition IEP will be considered as a dropout. (k) A student who receives a conditional certificate of transition is eligible to continue receiving special education services until receipt of a diploma or until the end of the academic year in which the student becomes 22 years of age. (l) Graduation plans shall be a part of all IEPs: <ul style="list-style-type: none"> (i) by the end of eighth grade, or by the time the student turns 14 years of age, and concurrent with the development of the student's transition plan in accordance with federal regulations at 34 CFR 300.320; (ii) when a student returns to a school after an extended absence, and if an IEP program of study may have been developed but needs to be reviewed; or (iii) when evaluations warrant the need for a modified program of study at any time after development of an initial graduation plan. (m) Graduation plans shall be a part of all of all IEPs and annual reviews, and shall follow the student in all educational settings. Receiving institutions that fall under the department's jurisdiction will recognize these graduation 	
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	<p>plans, subject to revision by new IEP teams, if appropriate to meet a student's changing needs.</p> <p>(n) At the exit IEP meeting, the team shall review the student's transition plan, and shall confirm and document that all state and district requirements for graduation under the final IEP have been satisfied. A building administrator who has knowledge about the student shall be a member of this team, and shall sign specifically to verify and accept completed graduation plans, goals and objectives pursuant to (i) - (iii) of Subparagraph (b) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC, or plans for a conditional certificate of transition with a continuing or transition IEP, pursuant to Subparagraph (i) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC. The IEP team shall ensure that the student has current and relevant evaluations, reports or other documentation necessary to support a smooth and effective transition to post-secondary services for a student who will graduate on one of the three programs of study. The school shall arrange for any necessary information to be provided at no cost to the students or parents. The school shall submit a list of students who will receive the diploma through a career readiness or ability program of study to the local superintendent or charter school administrator, using the students' identification numbers. This list shall be totaled and submitted to the local school board or governing body of a charter school. This information shall be treated as confidential in accordance with the FERPA.</p> <p>(o) Students eligible for special education services are entitled to a FAPE through age 21. If a student turns 22 during the school year, the student shall be allowed to complete the school year. If a student becomes 22 prior to the first day of the school year, the student is no longer eligible to receive special education services.</p>	
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	<p>(p) The receipt of a diploma terminates the service eligibility of students with special education needs.</p> <p>(q) All diplomas awarded by a school district or charter school shall be identical in appearance, content and effect, except that symbols or notations may be added to individual students' diplomas to reflect official school honors or awards earned by students.</p> <p>-----</p> <p>NMSA 1978, § 21-21N-3: Tuition scholarships authorized; qualified students</p> <p>D. . . . The definition of “qualified student” notwithstanding, a New Mexico resident who has to leave the state to receive an education pursuant to the federal Individuals with Disabilities Education Act shall be eligible for a tuition scholarship if the student graduated from an accredited high school in another state and otherwise meets the qualifications for a tuition scholarship pursuant to the definition of “qualified student” and this section.</p>	
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<p>§ 300.321 IEP Team.</p> <p>(a) <i>General.</i> The public agency must ensure that the IEP Team for each child with a disability includes—</p> <p>(1) The parents of the child;</p> <p>(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);</p> <p>(3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;</p> <p>(4) A representative of the public agency who—</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>A. Preschool programs for children aged 3 through 5.</p> <p>...</p> <p>(5) In particular:</p> <p>...</p> <p>(g) Development of IFSP, IEP or IFSP-IEP.</p> <p>(i) The IFSP, IEP, or IFSP-IEP will be developed by a team constituted in compliance with 34 CFR Sec. 300.321 that includes parents. For children transitioning from Part C programs to Part B programs, the team must also include</p>	<p>CIMARRON MUNICIPAL SCHOOLS determines the specific personnel to fill the roles for the school district’s required participants at the IEP Team meeting. A parent does not have a legal right to require other school district members of the IEP Team to attend an IEP Team meeting. Therefore, if a parent invites other CIMARRON MUNICIPAL SCHOOLS personnel who are not designated by the CIMARRON MUNICIPAL SCHOOLS to be on the IEP Team, they are not required to attend. However, CIMARRON MUNICIPAL SCHOOLS will work with parents to try to accommodate reasonable requests for the participation of particular school personnel in an IEP Team meeting. (See 71 Fed. Reg. 46674 (August 14, 2006))</p>
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<p>(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;</p> <p>(ii) Is knowledgeable about the general education curriculum; and</p> <p>(iii) Is knowledgeable about the availability of resources of the public agency.</p> <p>(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;</p> <p>(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and</p> <p>(7) Whenever appropriate, the child with a disability.</p> <p>(b) <i>Transition services participants.</i></p> <p>(1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b).</p> <p>(2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child’s preferences and interests are considered.</p> <p>(3) To the extent appropriate, with the consent of the parents or a child who has reached the age</p>	<p>one or more early intervention providers who are knowledgeable about the child. “Early intervention providers” are defined as Part C service coordinators or other representatives of the Part C system.</p> <p>(ii) For each child transitioning from a Part C program to a Part B preschool program, the LEA shall initiate a meeting to develop the eligible child’s IFSP, IEP or IFSP-IEP, in accordance with 34 CFR Sec. 300.124. The IFSP, IEP or IFSP must be developed and implemented no later than the child’s third birthday, consistent with 34 CFR Sec. 300.101(b).</p> <p>...</p> <p>B. Individualized education programs (IEPs).</p> <p>...</p> <p>(3) Except as provided in 34 CFR Sec. 300.324(a)(4), each IEP shall include the signature and position of each member of the IEP team and other participants in the IEP meeting to document their attendance. Written notice of actions proposed or refused by the public agency shall also be provided in compliance with 34 CFR Sec. 300.503 and Paragraph (2) of Subsection D of 6.31.2.13 NMAC and shall be provided at the close of the IEP meeting. Informed written parental consent must also be obtained for actions for which consent is required under 34 CFR Sec. 300.300 and Subsection F of 6.31.2.13 NMAC. An amended IEP does not take the place of the annual IEP conducted pursuant to CFR Sec. 300.324(a)(4) which requires that members of a child’s IEP team must be informed of any changes made to the IEP without a meeting.</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>K. Graduation requirements.</p> <p>...</p>	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that each IEP Team meeting is duly constituted. CIMARRON MUNICIPAL SCHOOLS recognizes the uniquely valuable contributions of each IEP Team member. Therefore, CIMARRON MUNICIPAL SCHOOLS will not agree to routinely excuse IEP Team members. When a required member is unable to attend an IEP Team meeting, CIMARRON MUNICIPAL SCHOOLS will carefully consider, based on the individual needs of the child and the issues that need to be addressed at the IEP Team meeting, whether it makes sense to offer to hold the IEP Team meeting without a particular required IEP Team member in attendance or whether it would be better to reschedule the meeting so that the IEP Team member can attend and participate in the discussion. Parents will not be pressured into agreeing or consenting to an excusal of a required IEP Team member. An IEP Team meeting cannot take place without all required members present for the duration of the meeting unless the excusal provisions (300.321(e)) have been fully satisfied.</p> <p>CIMARRON MUNICIPAL SCHOOLS will comply with the excusal provisions (300.321(e)) before a required member of the IEP Team is excused from the meeting in whole or in part. Required members subject to the excusal provisions are the regular education teacher, special education teacher or provider of the child, the representative of CIMARRON MUNICIPAL SCHOOLS, and the individual who can interpret the instructional implications of evaluation results. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-2)</p> <p>CIMARRON MUNICIPAL SCHOOLS does not require consent or a written agreement between the parent and CIMARRON MUNICIPAL SCHOOLS to excuse individuals who are invited to attend IEP Team meetings at the discretion of the parent or the CIMARRON MUNICIPAL SCHOOLS because such individuals are not required members of an IEP Team. The excusal provisions only apply to the required members of the IEP Team. (See 71 Fed. Reg. 46675 (August 14, 2006))</p>
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<p>of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.</p> <p>(c) <i>Determination of knowledge and special expertise.</i> The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.</p> <p>(d) <i>Designating a public agency representative.</i> A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.</p> <p>(e) <i>IEP Team attendance.</i></p> <p>(1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.</p> <p>(2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—</p> <p>(i) The parent, in writing, and the public agency consent to the excusal; and</p>	<p>(13) Graduation requirements for issuance of a conditional certificate of transition for students with an IEP. The development of a program of study and the granting of a diploma, or use of a conditional certificate of transition in the form of a continuing or transition individualized educational program (IEP) for students receiving special education services, includes the following governing principles:</p> <p>...</p> <p>(n) At the exit IEP meeting, the team shall review the student's transition plan, and shall confirm and document that all state and district requirements for graduation under the final IEP have been satisfied. A building administrator who has knowledge about the student shall be a member of this team, and shall sign specifically to verify and accept completed graduation plans, goals and objectives pursuant to (i) - (iii) of Subparagraph (b) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC, or plans for a conditional certificate of transition with a continuing or transition IEP, pursuant to Subparagraph (i) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC. The IEP team shall ensure that the student has current and relevant evaluations, reports or other documentation necessary to support a smooth and effective transition to post-secondary services for a student who will graduate on one of the three programs of study. The school shall arrange for any necessary information to be provided at no cost to the students or parents. The school shall submit a list of students who will receive the diploma through a career readiness or ability program of study to the local superintendent or charter school administrator, using the students' identification numbers. This list shall be totaled and submitted to the local school board or governing body of a charter school. This</p>	<p>CIMARRON MUNICIPAL SCHOOLS does not require consent or a written agreement between the parent and CIMARRON MUNICIPAL SCHOOLS to excuse an individual IEP Team member if another individual IEP Team member who is present for the entire duration of the meeting satisfies the same IEP Team membership requirement. For example, if there are two regular education teachers of the child present at the IEP Team meeting, one can be excused without following the excusal provisions as long as the other is present throughout the meeting. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-3)</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the special education teacher or provider who is a member of the child's IEP Team is the person who is, or will be, responsible for implementing the IEP. For example, if the child's disability is a speech impairment, the special education teacher or special education provider could be the speech language pathologist. (See 71 Fed. Reg. 46670 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS determines which specific staff member will serve as the CIMARRON MUNICIPAL SCHOOLS representative in a particular IEP Team meeting, so long as the individual meets the requirements for public agency representative. The CIMARRON MUNICIPAL SCHOOLS representative appointed to serve as CIMARRON MUNICIPAL SCHOOLS representative in a particular IEP Team meeting shall have the authority to commit CIMARRON MUNICIPAL SCHOOLS resources and be able to ensure that whatever services are described in the IEP will actually be provided. CIMARRON MUNICIPAL SCHOOLS understands that it will be bound by the IEP that is developed at an IEP Team meeting. (See 71 Fed. Reg. 46671 (August 14, 2006))</p> <p>If the CIMARRON MUNICIPAL SCHOOLS invites someone with knowledge or special expertise about the</p>
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<p>(ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.</p> <p>(f) <i>Initial IEP Team meeting for child under Part C.</i> In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.</p> <p>(Authority: 20 U.S.C. 1414(d)(1)(B)–(d)(1)(D))</p>	<p>information shall be treated as confidential in accordance with the FERPA.</p>	<p>child and fails to inform the parents of that person’s attendance, the parents may request that the meeting be rescheduled until CIMARRON MUNICIPAL SCHOOLS provides the parent the required notice of ‘who will be in attendance.’ Alternatively, the CIMARRON MUNICIPAL SCHOOLS may choose to conduct the IEP Team meeting without that individual’s attendance to avoid rescheduling the meeting. (See OSEP Redacted Letter (March 31, 2008))</p> <p>If CIMARRON MUNICIPAL SCHOOLS wishes to invite officials from another agency, CIMARRON MUNICIPAL SCHOOLS will obtain parental consent for the individual to participate in the IEP Team meeting because confidential information about the child from the child’s education records will be shared at the meeting. (See 71 Fed. Reg. 46669 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, regardless of whether the child has reached the age of majority. However, for children who have not reached the age of majority under New Mexico law, if the parent requests that the student not attend, CIMARRON MUNICIPAL SCHOOLS will honor that request and take other steps to ensure that the child’s preferences and interests are considered. If possible, CIMARRON MUNICIPAL SCHOOLS will discuss the appropriateness of the child’s participation before a decision is made, in order to help the parent determine whether or not the child’s attendance would be helpful in developing the IEP or directly beneficial to the child, or both. (See 71 Fed. Reg. 46671 (August 14, 2006))</p> <p>The decision of whether it would be appropriate to invite other agencies rests with CIMARRON MUNICIPAL SCHOOLS and the parent or the adult student, provided that the parent or the adult student consents to the invitation. If the parent or the adult student refuses to</p>
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		<p>consent to invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services to a child’s IEP Team meeting where transition will be considered, CIMARRON MUNICIPAL SCHOOLS may not invite a representative of that agency to attend the child’s IEP Team meeting. (See OSEP Letter to Caplan (March 17, 2008))</p> <p>In determining whether to invite another agency to an IEP Team meeting, CIMARRON MUNICIPAL SCHOOLS will consider such factors as whether a purpose of the IEP Team meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals; whether there is a participating agency, other than the public agency responsible for providing a FAPE to the child, that is likely to be responsible for providing or paying for the child’s transition services; and whether consent of the parents or adult student has been provided for the other agency’s participation at the IEP Team meeting. (See OSEP Letter to Caplan (March 17, 2008))</p> <p>Allowing required IEP Team members to be excused from attending an IEP Team meeting is intended to provide additional flexibility to parents in scheduling IEP Team meetings and to avoid delays in holding an IEP Team meeting when an IEP Team member cannot attend due to a scheduling conflict. (See 71 Fed. Reg. 46673 (August 14, 2006))</p> <p>There is nothing in the IDEA that would limit the number of IEP Team members who may be excused from attending an IEP Team meeting, so long as CIMARRON MUNICIPAL SCHOOLS meets the requirements that govern when required IEP Team members can be excused from attending IEP Team meetings in whole or in part. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-2)</p>
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		<p>IDEA requires different procedures for different types of excusals, including differentiating between circumstances in which parental consent is required and when an agreement is required to excuse an IEP member from attending an IEP Team meeting. Therefore, CIMARRON MUNICIPAL SCHOOLS has different procedures in place for the different types of excusals. (See 71 Fed. Reg. 46673 (August 14, 2006)) The two types of excusals triggering the excusal requirements are: (1) when a required IEP Team member’s area of the curriculum or related service is not being modified or discussed; and (2) when a required IEP Team member’s area of the curriculum or related service is being modified or discussed.</p> <p>With the first type of excusal, parent and CIMARRON MUNICIPAL SCHOOLS agreement is required. CIMARRON MUNICIPAL SCHOOLS is given wide latitude about the content of the agreement to excuse a required IEP Team member from the meeting. (See 71 Fed. Reg. 46674 (August 14, 2006))</p> <p>With the second type of excusal, parent consent is required. CIMARRON MUNICIPAL SCHOOLS will ensure that all of the IDEA consent requirements are satisfied including by providing the parent with appropriate and sufficient information to ensure that the parent fully understands that the parent is consenting to excuse an IEP Team member from attending an IEP Team meeting in which the member’s area of the curriculum or related service is being changed or discussed and that if the parent does not consent, the IEP Team meeting must be held with that IEP Team member in attendance. (See 71 Fed. Reg. 46674 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not specify how far in advance of an IEP Team meeting CIMARRON MUNICIPAL SCHOOLS must notify a parent of the school district’s request to excuse an IEP Team member from attending the IEP Team meeting. Further, CIMARRON MUNICIPAL SCHOOLS does not specify when the parent agree in writing that the IEP</p>
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		<p>Team member’s attendance is not necessary (type 1 excusal), or when the parent must provide written consent regarding the IEP Team member’s excusal (type 2 excusal). CIMARRON MUNICIPAL SCHOOLS believes that requiring the request for excusal, or the written agreement (type 1 excusal) or written consent (type 2 excusal), to occur at a particular time prior to an IEP Team meeting would not account for situations where it would be impossible to meet the timeline (e.g., when an IEP Team member has an emergency). Thus, requiring specific timelines could impede Congressional intent to provide this additional flexibility. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-5)</p>
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<p>§ 300.322 Parent participation.</p> <p>(a) <i>Public agency responsibility—general.</i> Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—</p> <p>(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and</p> <p>(2) Scheduling the meeting at a mutually agreed on time and place.</p> <p>(b) <i>Information provided to parents.</i></p> <p>(1) The notice required under paragraph (a)(1) of this section must—</p> <p>(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and</p> <p>(ii) Inform the parents of the provisions in</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>B. Individualized education programs (IEPs).</p> <p>...</p> <p>(2) Each IEP or amendment shall be developed at a properly convened IEP meeting for which the public agency has provided the parent and, as appropriate, the child, with proper advance notice pursuant to 34 CFR Sec. 300.322 and Paragraph (1) of Subsection D of 6.31.2.13 NMAC and at which the parent and, as appropriate, the child have been afforded the opportunity to participate as members of the IEP team pursuant to 34 CFR Secs. 300.321, 300.322 and 300.501(b) and (c) and Subsection C of 6.31.2.13 NMAC.</p> <p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>C. Parent and student participation in meetings. Each public agency shall afford the parents of a child with a disability and, as appropriate, the child, an opportunity</p>	<p>CIMARRON MUNICIPAL SCHOOLS takes steps to ensure that one or both parents are present at each meeting, including notifying parents of the meeting early enough to ensure that they have an opportunity to attend, and scheduling the meeting at a mutually agreed-on time and place.</p> <p>CIMARRON MUNICIPAL SCHOOLS officials determine how far in advance parents must be notified of a meeting. CIMARRON MUNICIPAL SCHOOLS uses ten days advanced notice as a guide. However, the amount of advanced notice and level of effort shall be appropriate to the situation and based on a number of factors, including, for example, the distance parents typically have to travel to the meeting location, known parent work schedule challenges, and the availability of childcare. The goal of CIMARRON MUNICIPAL SCHOOLS is to ensure parent participation in the IEP Team meeting, and the actions of CIMARRON MUNICIPAL SCHOOLS will be consistent with the goal. (See 71 Fed. Reg. 46678 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that the meeting must be held at a mutually agreed on time</p>
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<p>§300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).</p> <p>(2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must—</p> <p>(i) Indicate—</p> <p>(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and</p> <p>(B) That the agency will invite the student; and</p> <p>(ii) Identify any other agency that will be invited to send a representative.</p> <p>(c) <i>Other methods to ensure parent participation.</i> If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation).</p> <p>(d) <i>Conducting an IEP Team meeting without a parent in attendance.</i> A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of</p>	<p>to participate in meetings with respect to the identification, evaluation and educational placement or the provision of FAPE to the child, in compliance with 34 CFR Secs. 300.322, 300.501(b) and (c), and any other applicable requirements of these or other department rules and standards.</p> <p>D. Notice requirements.</p> <p>(1) Notice of meetings. Each public agency shall provide the parents of a child with a disability with advance written notice that complies with 34 CFR Sec. 300.322 for IEP meetings and any other meetings in which the parent has a right to participate pursuant to 34 CFR Sec. 300.501.</p> <p>...</p> <p>E. Communications in understandable language. Pursuant to 34 CFR Secs. 300.9(a), 300.322(e), 300.503(c) and 300.504(d), each public agency must communicate with parents in understandable language, including the parent's native language or other mode of communication, unless it is clearly not feasible to do so, if necessary for understanding, in IEP meetings, in written notices and in obtaining consent where consent is required.</p>	<p>and place. CIMARRON MUNICIPAL SCHOOLS is responsive to the parents' scheduling needs. However, the IDEA does not require that CIMARRON MUNICIPAL SCHOOLS schedule IEP Team meetings in the evenings. CIMARRON MUNICIPAL SCHOOLS schedules meetings of the IEP Team only during regular school hours or regular business hours because these times are most suitable for CIMARRON MUNICIPAL SCHOOLS personnel to attend these meetings. (See OSEP Letter to Thomas (June 3, 2008))</p> <p>CIMARRON MUNICIPAL SCHOOLS will document its efforts to ensure that one or both parents are present at the meeting, and maintain such documentation in the child's special education folder. CIMARRON MUNICIPAL SCHOOLS will encourage and arrange alternative forms of participation if the parent is unable to attend. If the parent is unable to attend or participate through an alternative means (such as telephone conference), CIMARRON MUNICIPAL SCHOOLS will provide the parent with a Prior Written Notice of Proposed Actions and a copy of the IEP.</p>
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<p>its attempts to arrange a mutually agreed on time and place, such as—</p> <ul style="list-style-type: none"> (1) Detailed records of telephone calls made or attempted and the results of those calls; (2) Copies of correspondence sent to the parents and any responses received; and (3) Detailed records of visits made to the parent’s home or place of employment and the results of those visits. <p>(e) <i>Use of interpreters or other action, as appropriate.</i> The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.</p> <p>(f) <i>Parent copy of child’s IEP.</i> The public agency must give the parent a copy of the child’s IEP at no cost to the parent.</p> <p>(Authority: 20 U.S.C. 1414(d)(1)(B)(i))</p>		
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<p>§ 300.323 When IEPs must be in effect.</p>		
<ul style="list-style-type: none"> (a) <i>General.</i> At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320. (b) <i>IEP or IFSP for children aged three through five.</i> <ul style="list-style-type: none"> (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two- year-old child with a disability who will turn age three during the school 	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <ul style="list-style-type: none"> A. Preschool programs for children aged 3 through 5. <ul style="list-style-type: none"> (1) Each public agency shall ensure that a free appropriate public education is available for each preschool child with a disability within its educational jurisdiction no later than the child’s third birthday and that an individualized education program (IEP) under Part B or an individual family services plan (IFSP) under Part C of the IDEA is in 	<p>Through timely IEP development, coordination and planning, CIMARRON MUNICIPAL SCHOOLS will ensure that IEPs are in effect for each child with a disability at the beginning of the school year.</p> <p>CIMARRON MUNICIPAL SCHOOLS will develop an IFSP rather than an IEP for children aged three through five only if the parent chooses an IFSP and consents to using the IFSP. The NM Department of Health has developed Model IFSP (English) and (Spanish) forms available through the Department of Health website.</p>

<p>year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—</p> <ul style="list-style-type: none"> (i) Consistent with State policy; and (ii) Agreed to by the agency and the child’s parents. <p>(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must—</p> <ul style="list-style-type: none"> (i) Provide to the child’s parents a detailed explanation of the differences between an IFSP and an IEP; and (ii) If the parents choose an IFSP, obtain written informed consent from the parents. <p>(c) <i>Initial IEPs; provision of services.</i> Each public agency must ensure that—</p> <ul style="list-style-type: none"> (1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP. 	<p>effect by that date in compliance with 34 CFR Secs. 300.101, 300.124 and 300.323(b).</p> <p>...</p> <p>(5) In particular:</p> <p>...</p> <ul style="list-style-type: none"> (g) Development of IFSP, IEP or IFSP-IEP. <ul style="list-style-type: none"> (i) The IFSP, IEP, or IFSP-IEP will be developed by a team constituted in compliance with 34 CFR Sec. 300.321 that includes parents. For children transitioning from Part C programs to Part B programs, the team must also include one or more early intervention providers who are knowledgeable about the child. “Early intervention providers” are defined as Part C service coordinators or other representatives of the Part C system. (ii) For each child transitioning from a Part C program to a Part B preschool program, the LEA shall initiate a meeting to develop the eligible child’s IFSP, IEP or IFSP-IEP, in accordance with 34 CFR Sec. 300.124. The IFSP, IEP or IFSP must be developed and implemented no later than the child’s third birthday, consistent with 34 CFR Sec. 300.101(b). <p>...</p> <p>H. Transfers and transmittals. When IEPs must be in effect.</p> <ul style="list-style-type: none"> (1) IEPs for children who transfer public agencies in the same state. If a child with a disability (who had an IEP that was in effect in a previous public agency in New Mexico) transfers to a new public agency in New Mexico, and enrolls in a new school within the same school year the new public agency must provide FAPE to the child. The IEP must include services comparable to those described in the child’s 	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the child’s IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. The purpose is to ensure that teachers and providers understand their specific responsibilities for implementing an IEP, including any accommodations or supports that may be needed. The mechanism that CIMARRON MUNICIPAL SCHOOLS uses to inform each teacher or provider of his or her responsibilities is left to the discretion of CIMARRON MUNICIPAL SCHOOLS. (See 71 Fed. Reg. 46681 (August 14, 2006))</p> <p>In CIMARRON MUNICIPAL SCHOOLS, the IEP designates the individual responsible for informing teachers and other services providers of their responsibilities for implementation of an IEP. Additionally, CIMARRON MUNICIPAL SCHOOLS has regular education teachers sign receipt for the IEP, or applicable portions of the IEP.</p> <p>When referring to comparable services to be provided to a child who transfers to CIMARRON MUNICIPAL SCHOOLS from a previous school district in New Mexico (or from another State), pending the development of a new IEP, CIMARRON MUNICIPAL SCHOOLS interprets “comparable services” to mean “similar” or “equivalent” services to those that were described in the child’s IEP from the previous school district. (See 71 Fed. Reg. 46681 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will not deny special education and related services to a transfer student with an IEP pending the development of a new IEP. Instead, CIMARRON MUNICIPAL SCHOOLS will provide comparable services to a transfer student with an IEP upon enrollment. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A A-3)</p>
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<p>(d) <i>Accessibility of child's IEP to teachers and others.</i> Each public agency must ensure that—</p> <p>(1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and</p> <p>(2) Each teacher and provider described in paragraph (d)(1) of this section is informed of—</p> <p>(i) His or her specific responsibilities related to implementing the child's IEP; and</p> <p>(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.</p> <p>(e) <i>IEPs for children who transfer public agencies in the same State.</i> If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either—</p> <p>(1) Adopts the child's IEP from the previous public agency; or</p> <p>(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§ 300.320 through 300.324.</p> <p>(f) <i>IEPs for children who transfer from another State.</i> If a child with a disability (who had an IEP that was</p>	<p>IEP from the previous public agency, until the new public agency either:</p> <p>(a) adopts and implements the child's IEP from the previous public agency; or</p> <p>(b) develops and implements a new IEP that meets the applicable requirements in 34 CFR Secs. 300.320 through 300.324.</p> <p>(2) IEPs for children who transfer from another state. If a child with a disability (who had an IEP that was in effect in a previous public agency in another state) transfers to a public agency in New Mexico, and enrolls in a new school within the same school year, the new public agency must provide the child with FAPE. The IEP must include services comparable to those described in the child's IEP from the previous agency, until the new public agency:</p> <p>(a) conducts an evaluation pursuant to 34 CFR Secs. 300.304 through 300.306 (if determined to be necessary by the new public agency); and</p> <p>(b) develops and implements a new IEP, if appropriate, that meets the applicable requirements in 34 CFR Secs. 300.320 through 300.324.</p> <p>(3) Transmittal records. To facilitate the transition for a child described in Paragraphs (1) and (2) of this section:</p> <p>(a) the new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled; and</p> <p>(b) the previous public agency in which the child was enrolled must take reasonable steps to</p>	<p>For a transfer student receiving comparable services, CIMARRON MUNICIPAL SCHOOLS will take steps to conduct an IEP Team meeting within a reasonable period of time to either adopt the IEP from the previous school district or develop and implement a new IEP, so as to avoid any undue interruption in the provision of required special education and related services. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A A-4)</p> <p>If a child who transfers to CIMARRON MUNICIPAL SCHOOLS from within New Mexico has an IEP that is not current, the CIMARRON MUNICIPAL SCHOOLS in consultation with the parents will provide services comparable to those described in the child's IEP, until the IEP Team meets and either (1) adopts the child's IEP from the previous NM school district; or (2) develops, adopts, and implements a new IEP. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A A-1)</p> <p>If, after taking reasonable steps to obtain the records for a child who transfers to CIMARRON MUNICIPAL SCHOOLS from out of state, CIMARRON MUNICIPAL SCHOOLS is not able to obtain the IEP from the previous school district or from the parent, CIMARRON MUNICIPAL SCHOOLS is not required to provide special education and related services to the child. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A A-2)</p> <p>When CIMARRON MUNICIPAL SCHOOLS learns that a child with a disability has transferred to another public school, CIMARRON MUNICIPAL SCHOOLS will take reasonable steps to promptly respond to a request for records from the public school in which the child has enrolled.</p>
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<p>in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency—</p> <p>(1) Conducts an evaluation pursuant to §§ 300.304 through 300.306 (if determined to be necessary by the new public agency); and</p> <p>(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§ 300.320 through 300.324.</p> <p>(g) <i>Transmittal of records.</i> To facilitate the transition for a child described in paragraphs (e) and (f) of this section—</p> <p>(1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and</p> <p>(2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.</p> <p>(Authority: 20 U.S.C. 1414(d)(2)(A)–(C))</p>	<p>promptly respond to the request from the new public agency.</p> <p>...</p> <p>K. Children in detention and correctional facilities</p> <p>...</p> <p>(2) Juvenile or adult detention or correctional facilities must take reasonable steps to promptly obtain needed educational records from a child's last known school or educational facility. Record requests and transfers are subject to the regulations under the Family Educational Rights and Privacy Act (FERPA) at 34 CFR Part 99 and the provisions of Paragraph (3) of Subsection L of 6.31.2.13 NMAC. The educational program of a juvenile or adult detention or correctional facility is an educational agency for purposes of the FERPA.</p> <p>(a) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the records request from the juvenile correctional facilities.</p> <p>(b) To assist juvenile correctional facilities in providing FAPE for children entering the facility during the summer months, districts must provide summer emergency contact information of a person who has access to special education records, to the state's superintendent of juvenile justice services division of the children, youth and family department.</p> <p>(3) A detention or correctional facility that is unable to obtain adequate records from other agencies, the child or the parents within a reasonable time after the child arrives at the facility, shall evaluate the child who is known or suspected to be a child with a disability as provided in Subsection F of 6.31.2.10 NMAC and develop an IEP for an eligible child without undue delay.</p>	
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Development of IEP		
§ 300.324 Development, review, and revision of IEP.		
<p>(a) <i>Development of IEP</i>—</p> <p>(1) <i>General.</i> In developing each child’s IEP, the IEP Team must consider—</p> <ul style="list-style-type: none"> (i) The strengths of the child; (ii) The concerns of the parents for enhancing the education of their child; (iii) The results of the initial or most recent evaluation of the child; and (iv) The academic, developmental, and functional needs of the child. <p>(2) <i>Consideration of special factors.</i> The IEP Team must—</p> <ul style="list-style-type: none"> (i) In the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior; (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child’s IEP; (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child’s reading and writing skills, 	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>B. Individualized education programs (IEPs).</p> <p>...</p> <p>(3) Except as provided in 34 CFR Sec. 300.324(a)(4), each IEP shall include the signature and position of each member of the IEP team and other participants in the IEP meeting to document their attendance. Written notice of actions proposed or refused by the public agency shall also be provided in compliance with 34 CFR Sec. 300.503 and Paragraph (2) of Subsection D of 6.31.2.13 NMAC and shall be provided at the close of the IEP meeting. Informed written parental consent must also be obtained for actions for which consent is required under 34 CFR Sec. 300.300 and Subsection F of 6.31.2.13 NMAC. An amended IEP does not take the place of the annual IEP conducted pursuant to CFR Sec. 300.324(a)(4) which requires that members of a child’s IEP team must be informed of any changes made to the IEP without a meeting.</p> <p>(4) Agreement to modify IEP meeting requirement.</p> <ul style="list-style-type: none"> (a) In making changes to a child’s IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP team meeting for the purposes of making those changes and instead may develop a written document to amend or modify the child’s current IEP. 	<p>CIMARRON MUNICIPAL SCHOOLS recognizes that the core of the IDEA is the cooperative process that it establishes between parents and schools. Parents are given a large measure of participation at every stage of the process. CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team gathers appropriate information upon which to base development of an IEP, including information from the parents.</p> <p>When considering the special factor of behavior, CIMARRON MUNICIPAL SCHOOLS expects the IEP Team to focus on interventions and strategies to address the needs of a child whose behavior impedes the child’s learning or that of others. While conducting a functional behavioral assessment (FBA) typically precedes developing positive behavioral intervention strategies, the IEP Team should make an individualized determination of whether a functional behavioral assessment is needed. CIMARRON MUNICIPAL SCHOOLS emphasizes a proactive approach to behaviors that interfere with learning. (See 71 Fed. Reg. 46683 (August 14, 2006)) CIMARRON MUNICIPAL SCHOOLS will conduct a FBA as needed to address the behavioral concerns of a child whose behavior interferes with learning and as required in the disciplinary context. (See 71 Fed. Reg. 46721 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall provide training and disseminate information to appropriate personnel regarding research-based positive behavioral interventions and supports, and other strategies, including on-line information available through the National Technical Assistance</p>

<p>needs, and appropriate reading and writing media (including an evaluation of the child’s future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;</p> <p>(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode; and</p> <p>(v) Consider whether the child needs assistive technology devices and services</p> <p>(3) Requirement with respect to regular education teacher. A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of—</p> <p>(i) Appropriate positive behavioral interventions and supports and other strategies for the child; and</p> <p>(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with §300.320(a)(4).</p> <p>(4) Agreement.</p> <p>(i) In making changes to a child’s IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability</p>	<p>(b) If changes are made to the child’s IEP in accordance with subparagraph (4)(a) of this paragraph, the public agency must ensure that the child’s IEP team is informed of those changes.</p> <p>(5) For students with autism spectrum disorders (ASD) eligible for special education services under 34 CFR Sec. 300.8(c)(1), the strategies described in Subparagraphs (a)-(k) of this paragraph shall be considered by the IEP team in developing the IEP for the student. The IEP team shall document consideration of the strategies. The strategies must be based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed to provide FAPE, addressed in the IEP:</p> <p>(a) extended educational programming, including, for example, extended day or extended school year services that consider the duration of programs or settings based on assessment of behavior, social skills, communication, academics, and self-help skills;</p> <p>(b) daily schedules reflecting minimal unstructured time and active engagement in learning activities, including, for example, lunch, snack, and recess periods that provide flexibility within routines, adapt to individual skill levels, and assist with schedule changes, such as changes involving substitute teachers and other in-school extracurricular activities;</p> <p>(c) in-home and community-based training or viable alternatives to such training that assist the student with acquisition of social or behavioral skills, including, for example, strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community;</p>	<p>Center on Positive Behavioral Interventions and Supports (PBIS).</p> <p>The NMPED has issued a guidance document titled, Addressing Student Behavior: A Guide for Educators (updated November 2010), available through the NMPED website. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance document.</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the Board’s Policy and School Safety Plan (applicable to all students including students with disabilities) implementing NMSA 1978, § 22-5-4.12 (2017) [H.B. 75] to ensure that Board Policies and School Safety Plan is followed whenever a student with a disability is restrained or secluded. The U.S. Department of Education has issued a guidance document, Restraint and Seclusion: Resource Document (May 15, 2012), available through the U.S. Department of Education website. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this guidance.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team addresses the language and communication needs of each child with a disability regardless of the category of disability.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team addresses the language and communication needs of each child with limited English proficiency, as those needs relate to the child’s IEP.</p> <p>For a child who is blind or visually impaired, CIMARRON MUNICIPAL SCHOOLS will ensure that, based upon consideration of an evaluation of the child’s reading and writing skills, needs, and appropriate</p>
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<p>and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child’s current IEP.</p> <p>(ii) If changes are made to the child’s IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child’s IEP Team is informed of those changes.</p> <p>(5) <i>Consolidation of IEP Team meetings.</i> To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.</p> <p>(6) <i>Amendments.</i> Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.</p> <p>(b) <i>Review and revision of IEPs—</i></p> <p>(1) <i>General.</i> Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—</p> <p>(i) Reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and</p> <p>(ii) Revises the IEP, as appropriate, to address—</p> <p>(A) Any lack of expected progress</p>	<p>(d) positive behavior support strategies based on relevant information, including, for example:</p> <p>(i) antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and</p> <p>(ii) a behavioral intervention plan focusing on positive behavior supports and developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;</p> <p>(e) futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;</p> <p>(f) parent or family training and support, provided by qualified personnel with experience in ASD, that, for example:</p> <p>(i) provides a family with skills necessary for a child to succeed in the home or community setting;</p> <p>(ii) includes information regarding resources such as parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching and management techniques related to the child’s curriculum; and</p> <p>(iii) facilitates parental carryover of in-home training, including, for example, strategies for behavior management and developing structured home environments or communication training so that parents are active participants in promoting the continuity of interventions across all settings;</p> <p>(g) suitable staff-to-student ratio appropriate to identified activities and as needed to achieve</p>	<p>reading and writing media, the IEP Team determines whether instruction in Braille or the use of Braille is appropriate for the child. If Braille is appropriate, CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP provides for instruction in Braille or the use of Braille, as appropriate.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP Team addresses whether each child with a disability needs assistive technology devices and/or services. If the IEP Team determines that a child needs assistive technology devices and/or services, the devices and/or services will be incorporated in the child’s IEP as supplementary aids and services, special education, and/or related services, as appropriate.</p> <p>With respect to students with autism spectrum disorders (ASD), CIMARRON MUNICIPAL SCHOOLS will ensure that the IEP team consider and document its consideration of the 11 strategies, address the strategy or strategies in the IEP when needed to provide a FAPE. The NMPED has defined each of the strategies in a document titled, “IEP Considerations for Students with Autism Spectrum Disorders” available through the NMPED website. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the NMPED definitions document.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that promotion and retention decisions affecting a student enrolled in special education are made in accordance with the provisions of the IEP established for that student.</p> <p>IDEA does not require an agreement between the parent and CIMARRON MUNICIPAL SCHOOLS to amend an IEP without a meeting to be in writing. In addition, the parent is not required to provide consent to amend the IEP without an IEP Team meeting. However, CIMARRON MUNICIPAL SCHOOLS will document the terms of the agreement in writing. Moreover, the</p>
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<p>toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;</p> <p>(B) The results of any reevaluation conducted under § 300.303;</p> <p>(C) Information about the child provided to, or by, the parents, as described under §300.305(a)(2);</p> <p>(D) The child’s anticipated needs; or</p> <p>(E) Other matters.</p> <p>(2) <i>Consideration of special factors.</i> In conducting a review of the child’s IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section.</p> <p>(3) <i>Requirement with respect to regular education teacher.</i> A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.</p> <p>(c) <i>Failure to meet transition objectives—</i></p> <p>(1) <i>Participating agency failure.</i> If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with § 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.</p> <p>(2) <i>Construction.</i> Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would</p>	<p>social or behavioral progress based on the child’s developmental and learning level and that encourages work towards individual independence as determined by, for example:</p> <p>(i) adaptive behavior evaluation results;</p> <p>(ii) behavioral accommodation needs across settings; and</p> <p>(iii) transitions within the school day;</p> <p>(h) communication interventions, including communication modes and functions that enhance effective communication across settings such as augmentative, incidental, and naturalistic teaching;</p> <p>(i) social skills supports and strategies based on social skills assessment or curriculum and provided across settings, including, for example, trained peer facilitators, video modeling, social stories, and role playing;</p> <p>(j) professional educator and staff support, including, for example, training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP; and</p> <p>(k) teaching strategies based on peer reviewed, research-based practices for students with ASD, including, for example, those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, and social skills training.</p> <p>...</p> <p>F. Behavioral management and discipline.</p> <p>(1) Behavioral planning in the IEP. Pursuant to 34 CFR Sec. 324(a)(2)(i), the IEP team for a child with a disability whose behavior impedes his or her learning or that of others shall consider, if appropriate, strategies to address that behavior,</p>	<p>changes to the child’s IEP must be in writing. (See 71 Fed. Reg. 46685 (August 14, 2006)) CIMARRON MUNICIPAL SCHOOLS will provide the parent with prior written notice of the amendments to the IEP. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-10)</p> <p>If the parent needs further information about the proposed amendment to the IEP or believes that a discussion with the IEP Team is necessary before deciding to change the IEP, the parent does not have to agree to CIMARRON MUNICIPAL SCHOOLS’s request to amend the IEP without an IEP Team meeting. Whenever the CIMARRON MUNICIPAL SCHOOLS proposes to amend an IEP without a meeting, CIMARRON MUNICIPAL SCHOOLS will ensure that the parent understands that the parent can choose not to agree, and instead have an IEP Team meeting. (See 71 Fed. Reg. 46685 (August 14, 2006))</p> <p>The IDEA is silent as to which individuals must participate in making changes to the IEP where there is agreement between the parent and the CIMARRON MUNICIPAL SCHOOLS not to convene an IEP Team meeting for the purpose of making the changes. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-9)</p> <p>While IDEA does not specify the manner in which CIMARRON MUNICIPAL SCHOOLS must document that it has ensured that the child’s IEP Team is informed of an amendment to the IEP, CIMARRON MUNICIPAL SCHOOLS will maintain records to show compliance with this program requirement. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-8; see also, 71 Fed. Reg. 46686 (August 14, 2006))</p> <p>After the annual IEP Team meeting has been held for a school year, CIMARRON MUNICIPAL SCHOOLS does permit amendments to the IEP without an IEP Team meeting if the parent and school agree. However, CIMARRON MUNICIPAL SCHOOLS does not permit</p>
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<p>otherwise provide to children with disabilities who meet the eligibility criteria of that agency.</p> <p>(d) <i>Children with disabilities in adult prisons—</i></p> <p>(1) <i>Requirements that do not apply.</i> The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:</p> <p>(i) The requirements contained in section 612(a)(16) of the Act and § 300.320(a)(6) (relating to participation of children with disabilities in general assessments).</p> <p>(ii) The requirements in § 300.320(b) (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.</p> <p>(2) <i>Modifications of IEP or placement.</i></p> <p>(i) Subject to paragraph (d)(2)(ii) of this section, the IEP Team of a child with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.</p> <p>(ii) The requirements of §§ 300.320 (relating to IEPs), and 300.114 (relating to LRE), do not apply with respect to the modifications described in paragraph (d)(2)(i) of this section.</p>	<p>including the development of behavioral goals and objectives and the use of positive behavioral interventions, strategies and supports to be used in pursuit of those goals and objectives. Public agencies are strongly encouraged to conduct functional behavioral assessments (FBAs) and integrate behavioral intervention plans (BIPs) into the IEPs for students who exhibit problem behaviors well before the behaviors result in proposed disciplinary actions for which FBAs and BIPs are required under the federal regulations.</p> <p>...</p> <p>K. Children in detention and correctional facilities</p> <p>...</p> <p>(4) FAPE for eligible students in juvenile or adult detention or correctional facilities shall be made available in programs that are to the security requirements of each facility and eligible suited student. The provisions of 34 CFR Sec. 300.324(d) apply to IEPs for students with disabilities who are convicted as adults under state law and incarcerated in adult prisons.</p> <p>NMSA 1978, § 22-5-4.12 (2017) Use of Restraint and Seclusion; Techniques; Requirements (NMAC 6.11.2.10(E))</p> <p>A. A school may permit the use of restraint or seclusion techniques on any student only if both of the following apply:</p> <p>(1) the student's behavior presents an imminent danger of serious physical harm to the student or others; and</p> <p>(2) less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.</p> <p>B. If a restraint or seclusion technique is used on a student:</p>	<p>amendments without a meeting after the annual IEP Team meeting for the following actions: (1) a change in eligibility; (2) a decision to terminate eligibility for special education services (including through graduation); (3) a change in placement; or (4) a manifestation determination.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that an IEP Team meeting is held within two weeks of each use of restraint or seclusion after the second use within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion as required by NMSA 1978, § 22-5-4.12 (2017) [H.B. 75], Board Policy and the CIMARRON MUNICIPAL SCHOOLS's Safety Plan.</p> <p>In order to ensure timely IEP Team meetings, CIMARRON MUNICIPAL SCHOOLS has systems in place to track timelines for the initial IEP Team meeting and the annual IEP Team meeting. CIMARRON MUNICIPAL SCHOOLS will begin its planning and preparation for an IEP Team meeting (including notice to the parent) early enough to ensure a timely meeting.</p>
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<p>(Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(A)(i), 1414(d)(3), (4)(B), and (7); and 1414(e))</p>	<ol style="list-style-type: none"> (1) school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use; (2) the restraint or seclusion technique shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others; (3) the restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees; (4) the restraint technique employed shall not impede the student's ability to breathe or speak; and (5) the restraint technique shall not be out of proportion to the student's age or physical condition. <p>...</p> <p>D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a student. The procedures shall include the following provisions:</p> <ol style="list-style-type: none"> (1) a school employee shall provide the student's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident; (2) within a reasonable time following the incident, a school employee shall provide the student's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use; and 	
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	<p>(3) schools shall review strategies used to address a student's dangerous behavior if use of restraint or seclusion techniques for an individual student has occurred two or more times during any thirty-calendar-day period. The review shall include:</p> <ul style="list-style-type: none"> (a) a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the student requires a functional behavioral assessment; and (b) a meeting of the student's individualized education program team, behavioral intervention plan team or student assistance team within two weeks of each use of restraint or seclusion after the second use within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion. <p>NMSA 1978, § 22-2C-6. Remediation programs; promotion policies; restrictions...</p> <p>I. Promotion and retention decisions affecting a student enrolled in special education shall be made in accordance with the provisions of the individual educational plan established for that student.</p>	
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<p>§ 300.325 Private school placements by public agencies.</p>		
<p>(a) <i>Developing IEPs.</i></p> <ul style="list-style-type: none"> (1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child in accordance with §§300.320 and 300.324. (2) The agency must ensure that a representative of 		<p>Even after a private school or facility implements a child's IEP, CIMARRON MUNICIPAL SCHOOLS retains responsibility for compliance with Part B of the Act. (See 71 Fed. Reg. 46687 (August 14, 2006))</p>

<p>the private school or facility attends the meeting. If the representative cannot attend, the agency must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.</p> <p>(b) <i>Reviewing and revising IEPs.</i></p> <p>(1) After a child with a disability enters a private school or facility, any meetings to review and revise the child’s IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.</p> <p>(2) If the private school or facility initiates and conducts these meetings, the public agency must ensure that the parents and an agency representative—</p> <p style="padding-left: 40px;">(i) Are involved in any decision about the child’s IEP; and</p> <p style="padding-left: 40px;">(ii) Agree to any proposed changes in the IEP before those changes are implemented.</p> <p>(c) <i>Responsibility.</i> Even if a private school or facility implements a child’s IEP, responsibility for compliance with this part remains with the public agency and the SEA.</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(B))</p>		
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<p>§ 300.326 [Reserved]</p>		
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<p>§ 300.327 Educational placements.</p>		
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<p>Consistent with § 300.501(c), each public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.</p> <p>(Authority: 20 U.S.C. 1414(e))</p>		<p>In New Mexico, the IEP Team is the group that makes decisions on the educational placement of a child with disabilities under IDEA.</p> <p>CIMARRON MUNICIPAL SCHOOLS will utilize the same process for determining the educational placement for children with low-incidence disabilities (including children who are deaf, hard of hearing, or deaf-blind), as used for determining the educational placement for all children with disabilities. That is, each child’s educational placement will be determined on an individual case-by case basis depending on each child’s unique educational needs and circumstances, rather than by the child’s category of disability, and will be based on the child’s IEP. (See 71 Fed. Reg. 46586 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not consider maintaining a child’s placement in an educational program that is substantially and materially similar to the former placement to be a change in placement. (See 71 Fed. Reg. 46588-89 (August 14, 2006))</p> <p>A parent will be given prior written notice within a reasonable time before CIMARRON MUNICIPAL SCHOOLS implements a proposal or refusal to initiate or change the identification, evaluation or education placement of the child, or the provision of a FAPE to the child. (See 71 Fed. Reg. 46588(August 14, 2006))</p>
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<p>§ 300.328 Alternative means of meeting participation.</p> <p>When conducting IEP Team meetings and placement meetings pursuant to this subpart, and subpart E of this part, and carrying out administrative matters under section 615 of the Act (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a public agency may agree to use alternative</p>		<p>CIMARRON MUNICIPAL SCHOOLS may utilize electronic mail as an alternative means of meeting participation. (See 71 Fed. Reg. 4658 (August 14, 2006))</p>
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<p>means of meeting participation, such as video conferences and conference calls.</p> <p>(Authority: 20 U.S.C. 1414(f))</p>		<p>If CIMARRON MUNICIPAL SCHOOLS incurs costs as a result of using an alternative means of meeting participation so the parents may participate, CIMARRON MUNICIPAL SCHOOLS is responsible for all the costs. (See 71 Fed. Reg. 46587 (August 14, 2006))</p>
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SUBPART E—PROCEDURAL SAFEGUARDS

DUE PROCESS PROCEDURES FOR PARENTS AND CHILDREN

§ 300.500 Responsibility of SEA and other public agencies.

<p>Each SEA must ensure that each public agency establishes, maintains, and implements procedural safeguards that meet the requirements of §§ 300.500 through 300.536.</p> <p>(Authority: 20 U.S.C. 1415(a))</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>A. General responsibilities of public agencies. Each public agency shall establish, implement and maintain procedural safeguards that meet the requirements of 34 CFR Secs. 300.500-300.536, and all other applicable requirements of these or other department rules and standards.</p>	<p>CIMARRON MUNICIPAL SCHOOLS understands the importance that the IDEA places on procedural safeguards, and assures that it has established through its policies and procedures a system of procedural safeguards, and that its system is being implemented and maintained through monitoring and training.</p>
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§ 300.501 Opportunity to examine records; parent participation in meetings.

<p>(a) <i>Opportunity to examine records.</i> The parents of a child with a disability must be afforded, in accordance with the procedures of §§ 300.613 through 300.621, an opportunity to inspect and review all education records with respect to—</p> <p>(1) The identification, evaluation, and educational placement of the child; and</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>B. Examination of records. Each public agency shall afford the parents of a child with a disability an opportunity to inspect and review all education records related to the child in compliance with 34 CFR Secs. 300.501(a), 300.613-300.620, 34 CFR Part 99, and any</p>	<p>CIMARRON MUNICIPAL SCHOOLS assures that parents are afforded the opportunity to inspect and review records and participate in meetings.</p>
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<p>(2) The provision of FAPE to the child.</p> <p>(b) <i>Parent participation in meetings.</i></p> <p>(1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—</p> <p style="padding-left: 40px;">(i) The identification, evaluation, and educational placement of the child; and</p> <p style="padding-left: 40px;">(ii) The provision of FAPE to the child.</p> <p>(2) Each public agency must provide notice consistent with § 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.</p> <p>(3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.</p> <p>(c) <i>Parent involvement in placement decisions.</i></p> <p>(1) Each public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.</p> <p>(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency must use procedures consistent with the procedures described in §300.322(a) through (b)(1).</p>	<p>other applicable requirements of these or other department rules and standards.</p> <p>C. Parent and student participation in meetings. Each public agency shall afford the parents of a child with a disability and, as appropriate, the child, an opportunity to participate in meetings with respect to the identification, evaluation and educational placement or the provision of FAPE to the child, in compliance with 34 CFR Secs. 300.322, 300.501(b) and (c), and any other applicable requirements of these or other department rules and standards.</p> <p>D. Notice requirements.</p> <p>(1) Notice of meetings. Each public agency shall provide the parents of a child with a disability with advance written notice that complies with 34 CFR Sec. 300.322 for IEP meetings and any other meetings in which the parent has a right to participate pursuant to 34 CFR Sec. 300.501.</p>	
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<p>(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.</p> <p>(4) A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent’s participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement.</p> <p>(Authority: 20 U.S.C. 1414(e), 1415(b)(1))</p>		
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<p><u>§ 300.502 Independent educational evaluation.</u></p> <p>(a) <i>General.</i></p> <p>(1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.</p> <p>(2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.</p> <p>(3) For the purposes of this subpart—</p> <p>(i) <i>Independent educational evaluation</i> means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the</p>	<p>6.31.2.10 NMAC. IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:</p> <p>D. Evaluations and Reevaluations.</p> <p>...</p> <p>(2) Reevaluations</p> <p>...</p> <p>(f) The parents of a child with a disability who disagree with an evaluation obtained by the public agency have the right to obtain an independent educational evaluation of the child at public expense pursuant to 34 CFR Sec. 300.502.</p>	<p>The IEP Team will consider any IEE, whether paid for privately by the parent, or publicly by CIMARRON MUNICIPAL SCHOOLS, that meets CIMARRON MUNICIPAL SCHOOLS’s criteria.</p> <p>A parent may request an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense if the parent disagrees with an evaluation obtained by CIMARRON MUNICIPAL SCHOOLS. When a parent requests an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense, the CIMARRON MUNICIPAL SCHOOLS must, without unnecessary delay, either initiate a due process hearing to show that its evaluation is appropriate; or ensure that an IEE is provided at CIMARRON MUNICIPAL SCHOOLS’s expense, unless the CIMARRON MUNICIPAL SCHOOLS demonstrates at a hearing that the evaluation obtained by the parent did not meet district criteria.</p> <p>Only one IEE may be reimbursed for each evaluation obtained by CIMARRON MUNICIPAL SCHOOLS.</p>
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<p>education of the child in question; and</p> <p>(ii) <i>Public expense</i> 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 §300.103.</p> <p>(b) <i>Parent right to evaluation at public expense.</i></p> <p>(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.</p> <p>(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—</p> <p>(i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or</p> <p>(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.</p> <p>(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency’s evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.</p> <p>(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent’s reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an</p>		<p>This would include the three-year reevaluation or reevaluations conducted more frequently. If CIMARRON MUNICIPAL SCHOOLS has not conducted an evaluation, the parent does not have a right to an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense. If the parent requests an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense prior to the completion of the CIMARRON MUNICIPAL SCHOOLS’s evaluation, the CIMARRON MUNICIPAL SCHOOLS may deny the request without initiating a due process hearing. (See OSEP Letter to Zirkel (2008))</p> <p>When CIMARRON MUNICIPAL SCHOOLS conducts an evaluation and a parent disagrees with the evaluation because a child was not assessed in a particular area, the parent has the right to request an IEE to assess the child in that area to determine whether the child has a disability and the nature and extent of the special education and related services that child needs. (See OSEP Letter to Baus (2015))</p> <p>The right of a parent to obtain an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense is triggered if the parent disagrees with a CIMARRON MUNICIPAL SCHOOLS initiated evaluation. Therefore, if a parent refuses to consent to a proposed CIMARRON MUNICIPAL SCHOOLS’s evaluation, then an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense would not be available since there would be no CIMARRON MUNICIPAL SCHOOLS evaluation with which the parent can disagree.</p> <p>The CIMARRON MUNICIPAL SCHOOLS may ask but may not require the parent to state the reasons for the disagreement. A hearing officer or a court may find that there was no underlying disagreement with the evaluation, and therefore the parent is not entitled to an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense.</p>
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<p>explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.</p> <p>(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.</p> <p>(c) <i>Parent-initiated evaluations.</i> If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—</p> <p>(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and</p> <p>(2) May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.</p> <p>(d) <i>Requests for evaluations by hearing officers.</i> If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.</p> <p>(e) <i>Agency criteria.</i></p> <p>(1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent’s right to an independent educational evaluation.</p>		<p>CIMARRON MUNICIPAL SCHOOLS will notify the parent within a reasonable time of its decision to either pay for the IEE or request a due process hearing.</p> <p>Parents are encouraged to contact the Special Education Director prior to obtaining an IEE to obtain approval and assistance in ensuring that the criteria are met. Parents may also make their request known by informing the IEP Team in an IEP Team meeting. CIMARRON MUNICIPAL SCHOOLS’s representative of the IEP Team should promptly notify the Special Education Director of the parent’s request. Parents who obtain an IEE and later seek reimbursement risk a finding by a hearing officer that the IEE did not meet CIMARRON MUNICIPAL SCHOOLS criteria, and therefore, does not have to be reimbursed by CIMARRON MUNICIPAL SCHOOLS.</p> <p>Upon request for an IEE, CIMARRON MUNICIPAL SCHOOLS will provide to the parent information on where an IEE may be obtained (list of qualified evaluators). However, the list may not be exhaustive. Therefore, parents are free to select whomever they choose to perform the IEE so long as the evaluator meets the CIMARRON MUNICIPAL SCHOOLS’s criteria.</p> <p>The criteria for obtaining an IEE at CIMARRON MUNICIPAL SCHOOLS’s expense, including the location of the evaluation and the qualifications of the examiner, are the same criteria that CIMARRON MUNICIPAL SCHOOLS uses when it conducts its own evaluation. The following constitute the CIMARRON MUNICIPAL SCHOOLS’s criteria which must be followed:</p> <p><u>The Evaluator</u></p> <p>(1) The evaluator conducting an IEE of a child with a disability at public expense must be located within a 100-mile radius of the District.</p> <p>(2) Evaluators must possess current NM licensure/certification. The components of an evaluation must be administered, reviewed, and/or</p>
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<p>(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.</p> <p>(Authority: 20 U.S.C. 1415(b)(1) and (d)(2)(A))</p>		<p>gathered by personnel licensed by the State of New Mexico and/or the NMPED to complete or collect each of the components respectively. For instance, individualized assessments of cognitive/intellectual ability must be administered by NMPED-licensed Educational Diagnosticians or New Mexico-licensed Psychologists. (See 71 Fed. Reg. 46689 (August 14, 2006))</p> <p>(3) Evaluators must be trained and qualified to administer the specific tests and other evaluation materials in conformance with the instructions provided by the producer.</p> <p><u>The Evaluation</u></p> <p>(1) Evaluations must comply with all requirements specified in State and federal law.</p> <p>(2) The evaluation must be completed a reasonable time after CIMARRON MUNICIPAL SCHOOLS approves the IEE.</p> <p>(3) The content of the evaluation report must comply with all requirements of State and federal law, board policy, and these administrative procedures (using the CIMARRON MUNICIPAL SCHOOLS's format or alternatively the New Mexico T.E.A.M. format for evaluation, or containing the same information).</p> <p>(4) The independent evaluator is requested to furnish a typed evaluation report to the CIMARRON MUNICIPAL SCHOOLS in advance of the IEP Team meeting at which the report will be considered by the student's IEP Team.</p> <p>(5) The report must include an original signature, title of all evaluation personnel involved in the evaluation, and licensure(s)/certification(s) of each evaluator, including license/certification number(s).</p> <p>(6) Protocols must be available for review.</p> <p><u>The Cost</u></p> <p>(1) CIMARRON MUNICIPAL SCHOOLS will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.</p> <p>(2) CIMARRON MUNICIPAL SCHOOLS will not pay unreasonably excessive fees. An unreasonably excessive fee is one that is three percent above the</p>
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		<p>prevailing rate in the area for the specific test or type of evaluation</p> <p>(3) When service providers have a sliding scale fee based on parent income, CIMARRON MUNICIPAL SCHOOLS will pay the amount charged to the parent.</p> <p>(4) Reimbursement rates for travel costs for examiners will not exceed CIMARRON MUNICIPAL SCHOOLS's rates for travel as established by CIMARRON MUNICIPAL SCHOOLS policy or guidelines. CIMARRON MUNICIPAL SCHOOLS will not cash advance any travel costs.</p> <p><u>Steps to be followed by Parents Requesting an IEE at Public Expense and Obtaining Direct Payment or Reimbursement</u></p> <p>Parents obtaining an IEE without following CIMARRON MUNICIPAL SCHOOLS's criteria risk non-payment. The following steps are designed to ensure an IEE that meets CIMARRON MUNICIPAL SCHOOLS's criteria and safeguard against non-payment.</p> <p>(1) Parents are encouraged to provide the name and address of the evaluator in advance of the IEE to enable the CIMARRON MUNICIPAL SCHOOLS to check the evaluator's certification/licensure and contract directly with the evaluator.</p> <p>(2) If the parent selects an evaluator that is not on CIMARRON MUNICIPAL SCHOOLS's list of qualified evaluators, the parent is encouraged to submit the name and vitae of the evaluator to the Special Education Director in advance of obtaining the IEE in order that CIMARRON MUNICIPAL SCHOOLS may notify the parent regarding whether the evaluator is qualified to perform the IEE.</p> <p>(3) Payment will be made directly to the evaluator following receipt of an IEE that meets CIMARRON MUNICIPAL SCHOOLS's criteria.</p> <p>(4) In the event that a parent pursues an IEE without following steps (1)-(3), an original billing statement must be submitted to CIMARRON MUNICIPAL</p>
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		<p>SCHOOLS and all criteria must be met, including the receipt of a written report by the independent evaluator that meets CIMARRON MUNICIPAL SCHOOLS's criteria, prior to direct payment or reimbursement.</p> <p>(5) If a parent believes that an IEE that falls outside of the CIMARRON MUNICIPAL SCHOOLS's criteria is justified by the child's unique circumstances, the parent must request a waiver of the criteria with a description of the unique circumstances that justify an IEE that does not meet CIMARRON MUNICIPAL SCHOOLS's criteria. The CIMARRON MUNICIPAL SCHOOLS will consider any such request.</p> <p>Upon receipt of an IEE that does not meet CIMARRON MUNICIPAL SCHOOLS's criteria including cost criteria, CIMARRON MUNICIPAL SCHOOLS reserves the right to request a due process hearing to demonstrate that the IEE obtained by the parent did not meet CIMARRON MUNICIPAL SCHOOLS's criteria.</p>
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<p>§ 300.503 Prior notice by the public agency; content of notice.</p>		
<p>(a) <i>Notice.</i> Written notice that meets the <i>requirements</i> of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—</p> <ol style="list-style-type: none"> (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. <p>(b) <i>Content of notice.</i> The notice required under <i>paragraph (a)</i> of this section must include—</p>	<p>6.29.1.7 NMAC. DEFINITIONS:</p> <p>BS. "Prior written notice (PWN)" means the written notice that goes to parents from the school district, informing them that the district proposes or refuses to initiate or change the identification, evaluation or educational placement of their child, or the provision of FAPE to the child, and which meets the requirements of 34 CFR, Sections 300.503 and 300.504.</p> <p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>B. Individualized education programs (IEPs).</p>	<p>CIMARRON MUNICIPAL SCHOOLS may refuse to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child, if the CIMARRON MUNICIPAL SCHOOLS provides written notice. This includes situations in which CIMARRON MUNICIPAL SCHOOLS wishes to deny a parent's request for an initial evaluation. The written notice must meet the requirements in § 300.503(b). Thus, for situations in which CIMARRON MUNICIPAL SCHOOLS wishes to deny a parent's request for an initial evaluation, the written notice would provide, among other things, an explanation of why CIMARRON MUNICIPAL SCHOOLS refuses to conduct an initial evaluation and the information that was used to make that decision. A parent may challenge CIMARRON MUNICIPAL</p>

<p>(1) A description of the action proposed or refused by the agency;</p> <p>(2) An explanation of why the agency proposes or refuses to take the action;</p> <p>(3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;</p> <p>(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;</p> <p>(5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;</p> <p>(6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and</p> <p>(7) A description of other factors that are relevant to the agency’s proposal or refusal.</p> <p>(c) <i>Notice in understandable language.</i></p> <p>(1) The notice required under paragraph (a) of this section must be—</p> <p>(i) Written in language understandable to the general public; and</p> <p>(ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.</p> <p>(2) If the native language or other mode of</p>	<p>...</p> <p>(3) Except as provided in 34 CFR Sec. 300.324(a)(4), each IEP shall include the signature and position of each member of the IEP team and other participants in the IEP meeting to document their attendance. Written notice of actions proposed or refused by the public agency shall also be provided in compliance with 34 CFR Sec. 300.503 and Paragraph (2) of Subsection D of 6.31.2.13 NMAC and shall be provided at the close of the IEP meeting. Informed written parental consent must also be obtained for actions for which consent is required under 34 CFR Sec. 300.300 and Subsection F of 6.31.2.13 NMAC. An amended IEP does not take the place of the annual IEP conducted pursuant to CFR Sec. 300.324(a)(4) which requires that members of a child’s IEP team must be informed of any changes made to the IEP without a meeting.</p> <p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>D. Notice requirements.</p> <p>...</p> <p>(2) Notice of agency actions proposed or refused. A public agency must give written notice that meets the requirements of 34 CFR Sec. 300.503 to the parents of a child with a disability a reasonable time before the agency proposes or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child. If the notice relates to a proposed action that also requires parental consent under 34 CFR Sec. 300.300, the agency may give notice at the same time it requests parental consent.</p> <p>...</p> <p>E. Communications in understandable language. Pursuant to 34 CFR Secs. 300.9(a), 300.322(e), 300.503(c) and</p>	<p>SCHOOLS’s refusal to conduct an initial evaluation by requesting a due process hearing. (See 71 Fed. Reg. 46636 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS is required to provide parents with prior written notice a “reasonable time” before CIMARRON MUNICIPAL SCHOOLS proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. CIMARRON MUNICIPAL SCHOOLS will not substitute a specific timeline to clarify what is meant by the requirement that the notice be provided within a reasonable period of time, because there are a wide variety of circumstances for which any one timeline would be too rigid and, in many cases, might prove unworkable. (See 71 Fed. Reg. 46691 (August 14, 2006)) However, CIMARRON MUNICIPAL SCHOOLS will provide a prior written notice at the close of the IEP meeting.</p> <p>CIMARRON MUNICIPAL SCHOOLS does not provide prior written notice in advance of meetings since providing prior written notice in advance of meetings could suggest, in some circumstances, that CIMARRON MUNICIPAL SCHOOLS’s proposal was improperly arrived at before the meeting and without parent input. (See 71 Fed. Reg. 46691 (August 14, 2006))</p> <p>The prior written notice provisions apply even if the IEP is amended without convening an IEP Team meeting. (See § 300.324(a)(4)(i)) CIMARRON MUNICIPAL SCHOOLS will provide the parent with prior written notice of any amendments to the IEP without a meeting. (See OSERS Q/A on IEPs, Evaluations, and Reevaluations (Revised September 2011), Q/A C-10)</p> <p>CIMARRON MUNICIPAL SCHOOLS may provide prior written notice at the same time as parental consent is requested, because parental consent cannot be obtained without the requisite prior written notice. (See 71 Fed. Reg. 46691 (August 14, 2006))</p>
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<p>communication of the parent is not a written language, the public agency must take steps to ensure—</p> <ul style="list-style-type: none"> (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (ii) That the parent understands the content of the notice; and (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met. <p>(Authority: 20 U.S.C. 1415(b)(3) and (4), 1415(c)(1), 1414(b)(1))</p>	<p>300.504(d), each public agency must communicate with parents in understandable language, including the parent’s native language or other mode of communication, unless it is clearly not feasible to do so, if necessary for understanding, in IEP meetings, in written notices and in obtaining consent where consent is required.</p> <p>F. Parental consent.</p> <p>...</p> <p>(6) Pursuant to 34 CFR Sec. 300.300(b)(4), parents may revoke consent for the continued provision of all special education and related services for their child. The revocation of consent must be in writing. After providing prior written notice in accordance with 34 CFR Sec. 300.503, the public agency must cease the provision of special education and related services for that child. The public agency may not use the due process and mediation procedures in Subsection I of 6.31.2.13 NMAC in order to obtain agreement or a ruling that services may be provided to the child. The public agency will not be considered to be in violation of the requirement to make FAPE available to the child once consent has been revoked. The public agency will also not be required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.</p> <p>6.29.1.9 NMAC. PROCEDURAL REQUIREMENTS:</p> <p>K. Graduation requirements.</p> <p>...</p> <p>(13) Graduation requirements for issuance of a conditional certificate of transition for students with an IEP. The development of a program of study and the granting of a diploma, or use of a conditional certificate of transition in the form of a continuing or transition individualized educational program (IEP)</p>	<p>CIMARRON MUNICIPAL SCHOOLS cannot discontinue services following revocation of consent until prior written notice has been provided to the parents. CIMARRON MUNICIPAL SCHOOLS will promptly respond to receipt of written revocation of consent by providing prior written notice to the parents. (See 73 Fed. 73008 (December 1, 2008))</p> <p>Once CIMARRON MUNICIPAL SCHOOLS receives a parent’s written revocation of consent for a child’s receipt of special education and related services, CIMARRON MUNICIPAL SCHOOLS must provide prior written notice to the parent regarding the change in educational placement and services that will result from the revocation of consent. (See 73 Fed. 73008 (December 1, 2008))</p> <p>In the 2004 reauthorization of the IDEA, the Congress required the U.S. Department of Education to develop a model form for prior written notice. The Department has, consistent with the instructions from the Congress, developed a Model Form for Prior Written notice to assist States and school districts in understanding the content that IDEA Part B requires. The form developed by the U.S. Department of Education is available through the U.S. Department of Education’s website.</p> <p>The NMPED has developed a model form for prior written notice of the proposed actions of an IEP Team as part of its guidance document for Developing Quality IEPs (December 2010), available through the NMPED website.</p> <p>CIMARRON MUNICIPAL SCHOOLS will provide prior written notice of the proposed actions of an IEP Team following the IEP Team meeting, and will also provide prior written notice as required by the IDEA including whenever the CIMARRON MUNICIPAL SCHOOLS proposes or refuses to evaluate a student. CIMARRON MUNICIPAL SCHOOLS is not required to use the format or specific language reflected in the U.S. Department of Education model form for prior</p>
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	<p>for students receiving special education services, includes the following governing principles:</p> <p>...</p> <p>(g) To establish a level of proficiency on the current graduation examination or the state-approved alternate assessment for students on a career readiness program of study or ability program of study, IEP teams shall review the student's performance on the first attempt, and establish a targeted proficiency on all sections that are below the state's minimum requirement. For those students who meet participation criteria for the New Mexico alternate assessment, IEP teams shall set targeted levels of proficiency based upon previous performance on the test. If the student has previously been administered the New Mexico alternate assessment and has achieved an advanced level of overall performance, the IEP team shall arrange for the student to participate in the general graduation examination, and shall identify appropriate accommodations that the student may require. IEP teams shall document the targeted levels of proficiency on the IEP and the PWN, outlining the plan of action to be taken by both the student and the district or charter school to ensure that the student will meet the targeted levels of proficiency. Districts or charter schools may submit a written request for a waiver to the secretary in cases where a student has medical or mental health issues that may result in regression or that negatively influence the student's ability to achieve targeted levels of proficiency. The written request shall be signed by the superintendent or charter school administrator and shall include documentation of the medical or mental health issues.</p>	<p>written notice; however the prior written notice provided to the parent by CIMARRON MUNICIPAL SCHOOLS will be consistent with the IDEA and sufficient to meet its requirements.</p> <p>CIMARRON MUNICIPAL SCHOOLS may use the IEP as part of the prior written notice so long as the document(s) the parent receives meet all the requirements in § 300.503. (See 71 Fed. Reg. 46691 (August 14, 2006))</p>
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<p>§ 300.504 Procedural safeguards notice.</p> <p>(a) <i>General.</i> A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents—</p> <ol style="list-style-type: none"> (1) Upon initial referral or parent request for evaluation; (2) Upon receipt of the first State complaint under §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year; (3) In accordance with the discipline procedures in §300.530(h); and (4) Upon request by a parent. <p>(b) <i>Internet Web site.</i> A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.</p> <p>(c) <i>Contents.</i> The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under § 300.148, §§ 300.151 through 300.153, § 300.300, §§300.502 through 300.503, §§ 300.505 through 300.518, §300.520, §§ 300.530 through 300.536 and §§ 300.610 through 300.625 relating to—</p> <ol style="list-style-type: none"> (1) Independent educational evaluations; (2) Prior written notice; 	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>D. Notice requirements.</p> <p>...</p> <p>(3) Notice of procedural safeguards. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, only one time a school year, except that a copy must be given to the parents, (a) upon initial referral for evaluation; (b) upon receipt of the first state complaint under 34 CFR Secs. 300.151-300.153; (c) upon receipt of the first due process complaint under 34 CFR Sec. 300.507 of the school year; (d) in accordance with the discipline procedures in 34 CFR Sec. 300.530(h); and (e) upon request of the parents. The notice must meet all requirements of 34 CFR Sec. 300.504, including the requirement to inform the parents of their obligation under 34 CFR Sec. 300.148 to notify the public agency if they intend to enroll the child in a private school or facility and seek reimbursement from the public agency. A public agency may place a current copy of the procedural safeguards notice on its internet website if a website exists.</p> <p>E. Communications in understandable language. Pursuant to 34 CFR Secs. 300.9(a), 300.322(e), 300.503(c) and 300.504(d), each public agency must communicate with parents in understandable language, including the parent’s native language or other mode of communication, unless it is clearly not feasible to do so, if necessary for understanding, in IEP meetings, in written notices and in obtaining consent where consent is required.</p>	<p>CIMARRON MUNICIPAL SCHOOLS provides parents with a copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice, in English, Spanish or Navajo, as appropriate, at least one time per year and as required by 34 C.F.R. § 300.504.</p> <p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English Version), Derechos De Padre Y Nino En Educacion Especial Aviso Sobre Procedimientos De Proteccion (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and Child rights in Special Education Procedurals Safeguards Notice (Russian) are available through the NMPED.</p>
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<ul style="list-style-type: none"> (3) Parental consent; (4) Access to education records; (5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including— <ul style="list-style-type: none"> (i) The time period in which to file a complaint; (ii) The opportunity for the agency to resolve the complaint; and (iii) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures; (6) The availability of mediation; (7) The child's placement during the pendency of any due process complaint; (8) Procedures for students who are subject to placement in an interim alternative educational setting; (9) Requirements for unilateral placement by parents of children in private schools at public expense; (10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations; (11) State-level appeals (if applicable in the State); (12) Civil actions, including the time period in which to file those actions; and 		
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<p>(13) Attorneys' fees.</p> <p>(d) <i>Notice in understandable language.</i> The notice required under paragraph (a) of this section must meet the requirements of § 300.503(c).</p> <p>(Authority: 20 U.S.C. 1415(d))</p>		
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<p>§ 300.505 Electronic mail.</p> <p>A parent of a child with a disability may elect to receive notices required by §§ 300.503, 300.504, and 300.508 by an electronic mail communication, if the public agency makes that option available.</p> <p>(Authority: 20 U.S.C. 1415(n))</p>		<p>CIMARRON MUNICIPAL SCHOOLS does make available to parents the option of receiving notices by electronic mail. Parents who wish to receive notices through electronic mail should contact the Director of Special Education in writing.</p>
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<p>§ 300.506 Mediation.</p> <p>(a) <i>General.</i> Each public agency must ensure that procedures are established and implemented to allow parties to disputes involving any matter under this part, including matters arising prior to the filing of a due process complaint, to resolve disputes through a mediation process.</p> <p>(b) <i>Requirements.</i> The procedures must meet the following requirements:</p> <p>(1) The procedures must ensure that the mediation process—</p> <p>(i) Is voluntary on the part of the parties;</p> <p>(ii) Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other</p>		<p>CIMARRON MUNICIPAL SCHOOLS encourages mediation as a form of dispute resolution. A party can request mediation by complaint the NMPED Alternative Dispute Resolution Request Form, available in English and Spanish through the NMPED website.</p>
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<p>rights afforded under Part B of the Act; and</p> <p>(iii) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.</p> <p>(2) A public agency may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party—</p> <p>(i) Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State established under section 671 or 672 of the Act; and</p> <p>(ii) Who would explain the benefits of, and encourage the use of, the mediation process to the parents.</p> <p>(3)</p> <p>(i) The State must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.</p> <p>(ii) The SEA must select mediators on a random, rotational, or other impartial basis.</p> <p>(4) The State must bear the cost of the mediation process, including the costs of meetings described in paragraph (b)(2) of this section.</p> <p>(5) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to</p>		
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<p>the dispute.</p> <p>(6) If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that—</p> <p>(i) States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and</p> <p>(ii) Is signed by both the parent and a representative of the agency who has the authority to bind such agency.</p> <p>(7) A written, signed mediation agreement under this paragraph is enforceable in any State court of competent jurisdiction or in a district court of the United States. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under this part.</p> <p>(c) <i>Impartiality of mediator.</i></p> <p>(1) An individual who serves as a mediator under this part—</p> <p>(i) May not be an employee of the SEA or the LEA that is involved in the education or care of the child; and</p> <p>(ii) Must not have a personal or professional interest that conflicts with the person’s objectivity.</p> <p>(2) A person who otherwise qualifies as a mediator is not an employee of an LEA or State agency described under § 300.228 solely because he</p>		
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<p>or she is paid by the agency to serve as a mediator. (Authority: 20 U.S.C. 1415(e))</p>		
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<p><u>Due Process Hearings in General.</u> (Not in Federal Regulations; see New Mexico Rules)</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due process hearings.</p> <p>(1) Scope. This Subsection I of 6.31.2.13 NMAC establishes procedures governing impartial due process hearings for the following types of cases:</p> <p>(a) requests for due process in IDEA cases governed by 34 CFR Secs. 300.506-300.518 and 300.530-300.532; and</p> <p>(b) claims for gifted services.</p> <p>(2) Definitions. In addition to terms defined in 34 CFR Part 300 and 6.31.2.7 NMAC, the following definitions apply to this Subsection I of 6.31.2.13 NMAC.</p> <p>(a) "Expedited hearing" means a hearing that is available on request by a parent or a public agency under 34 CFR Secs. 300.532(c) and is subject to the requirements of 34 CFR Sec. 300.532(c).</p> <p>(b) "Gifted services" means special education services to gifted children as defined in Subsection A of 6.31.2.12 NMAC.</p> <p>(c) "Transmit" means to mail, send by electronic mail or telecopier (facsimile machine) or hand deliver a written notice or other document and</p>	
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	<p>obtain written proof of delivery by one of the following means:</p> <ul style="list-style-type: none"> (i) an electronic mail system's confirmation of a completed transmission to an e-mail address that is shown to be valid for the individual to whom the transmission was sent; (ii) a telecopier machine's confirmation of a completed transmission to a number which is shown to be valid for the individual to whom the transmission was sent; (iii) a receipt from a commercial or government carrier showing to whom the article was delivered and the date of delivery; (iv) a written receipt signed by the secretary of education or designee showing to whom the article was hand-delivered and the date delivered; or (v) a due process final decision to any party not represented by counsel in a due process hearing by the U.S. postal service, certified mail, return receipt requested, showing to whom the articles was delivered and the date of delivery. <p>...</p> <p>(21) Rule of construction. Nothing in this Subsection I shall be construed to affect the right of a parent to file a complaint with the SEB of the department, as described under Subsection H of 6.31.2.13 NMAC.</p> <p>...</p> <p>M. Computation of time.</p> <ul style="list-style-type: none"> (1) In computing any period of time prescribed or allowed by 6.31.2.13 NMAC, the day of the act, event or default from which the designated period of 	
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	<p>time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday or a legal holiday in which case the last day shall be the next business day. As used in this rule, "legal holiday" includes any day designated as a state holiday.</p> <p>(2) Notwithstanding Paragraph (1) of this subsection, if the due date of a decision referenced in Subsection H of 6.31.2.13 NMAC falls on a Saturday, a Sunday or a legal holiday, the decision will be due on the previous business day.</p> <p>(3) Notwithstanding Paragraph (1) of this subsection, if the due date of a decision referenced in Subsection I of 6.31.2.13 NMAC falls on a Saturday, a Sunday or a legal holiday, the decision must be mailed no later than the actual due date. A decision is considered "mailed" when addressed, stamped and placed in a United States postal service mailbox. If a parent exercises the option of receiving the decision electronically, the decision is "mailed" when transmitted electronically.</p>	
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<p>§ 300.507 Filing a due process complaint.</p>		
<p>(a) <i>General.</i></p> <p>(1) A parent or a public agency may file a due process complaint on any of the matters described in §300.503(a)(1) and (2) (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child).</p> <p>(2) The due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint, or, if the State has an explicit time</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(3) Bases for requesting hearing. A parent or public agency may initiate an impartial due process hearing on the following matters:</p> <p>(a) the public agency proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child;</p>	<p>Upon receipt of a request for a due process hearing filed by a parent, CIMARRON MUNICIPAL SCHOOLS will provide the parent with a copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice, in English, Spanish or Navajo, as appropriate. The Parent and Child Rights in Special Education Procedural Safeguards Notice informs parents that the request for due process hearing must be filed within two years of the date that the parent knew or should have known about the problem. The Notice also informs the parent of any free or low-cost legal and other relevant services available in the area.</p> <p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English)</p>

<p>limitation for filing a due process complaint under this part, in the time allowed by that State law, except that the exceptions to the timeline described in § 300.511(f) apply to the timeline in this section.</p> <p>(b) <i>Information for parents.</i> The public agency must inform the parent of any free or low-cost legal and other relevant services available in the area if—</p> <ol style="list-style-type: none"> (1) The parent requests the information; or (2) The parent or the agency files a due process complaint under this section. <p>(Authority: 20 U.S.C. 1415(b)(6))</p>	<p>(b) the public agency refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child;</p> <p>(c) the public agency proposes or refuses to initiate or change the identification, evaluation or educational placement of, or services to, a child who needs or may need gifted services;</p> <p>...</p> <p>(11) Withdrawal of request for hearing. A party may unilaterally withdraw a request for due process at any time before a decision is issued. A written withdrawal that is transmitted to the hearing officer, and the other party at least two business days before a scheduled hearing, shall be without prejudice to the party's right to file a later request on the same claims, which shall ordinarily be assigned to the same hearing officer. A withdrawal that is transmitted or communicated within two business days of the scheduled hearing shall ordinarily be with prejudice to the party's right to file a later request on the same claims unless the hearing officer orders otherwise for good cause shown. A withdrawal that is entered during or after the hearing but before a decision is issued shall be with prejudice. In any event, the hearing officer shall enter an appropriate order of dismissal.</p>	<p>Version), Derechos de los Padres y del/la Niño(a) en la Educación Especial: Su Aviso Interino Sobre Procedimientos De Proteccion (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and Child rights in Special Education Procedurals Safeguards Notice (Russian) are available through the NMPED.</p>
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<p>§ 300.508 Due process complaint.</p> <p>(a) <i>General.</i></p> <p>(1) The public agency must have procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which must remain confidential).</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p>	<p>Upon receipt of a request for a due process hearing filed by a parent, CIMARRON MUNICIPAL SCHOOLS will provide the parent with a copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice, in English, Spanish or Navajo, as appropriate.</p>
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<p>(2) The party filing a due process complaint must forward a copy of the due process complaint to the SEA.</p> <p>(b) <i>Content of complaint.</i> The due process complaint required in paragraph (a)(1) of this section must include—</p> <p>(1) The name of the child;</p> <p>(2) The address of the residence of the child;</p> <p>(3) The name of the school the child is attending;</p> <p>(4) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;</p> <p>(5) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and</p> <p>(6) A proposed resolution of the problem to the extent known and available to the party at the time.</p> <p>(c) <i>Notice required before a hearing on a due process complaint.</i> A party may not have a hearing on a due process complaint until the party, or the attorney representing the party, files a due process complaint that meets the requirements of paragraph (b) of this section.</p> <p>(d) <i>Sufficiency of complaint.</i></p> <p>(1) The due process complaint required by this section must be deemed sufficient unless the party receiving the due process complaint</p>	<p>(5) Request for hearing. A parent requesting a due process hearing shall transmit written notice of the request to the public agency whose actions are in question and to the SEB of the department. A public agency requesting a due process hearing shall transmit written notice of the request to the parent(s) and to the SEB of the department. The written request shall state with specificity the nature of the dispute and shall include:</p> <p>(a) the name of the child;</p> <p>(b) the address of the residence of the child (or available contact information in the case of a homeless child);</p> <p>(c) the name of the school the child is attending;</p> <p>(d) the name of the public agency, if known;</p> <p>(e) the name and address of the party making the request (or available contact information in the case of a homeless party);</p> <p>(f) a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;</p> <p>(g) a proposed resolution of the problem to the extent known and available to the party requesting the hearing at the time;</p> <p>(h) a request for an expedited hearing must also include a statement of facts sufficient to show that a requesting parent or public agency is entitled to an expedited hearing under 34 CFR Secs. 300.532(c) or 20 USC Sec. 1415(k)(3);</p> <p>(i) a request for a hearing must be in writing and signed and dated by the parent or the authorized public agency representative; an oral request</p>	<p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English Version), Derechos de los Padres y del/la Niño(a) en la Educación Especial: Su Aviso Interino Sobre Procedimientos De Protección (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and Child rights in Special Education Procedurals Safeguards Notice (Russian) are available through the NMPED.</p> <p>If the hearing officer determines that the request for due process hearing complaint notice is not sufficient, the hearing officer's decision will identify how the notice is insufficient, so that the filing party can amend the notice, if appropriate. (See 71 Fed. Reg. 46698 (August 14, 2006))</p> <p>If request for due process hearing complaint notice is determined to be insufficient by the hearing officer and is not amended, the complaint could be dismissed. (See 71 Fed. Reg. 46698 (August 14, 2006)) This process ensures that the parties involved understand and agree on the nature of the complaint before the hearing begins. (See 71 Fed. Reg. 46698 (August 14, 2006))</p> <p>The CIMARRON MUNICIPAL SCHOOLS may seek dismissal of a due process hearing if the parent's request for due process hearing complaint notice is insufficient and is not properly or timely remedied through an amendment.</p> <p>It is up to the hearing officer to determine whether a specific complaint is within the allowable timeline, including whether an amended complaint relates to a previous complaint. (See 71 Fed. Reg. 46698 (August 14, 2006))</p> <p>When CIMARRON MUNICIPAL SCHOOLS receives a request for due process hearing, CIMARRON MUNICIPAL SCHOOLS will timely provide the parent with a prior written notice regarding the subject matter contained in the parent's request for due process hearing</p>
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<p>notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process complaint, that the receiving party believes the due process complaint does not meet the requirements in paragraph (b) of this section.</p> <p>(2) Within five days of receipt of notification under paragraph (d)(1) of this section, the hearing officer must make a determination on the face of the due process complaint of whether the due process complaint meets the requirements of paragraph (b) of this section, and must immediately notify the parties in writing of that determination.</p> <p>(3) A party may amend its due process complaint only if—</p> <p>(i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process complaint through a meeting held pursuant to § 300.510; or</p> <p>(ii) The hearing officer grants permission, except that the hearing officer may only grant permission to amend at any time not later than five days before the due process hearing begins.</p> <p>(4) If a party files an amended due process complaint, the timelines for the resolution meeting in § 300.510(a) and the time period to resolve in § 300.510(b) begin again with the filing of the amended due process complaint.</p> <p>(e) <i>LEA response to a due process complaint.</i></p> <p>(1) If the LEA has not sent a prior written notice under §300.503 to the parent regarding the subject matter contained in the parent's due process complaint, the LEA must, within 10</p>	<p>made by a parent who is unable to communicate by writing shall be reduced to writing by the public agency and signed by the parent;</p> <p>(j) a request for hearing filed by or on behalf of a party who is represented by an attorney shall include a sufficient statement authorizing the representation; a written statement on a client's behalf that is signed by an attorney who is subject to discipline by the New Mexico supreme court for a misrepresentation shall constitute a sufficient authorization; and</p> <p>(k) a party may not have a hearing on a due process complaint until the party, or the attorney representing the party, files a due process complaint that meets the requirements of this paragraph.</p> <p>(6) Response to request for hearing.</p> <p>(a) A request for a hearing shall be deemed to be sufficient unless the party receiving the notice of request notifies the hearing officer and the other party in writing that the receiving party believes the request has not met the requirements of Paragraph (5) of Subsection I of 6.31.2.13 NMAC.</p> <p>(b) Public agency response.</p> <p>(i) In general. If the public agency has not sent a prior written notice to the parent regarding the subject matter contained in the parent's due process hearing request, such public agency shall, within 10 days of its receipt of the request, send to the parent a response that meets the requirements of 34 CFR Sec. 300.508(e) and 20 USC Sec. 1415(c)(2)(B)(i). This requirement presents an additional opportunity for parties to clarify and potentially resolve their dispute(s).</p>	<p>complaint notice, if CIMARRON MUNICIPAL SCHOOLS has not already done so. CIMARRON MUNICIPAL SCHOOLS will provide prior written notice even in the event that CIMARRON MUNICIPAL SCHOOLS believes the request for due process hearing complaint notice is insufficient. If CIMARRON MUNICIPAL SCHOOLS believes the request for due process hearing complaint notice is insufficient, CIMARRON MUNICIPAL SCHOOLS will timely notify the hearing officer.</p>
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<p>days of receiving the due process complaint, send to the parent a response that includes—</p> <ul style="list-style-type: none"> (i) An explanation of why the agency proposed or refused to take the action raised in the due process complaint; (ii) A description of other options that the IEP Team considered and the reasons why those options were rejected; (iii) A description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and (iv) A description of the other factors that are relevant to the agency’s proposed or refused action. <p>(2) A response by an LEA under paragraph (e)(1) of this section shall not be construed to preclude the LEA from asserting that the parent’s due process complaint was insufficient, where appropriate.</p> <p>(f) <i>Other party response to a due process complaint.</i> Except as provided in paragraph (e) of this section, the party receiving a due process complaint must, within 10 days of receiving the due process complaint, send to the other party a response that specifically addresses the issues raised in the due process complaint.</p> <p>(Authority: 20 U.S.C. 1415(b)(7), 1415(c)(2))</p>	<ul style="list-style-type: none"> (ii) Sufficiency. A response filed by a public agency pursuant to (i) of Subparagraph (b) of Paragraph (6) shall not be construed to preclude such public agency from asserting that the parent’s due process hearing request was insufficient where appropriate. (c) Other party response. Except as provided in Subparagraph (b) of Paragraph (6) of Subsection I of 6.31.2.13 NMAC above, the non-complaining party shall, within 10 days of its receipt of the request for due process, send to the requesting party a response that specifically addresses the issues raised in the hearing request. This requirement also presents an opportunity to clarify and potentially resolve disputed issues between the parties. (d) A party against whom a due process hearing request is filed shall have a maximum of 15 days after receiving the request to provide written notification to the hearing officer of insufficiency under Subparagraph (a) of Paragraph (6) of Subsection I of 6.31.2.13 NMAC. The 15 day timeline for the public agency to convene a resolution session under Paragraph (8) of Subsection I of 6.31.2.13 NMAC below runs at the same time as the 15 day timeline for filing notice of insufficiency. (e) Determination. Within five days of receipt of a notice of insufficiency under Subparagraph (d) of Paragraph (6) of Subsection I of 6.31.2.13 NMAC above, the hearing officer shall make a determination on the face of the due process request of whether it meets the requirements of Paragraph (5) of Subsection I of 6.31.2.13 NMAC, and shall immediately notify the parties in writing of such determination. (f) Amended due process request. A party may amend its due process request only if: 	
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	<ul style="list-style-type: none"> (i) the other party consents in writing to such amendment and is given the opportunity to resolve the complaint through a meeting held pursuant to Paragraph (8) of Subsection I of 6.31.2.13 NMAC; or (ii) the hearing officer grants permission, except that the hearing officer may only grant such permission at any time not later than 5 days before a due process hearing occurs. (g) Applicable timeline. The applicable timeline for a due process hearing under this part shall recommence at the time the party files an amended notice, including the timeline under Paragraph (8) of Subsection I of 6.31.2.13 NMAC. 	
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<p>§ 300.509 Model forms.</p> <ul style="list-style-type: none"> (a) Each SEA must develop model forms to assist parents and public agencies in filing a due process complaint in accordance with §§ 300.507(a) and 300.508(a) through (c) and to assist parents and other parties in filing a State complaint under §§ 300.151 through 300.153. However, the SEA or LEA may not require the use of the model forms. (b) Parents, public agencies, and other parties may use the appropriate model form described in paragraph (a) of this section, or another form or other document, so long as the form or document that is used meets, as appropriate, the content requirements in § 300.508(b) for filing a due process complaint, or the requirements in § 300.153(b) for filing a State complaint. <p>(Authority: 20 U.S.C. 1415(b)(8))</p>		<p>The NMPED has developed a model Due Process Hearing Request Form for use when filing a due process hearing request, available through the NMPED website.</p>
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<p>§ 300.510 Resolution process.</p> <p>(a) <i>Resolution meeting.</i></p> <p>(1) Within 15 days of receiving notice of the parent’s due process complaint, and prior to the initiation of a due process hearing under § 300.511, the LEA must convene a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint that—</p> <p>(i) Includes a representative of the public agency who has decision-making authority on behalf of that agency; and</p> <p>(ii) May not include an attorney of the LEA unless the parent is accompanied by an attorney.</p> <p>(2) The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the LEA has the opportunity to resolve the dispute that is the basis for the due process complaint.</p> <p>(3) The meeting described in paragraph (a)(1) and (2) of this section need not be held if—</p> <p>(i) The parent and the LEA agree in writing to waive the meeting; or</p> <p>(ii) The parent and the LEA agree to use the mediation process described in §300.506.</p> <p>(4) The parent and the LEA determine the relevant members of the IEP Team to attend the</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due process hearings.</p> <p>...</p> <p>(8) Preliminary meeting.</p> <p>(a) Resolution session. Before the opportunity for an impartial due process hearing under Paragraphs (3) or (4) of Subsection I of 6.31.2.13 NMAC above, the public agency shall convene a resolution session with the parents and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process request, unless the parents and the public agency agree in writing to waive such a meeting, or agree to use the mediation process instead. The resolution session:</p> <p>(i) shall occur within 15 days of the respondent's receipt of a request for due process;</p> <p>(ii) shall include a representative of the public agency who has decision-making authority on behalf of that agency;</p> <p>(iii) may not include an attorney of the public agency unless the parent is accompanied by an attorney; and</p> <p>(iv) shall provide an opportunity for the parents of the child and the public agency to discuss the disputed issue(s) and the facts</p>	<p>Upon receipt of a request for a due process hearing filed by a parent, CIMARRON MUNICIPAL SCHOOLS will provide the parent with a copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice, in English, Spanish or Navajo, as appropriate. The Parent and Child Rights in Special Education Procedural Safeguards Notice informs parents of the requirement of a resolution session.</p> <p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English Version), Derechos de los Padres y del/la Niño(a) en la Educación Especial: Su Aviso Interino Sobre Procedimientos De Proteccion (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and Child rights in Special Education Procedurals Safeguards Notice (Russian) are available through the NMPED.</p> <p>CIMARRON MUNICIPAL SCHOOLS will contact the parent to arrange a resolution meeting within the required timeframe, unless the parties agree in writing to waive the resolution meeting. CIMARRON MUNICIPAL SCHOOLS and the parent may alternatively agree to participate in mediation. CIMARRON MUNICIPAL SCHOOLS may seek dismissal of the due process hearing complaint if the parent refuses to participate in a resolution meeting and CIMARRON MUNICIPAL SCHOOLS has not agreed to waive the resolution meeting.</p> <p>If the parties do not waive the resolution meeting, CIMARRON MUNICIPAL SCHOOLS will contact the parent to arrange the meeting soon after the due process complaint is received in order to ensure that the resolution meeting is held within 15 days. However, it</p>

<p>meeting.</p> <p>(b) <i>Resolution period.</i></p> <p>(1) If the LEA has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.</p> <p>(2) Except as provided in paragraph (c) of this section, the timeline for issuing a final decision under § 300.515 begins at the expiration of this 30-day period.</p> <p>(3) Except where the parties have jointly agreed to waive the resolution process or to use mediation, notwithstanding paragraphs (b)(1) and (2) of this section, the failure of the parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.</p> <p>(4) If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in § 300.322(d)), the LEA may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.</p> <p>(5) If the LEA fails to hold the resolution meeting specified in paragraph (a) of this section within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.</p> <p>(c) <i>Adjustments to 30-day resolution period.</i> The 45-day timeline for the due process hearing in § 300.515(a) starts the day after one of the following</p>	<p>that form the basis of the dispute, in order to attempt to resolve the dispute;</p> <p>(v) if the parties desire to have their discussions in the resolution session remain confidential, they may agree in writing to maintain the confidentiality of all discussions and that such discussions cannot later be used as evidence in the due process hearing or any other proceeding; and</p> <p>(vi) if an agreement is reached following a resolution session, the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the agency who has the authority to bind that agency, and which is enforceable in any state court of competent jurisdiction or in a district court of the United States; if the parties execute an agreement pursuant to a resolution session, a party may void this agreement within three business days of the agreement's execution; further, if the resolution session participants reach agreement on any IEP-related matters, the binding agreement must state that the public agency will subsequently convene an IEP meeting to inform the student's service providers of their responsibilities under that agreement, and revise the student's IEP accordingly.</p> <p>(b) FIEP meeting; mediation. Parties to a due process hearing may choose to convene a FIEP meeting or mediation instead of a resolution session. To do so, the party filing the request for the hearing must (and the responding party may) notify the hearing officer in writing within one business day of the parties' decision to jointly request one of these options. A FIEP meeting or mediation shall be completed not later than 14 days after the assignment of the IEP facilitator or mediator by the SEB, unless,</p>	<p>is not necessary to notify the parent within five days of receiving a due process complaint about CIMARRON MUNICIPAL SCHOOLS's intention to convene or waive the resolution meeting. (See 71 Fed. Reg. 46700 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will act cooperatively with the parents in determining who will attend the resolution meeting, as a resolution meeting is unlikely to result in any resolution of the dispute if the parties cannot agree on who should attend. CIMARRON MUNICIPAL SCHOOLS understands that the resolution process offers a valuable chance to resolve disputes before expending what can be considerable time and money in due process hearings. (See 71 Fed. Reg. 46701 (August 14, 2006))</p> <p>In situations where CIMARRON MUNICIPAL SCHOOLS convenes a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint, and the parent fails to participate in the resolution meeting, CIMARRON MUNICIPAL SCHOOLS will continue to make diligent efforts throughout the remainder of the 30-day resolution period to convince the parent to participate in the resolution meeting. If, however, at the end of the 30-day resolution period, CIMARRON MUNICIPAL SCHOOLS is still unable to convince the parent to participate in the resolution meeting, CIMARRON MUNICIPAL SCHOOLS may seek intervention by a hearing officer to dismiss the complaint. (See 71 Fed. Reg. 46702 (August 14, 2006))</p>
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<p>events:</p> <p>(1) Both parties agree in writing to waive the resolution meeting;</p> <p>(2) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;</p> <p>(3) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process.</p> <p>(d) <i>Written settlement agreement.</i> If a resolution to the dispute is reached at the meeting described in paragraphs (a)(1) and (2) of this section, the parties must execute a legally binding agreement that is—</p> <p>(1) Signed by both the parent and a representative of the agency who has the authority to bind the agency; and</p> <p>(2) Enforceable in any State court of competent jurisdiction or in a district court of the United States, or, by the SEA, if the State has other mechanisms or procedures that permit parties to seek enforcement of resolution agreements, pursuant to § 300.537.</p> <p>(e) <i>Agreement review period.</i> If the parties execute an agreement pursuant to paragraph (c) of this section, a party may void the agreement within 3 business days of the agreement's execution.</p> <p>(Authority: 20 U.S.C. 1415(f)(1)(B))</p>	<p>upon joint request by the parties, an extension is granted by the hearing officer. Each session in the FIEP or mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the hearing. The requirements for mediation, as set forth at Subparagraph (c) of Paragraph (3) of Subsection H of 6.31.2.13 NMAC, apply to mediation in this context, as well.</p> <p>(c) Applicable timelines.</p> <p>(i) If the parties agree to convene a resolution session, the applicable timelines for the due process hearing shall be suspended for up to 30 days from the date the due process request was received by the SEB (except in the case of an expedited hearing), and the meeting shall proceed according to the requirements set forth under Subparagraph (a) of Paragraph (8) of Subsection I of 6.31.2.13 NMAC above.</p> <p>(ii) If the parties agree to convene a FIEP meeting or mediation, the public agency shall contact the person or entity identified by the SEB to arrange for mediation or a FIEP meeting, as appropriate. Except for expedited hearings, the parties to the FIEP meeting or mediation process may jointly request that the hearing officer grant a specific extension of time for the prehearing conference and for completion of the hearing beyond the 45 day period for issuance of the hearing decision. The hearing officer may grant such extensions in a regular case but may not exceed the 20 school day deadline in an expedited case.</p> <p>(iii) If the parties agree to waive all preliminary meeting options and proceed with the due process hearing, the hearing officer shall send written notification to the parties that the applicable timelines for the due process</p>	
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	<p>hearing procedure shall commence as of the date of that notice. The hearing officer shall thereafter proceed with the prehearing procedures, as set forth under Paragraph (12) of Subsection I of 6.31.2.13 NMAC.</p> <p>(d) Resolution. Upon resolution of the dispute, the party who requested the due process hearing shall transmit a written notice informing the hearing officer and the SEB that the matter has been resolved and withdrawing the request for hearing. The hearing officer shall transmit an appropriate order of dismissal to the parties and the SEB.</p> <p>(e) Hearing. If the parties convene a resolution session and they have not resolved the disputed issue(s) within 30 days of the receipt of the due process request by the SEB in a non-expedited case, the public agency shall (and the parents may) notify the hearing officer in writing within one business day of reaching this outcome. The hearing officer shall then promptly notify the parties in writing that the due process hearing shall proceed and all applicable timelines for a hearing under this part shall commence as of the date of such notice.</p> <p>(f) Further adjustments to the timelines may be made as provided in 34 CFR Sec. 300.510(b) and (c).</p> <p>(g) The resolution of disputes by mutual agreement is strongly encouraged and nothing in these rules shall be interpreted as prohibiting the parties from engaging in settlement discussions at any time before, during or after an ADR meeting, a due process hearing or a civil action.</p>	
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<p>Due Process Prehearing Procedures.</p> <p>(Not in Federal Regulations; see New Mexico Rules)</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(12) Prehearing procedures. Unless extended by the hearing officer at the request of a party, within 14 days of the commencement of the timeline for a due process hearing and as soon as is reasonably practicable in an expedited case, the hearing officer shall conduct an initial prehearing conference with the parent and the public agency to:</p> <ul style="list-style-type: none"> (a) identify the issues (disputed claims and defenses) to be decided at the hearing and the relief sought; (b) establish the hearing officer's jurisdiction over IDEA and gifted issues; (c) determine the status of the resolution session, FIEP meeting or mediation between the parties, and determine whether an additional prehearing conference will be necessary as a result; (d) review the hearing rights of both parties, as set forth in Paragraphs (16) and (17) of Subsection I of 6.31.2.13 NMAC below, including reasonable accommodations to address an individual's need for an interpreter at public expense; (e) review the procedures for conducting the hearing; (f) set a date, time and place for the hearing that is reasonably convenient to the parents and child involved; the hearing officer shall have discretion to determine the length of the 	
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	<p>hearing, taking into consideration the issues presented;</p> <p>(g) determine whether the child who is the subject of the hearing will be present and whether the hearing will be open to the public;</p> <p>(h) set the date by which any documentary evidence intended to be used at the hearing by the parties must be exchanged; the hearing officer shall further inform the parties that, not less than 5 business days before a regular hearing or, if the hearing officer so directs, not less than two business days before an expedited hearing, each party shall disclose to the other party all evaluations completed by that date and recommendations based on the evaluations that the party intends to use at the hearing; the hearing officer may bar any party that fails to disclose such documentary evidence, evaluation(s) or recommendation(s) by the deadline from introducing the evidence at the hearing without the consent of the other party;</p> <p>(i) as appropriate, determine the current educational placement of the child pursuant to Paragraph (27) of Subsection I of 6.31.2.13 NMAC below;</p> <p>(j) exchange lists of witnesses and, as appropriate, entertain a request from a party to issue an administrative order compelling the attendance of a witness or witnesses at the hearing;</p> <p>(k) address other relevant issues and motions; and</p> <p>(l) determine the method for having a written, or at the option of the parent, electronic verbatim record of the hearing; the public agency shall be responsible for arranging for the verbatim record of the hearing; and</p>	
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	<p>(m) the hearing officer shall transmit to the parties and the SEB of the department a written summary of the prehearing conference; the summary shall include, but not be limited to, the date, time and place of the hearing, any prehearing decisions, and any orders from the hearing officer.</p> <p>...</p> <p>(14) In order to limit testimony at the hearing to only those factual matters which remain in dispute between the parties, on or before 10 days before the date of the hearing, each party shall submit a statement of proposed stipulated facts to the opposing party. On or before five days before the date of the hearing, the parties shall submit a joint statement of stipulated facts to the hearing officer. All agreed-upon stipulated facts shall be deemed admitted, and evidence shall not be permitted for the purpose of establishing these facts.</p>	
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<p>§ 300.511 Impartial due process hearing.</p>		
<p>(a) <i>General.</i> Whenever a due process complaint is received under § 300.507 or § 300.532, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing, consistent with the procedures in §§ 300.507, 300.508, and 300.510.</p> <p>(b) <i>Agency responsible for conducting the due process hearing.</i> The hearing described in paragraph (a) of this section must be conducted by the SEA or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the SEA.</p> <p>(c) <i>Impartial hearing officer.</i></p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(9) Hearing officer responsibility and authority. Hearing officers shall conduct proceedings under these rules with due regard for the costs and other burdens of due process proceedings for public agencies, parents and students. In that regard, hearing officers shall strive to maintain a reasonable balance between affording parties a fair opportunity to vindicate their IDEA rights and the financial and human costs of the proceedings to all concerned. Accordingly, each</p>	<p>CIMARRON MUNICIPAL SCHOOLS understands that New Mexico has considerable latitude in determining appropriate procedural rules for due process hearings as long as they are not inconsistent with the basic elements of due process hearings and rights of the parties set out in IDEA and its regulations. The specific application of those procedures to particular cases generally should be left to the discretion of hearing officers who have the knowledge and ability to conduct hearings in accordance with standard legal practice. There is nothing in the IDEA or these regulations that would prohibit a hearing officer from making determinations on procedural matters not addressed in IDEA, so long as such determinations are made in a manner that is consistent with a parent’s or CIMARRON MUNICIPAL</p>

<p>(1) At a minimum, a hearing officer—</p> <p>(i) Must not be—</p> <p>(A) An employee of the SEA or the LEA that is involved in the education or care of the child; or</p> <p>(B) A person having a personal or professional interest that conflicts with the person’s objectivity in the hearing;</p> <p>(ii) Must possess knowledge of, and the ability to understand, the provisions of the Act, Federal and State regulations pertaining to the Act, and legal interpretations of the Act by Federal and State courts;</p> <p>(iii) Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and</p> <p>(iv) Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.</p> <p>(2) A person who otherwise qualifies to conduct a hearing under paragraph (c)(1) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.</p> <p>(3) Each public agency must keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.</p> <p>(d) <i>Subject matter of due process hearings.</i> The party requesting the due process hearing may not raise issues <i>at</i> the due process hearing that were not</p>	<p>hearing officer shall exercise such control over the parties, proceedings and the hearing officer's own practices as he deems appropriate to further those ends under the circumstances of each case. In particular, and without limiting the generality of the foregoing, the hearing officer, at the request of a party or upon the hearing officer's own initiative and after the parties have had a reasonable opportunity to express their views on disputed issues:</p> <p>(a) shall ensure by appropriate orders that parents and their duly authorized representatives have timely access to records and information under the public agency's control which are reasonably necessary for a fair assessment of the IDEA issues raised by the requesting party;</p> <p>(b) shall limit the issues for hearing to those permitted by the IDEA which the hearing officer deems necessary for the protection of the rights that have been asserted by the requesting party in each case;</p> <p>(c) may issue orders directing the timely production of relevant witnesses, documents or other information within a party’s control, protective orders or administrative orders to appear for hearings, and may address a party's unjustified failure or refusal to comply by appropriate limitations on the claims, defenses or evidence to be considered;</p> <p>(d) shall exclude evidence that is irrelevant, immaterial, unduly repetitious or excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in federal courts or the courts of New Mexico;</p> <p>(e) may issue such other orders and make such other rulings, not inconsistent with express provisions of these rules or the IDEA, as the hearing officer deems appropriate to control the course, scope and length of the proceedings</p>	<p>SCHOOLS’s right to a timely due process hearing. (See 71 Fed. Reg. 46704 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will pay expenses of a hearing as required to do so.</p>
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<p>raised in the due process complaint filed under § 300.508(b), unless the other party agrees otherwise.</p> <p>(e) <i>Timeline for requesting a hearing.</i> A parent or agency must request an impartial hearing on their due process complaint within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process complaint, or if the State has an explicit time limitation for requesting such a due process hearing under this part, in the time allowed by that State law.</p> <p>(f) <i>Exceptions to the timeline.</i> The timeline described in <i>paragraph</i> (e) of this section does not apply to a parent if the parent was prevented from filing a due process complaint due to—</p> <ol style="list-style-type: none"> (1) Specific misrepresentations by the LEA that it had resolved the problem forming the basis of the due process complaint; or (2) The LEA's withholding of information from the parent that was required under this part to be provided to the parent. <p>(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1415(f)(1)(A), 1415(f)(3)(A)-(D))</p>	<p>while ensuring that the parties have a fair opportunity to present and support all allowable claims and defenses that have been asserted; and</p> <p>(f) shall not permit non-attorneys to represent parties at due process hearings.</p> <p>(10) Duties of the hearing officer. The hearing officer shall excuse himself or herself from serving in a hearing in which he or she believes a personal or professional bias or interest exists which conflicts with his or her objectivity. The hearing officer shall:</p> <ol style="list-style-type: none"> (a) make a determination regarding the sufficiency of a request for due process within 5 days of receipt of any notice of insufficiency, and notify the parties of this determination in writing; (b) schedule an initial prehearing conference within 14 days of commencement of the timeline for a due process hearing, or as soon as reasonably practicable in an expedited case pursuant to Paragraph (12) of Subsection I of 6.31.2.13 NMAC below; (c) reach a decision, which shall include written findings of fact, conclusions of law, and reasons for these findings and conclusions and shall be based solely on evidence presented at the hearing; (d) transmit the decision to the parties and to the SEB within 45 days of the commencement of the timeline for the hearing, unless a specific extension of time has been granted by the hearing officer at the request of a party to the hearing, or at the joint request of the parties where the reason for the request is to permit the parties to pursue an ADR option; for an expedited hearing, no extensions or exceptions beyond the timeframe provided in Subparagraph (a) of Paragraph (20) of Subsection I of 6.31.2.13 NMAC; 	
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	<p>(e) the hearing officer may reopen the record for further proceedings at any time before reaching a final decision after transmitting appropriate notice to the parties; the hearing is considered closed and final when the written decision is transmitted to the parties and to the SEB; and</p> <p>(f) the decision of the hearing officer is final, unless a party brings a civil action as set forth in Paragraph (25) of Subsection I of 6.31.2.13 NMAC below.</p> <p>...</p> <p>(18) Limitations on the hearing.</p> <p>(a) The party requesting the due process hearing shall not be allowed to raise issues at the hearing that were not raised in the request for a due process hearing (including an amended request, if such amendment was previously permitted) filed under Paragraph (5) of Subsection I of 6.31.2.13 NMAC, unless the other party agrees otherwise.</p> <p>(b) Timeline for requesting hearing. A parent or agency shall request an impartial due process hearing within two years of the date that the parent or agency knew or should have known about the alleged action that forms the basis of the due process request.</p> <p>(c) Exceptions to the timeline. The timeline described in Subparagraph (b) of Paragraph (18) of Subsection I of 6.31.2.13 NMAC above shall not apply to a parent if the parent was prevented from requesting the hearing due to:</p> <p>(i) specific misrepresentations by the public agency that it had resolved the problem that forms the basis of the due process request; or</p>	
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	<p>(ii) the public agency's withholding of information from the parent that was required under this part to be provided to the parent.</p> <p>...</p> <p>(23) Expenses of the hearing. The public agency shall be responsible for paying administrative costs associated with a hearing, including the hearing officer's fees and expenses and expenses related to the preparation and copying of the verbatim record, its transmission to the SEB, and any further expenses for preparing the complete record of the proceedings for filing with a reviewing federal or state court in a civil action. Each party to a hearing shall be responsible for its own legal fees or other costs, subject to Paragraph (26) of Subsection I of 6.31.2.13 NMAC below.</p>	
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<p>§ 300.512 Hearing rights.</p>		
<p>(a) <i>General.</i> Any party to a hearing conducted pursuant to §§300.507 through 300.513 or §§ 300.530 through 300.534, or an appeal conducted pursuant to § 300.514, has the right to—</p> <p>(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities, except that whether parties have the right to be represented by non-attorneys at due process hearings is determined under State law;</p> <p>(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;</p>	<p>6.31.2.13 ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(7) Duties of the SEB of the department. Upon receipt of a written request for due process, the SEB shall:</p> <p>(a) appoint a qualified and impartial hearing officer who meets the requirements of 34 CFR Sec. 300.511(c) and 20 USC Sec. 1415(f)(3)(A);</p> <p>(b) arrange for the appointment of a qualified and impartial mediator or IEP facilitator pursuant to</p>	

<p>(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;</p> <p>(4) Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; and</p> <p>(5) Obtain written, or, at the option of the parents, electronic findings of fact and decisions.</p> <p>(b) Additional <i>disclosure of information</i>.</p> <p>(1) At least five business days prior to a hearing conducted pursuant to § 300.511(a), each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party' evaluations that the party intends to use at the hearing.</p> <p>(2) A hearing officer may bar any party that fails to comply with paragraph (b)(1) of this section from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.</p> <p>(c) Parental <i>rights at hearings</i>. Parents involved in hearings must be given the right to—</p> <p>(1) Have the child who is the subject of the hearing present;</p> <p>(2) Open the hearing to the public; and</p> <p>(3) Have the record of the hearing and the findings of fact and decisions described in paragraphs (a)(4) and (a)(5) of this section provided at no cost to parents.</p> <p>(Authority: 20 U.S.C. 1415(f)(2), 1415(h))</p>	<p>34 CFR Sec. 300.506 to offer ADR services to the parties;</p> <p>(c) inform the parent in writing of any free or low-cost legal and other relevant services available in the area; the SEB shall also make this information available whenever requested by a parent; and</p> <p>(d) inform the parent that in any action or proceeding brought under 20 USC Sec. 1415, a state or federal court, in its discretion and subject to the further provisions of 20 USC Sec. 1415(g)(3)(b) and 34 CFR Sec. 300.517, may award reasonable attorneys' fees as part of the costs to a prevailing party;</p> <p>(e) the SEB shall also:</p> <p>(i) keep a list of the persons who serve as hearing officers and a statement of their qualifications;</p> <p>(ii) appoint another hearing officer if the initially appointed hearing officer excuses himself or herself from service;</p> <p>(iii) ensure that mediation and FIEP meetings are considered as voluntary and are not used to deny or delay a parent's right to a hearing; and</p> <p>(iv) ensure that within forty-five (45) days of commencement of the timeline for a due process hearing, a final written decision is reached and a copy transmitted to the parties, unless one or more specific extensions of time have been granted by the hearing officer at the request of either party (or at the joint request of the parties, where the reason for the request is to allow the parties to pursue an ADR option);</p>	
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	<p>(f) following the decision, the SEB shall, after deleting any personally identifiable information, transmit the findings and decision to the state IDEA advisory panel and make them available to the public upon request.</p> <p>...</p> <p>(15) Any party to a hearing has the right to:</p> <ul style="list-style-type: none"> (a) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities; (b) present evidence and confront, cross-examine and compel the attendance of witnesses; (c) prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before a regular hearing or, if the hearing officer so directs in the prehearing summary, at least two business days before an expedited hearing; (d) obtain a written, or, at the option of the parents, electronic verbatim record of the hearing; and (e) obtain written, or, at the option of the parents, electronic findings of fact and decisions. <p>(16) Parents involved in hearings also have the right to:</p> <ul style="list-style-type: none"> (a) have the child who is the subject of the hearing present; and (b) open the hearing to the public. <p>(17) The record of the hearing and the findings of fact and decisions described above must be provided at no cost to the parents.</p>	
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<p>§ 300.513 Hearing decisions.</p>		
<p>(a) <i>Decision of hearing officer on the provision of FAPE.</i></p> <p>(1) Subject to paragraph (a)(2) of this section, a hearing officer's determination of whether a child received FAPE must be based on substantive grounds.</p> <p>(2) In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies—</p> <p>(i) Impeded the child's right to a FAPE;</p> <p>(ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or</p> <p>(iii) Caused a deprivation of educational benefit.</p> <p>(3) Nothing in paragraph (a) of this section shall be construed to preclude a hearing officer from ordering an LEA to comply with procedural requirements under §§300.500 through 300.536.</p> <p>(b) <i>Construction clause.</i> Nothing in §§ 300.507 through 300.513 shall be construed to affect the right of a parent to file an appeal of the due process hearing decision with the SEA under §300.514(b), if a State level appeal is available.</p> <p>(c) <i>Separate request for a due process hearing.</i> Nothing in §§300.500 through 300.536 shall be construed to preclude a parent from filing a separate due process</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(20) Decision of the hearing officer.</p> <p>(a) In general. Subject to Subparagraph (b) of Paragraph (20) of Subsection I of 6.31.2.13 NMAC below, a decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education (FAPE).</p> <p>(b) Procedural issues. In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies:</p> <p>(i) impeded the child's right to a FAPE;</p> <p>(ii) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a FAPE to the student; or</p> <p>(iii) caused a deprivation of educational benefits.</p> <p>(c) Rule of construction. Nothing in this paragraph shall be construed to preclude a hearing officer from ordering a public agency to comply with procedural requirements under this section.</p>	

<p>complaint on an issue separate from a due process complaint already filed.</p> <p>(d) <i>Findings and decision to advisory panel and general public.</i> The public agency, after deleting any personally identifiable information, must—</p> <p>(1) Transmit the findings and decisions referred to in §300.512(a)(5) to the State advisory panel established under § 300.167; and</p> <p>(2) Make those findings and decisions available to the public.</p> <p>(Authority: 20 U.S.C. 1415(f)(3)(E) and (F), 1415(h)(4),1415(o))</p>		
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<p><u>§ 300.514 Finality of decision; appeal; impartial review.</u></p> <p>(a) <i>Finality of hearing decision.</i> A decision made in a hearing conducted pursuant to §§ 300.507 through 300.513 or §§300.530 through 300.534 is final, except that any party involved in the hearing may appeal the decision under the provisions of paragraph (b) of this section and § 300.516.</p> <p>(b) <i>Appeal of decisions; impartial review.</i></p> <p>(1) If the hearing required by § 300.511 is conducted by a public agency other than the SEA, any party aggrieved by the findings and decision in the hearing may appeal to the SEA.</p> <p>(2) If there is an appeal, the SEA must conduct an impartial review of the findings and decision appealed. The official conducting the review must—</p> <p>(i) Examine the entire hearing record;</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(22) Modification of final decision. Clerical mistakes in final decisions, orders or parts of the record and errors therein arising from oversight or omission may be corrected by the hearing officer at any time on the hearing officer's own initiative or on the request of any party and after such notice, if any, as the hearing officer orders. Such mistakes may be corrected after a civil action has been brought pursuant to Paragraph (24) of Subsection I of 6.31.2.13 NMAC below only with leave of the state or federal district court presiding over the civil action.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will comply with the final decision of a hearing officer, unless otherwise required due to a pending appeal or by order of a court.</p> <p>Upon receipt of a request for a due process hearing filed by a parent, CIMARRON MUNICIPAL SCHOOLS will provide the parent with a copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice, in English, Spanish or Navajo, as appropriate. The Parent and Child Rights in Special Education Procedural Safeguards Notice informs parents of the timelines for appealing the decision of a hearing officer.</p> <p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English Version), Derechos de los Padres y del/la Niño(a) en la Educación Especial: Su Aviso Interino Sobre Procedimientos De Proteccion (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and</p>
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<p>(ii) Ensure that the procedures at the hearing were consistent with the requirements of due process;</p> <p>(iii) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in §300.512 apply;</p> <p>(iv) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;</p> <p>(v) Make an independent decision on completion of the review; and</p> <p>(vi) Give a copy of the written, or, at the option of the parents, electronic findings of fact and decisions to the parties.</p> <p>(c) <i>Findings and decision to advisory panel and general public.</i> The SEA, after deleting any personally identifiable information, must—</p> <p>(1) Transmit the findings and decisions referred to in paragraph (b)(2)(vi) of this section to the State advisory panel established under § 300.167; and</p> <p>(2) Make those findings and decisions available to the public.</p> <p>(d) <i>Finality of review decision.</i> The decision made by the reviewing official is final unless a party brings a civil action under § 300.516.</p> <p>(Authority: 20 U.S.C. 1415(g) and (h)(4), 1415(i)(1)(A),1415(i)(2))</p>		<p>Child rights in Special Education Procedurals Safeguards Notice (Russian) are available through the NMPED.</p>
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<p>§ 300.515 Timelines and convenience of hearings and reviews.</p>		
<p>(a) The public agency must ensure that not later than 45 days after the expiration of the 30 day period under § 300.510(b), or the adjusted time periods described in § 300.510(c)—</p> <p>(1) A final decision is reached in the hearing; and</p> <p>(2) A copy of the decision is mailed to each of the parties.</p> <p>(b) The SEA must ensure that not later than 30 days after the receipt of a request for a review—</p> <p>(1) A final decision is reached in the review; and</p> <p>(2) A copy of the decision is mailed to each of the parties.</p> <p>(c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.</p> <p>(d) Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved.</p> <p>(Authority: 20 U.S.C. 1415(f)(1)(B)(ii), 1415(g), 1415(i)(1))</p>	<p>6.31.2.13 ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(13) Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved.</p>	

<p>§ 300.516 Civil action.</p>		
<p>(a) <i>General.</i> Any party aggrieved by the findings and decision made under §§ 300.507 through 300.513 or §§ 300.530 through 300.534 who does not have the right to an appeal under § 300.514(b), and any</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p>	

<p>party aggrieved by the findings and decision under § 300.514(b), has the right to bring a civil action with respect to the due process complaint notice requesting a due process hearing under § 300.507 or §§300.530 through 300.532. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.</p> <p>(b) <i>Time limitation.</i> The party bringing the action shall have 90 days from the date of the decision of the hearing officer or, if applicable, the decision of the State review official, to file a civil action, or, if the State has an explicit time limitation for bringing civil actions under Part B of the Act, in the time allowed by that State law.</p> <p>(c) <i>Additional requirements.</i> In any action brought under paragraph (a) of this section, the court—</p> <ol style="list-style-type: none"> (1) Receives the records of the administrative proceedings; (2) Hears additional evidence at the request of a party; and (3) Basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate. <p>(d) <i>Jurisdiction of district courts.</i> The district courts of the United States have jurisdiction of actions brought under section 615 of the Act without regard to the amount in controversy.</p> <p>(e) <i>Rule of construction.</i> Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under</p>	<p>I. Due Process Hearings</p> <p>...</p> <p>(24) Civil action.</p> <ol style="list-style-type: none"> (a) Any party aggrieved by the decision of a hearing officer in an IDEA matter has the right to bring a civil action in a state or federal district court pursuant to 20 USC Sec. 1415(i) and 34 CFR Sec. 300.516. Any civil action must be filed within 30 days of the receipt of the hearing officer's decision by the appealing party. (b) A party aggrieved by the decision of a hearing officer in a matter relating solely to the identification, evaluation, or educational placement of or services to a child who needs or may need gifted services may bring a civil action in a state court of appropriate jurisdiction within 30 days of receipt of the hearing officer's decision by the appealing party. 	
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<p>section 615 of the Act, the procedures under §§ 300.507 and 300.514 must be exhausted to the same extent as would be required had the action been brought under section 615 of the Act.</p> <p>(Authority: 20 U.S.C. 1415(i)(2) and (3)(A), 1415(l))</p>		
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<p>§ 300.517 Attorneys' fees.</p> <p>(a) <i>In general.</i></p> <p>(1) In any action or proceeding brought under section 615 of the Act, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to—</p> <p>(i) The prevailing party who is the parent of a child with a disability;</p> <p>(ii) To a prevailing party who is an SEA or LEA against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or</p> <p>(iii) To a prevailing SEA or LEA against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.</p> <p>(2) Nothing in this subsection shall be construed to affect section 327 of the District of</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(25) Attorney fees.</p> <p>(a) In any action or proceeding brought under 20 USC Sec. 1415, the court, in its discretion and subject to the further provisions of 20 USC Sec. 1415(i) and 34 CFR Sec. 300.517, may award reasonable attorney fees as part of the costs to:</p> <p>(i) the parent of a child with a disability who is a prevailing party;</p> <p>(ii) a prevailing public agency against the attorney of a parent who files a request for due process or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or</p> <p>(iii) a prevailing public agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to</p>	<p>Upon receipt of a request for a due process hearing filed by a parent, CIMARRON MUNICIPAL SCHOOLS will provide the parent with a copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice, in English, Spanish or Navajo, as appropriate. The Parent and Child Rights in Special Education Procedural Safeguards Notice informs parents generally of the circumstances under which a prevailing parent may recover attorney's fees from a school district and a prevailing school district may recover attorney's fees from the parent.</p> <p>A current copy of the Parent and Child Rights in Special Education Procedural Safeguards Notice (English Version), Derechos de los Padres y del/la Niño(a) en la Educación Especial: Su Aviso Interino Sobre Procedimientos De Proteccion (Spanish Version), the Parent and Child Rights in Special Education Procedural Safeguards Notice (Navajo Version) and the Parent and Child rights in Special Education Procedural Safeguards Notice (Russian) are available through the NMPED.</p>
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<p>Columbia Appropriations Act, 2005.</p> <p>(b) <i>Prohibition on use of funds.</i></p> <p>(1) Funds under Part B of the Act may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under section 615 of the Act and subpart E of this part.</p> <p>(2) Paragraph (b)(1) of this section does not preclude a public agency from using funds under Part B of the Act for conducting an action or proceeding under section 615 of the Act.</p> <p>(c) <i>Award of fees.</i> A court awards reasonable attorneys' fees under section 615(i)(3) of the Act consistent with the following:</p> <p>(1) Fees awarded under section 615(i)(3) of the Act must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph.</p> <p>(2)</p> <p>(i) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under section 615 of the Act for services performed subsequent to the time of a written offer of settlement to a parent if—</p> <p>(A) The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;</p>	<p>cause unnecessary delay, or to needlessly increase the cost of litigation.</p> <p>(b) Any action for attorney fees must be filed within 30 days of the receipt of the last administrative decision.</p> <p>(c) Opportunity to resolve due process complaints. A meeting conducted pursuant to Subparagraph (a) of Paragraph (8) of Subsection I of 6.31.2.13 NMAC shall not be considered:</p> <p>(i) a meeting convened as a result of an administrative hearing or judicial action; or</p> <p>(ii) an administrative hearing or judicial action for purposes of this paragraph.</p> <p>(d) Hearing officers are not authorized to award attorney fees.</p> <p>(e) Attorney fees are not recoverable for actions or proceedings involving services to gifted children or other claims based solely on state law.</p>	
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<p>(B) The offer is not accepted within 10 days; and</p> <p>(C) The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.</p> <p>(ii) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for a mediation described in § 300.506.</p> <p>(iii) A meeting conducted pursuant to § 300.510 shall not be considered—</p> <p>(A) A meeting convened as a result of an administrative hearing or judicial action; or</p> <p>(B) An administrative hearing or judicial action for purposes of this section.</p> <p>(3) Notwithstanding paragraph (c)(2) of this section, an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.</p> <p>(4) Except as provided in paragraph (c)(5) of this section, the court reduces, accordingly, the amount of the attorneys' fees awarded under section 615 of the Act, if the court finds that—</p> <p>(i) The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;</p>		
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<p>(ii) The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;</p> <p>(iii) The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or</p> <p>(iv) The attorney representing the parent did not provide to the LEA the appropriate information in the due process request notice in accordance with § 300.508.</p> <p>(5) The provisions of paragraph (c)(4) of this section do not apply in any action or proceeding if the court finds that the State or local agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of the Act.</p> <p>(Authority: 20 U.S.C. 1415(i)(3)(B)–(G))</p>		
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<p>§ 300.518 Child's status during proceedings.</p>		
<p>(a) Except as provided in § 300.533, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507, unless the State or local agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.</p> <p>(b) If the complaint involves an application for initial admission to public school, the child, with the</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>...</p> <p>(26) Child's status during proceedings.</p> <p>(a) Except as provided in 34 CFR Sec. 300.533 and Paragraph (4) of Subsection I of 6.31.2.13</p>	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the child remains in the stay-put placement during the pendency of the proceedings, unless CIMARRON MUNICIPAL SCHOOLS and the parent agree otherwise.</p>

<p>consent of the parents, must be placed in the public school until the completion of all the proceedings.</p> <p>(c) If the complaint involves an application for initial services under this part from a child who is transitioning from Part C of the Act to Part B and is no longer eligible for Part C services because the child has turned three, the public agency is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services under § 300.300(b), then the public agency must provide those special education and related services that are not in dispute between the parent and the public agency.</p> <p>(d) If the hearing officer in a due process hearing conducted by the SEA or a State review official in an administrative appeal agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and the parents for purposes of paragraph (a) of this section.</p> <p>(Authority: 20 U.S.C. 1415(j))</p>	<p>NMAC, and unless the public agency and the parents of the child agree otherwise, during the pendency of any administrative or judicial proceeding regarding an IDEA due process request, the child involved must remain in his or her current educational placement. Disagreements over the identification of the current educational placement which the parties cannot resolve by agreement shall be resolved by the hearing officer as necessary.</p> <p>(b) If the case involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.</p> <p>(c) If a hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the public agency and the parents for purposes of Subparagraph (a) of Paragraph (26) of Subsection I of 6.31.2.13 NMAC.</p>	
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<p>§ 300.519 Surrogate parents.</p>		
<p>(a) <i>General.</i> Each public agency must ensure that the rights of a child are protected when—</p> <p>(1) No parent (as defined in § 300.30) can be identified;</p> <p>(2) The public agency, after reasonable efforts, cannot locate a parent;</p>	<p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>K. Children in detention and correctional facilities.</p> <p>(7) Children with disabilities who are detained or incarcerated in detention or correctional facilities are wards of the state and may have surrogate parents appointed pursuant to 34 CFR Sec. 300.519 and</p>	<p>CIMARRON MUNICIPAL SCHOOLS will timely identify the need for a surrogate parent and appoint a surrogate parent who meets the IDEA criteria.</p> <p>CIMARRON MUNICIPAL SCHOOLS does not compensate individuals for acting as surrogate parents.</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that a private agency that contracts with CIMARRON</p>

<p>(3) The child is a ward of the State under the laws of that State; or</p> <p>(4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).</p> <p>(b) <i>Duties of public agency.</i> The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method—</p> <p>(1) For determining whether a child needs a surrogate parent; and</p> <p>(2) For assigning a surrogate parent to the child.</p> <p>(c) <i>Wards of the State.</i> In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section.</p> <p>(d) <i>Criteria for selection of surrogate parents.</i></p> <p>(1) The public agency may select a surrogate parent in any way permitted under State law.</p> <p>(2) Public agencies must ensure that a person selected as a surrogate parent—</p> <p>(i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;</p> <p>(ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and</p> <p>(iii) Has knowledge and skills that ensure adequate representation of the child.</p>	<p>Subsection J of 6.31.2.13 NMAC to protect their IDEA rights while in state custody.</p> <p>(8) The public agency that administers the educational program in a juvenile or adult detention or correctional facility shall ensure that surrogate parents are appointed in cases where no parent as defined in 34 CFR Sec. 300.30(a) and Paragraph (14) of Subsection B of 6.31.2.7 NMAC is reasonably available or willing to make the educational decisions required for children with disabilities who are housed in that facility.</p> <p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>J. Surrogate parents and foster parents.</p> <p>(1) Each public agency shall ensure that a qualified surrogate parent is appointed in compliance with 34 CFR Sec. 300.519 when needed to protect the rights of a child with a disability who is within the agency's educational jurisdiction. A surrogate parent need not be appointed if a person who qualifies as a parent under 34 CFR Sec. 300.30(b) and Paragraph (13) of Subsection B of 6.31.2.7 NMAC can be identified.</p> <p>(2) A foster parent who meets all requirements of 34 CFR Sec. 300.30 may be treated as the child's parent pursuant to that regulation. A foster parent who does not meet those requirements but meets all requirements of 34 CFR Sec. 300.519 may be appointed as a surrogate parent if the public agency that is responsible for the appointment deems such action appropriate.</p> <p>(3) Pursuant to 34 CFR Sec. 300.519, a surrogate parent may represent the child in all matters relating to the identification, evaluation and educational placement of the child and the provision of FAPE to the child.</p>	<p>MUNICIPAL SCHOOLS for the education or care of the child, in essence, works for CIMARRON MUNICIPAL SCHOOLS, and therefore, could not act as a surrogate parent under the IDEA. (See 71 Fed. Reg. 46568 (August 14, 2004))</p>
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<p>(e) <i>Non-employee requirement; compensation.</i> A person otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.</p> <p>(f) <i>Unaccompanied homeless youth.</i> In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (d)(2)(i) of this section, until a surrogate parent can be appointed that meets all of the requirements of paragraph (d) of this section.</p> <p>(g) <i>Surrogate parent responsibilities.</i> The surrogate parent may represent the child in all matters relating to—</p> <ol style="list-style-type: none"> (1) The identification, evaluation, and educational placement of the child; and (2) The provision of FAPE to the child. <p>(h) <i>SEA responsibility.</i> The SEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.</p> <p>(Authority: 20 U.S.C. 1415(b)(2))</p>		
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<p>§ 300.520 Transfer of parental rights at age of majority.</p>		
<p>(a) <i>General.</i> A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>K. Transfer of parental rights to students at age 18.</p>	<p>CIMARRON MUNICIPAL SCHOOLS follows all of the procedural requirements concerning transfer of rights at age of majority. CIMARRON MUNICIPAL SCHOOLS affords all of the procedural safeguards to</p>

<p>be incompetent under State law)—</p> <p>(1)</p> <p>(i) The public agency must provide any notice required by this part to both the child and the parents; and</p> <p>(ii) All rights accorded to parents under Part B of the Act transfer to the child;</p> <p>(2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and</p> <p>(3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights.</p> <p>(b) <i>Special rule.</i> A State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program. (Authority: 20 U.S.C. 1415(m))</p>	<p>(1) Pursuant to Secs. 12-2A-3 and 28-6-1 NMSA 1978, a person's age of majority begins on the first instant of his or her 18th birthday and a person who has reached the age of majority is an adult for all purposes not otherwise limited by state law. A guardianship proceeding under the probate code is the only way an adult in New Mexico can legally be determined to be incompetent and have the right to make his or her own decisions taken away. Public agencies and their IEP teams are not empowered to make such determinations under New Mexico law. Accordingly, pursuant to 34 CFR Sec. 300.520, when a child with a disability reaches age 18 and does not have a court-appointed general guardian, limited guardian or other person who has been authorized by a court to make educational decisions on the student's behalf or who has not signed a power of attorney as provided under New Mexico law:</p> <p>(a) a public agency shall provide any notices required by 34 CFR Part 300 to the child and the parents;</p> <p>(b) all other rights accorded to parents under Part B of the IDEA, New Mexico law or department rules and standards transfer to the child; and</p> <p>(c) the public agency shall notify the individual and the parents of the transfer of rights.</p>	<p>the adult student when rights transfer. When rights transfer, the parent continues to receive all the requisite notices, a right shared by both the adult student and the parent.</p>
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<p>§§ 300.521–300.529 [Reserved]</p>		
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<u>DISCIPLINE PROCEDURES</u>		
<u>§ 300.530 Authority of school personnel.</u>		
<p>(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.</p> <p>(b) <i>General.</i></p> <p>(1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).</p> <p>(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.</p> <p>(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and</p>	<p>6.11.2.10 NMAC. ENFORCING RULES OF CONDUCT:</p> <p>G. Detention, suspension and expulsion: Where detention, suspension or expulsion is determined to be the appropriate penalty, it may be imposed only in accordance with procedures that provide at least the minimum safeguards prescribed in Section 6.11.2.12 NMAC, below. Suspensions or expulsions of students with disabilities shall be subject to the further requirements of Subsection I of Section 6.11.2.10 NMAC and Section 6.11.2.11 NMAC below.</p> <p>I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.</p> <p>(1) Long-term suspensions or expulsions of students with disabilities shall be governed by the procedures set forth in Section 6.11.2.11 NMAC below.</p> <p>(2) Temporary suspensions of students with disabilities may be imposed in accordance with the normal procedures prescribed in Subsection D of Section 6.11.2.12 NMAC below, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of</p>	<p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the following guidance:</p> <ul style="list-style-type: none"> ■ NMPED guidance document regarding Student Discipline: A Technical Assistance Manual for Students with Disabilities (April 2008), available through the NMPED website. ■ U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS) Questions and Answers On Discipline Procedures (Revised June 2009). <p>CIMARRON MUNICIPAL SCHOOLS personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct. Making a case-by-case basis determination means CIMARRON MUNICIPAL SCHOOLS personnel may consider whether a change in placement that is otherwise permitted under the disciplinary procedures is appropriate and should occur. It does not independently authorize CIMARRON MUNICIPAL SCHOOLS personnel, on a case-by-case basis, to institute a change in placement that would be inconsistent with § 300.530(b) through (i), including the requirement in paragraph (e) of this section regarding manifestation determinations. (See 71 Fed. Reg. 46714 (August 14, 2006))</p> <p>When making a case-by-case determination regarding whether a disciplinary change in placement is appropriate for a child with a disability, factors such as a child’s disciplinary history, ability to understand consequences, expression of remorse, and supports provided to a child with a disability prior to the violation of a school code could be unique circumstances</p>

<p>for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.</p> <p>(d) <i>Services.</i></p> <p>(1) A child with a disability who is removed from the child’s current placement pursuant to paragraphs (c), or (g) of this section must—</p> <p>(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and</p> <p>(ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p> <p>(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.</p> <p>(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.</p> <p>(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel,</p>	<p>Subsection I, Paragraph (3) of 6.11.2.10 NMAC below.</p> <p>(3) Program prescriptions. A student with a disability's individualized education program (IEP), under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), need not affirmatively authorize disciplinary actions which are not otherwise in conflict with this rule. However, the IEP team may prescribe or prohibit specified disciplinary measures for an individual student with a disability by including appropriate provisions in the student's IEP. Administrative authorities shall adhere to any such provisions contained in a student with a disability's IEP, except that an IEP team may not prohibit the initiation of proceedings for long-term suspension or expulsion which are conducted in accordance with this rule.</p> <p>(4) Immediate removal. Immediate removal of students with disabilities may be done in accordance with the procedures of Subsection C of Section 6.11.2.12 NMAC below.</p> <p>(5) A student who has not been determined to be eligible for special education and related services under 6.31.2 NMAC and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in this subsection if the conditions set forth in 34 CFR Sec. 300.534 have been met.</p> <p>6.11.2.11 NMAC. DISCIPLINARY REMOVALS OF STUDENTS WITH DISABILITIES:</p> <p>A. General. The following rules shall apply when a student with a disability under IDEA violates a rule of conduct as set forth in this rule which may result in:</p> <p>(1) long-term suspension or expulsion; or</p> <p>(2) any other disciplinary change of the student’s current educational placement as specified in the federal regulations implementing IDEA at 34 CFR Secs.</p>	<p>considered by school personnel. (See 71 Fed. Reg. 46714 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS personnel may remove a child with a disability from his or her current placement to an interim alternative educational setting, another setting, or suspension for up to 10 school days in the same school year without providing educational services. (See 71 Fed. Reg. 46718 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that the term “consecutive” is used to permit school personnel to remove children with disabilities who violate a code of student from their current educational placement for not more than 10 consecutive school days at a time, and that additional removals of 10 consecutive school days or less in the same school year would be possible, as long as any removal does not constitute a change in placement. (See 71 Fed. Reg. 46714 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes it is important for purposes of school safety and order to preserve the authority that CIMARRON MUNICIPAL SCHOOLS personnel have to be able to remove a child for a discipline infraction for a short period of time, even though the child already may have been removed for more than 10 school days in that school year, as long as the pattern of removals does not itself constitute a change in placement of the child. (See 71 Fed. Reg. 46715 (August 14, 2006))</p> <p>Beginning, however, on the eleventh cumulative day in a school year that a child with a disability is removed from the child’s current placement, and for any subsequent removals, CIMARRON MUNICIPAL SCHOOLS shall provide educational services to the extent required in § 300.530(d), while the removal continues. (See 71 Fed. Reg. 46718 (August 14, 2006))</p> <p>When calculating days of removal, CIMARRON MUNICIPAL SCHOOLS understands that portions of a school day that a child has been suspended may be</p>
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<p>in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.</p> <p>(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.</p> <p>(e) <i>Manifestation determination.</i></p> <p>(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—</p> <p>(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or</p> <p>(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.</p> <p>(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.</p> <p>(3) If the LEA, the parent, and relevant members</p>	<p>300.530 through 300.536 and these or other public education department rules and standards.</p> <p>B. When behavior is not a manifestation of disability. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to Subsection C of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in Subsection I of this section.</p> <p>C. <i>Manifestation determination.</i></p> <p>(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a rule of student conduct, the administrative authority, the parent and relevant members of the child's IEP team (as determined by the parent and the administrative authority) must review all relevant information in the student's file, including the child's IEP, any teacher observations and any relevant information provided by the parents to determine:</p> <p>(a) if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or</p> <p>(b) if the conduct in question was the direct result of the administrative authority's failure to implement the IEP.</p> <p>(2) The conduct must be determined to be a manifestation of the child's disability if the administrative authority, the parent and relevant members of the child's IEP team determine that a condition in either Subparagraph (a) or (b) of Paragraph (1) of Subsection C of 6.11.2.11 NMAC was met.</p> <p>(3) If the administrative authority, the parent and relevant members of the child's IEP team determine</p>	<p>considered as a removal. (See 71 Fed. Reg. 46715 (August 14, 2006))</p> <p>When calculating days of removal, CIMARRON MUNICIPAL SCHOOLS understands that whether a bus suspension would count as a day of removal would depend on whether the bus transportation is a part of the child's IEP. If the bus transportation were a part of the child's IEP, a bus suspension would be treated as a day of removal unless CIMARRON MUNICIPAL SCHOOLS provides the bus service in some other way, because that transportation is necessary for the child to obtain access to the location where services will be delivered. If the bus transportation is not a part of the child's IEP, a bus suspension is not a day of removal. In those cases, the child and the child's parent have the same obligations to get the child to and from school as a nondisabled child who has been suspended from the bus. (See 71 Fed. Reg. 46715 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that an in-school suspension would not be considered a part of the days of suspension addressed in § 300.530 as long as the child (1) is afforded the opportunity to continue to appropriately participate in the general curriculum; (2) continues to receive the services specified on the child's IEP; and (3) continues to participate with non-disabled children to the extent they would have in their current placement. CIMARRON MUNICIPAL SCHOOLS understands these three criteria for non-exclusionary in-school suspension must be met in order for the suspension days to not be counted as days of removal. (See 71 Fed. Reg. 46715 (August 14, 2006))</p> <p>After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement, CIMARRON MUNICIPAL SCHOOLS personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum, although</p>
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<p>of the child’s IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.</p> <p>(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child’s disability, the IEP Team must—</p> <p>(1) Either—</p> <p>(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or</p> <p>(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and</p> <p>(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.</p> <p>(g) Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child—</p> <p>(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school</p>	<p>the condition described in Subparagraph (b) of Paragraph (1) of Subsection C of 6.11.2.11 NMAC was met, the administrative authority must take immediate steps to remedy those deficiencies.</p> <p>D. Determination that behavior is manifestation of disability. If the administrative authority, the parent and relevant members of the IEP team make the determination that the conduct was a manifestation of the child’s disability, the IEP team must comply within 34 CFR Sec. 300.530(f).</p> <p>E. Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child’s behavior involves one of the special circumstances listed in 34 CFR Sec. 300.530(g). For purposes of this subsection, the definitions provided in 34 CFR Sec. 300.530(i) shall apply.</p> <p>...</p> <p>H. Parental notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the administrative authority must notify the parents of that decision, and provide the parents the procedural safeguards notice described in 34 CFR Sec. 300.504.</p> <p>I. Services. A student with a disability who is removed from the student’s current placement pursuant to this section must continue to receive special education and related services as provided in 34 CFR Sec. 300.530(d).</p> <p>6.12.10.11 NMAC</p> <p>A. Each school district and charter school shall ban a student’s possession, use, distribution, sale, or being under the influence of a cannabis product in a manner inconsistent with provisions of the Lynn and Erin Compassionate Use Act.</p>	<p>in another setting, and to progress toward meeting the goals set out in the child’s IEP.</p> <p>The determination of which teacher CIMARRON MUNICIPAL SCHOOLS personnel should consult should be based on the facts and circumstances of each case, the needs of the child and the expertise of the child’s teachers. In many cases, the special education teacher may be the most appropriate teacher with whom CIMARRON MUNICIPAL SCHOOLS personnel should consult. This, however, is not always the case. In light of the short-term nature of the removals under paragraph (d)(4) and the need for CIMARRON MUNICIPAL SCHOOLS personnel to make quick decisions regarding services, CIMARRON MUNICIPAL SCHOOLS believes CIMARRON MUNICIPAL SCHOOLS personnel need broad flexibility in making such decisions and are in the best position to determine the appropriate teacher with whom to consult. (See 71 Fed. Reg. 46718 (August 14, 2006))</p> <p>The opportunity to “continue to participate” does not mean that CIMARRON MUNICIPAL SCHOOLS must replicate every aspect of the services that a child would receive if in his or her normal classroom. For example, it would not generally be feasible for a child removed for disciplinary reasons to receive every aspect of the services that a child would receive if in his or her chemistry or auto mechanics classroom as these classes generally are taught using a hands-on component or specialized equipment or facilities. (See 71 Fed. Reg. 46716 (August 14, 2006))</p> <p>While children with disabilities removed for more than 10 school days in a school year for disciplinary reasons must continue to receive FAPE, CIMARRON MUNICIPAL SCHOOLS recognizes that the IDEA modifies the concept of FAPE in these circumstances to encompass those services necessary to enable the child to continue to participate in the general curriculum, and to progress toward meeting the goals set out in the child’s IEP. CIMARRON MUNICIPAL SCHOOLS is not required to provide children removed for more than</p>
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<p>function under the jurisdiction of an SEA or an LEA;</p> <p>(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or</p> <p>(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.</p> <p>(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.</p> <p>(i) Definitions. For purposes of this section, the following definitions apply:</p> <p>(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).</p> <p>(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.</p> <p>(3) Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.</p>	<p>B. No school shall discipline a student who is a qualified student on the basis that the student requires medical cannabis as necessary for the student to attend school.</p> <p>C. No school shall deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation necessary for the student to attend school or an in-state school-sponsored activity.</p> <p>6.12.10.8 (B) NMAC Prohibitions</p> <p>Each local school board or governing body shall establish policies and procedures for the possession, storage, and administration of medical cannabis that:</p> <p>(1) prohibit a primary caregiver from administering medical cannabis in a manner that creates disruption to the education environment or causes other students to be exposed to medical cannabis;</p> <p>(2) prohibit disciplining a school employee who refuses to administer medical cannabis; and</p> <p>(3) prohibit students from possessing, storing, or self-administering medical cannabis in a school setting.</p> <p>6.11.2.12 NMAC. PROCEDURE FOR DETENTIONS, SUSPENSIONS AND EXPULSIONS:</p> <p>The authority of the state and of local school boards to prescribe and enforce standards of conduct for public school students must be exercised consistently with constitutional safeguards of individual student rights. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violations of school rules. But it is a property right which may only be denied where school authorities have adhered to the minimum procedural safeguards required to afford the student due process of law. This section prescribes minimum requirements for detention, in-school suspension and temporary, long-term or permanent removal of students from the public schools. Local school boards may adopt procedures which afford students more protection than this rule requires. The procedures in this section apply only to disciplinary detentions, suspensions and expulsions. They do not apply to disenrollment of</p>	<p>10 school days in a school year for disciplinary reasons exactly the same services in exactly the same settings as they were receiving prior to the imposition of discipline. However, CIMARRON MUNICIPAL SCHOOLS shall ensure that the special education and related services the child does receive enables the child to continue to participate in the general curriculum, and to progress toward meeting the goals set out in the child’s IEP. (See 71 Fed. Reg. 46716 (August 14, 2006))</p> <p>Decisions regarding the extent to which services would need to be provided and the amount of services that would be necessary to enable a child with a disability to appropriately participate in the general curriculum and progress toward achieving the goals on the child’s IEP may be different if the child is removed from his or her regular placement for a short period of time. For example, a child who is removed for a short period of time and who is performing at grade level may not need the same kind and amount of services to meet this standard as a child who is removed from his or her regular placement for 45 days under § 300.530(g) or § 300.532 and not performing at grade level. (See 71 Fed. Reg. 46716 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS shall not deny educational services to children with disabilities who have been removed for more than 10 school days in a school year; however § 300.530(d)(4) does not always require the provision of services when a child is removed from school for just a few days in a school year. (See 71 Fed. Reg. 46717 (August 14, 2006))</p> <p>The manifestation provisions provide a simplified, common sense manifestation determination process. CIMARRON MUNICIPAL SCHOOLS expects that the manifestation determination review will be done carefully and thoroughly with consideration of any rare or extraordinary circumstances presented. As part of the manifestation determination review, the Team will analyze the child’s behavior as demonstrated across settings and across time when determining whether the</p>
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<p>(4) Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.</p> <p>(Authority: 20 U.S.C. 1415(k)(1) and (7))</p>	<p>students who fail to meet immunization, age, residence or other requirements for valid enrollment, nor to the removal from school membership reports of students who have been absent from school for ten (10) consecutive school days in accordance with Subsection B of Section 22-8-2 NMSA 1978. Nothing in this section should be construed as prohibiting school boards or administrative authorities from involving other school staff, students and members of the community in the enforcement of rules of student conduct to the extent they believe is appropriate.</p> <p>A. Post-suspension placement of students. Any student suspended from school shall be delivered directly by a school official to the student's parent(s), legal guardian or an adult designated by the parent(s) or the legal guardian, or kept on school grounds until the usual end of the school day.</p> <p>B. Students with disabilities. This section does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504. The procedures for long-term suspension or expulsion of disabled students are set forth in Section 6.11.2.11 NMAC above. School personnel under this section may remove a student with a disability who violates a rule of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under Subsection G of 6.11.2.11 NMAC above).</p> <p>6.31.2.11 NMAC. EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES:</p> <p>F. Behavioral management and discipline.</p> <p>(1) Behavioral planning in the IEP. Pursuant to 34 CFR Sec. 324(a)(2)(i), the IEP team for a child with a</p>	<p>conduct in question is a direct result of the disability. (See 71 Fed. Reg. 46720 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes that a child with a disability may display disruptive behaviors characteristic of the child’s disability and the child should not be punished for behaviors that are a result of the child’s disability. In determining that a child’s conduct was a manifestation of his or her disability, the Team must find that the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability, and was not an attenuated association, such as low self-esteem, to the child’s disability. (See Note 237–245 of the Conf. Rpt., p. 225; see also, 71 Fed. Reg. 46720 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes that in instances where a child’s disciplinary removal constitutes a change in placement, and given the length of time of such removals, the IEP Team is the appropriate entity to determine the educational services necessary to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP. (See 71 Fed. Reg. 46718-46719 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that when removing on the basis of special circumstances, “serious bodily injury” means “bodily injury which involves--</p> <p>(A) a substantial risk of death;</p> <p>(B) extreme physical pain;</p> <p>(C) protracted and obvious disfigurement; or</p> <p>(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” 18 U.S.C. § 1365(h)(3).</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that when removing on the basis of special circumstances, “dangerous weapon” means “a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or</p>
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	<p>disability whose behavior impedes his or her learning or that of others shall consider, if appropriate, strategies to address that behavior, including the development of behavioral goals and objectives and the use of positive behavioral interventions, strategies and supports to be used in pursuit of those goals and objectives. Public agencies are strongly encouraged to conduct functional behavioral assessments (FBAs) and integrate behavioral intervention plans (BIPs) into the IEPs for students who exhibit problem behaviors well before the behaviors result in proposed disciplinary actions for which FBAs and BIPs are required under the federal regulations.</p> <p>(2) Suspensions, expulsions and disciplinary changes of placement. Suspensions, expulsions and other disciplinary changes of placement for children with disabilities shall be carried out in compliance with all applicable requirements of 34 CFR Secs. 300.530-300.536, and these or other department rules and standards, including particularly 6.11.2.11 NMAC, governing interim disciplinary placements and long-term suspensions or expulsions of students with disabilities.</p> <p>(3) FAPE for children removed from current placement for more than 10 school days in a school year. FAPE shall be provided in compliance with all applicable requirements of 34 CFR Sec. 300.530(d) and these or other department rules and standards for all children with disabilities who have been removed from their current educational placements for disciplinary reasons for more than 10 school days during a school year, as defined in 34 CFR Sec. 300.536.</p> <p>(4) LEAs must keep an accurate accounting of suspension and expulsion rates for children with disabilities as compared to children without disabilities to ensure that children with disabilities are not being expelled or suspended at a significantly higher rate than children without disabilities.</p>	<p>serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.” 18 U.S.C. § 930(g)(2).</p> <p>CIMARRON MUNICIPAL SCHOOLS understands that it may not discipline or deny eligibility to attend school to a student who is a qualified student based on the student requiring medical cannabis as a reasonable accommodation needed to attend school or a school-sponsored activity. (NMSA 1978, § 26-2B Lynn and Erin Compassionate Use Act; 6.12.10.11(B) NMAC).</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the District’s Policy and Procedure implementing NMSA 1978, § 26-2B to ensure compliance with the Lynn and Erin Compassionate Use Act as amended through SB 204 and 406 (2019).</p>
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<p>§ 300.531 Determination of setting.</p>		
<p>The child’s IEP Team determines the interim alternative educational setting for services under § 300.530(c), (d)(5), and (g).</p> <p>(Authority: 20 U.S.C. 1415(k)(2))</p>	<p>6.11.2.11 NMAC. DISCIPLINARY REMOVALS OF STUDENTS WITH DISABILITIES:</p> <p>F. Determination of setting. The student’s IEP team determines the interim alternative educational setting for services under Subsections B and E of this section.</p>	<p>If the child’s current placement is a special education setting, the child could be removed from the special education setting to another setting for disciplinary reasons. Similarly, if the child with a disability who violated a school code of conduct receives services in a regular classroom, the child could be removed to an appropriate interim alternative educational setting, another setting, or suspension. However, CIMARRON MUNICIPAL SCHOOLS understands that the child who is removed for more than 10 school days in the same school year must continue to receive educational services, to enable the child to continue to participate in the general education curriculum although in another setting, and to progress toward meeting the goals set out in his or her IEP. (See 71 Fed. Reg. 46717 (August 14, 2006))</p> <p>The IEP Team is responsible for determining the interim alternative educational setting for a child with a disability for removals that are a change of placement. CIMARRON MUNICIPAL SCHOOLS interprets this obligation to apply to all removals that constitute a change of placement for disciplinary reasons. (See 71 Fed. Reg. 46719 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS interprets “setting” in this context to be the environment in which the child will receive services, such as an alternative school, alternative classroom, or home setting. In many instances, the location and the setting or environment in which the child will receive services are the same. CIMARRON MUNICIPAL SCHOOLS may have available more than one location that meets the criteria of the setting chosen by the IEP Team. For example, CIMARRON MUNICIPAL SCHOOLS may have available two alternative schools that meet the criteria of</p>

		<p>the interim alternative educational setting chosen by the IEP Team. In those cases, CIMARRON MUNICIPAL SCHOOLS personnel would be able to assign the child to either of these locations, if the IEP Team has not specified a particular one. (See 71 Fed. Reg. 46719 (August 14, 2006))</p>
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<p>§ 300.532 Appeal.</p>		
<p>(a) <i>General.</i> The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under §300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).</p> <p>(b) <i>Authority of hearing officer.</i></p> <p>(1) A hearing officer under § 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section.</p> <p>(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may—</p> <p>(i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child’s behavior was a manifestation of the child’s disability; or</p> <p>(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not</p>	<p>6.11.2.11 NMAC. DISCIPLINARY REMOVALS OF STUDENTS WITH DISABILITIES:</p> <p>J. Appeal.</p> <p>(1) The parent of a student with a disability who disagrees with any decision regarding the placement or the manifestation determination under this section, or an administrative authority that believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to Subsection I of 6.31.2.13 NMAC.</p> <p>(2) A hearing officer who hears a matter under Paragraph (1) of Subsection J of 6.11.2.11 NMAC, has the authority provided in 34 CFR Sec. 300.532(b).</p> <p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>I. Due Process Hearings</p> <p>(4) Bases for requesting expedited hearing.</p> <p>(a) Pursuant to 34 CFR Sec. 300.532 and 20 USC Sec. 1415(k)(3), a parent may request an expedited hearing to review any decision regarding placement or a manifestation</p>	<p>Although IDEA does not address allocation of the burden of proof in due process hearings brought under the IDEA, the U.S. Supreme Court addressed the issue. In <i>Schaffer</i>, the Court held that the burden of persuasion in a hearing challenging the validity of an IEP is placed on the party on which this burden usually falls—on the party seeking relief—whether that is the parent of the child with a disability or the school district. Where CIMARRON MUNICIPAL SCHOOLS has requested that a hearing officer remove a child to an interim alternative educational setting, CIMARRON MUNICIPAL SCHOOLS understands that the burden of persuasion is on CIMARRON MUNICIPAL SCHOOLS. (See 71 Fed. Reg. 46723 (August 14, 2006))</p> <p>If the parent disagrees with the manifestation determination, they have the right to appeal that decision by requesting a due process hearing under § 300.532. At the point a due process hearing is requested, the concept of burden of proof would be applicable. In this instance, the burden of proof would be allocated to the parent who is the moving party. (See 71 Fed. Reg. 46724 (August 14, 2006))</p> <p>In light of the shortened timelines for conducting an expedited due process hearing under § 300.532(c), it is not practical to apply to the expedited due process hearing the sufficiency provision in § 300.508(d). (See 71 Fed. Reg. 46725 (August 14, 2006))</p>

<p>more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.</p> <p>(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.</p> <p>(c) Expedited <i>due process hearing</i>.</p> <p>(1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of §§300.507 and 300.508(a) through (c) and §§ 300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.</p> <p>(2) The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.</p> <p>(3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in §300.506—</p> <p>(i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and</p> <p>(ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days</p>	<p>determination under 34 CFR Secs. 300.530-300.531.</p> <p>(b) Pursuant to 34 CFR Sec. 300.532(c) and 20 USC Sec. 1415(k)(3), a public agency may request an expedited hearing if it believes that maintaining the current placement of a child is substantially likely to result in injury to the child or others.</p> <p>...</p> <p>(19) Rules for expedited hearings. The rules in Paragraphs (4) through (18) of Subsection I of 6.31.2.13 NMAC shall apply to expedited due process hearings with the following exceptions.</p> <p>(a) The SEB of the department and the hearing officer shall ensure that a hearing is held within 20 school days of the date the request for hearing is received by the SEB, and a written decision is reached within 10 school days of the completion of the hearing, without exceptions or extensions, and thereafter mailed to the parties.</p> <p>(b) The hearing officer shall seek to hold the hearing and issue a decision as soon as is reasonably practicable within the time limit described in Subparagraph (a) of Paragraph (19) of Subsection I of 6.31.2.13 NMAC above, and shall expedite the proceedings with due regard for any progress in a resolution session, FIEP meeting or mediation, the parties' need for adequate time to prepare and the hearing officer's need for time to review the evidence and prepare a decision after the hearing.</p> <p>(c) The parties shall decide whether to convene a resolution session, FIEP meeting, or mediation before the commencement of an expedited hearing in accordance with Paragraph (8) of Subsection I of 6.31.2.13 NMAC, and are encouraged to utilize one of these preliminary</p>	<p>Recognizing the need to promptly resolve a disagreement regarding a disciplinary decision, CIMARRON MUNICIPAL SCHOOLS believes the resolution meeting provides an opportunity for CIMARRON MUNICIPAL SCHOOLS and parents to resolve a disagreement regarding a disciplinary placement or manifestation determination before the timeframe for conducting a due process hearing begins. (See 71 Fed. Reg. 46725 (August 14, 2006)) Therefore, in most instances, CIMARRON MUNICIPAL SCHOOLS will not waive this opportunity even in the context of an expedited due process hearing.</p>
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<p>of the receipt of the due process complaint.</p> <p>(4) A State may establish different State-imposed procedural rules for expedited due process hearings conducted under this section than it has established for other due process hearings, but, except for the timelines as modified in paragraph (c)(3) of this section, the State must ensure that the requirements in §§ 300.510 through 300.514 are met.</p> <p>(5) The decisions on expedited due process hearings are appealable consistent with § 300.514.</p> <p>(Authority: 20 U.S.C. 1415(k)(3) and (4)(B), 1415(f)(1)(A))</p>	<p>meeting options. However, in the case of an expedited hearing, agreement by the parties to convene a resolution session, FIEP meeting or mediation shall not result in the suspension or extension of the timeline for the hearing stated under Subparagraph (a) of Paragraph (19) of Subsection I of 6.31.2.13 NMAC above. The timeline for resolution sessions provided in 34 CFR Sec. 300.532(c)(3) shall be observed.</p> <p>(d) Subparagraph (a) of Paragraph (6) of Subsection I of 6.31.2.13 NMAC relating to sufficiency of the request for the expedited due process hearing does not apply to expedited hearings.</p> <p>(e) The hearing officer may shorten the timeline for the exchange of proposed stipulated facts between the parties as he deems necessary and appropriate given the circumstances of a particular case. The hearing officer may also shorten the timeline for providing agreed-upon stipulated facts to the hearing officer to two school days before the hearing.</p> <p>(f) Decisions in expedited due process hearings are final, unless a party brings a civil action as provided in Paragraph (24) of Subsection I of 6.31.2.13 NMAC below.</p>	
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<p>§ 300.533 Placement during appeals.</p>		
<p>When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in § A300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.</p>	<p>6.11.2.11 NMAC. DISCIPLINARY REMOVALS OF STUDENTS WITH DISABILITIES:</p> <p>J. Appeal. ...</p>	<p>CIMARRON MUNICIPAL SCHOOLS will ensure that the child remains in the stay-put placement during the pendency of the proceedings, unless CIMARRON MUNICIPAL SCHOOLS and the parent agree otherwise.</p>

<p>(Authority: 20 U.S.C. 1415(k)(4)(A))</p>	<p>(3) When an appeal under this subsection has been made by either the parent or the administrative authority, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in Subsections B or E of this section, whichever occurs first, unless the parent and the administrative authority agree otherwise.</p>	
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<p>§ 300.534 Protections for children not determined eligible for special education and related services.</p>		
<p>(a) <i>General.</i> A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.</p> <p>(b) <i>Basis of knowledge.</i> A public agency must be deemed to have knowledge that a child is a child with a <i>disability</i> if before the behavior that precipitated the disciplinary action occurred—</p> <p>(1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;</p> <p>(2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through</p>	<p>6.11.2.10 NMAC. ENFORCING RULES OF CONDUCT:</p> <p>I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.</p> <p>...</p> <p>(5) A student who has not been determined to be eligible for special education and related services under 6.31.2 NMAC and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in this subsection if the</p>	<p>If a child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct asserts the protections of the IDEA, CIMARRON MUNICIPAL SCHOOLS will ensure IDEA protections are extended to the child who is not yet eligible for special education services if the child meets the criteria for such protections.</p> <p>CIMARRON MUNICIPAL SCHOOLS interprets the phrase “express concern” to mean that a parent is concerned that his or her child is in need of special education and related services and expresses that concern in writing to the child’s teacher or administrative personnel. (See 71 Fed. Reg. 46727 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will not be considered to have a basis of knowledge merely because a child receives coordinated early intervening services. However, if a parent or a teacher of a child receiving early intervening services expresses a concern, in writing, to appropriate agency personnel, that the child may need special education and related services, CIMARRON MUNICIPAL SCHOOLS would be</p>

<p>300.311; or</p> <p>(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.</p> <p>(c) <i>Exception.</i> A public agency would not be deemed to have knowledge under paragraph (b) of this section if—</p> <p>(1) The parent of the child—</p> <p>(i) Has not allowed an evaluation of the child pursuant to §§ 300.300 through 300.311; or</p> <p>(ii) Has refused services under this part; or</p> <p>(2) The child has been evaluated in accordance with §§300.300 through 300.311 and determined to not be a child with a disability under this part.</p> <p>(d) <i>Conditions that apply if no basis of knowledge.</i></p> <p>(1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.</p> <p>(2)</p> <p>(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.530, the evaluation must be</p>	<p>conditions set forth in 34 CFR Sec. 300.534 have been met.</p>	<p>deemed to have knowledge that the child is a child with a disability under this part. (See 71 Fed. Reg. 46727 (August 14, 2006))</p> <p>When a parent revokes consent for special education and related services, the parent has refused services as described in § 300.534(c)(1)(ii); therefore, CIMARRON MUNICIPAL SCHOOLS is not deemed to have knowledge that the child is a child with a disability and the child may be disciplined as a general education student and is not entitled to the IDEA’s discipline protections. (See 73 Fed. Reg. 73012 (December 1, 2008))</p> <p>CIMARRON MUNICIPAL SCHOOLS does not specify a timeline for an expedited evaluation or an eligibility determination. What may be required to conduct an evaluation will vary widely depending on the nature and extent of a child’s suspected disability and the amount of additional information that would be necessary to make an eligibility determination. However, when the evaluation must be “expedited”, CIMARRON MUNICIPAL SCHOOLS interprets this to mean that the evaluation should be conducted in a shorter period of time than a typical initial evaluation which must be conducted within 60 days of receiving parental consent for the evaluation. (See 71 Fed. Reg. 46728 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS recognizes that nothing in the IDEA prevents a parent from requesting an evaluation when their child has a discipline issue or is at risk of not succeeding in school, even after the parent has previously revoked consent for the provision of special education and related services. (See 73 Fed. Reg. 73014 (December 1, 2008))</p>
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<p>conducted in an expedited manner.</p> <p>(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.</p> <p>(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of §§ 300.530 through 300.536 and section 612(a)(1)(A) of the Act.</p> <p>(Authority: 20 U.S.C. 1415(k)(5))</p>		
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<p>§ 300.535 Referral to and action by law enforcement and judicial authorities.</p> <p>(a) <i>Rule of construction.</i> Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.</p> <p>(b) Transmittal of records.</p> <p>(1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.</p>	<p>6.11.2.10 NMAC. ENFORCING RULES OF CONDUCT:</p> <p>I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.</p>	<p>CIMARRON MUNICIPAL SCHOOLS reads § 300.535(b)(2) consistent with the disclosures permitted under FERPA for the education records of all children. Under FERPA, CIMARRON MUNICIPAL SCHOOLS can only release personally identifiable information (such as the child’s status as a special education child) with parental consent, except in certain very limited circumstances. Therefore, the transmission of a child’s special education and disciplinary records without parental consent is permissible only to the extent that such transmission is permitted under FERPA. (See 71 Fed. Reg. 46728 (August 14, 2006))</p> <p>When the CIMARRON MUNICIPAL SCHOOLS reports a crime committed by a student with a disability to law enforcement authorities, CIMARRON MUNICIPAL SCHOOLS will transmit special</p>
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<p>(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</p> <p>(Authority: 20 U.S.C. 1415(k)(6))</p>	<p>...</p> <p>(6) Referral to and action by law enforcement and judicial authorities.</p> <p>(a) Nothing in these rules of conduct prohibits an administrative authority from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.</p> <p>(b) Transmittal of records.</p> <p>(i) An administrative authority reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted, for consideration by the appropriate authorities, to whom the administrative authority reports the crime.</p> <p>(ii) An administrative authority reporting a crime under this section may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</p> <p>NMSA 1978, § 22-5-4.12 (2017) [H.B. 75]. Limiting the Use Of Restraint And Seclusion In Schools; Providing for Notice To Parents</p> <p>...</p> <p>E. If a school summons law enforcement instead of using a restraint or seclusion technique on a student, the school shall comply with the reporting, documentation</p>	<p>education and disciplinary records of the student only to the extent permitted by FERPA.</p> <p>CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the Board's Policy and School Safety Plan (applicable to all students including students with disabilities) implementing NMSA 1978, § 22-5-4.12 (2017) [H.B. 75] to ensure that Board Policies and School Safety Plan is followed whenever a student with a disability is restrained or secluded including when law enforcement is summoned instead of using a restraint or seclusion technique on a student.</p>
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	<p>and review procedures established pursuant to Subsection D of this section.</p> <p>...</p> <p>G. The provisions of this section shall not be interpreted as addressing the conduct of law enforcement or first responders.</p>	
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<p>§ 300.536 Change of placement because of disciplinary removals.</p>		
<p>(a) For purposes of removals of a child with a disability from the child’s current educational placement under §§ 300.530 through 300.535, a change of placement occurs if—</p> <p>(1) The removal is for more than 10 consecutive school days; or</p> <p>(2) The child has been subjected to a series of removals that constitute a pattern—</p> <p>(i) Because the series of removals total more than 10 school days in a school year;</p> <p>(ii) Because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and</p> <p>(iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.</p> <p>(b)</p> <p>(1) The public agency determines on a case-by-case basis whether a pattern of removals constitutes a charge of placement.</p>	<p>6.11.2.11 NMAC. DISCIPLINARY REMOVALS OF STUDENTS WITH DISABILITIES:</p> <p>G. Change of placement because of disciplinary removals. For purposes of removals of a student with a disability from the child’s current educational placement under 6.11.2.11 and 6.11.2.12 NMAC, a change of placement occurs if the conditions provided in 34 CFR Sec. 300.536 are met.</p>	<p>CIMARRON MUNICIPAL SCHOOLS recognizes that to the extent that any school district has “a zero tolerance” policy, such policies are irrelevant to what constitutes a change in placement for disciplinary removals under the IDEA. (See 71 Fed. Reg. 46728 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will consider on a case-by-case basis whether the behavior in the incidents that resulted in the series of removals is “substantially similar.” In making the determination as to “substantially similar behavior,” CIMARRON MUNICIPAL SCHOOLS will consider any relevant information regarding the child’s behaviors, including, where appropriate, any information in the child’s IEP. However, “substantially similar behaviors” do not need to be recognized by the IEP Team or included in the child’s IEP, and instead will be determined by CIMARRON MUNICIPAL SCHOOLS. Although “substantially similar behavior” is a subjective determination, when the child’s behaviors, taken cumulatively, are objectively reviewed in the context of all the criteria for determining whether the series of behaviors constitutes a change in placement, CIMARRON MUNICIPAL SCHOOLS will be able to make a reasonable determination as to whether a change in placement has occurred. (See 71 Fed. Reg. 46729 (August 14, 2006))</p>

<p>(2) This determination is subject to review through due process and judicial proceedings.</p> <p>(Authority: 20 U.S.C. 1415(k))</p>		
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<p>§ 300.537 State enforcement mechanisms.</p> <p>Notwithstanding §§ 300.506(b)(7) and 300.510(d)(2), which provide for judicial enforcement of a written agreement reached as a result of mediation or a resolution meeting, there is nothing in this part that would prevent the SEA from using other mechanisms to seek enforcement of that agreement, provided that use of those mechanisms is not mandatory and does not delay or deny a party the right to seek enforcement of the written agreement in a State court of competent jurisdiction or in a district court of the United States.</p> <p>(Authority: 20 U.S.C. 1415(e)(2)(F), 1415(f)(1)(B))</p>		
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<p>§§ 300.538–300.599 [Reserved]</p>		
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<p>EDUCATIONAL SERVICES FOR GIFTED CHILDREN</p> <p>(Not addressed in federal regulations; see New Mexico Rules).</p>	<p>GIFTED CHILDREN</p> <p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>D. The definitions in Subsection D apply only to Section 12 (<i>educational services for gifted children</i>).</p> <p>(1) Gifted child defined. As used in 6.31.2.12 NMAC, “gifted child” means a school-age person as defined in Sec. 22-13-6(D) NMSA 1978 whose intellectual</p>	<p>The NMPED has issued a Characteristics of Gifted Students with Factors Instructions, Checklist, and Scoring Guide (November 2005) that the SAT committee may use. As indicated in the Purpose Statement, “This checklist exists in order to discover factors that may influence classroom performance or test scores of gifted students. It does not weigh for or against qualification, but aids the Student Assistance Team (SAT) in making good judgments about how to proceed with the evaluation process.”</p>
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	<p>ability paired with subject matter aptitude/achievement, creativity/divergent thinking, or problem-solving/critical thinking meets the eligibility criteria in 6.31.2.12 NMAC and for whom a properly constituted IEP team determines that special education services are required to meet the child's educational needs.</p> <p>(2) Qualifying areas defined.</p> <p>(a) “Intellectual ability” means a score two standard deviations above the mean as defined by the test author on a properly administered intelligence measure. The test administrator must also consider the standard error of measure (SEM) in the determination of whether or not criteria have been met in this area.</p> <p>(b) “Subject matter aptitude/achievement” means superior academic performance on a total subject area score on a standardized measure, or as documented by information from other sources as specified in Paragraph (2) of Subsection C of 6.31.2.12 NMAC.</p> <p>(c) “Creativity/divergent thinking” means outstanding performance on a test of creativity/divergent thinking, or in creativity/divergent thinking as documented by information from other sources as specified in Paragraph (2) of Subsection C of 6.31.2.12 NMAC.</p> <p>(d) “Problem-solving/critical thinking” means outstanding performance on a test of problem-solving/critical thinking, or in problem-solving/critical thinking as documented by information from other sources as specified in Subparagraph (b) of Paragraph (2) of Subsection B of 6.31.2.12 NMAC.</p> <p>6.31.2.12 NMAC. EDUCATIONAL SERVICES FOR GIFTED CHILDREN:</p>	<p>Per the Interpretation instructions, “Quantitative data from this checklist should be combined with qualitative data for consideration by the SAT in determining whether or not a student referred for gifted services would be considered to have ‘factors.’ If there are ‘factors’ that are determined to be significant through the use of this instrument and other qualitative data, the student would be referred by the SAT to the team administering the alternative protocol that has been approved by the Public Education Department/Special Education Bureau and adopted by the district/charter school for screening and evaluation.” The CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this resource.</p> <p>The NMPED has issued a Technical Assistance Manual for Gifted Education in New Mexico (August 2008), available through the NMPED website.</p> <p>This technical assistance manual provides legal requirements, as well as sample forms, processes, and checklists. The forms or checklists included are offered by the PED in response to the many requests received for sample models. However, according to the PED, “none of the forms are required or necessarily recommended.” If they are used, CIMARRON MUNICIPAL SCHOOLS will review, adapt, and/or revise the forms to fit CIMARRON MUNICIPAL SCHOOLS’s specific demographic and procedural needs. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of this technical assistance manual.</p>
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	<p>A. Gifted child defined. As used in 6.31.2.12 NMAC, “gifted child” means a school-age person as defined in Sec. 22-13-6(D) NMSA 1978 whose intellectual ability paired with subject matter aptitude/achievement, creativity/divergent thinking, or problem-solving/critical thinking meets the eligibility criteria in 6.31.2.12 NMAC and for whom a properly constituted IEP team determines that special education services are required to meet the child’s educational needs.</p> <p>B. Qualifying areas defined.</p> <p>(1) “Intellectual ability” means a score two standard deviations above the mean as defined by the test author on a properly administered intelligence measure. The test administrator must also consider the standard error of measure (SEM) in the determination of whether or not criteria have been met in this area.</p> <p>(2) “Subject matter aptitude/achievement” means superior academic performance on a total subject area score on a standardized measure, or as documented by information from other sources as specified in Paragraph (2) of Subsection C of 6.31.2.12 NMAC.</p> <p>(3) “Creativity/divergent thinking” means outstanding performance on a test of creativity/ divergent thinking, or in creativity/divergent thinking as documented by information from other sources as specified in Paragraph (2) of Subsection C of 6.31.2.12 NMAC.</p> <p>(4) “Problem-solving/critical thinking” means outstanding performance on a test of problem-solving/critical thinking, or in problem-solving/critical thinking as documented by information from other sources as specified in Paragraph (2) of Subsection B of 6.31.2.12 NMAC.</p> <p>(5) For students with “factors” as specified in Paragraph (2) of Subsection E of 6.31.2.12 NMAC, the impact</p>	
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	<p>of these factors shall be documented and alternative methods will be used to determine the student's eligibility.</p> <p>C. Evaluation procedures for gifted children.</p> <p>(1) Each district must establish a child find procedure that includes a screening and referral process for students in public school who may be gifted.</p> <p>(2) Analysis of data. The identification of a student as gifted shall include documentation and analysis of data from multiple sources for subject matter aptitude/achievement, creativity/divergent thinking, and problem solving/critical thinking including:</p> <p>(a) standardized measures, as specified in Subsection B of 6.31.2.12 NMAC, and</p> <p>(b) information regarding the child's abilities from other sources, such as collections of work, audio/visual tapes, judgment of work by qualified individuals knowledgeable about the child's performance (e.g., artists, musicians, poets and historians, etc.), interviews, or observations.</p> <p>(3) The child's ability shall be assessed in all four areas specified in Subsection B of 6.31.2.12 NMAC.</p> <p>D. Standard method for identification. Under the standard method for identification, students will be evaluated in the areas of intellectual ability, subject matter aptitude/achievement, creativity/divergent thinking, and problem solving/critical thinking. A student who meets the criteria established in Subsection B of 6.31.2.12 for intellectual ability and also meets the criteria in one or more of the other areas will qualify for consideration of service. A properly constituted IEP team, including someone who has knowledge of gifted education, will determine if special education services are required to meet the child's educational needs.</p>	
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	<p>E. Alternative method for identification.</p> <p>(1) A district may apply to the public education department to utilize an alternative protocol for all students. Eligibility of a student will then be determined by a properly administered and collected, department-approved alternative protocol designed to evaluate a student's intellectual ability, subject matter aptitude/achievement, creativity/divergent thinking, and problem solving /critical thinking.</p> <p>(2) If an accurate assessment of a child's ability may be affected by factors including cultural background, linguistic background, socioeconomic status or disability condition(s), an alternative protocol as described in Paragraph (1) of Subsection E of 6.31.2.12 NMAC will be used in all districts to determine the student's eligibility. The impact of these factors shall be documented by the person(s) administering the alternative protocol.</p> <p>(3) The student assistance team (SAT) process requirements will not apply to students who meet the criteria established by the alternative protocols. When a student's overall demonstrated abilities are very superior (as defined by the alternative protocol author), a properly constituted IEP team, including someone who has knowledge of gifted education, will determine if special education services are required to meet the child's educational needs.</p> <p>F. Applicability of rules to gifted children.</p> <p>(1) All definitions, policies, procedures, assurances, procedural safeguards and services identified in 6.31.2 NMAC for school-aged children with disabilities apply to school-aged gifted children within the educational jurisdiction of each local school district, including children in charter schools within the district, except:</p> <p>(a) the requirements of 6.31.2.8 NMAC through 6.31.2.10 NMAC [Right to FAPE, Public</p>	
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	<p>Agency Responsibilities, Identification, Evaluations and Eligibility Determinations];</p> <p>(b) Subsections J [Children in State-Supported Educational Programs], K [Children in Detention and Correctional Facilities] and L [Children in Private Schools or Facilities] of 6.31.2.11 NMAC regarding child find, evaluations and services for private school children with disabilities, children with disabilities in state-supported educational programs, children with disabilities in detention and correctional facilities and children with disabilities who are schooled at home;</p> <p>(c) the requirements of 34 CFR Secs. 300.530-300.536 [Discipline Procedures], Subsection I of 6.31.2.13 NMAC [Due Process Hearings] and 6.11.2.11 NMAC regarding disciplinary changes of placement for children with disabilities; and</p> <p>(d) the requirements of 34 CFR Secs. 300.43 [Ward of the State], 300.320(b) [IEP’s Transition Service] and 6.31.2.11(G)(2) regarding transition planning. Students identified as gifted must meet the requirements at Subsection B of 22-13-1.1 NMSA 1978, which is the next step plan for students without disabilities. disability and be entitled to a free appropriate public education for both reasons.</p> <p>(2) Assuming appropriate evaluations, a child may properly be determined to be both gifted and a child with a disability and be entitled to a free appropriate public education for both reasons. The rules in this section 6.31.2.12 NMAC apply only to gifted children.</p> <p>(3) Nothing in these rules shall preclude a school district or a charter school within a district from offering additional gifted programs for children who fail to meet the eligibility criteria. However, the state shall</p>	
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	<p>only provide funds under Section 22-8-21 NMSA 1978 for department approved gifted programs for those students who meet the established criteria.</p> <p>G. Advisory committees.</p> <p>(1) Each school district offering a gifted education program shall create one or more advisory committees of parents, community members, students and school staff members. The school district may create as many advisory committees as there are high schools in the district or may create a district-wide advisory committee.</p> <p>(2) The membership of each advisory committee shall reflect the cultural diversity of the enrollment of the school district or the schools the committee advises. Representation from all schools the committee is advising is required.</p> <p>(3) Purposes. The advisory committee shall:</p> <p>(a) regularly review the goals and priorities of the gifted program, including the operational plans for student identification, evaluation, placement and service delivery;</p> <p>(b) demonstrate support for the gifted program;</p> <p>(c) provide information regarding the impact that cultural background, linguistic background, socioeconomic status and disability conditions within the community may have on the child referral, identification, evaluation and service delivery processes;</p> <p>(d) advocate for children who have been under-represented in gifted services due to cultural or linguistic background, socioeconomic status, or disability conditions, in order to ensure that these children have equal opportunities to benefit from services for gifted students; and</p>	
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	<p>(e) meet three or more times per year at regular intervals.</p> <p>(4) Formal documentation of committee membership, activities and recommendations shall be maintained. If proposals are made by the committee to address any of the purposes as listed in Subsection G(3) of 6.31.2.12 NMAC, they shall be submitted in writing to the district administration. The administration shall respond in writing to any proposed actions before the next scheduled meeting of the advisory committee.</p>	
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<p>Subpart F—Monitoring, Enforcement, Confidentiality, and Program Information</p>		
<p>Monitoring, Technical Assistance, and Enforcement</p>		
<p>§ 300.600 State monitoring and enforcement.</p>		
<p>[Text omitted from these procedures.]</p>		

<p>§ 300.601 State performance plans and data collection. [Text omitted from these procedures.]</p>		
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<p>§ 300.602 State use of targets and reporting. [Text omitted from these procedures.]</p>		
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<p>§ 300.603 Secretary's review and determination regarding State performance. [Text omitted from these procedures.]</p>		
<p>§ 300.604 Enforcement. [Text omitted from these procedures.]</p>		
<p>§ 300.605 Withholding funds. [Text omitted from these procedures.]</p>		
<p>§ 300.606 Public attention. [Text omitted from these procedures.]</p>		
<p>§ 300.607 Divided State agency responsibility. [Text omitted from these procedures.]</p>		
<p>§ 300.608 State enforcement. [Text omitted from these procedures.]</p>		
<p>§ 300.609 Rule of construction. [Text omitted from these procedures.]</p>		

<u>Confidentiality of Information</u>		
<u>§ 300.610 Confidentiality.</u>		
<p>The Secretary takes appropriate action, in accordance with section 444 of GEPA, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act, and consistent with §§ 300.611 through 300.627.</p> <p>(Authority: 20 U.S.C. 1417(c))</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>L. Confidentiality of information.</p> <p>(1) Confidentiality requirements. Each public agency collecting, using or maintaining any personally identifiable information on children under Part B of the IDEA shall comply with all applicable requirements of 34 CFR Secs. 300.610-300.626, and the Family Educational Rights and Privacy Act, 34 CFR Part 99.</p> <p>(2) Parental rights to inspect, review and request amendment of education records. Each public agency shall permit parents or their authorized representatives to inspect and review any education records relating to their children that are collected, maintained or used by the agency under Part B of the IDEA pursuant to 34 CFR Sec. 300.613. A parent who believes that information in the education records is inaccurate or misleading or violates the privacy or other rights of the child may request the agency that maintains the information to amend the information pursuant to 34 CFR Sec. 300.618 and shall have the opportunity for a hearing on that request pursuant to 34 CFR Secs. 300.619-300.621 and 34 CFR Sec. 99.22.</p> <p>(3) Transfer of student records.</p> <p>(a) Pursuant to 34 CFR Sec. 99.31(a)(2), an educational agency may transfer child records without parental consent when requested by another educational agency in which a child seeks or intends to enroll as long as the sending agency has included the proper notification that it will do so in its required annual FERPA notice to children and parents. In view of the</p>	<p>CIMARRON MUNICIPAL SCHOOLS has a Board policy ensuring compliance with FERPA. CIMARRON MUNICIPAL SCHOOLS will follow Board policy, including with regard to assuring the following rights:</p> <ul style="list-style-type: none"> ■ The right to inspect and review the child’s education records within 45 days of the day CIMARRON MUNICIPAL SCHOOLS receives a request for access. Parents should submit to the custodian of records a written request that identifies the record(s) they wish to inspect. CIMARRON MUNICIPAL SCHOOLS will make arrangements for access and notify the parent of the time and place where the records may be inspected. ■ The right to request the amendment of the child’s education records that the parent believes is inaccurate or misleading or violates the privacy or other rights of the child. Parents or eligible students may ask CIMARRON MUNICIPAL SCHOOLS to amend a record that they believe is inaccurate or misleading or violates the privacy or other rights of the child. They should clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading or violates the privacy or other rights of the child. If CIMARRON MUNICIPAL SCHOOLS decides not to amend the record as requested by the parent or eligible student, CIMARRON MUNICIPAL SCHOOLS will notify the parent of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent when notified of the right to a hearing. ■ The right to consent to disclosures of personally identifiable information contained in the child’s education records, except to the extent that FERPA

	<p>importance of uninterrupted educational services to children with disabilities, each New Mexico public agency is hereby directed to include such language in its annual FERPA notice and to ensure that it promptly honors each proper request for records from an educational agency that has become responsible for serving a child with a disability.</p> <p>(b) State-supported educational programs and the educational programs of juvenile or adult detention or correctional facilities are educational agencies for purposes of the Family Educational Rights and Privacy Act (FERPA) and are entitled to request and receive educational records on children with disabilities on the same basis as local school districts. Public agencies shall promptly honor requests for records to assist such programs in providing appropriate services to children within their educational jurisdiction.</p> <p>(c) Pursuant to 34 CFR Sec. 99.34(b), an educational agency that is authorized to transfer student records to another educational agency without parental consent under Sec. 99.31(a)(2) may properly transfer to the receiving agency all educational records the sending agency maintains on a child, including medical, psychological and other types of diagnostic and service information which the agency obtained from outside sources and used in making or implementing educational programming decisions for the child.</p> <p>(d) Pursuant to Paragraph (3) of Subsection E of 6.29.1.9 NMAC, 34 CFR Sec. 300.229 and the federal No Child Left Behind Act at 20 USC 7165, any transfer of educational records to a private or public elementary or secondary school in which a child with disabilities seeks, intends, or is instructed to enroll must include the following:</p>	<p>authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, CIMARRON MUNICIPAL SCHOOLS discloses education records without consent to officials of another school district in which a child seeks or intends to enroll.</p> <p>■ The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-5901</p> <p>The Director of Special Education is custodian of the special education folder for students currently enrolled at the assigned school. The Director of Special Education is the custodian of records for the special education folder of students who have withdrawn or graduated.</p> <p>CIMARRON MUNICIPAL SCHOOLS will provide notice when records are no longer needed. The parent may seek destruction of the records once they are no longer needed. The information must be destroyed at the request of the parents or, at their option, the records must be given to the parents. When informing parents about their rights to destruction of personally identifiable records, CIMARRON MUNICIPAL SCHOOLS advises them that the records may be needed by the child or the parents for social security benefits and other purposes.</p>
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	<ul style="list-style-type: none"> (i) transcripts and copies of all pertinent records as normally transferred for all students; (ii) the child’s current individualized education program with all supporting documentation, including the most recent multidisciplinary evaluations and any related medical, psychological or other diagnostic or service information that was consulted in developing the IEP; and (iii) disciplinary records with respect to current or previous suspensions or expulsions of the child. <p>(4) Parental refusals of consent for release of information. If parental consent is required for a particular release of information regarding a child with a disability and the parent refuses consent, the sending or receiving public agency may use the impartial due process hearing procedures specified in Subsection I of 6.31.2.13 NMAC to determine if the information may be released without parental consent. If the hearing officer determines that the proposed release of information is reasonably necessary to enable one or more public agencies to fulfill their educational responsibilities toward the child, the information may be released without the parent's consent. The hearing officer’s decision in such a case shall be final and not subject to further administrative review.</p>	
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<p>§ 300.611 Definitions.</p>		
<p>As used in §§ 300.611 through 300.625—</p> <ul style="list-style-type: none"> (a) <i>Destruction</i> means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. 		

<p>(b) <i>Education records</i> means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).</p> <p>(c) Participating <i>agency</i> means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act.</p> <p>(Authority: 20 U.S.C. 1221e-3, 1412(a)(8), 1417(c))</p>		
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<p>§ 300.612 Notice to parents.</p>		
<p>(a) The SEA must give notice that is adequate to fully inform parents about the requirements of § 300.123, including—</p> <ol style="list-style-type: none"> (1) A description of the extent that the notice is given in the native languages of the various population groups in the State; (2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information; (3) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and (4) A description of all of the rights of parents and children regarding this information, including 		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding annual notice to parents under the Family Educational Rights and Privacy Act (FERPA); and will provide annual notice.</p>

<p>the rights under FERPA and implementing regulations in 34 CFR part 99.</p> <p>(b) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		
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<p>§ 300.613 Access rights.</p> <p>(a) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to § 300.507 or §§ 300.530 through 300.532, or resolution session pursuant to § 300.510, and in no case more than 45 days after the request has been made.</p> <p>(b) The right to inspect and review education records under this section includes—</p> <p>(1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;</p> <p>(2) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and</p> <p>(3) The right to have a representative of the parent</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>B. Examination of records. Each public agency shall afford the parents of a child with a disability an opportunity to inspect and review all education records related to the child in compliance with 34 CFR Secs. 300.501(a), 300.613-300.620, 34 CFR Part 99, and any other applicable requirements of these or other department rules and standards.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding a parent’s access rights under the Family Educational Rights and Privacy Act (FERPA).</p> <p>CIMARRON MUNICIPAL SCHOOLS will afford parents the opportunity to inspect and review their child’s education records within 45 days of the day CIMARRON MUNICIPAL SCHOOLS receives a request for access. Parents should submit to the custodian of records a written request that identifies the record(s) they wish to inspect. CIMARRON MUNICIPAL SCHOOLS will make arrangements for access and notify the parent of the time and place where the records may be inspected.</p>
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<p>inspect and review the records.</p> <p>(c) An agency 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 governing such matters as guardianship, separation, and divorce.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		
<p>§ 300.614 Record of access.</p> <p>Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS maintains the Record of Access for special education records in the Special Education folder.</p>
<p>§ 300.615 Records on more than one child.</p> <p>If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding records on more than one child under the Family Educational Rights and Privacy Act (FERPA).</p> <p>To ensure that any information on a child other than the child of the requesting parent remains protected, CIMARRON MUNICIPAL SCHOOLS will redact any identifying information on the other child or inform the parents of the information that pertains to only their child if redaction does not fully protect the identity of the other child.</p>

<p>§ 300.616 List of types and locations of information.</p>		
<p>Each participating agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>In CIMARRON MUNICIPAL SCHOOLS, the special education records of a student are located at the Department of Special Education.</p>
<p>§ 300.617 Fees.</p>		
<p>(a) Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.</p> <p>(b) A participating agency may not charge a fee to search for or to retrieve information under this part.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding charging fees for copies.</p>
<p>§ 300.618 Amendment of records at parent's request.</p>		
<p>(a) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.</p> <p>(b) The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.</p> <p>(c) If the agency decides to refuse to amend the</p>		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding amendment of records under the Family Educational Rights and Privacy Act (FERPA).</p> <p>CIMARRON MUNICIPAL SCHOOLS affords parents and adult students the opportunity to request the amendment of their child's education records when a parent or adult student believes the records are inaccurate or misleading or violates the privacy or other rights of the child. Parents or eligible students may ask CIMARRON MUNICIPAL SCHOOLS to amend a</p>

<p>information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>record that they believe is inaccurate or misleading or violates the privacy or other rights of the child. They should clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading or violates the privacy or other rights of the child. If CIMARRON MUNICIPAL SCHOOLS decides not to amend the record as requested by the parent or eligible student, CIMARRON MUNICIPAL SCHOOLS will notify the parent of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent when notified of the right to a hearing.</p>
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<p>§ 300.619 Opportunity for a hearing.</p> <p>The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding the opportunity for a hearing, including hearing procedures and result of the hearing under the Family Educational Rights and Privacy Act (FERPA).</p> <p>CIMARRON MUNICIPAL SCHOOLS will hold the hearing within a reasonable time after it has received the request for hearing from the parents or adult student. (See 34 CFR 99.22; 71 Fed. Reg. 46735 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will give the parent or adult student notice of the date, time, and place, reasonably in advance of the hearing. (See 34 CFR 99.22; 71 Fed. Reg. 46735 (August 14, 2006))</p> <p>The hearing may be conducted by any individual, including an official of CIMARRON MUNICIPAL SCHOOLS, who does not have a direct interest in the outcome of the hearing. (See 34 CFR 99.22; 71 Fed. Reg. 46735 (August 14, 2006))</p>
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		<p>CIMARRON MUNICIPAL SCHOOLS, the parents or eligible student may, at their own expense, be assisted or represented by one or more individuals of their choice. (See 34 CFR 99.22; 71 Fed. Reg. 46735 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS will make its decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing, and will include a summary of the evidence and the reasons for the decision. (See 34 CFR 99.22; 71 Fed. Reg. 46736 (August 14, 2006))</p>
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<p>§ 300.620 Result of hearing.</p> <p>(a) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing.</p> <p>(b) If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent’s right to place in the records the agency maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.</p> <p>(c) Any explanation placed in the records of the child under this section must—</p> <p>(1) Be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and</p> <p>(2) If the records of the child or the contested portion is disclosed by the agency to any party,</p>		
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<p>the explanation must also be disclosed to the party.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		
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<p>§ 300.621 Hearing procedures.</p> <p>A hearing held under § 300.619 must be conducted according to the procedures in 34 CFR 99.22.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		
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<p>§ 300.622 Consent.</p> <p>(a) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99.</p> <p>(b)</p> <p>(1) Except as provided in paragraphs (b)(2) and (b)(3) of this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.</p> <p>(2) Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321(b)(3).</p> <p>(3) If a child is enrolled, or is going to enroll in a</p>		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding parental consent requirements under the Family Educational Rights and Privacy Act (FERPA).</p> <p>CIMARRON MUNICIPAL SCHOOLS will obtain parental consent before disclosing personally identifiable information contained in a child's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with a legitimate educational interest. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, CIMARRON MUNICIPAL SCHOOLS discloses education records without consent to officials of another school district in which a child seeks or intends to enroll.</p>
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<p>private school that is not located in the LEA of the parent’s residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent’s residence.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		
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<p>§ 300.623 Safeguards.</p> <p>(a) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.</p> <p>(b) One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.</p> <p>(c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State’s policies and procedures under § 300.123 and 34 CFR part 99.</p> <p>(d) Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will comply with Board Policy regarding safeguards under the Family Educational Rights and Privacy Act (FERPA).</p> <p>The child’s school principal of CIMARRON MUNICIPAL SCHOOLS is responsible for ensuring the confidentiality of any personally identifiable information.</p> <p>CIMARRON MUNICIPAL SCHOOLS will ensure that all persons collecting or using personally identifiable information will receive training or instruction regarding the Family Educational Rights and Privacy Act (FERPA).</p> <p>CIMARRON MUNICIPAL SCHOOLS will maintain a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.</p>
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<p>§ 300.624 Destruction of information.</p>		
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<p>(a) The public agency must inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.</p> <p>(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>	<p>6.31.2.13 NMAC. ADDITIONAL RIGHTS OF PARENTS, STUDENTS AND PUBLIC AGENCIES:</p> <p>L. Confidentiality of information. ...</p> <p>(5) Destruction of information.</p> <p>(a) Pursuant to 34 CFR Sec. 300.624, each public agency shall inform parents when personally identifiable information collected, maintained, or used under 34 CFR Part 300 is no longer needed to provide educational services to the child. As at other times, the parents shall have the right to inspect and review all educational records pertaining to their child pursuant to 34 CFR Sec. 300.613. The information must be destroyed at the request of the parents or, at their option the records must be given to the parents. When informing parents about their rights to destruction of personally identifiable records under these rules, the public agency should advise them that the records may be needed by the child or the parents for social security benefits and other purposes.</p> <p>(b) If the parents do not request the destruction of personally identifiable information about their children, the public agency may retain that information permanently. In either event, a permanent record of a student's name, address and phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Additional information that is not related to the student's IDEA services may be maintained if allowed under 34 CFR Part 99.</p> <p>(6) Educational records retention and disposition schedules.</p> <p>(a) Definitions as used in this paragraph:</p>	<p>CIMARRON MUNICIPAL SCHOOLS will provide notice when records are no longer needed. The parent may seek destruction of the records once they are no longer needed. The information must be destroyed at the request of the parents or, at their option, the records must be given to the parents. When informing parents about their rights to destruction of personally identifiable records, CIMARRON MUNICIPAL SCHOOLS advises them that the records may be needed by the child or the parents for social security benefits and other purposes.</p>
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	<ul style="list-style-type: none"> (i) “destruction” means physical destruction or removal of personal identifiers from educational records so that the information is no longer personally identifiable; and (ii) “educational records” means the type of records covered under the definition of “educational records” in 34 CFR Part 99 of the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA). <p>(b) Pursuant to 1.20.2.102 NMAC, the public agency must notify the parents that the public agency must retain specific information for five years to include:</p> <ul style="list-style-type: none"> (i) most recent IEP; (ii) most recent 2 years child progress reports or referral form; (iii) related services reports; (iv) summary of academic achievement and functional performance; (v) parent communication; (vi) agency community action; (vii) writing sample; and (viii) staff reports on behavior. <p>(c) Federal regulation and department rules require public agencies to inform parents of proposed destruction of special education records (34 CFR Sec. 300.624 and Paragraph (5) of this subsection).</p> <p>(d) Pursuant to 34 CFR Sec. 300.624, the information must be destroyed at the request of</p>	
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	<p>the parents. However, a permanent record of a child's name, address and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limit. Notice of destruction of child records must include:</p> <ul style="list-style-type: none"> (i) informing parents at the last IEP meeting of personally identifiable information that is no longer needed to provide special education and related service and information that must be retained according to the state for five years under 1.20.1.102 NMAC; (ii) documentation at the last IEP meeting and prior written notice of the information that is required to be maintained indefinitely; (iii) documentation at the last IEP meeting and the prior written notice that the parent accepted or rejected the proposed action to maintain records; (iv) if the parent requests that the agency destroy information not required indefinitely, the agency must maintain the last IEP and prior written notice that states the parent required the public agency to destroy allowable information that must be maintained for 5 years; and (v) the public agency must inform the parents of the proposed date of destruction of records at the last IEP meeting and document on the prior written notice of action the proposed date of destruction of records. 	
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<p>§ 300.625 Children’s rights.</p>		
<p>(a) The SEA must have in effect policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.</p> <p>(b) Under the regulations for FERPA in 34 CFR 99.5(a), the rights of parents regarding education records are transferred to the student at age 18.</p> <p>(c) If the rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, consistent with § 300.520, the rights regarding educational records in §§ 300.613 through 300.624 must also be transferred to the student. However, the public agency must provide any notice required under section 615 of the Act to the student and the parents.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		<p>When rights transfer, the rights afforded to “parent” will be afforded by CIMARRON MUNICIPAL SCHOOLS to the adult student.</p>

<p>§ 300.626 Enforcement.</p>		
<p>The SEA must have in effect the policies and procedures, including sanctions that the State uses, to ensure that its policies and procedures consistent with §§ 300.611 through 300.625 are followed and that the requirements of the Act and the regulations in this part are met.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		

<p>§ 300.627 Department use of personally identifiable information.</p>		
<p>If the Department or its authorized representatives collect any personally identifiable information regarding children</p>		

<p>with disabilities that is not subject to the Privacy Act of 1974, 5 U.S.C. 552a, the Secretary applies the requirements of 5 U.S.C. 552a(b)(1) and (b)(2), 552a(b)(4) through (b)(11); 552a(c) through 552a(e)(3)(B); 552a(e)(3)(D); 552a(e)(5) through (e)(10); 552a(h); 552a(m); and 552a(n); and the regulations implementing those provisions in 34 CFR part 5b.</p> <p>(Authority: 20 U.S.C. 1412(a)(8); 1417(c))</p>		
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<p>Reports—Program Information</p>		
<p>§ 300.640 Annual report of children served—report requirement.</p>		
<p>(a) The SEA must annually report to the Secretary on the information required by section 618 of the Act at the times specified by the Secretary.</p> <p>(b) The SEA must submit the report on forms provided by the Secretary.</p> <p>(Approved by the Office of Management and Budget under control numbers 1820–0030, 1820–0043, 1820–0659, 1820–0621, 1820–0518, 1820–0521, 1820–0517, and 1820– 0677) (Authority: 20 U.S.C. 1418(a))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty under 20 U.S.C. § 1418 of the IDEA to report program information to the U.S. Department of Education.</p>

<p>§ 300.641 Annual report of children served—information required in the report.</p>		
<p>(a) For purposes of the annual report required by section 618 of the Act and § 300.640, the State and the Secretary of the Interior must count and report the number of children with disabilities receiving special education and related services on any date between October 1 and December 1 of each year.</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty under 20 U.S.C. § 1418 of the IDEA to report program information to the U.S. Department of Education.</p>

<p>(b) For the purpose of this reporting provision, a child's age is the child's actual age on the date of the child count.</p> <p>(c) The SEA may not report a child under more than one disability category.</p> <p>(d) If a child with a disability has more than one disability, the SEA must report that child in accordance with the following procedure:</p> <p>(1) If a child has only two disabilities and those disabilities are deafness and blindness, and the child is not reported as having a developmental delay, that child must be reported under the category "deaf-blindness."</p> <p>(2) A child who has more than one disability and is not reported as having deaf-blindness or as having a developmental delay must be reported under the category "multiple disabilities."</p> <p>(Approved by the Office of Management and Budget under control numbers 1820-0030, 1820-0043, 1820-0621, 1820-0521, and 1820-0517) (Authority: 20 U.S.C. 1418(a), (b))</p>		
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<p>§ 300.642 Data reporting.</p> <p>(a) <i>Protection of personally identifiable data.</i> The data described in section 618(a) of the Act and in § 300.641 must be publicly reported by each State in a manner that does not result in disclosure of data identifiable to individual children.</p> <p>(b) <i>Sampling.</i> The Secretary may permit States and the Secretary of the Interior to obtain data in section 618(a) of the Act through sampling.</p> <p>(Approved by the Office of Management and Budget under</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty under 20 U.S.C. § 1418 of the IDEA to report program information to the U.S. Department of Education.</p>
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<p>control numbers 1820–0030, 1820–0043, 1820–0518, 1820–0521, and 1820–0517)(Authority: 20 U.S.C. 1418(b))</p>		
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<p>§ 300.643 Annual report of children served—certification.</p>		
<p>The SEA must include in its report a certification signed by an authorized official of the agency that the information provided under § 300.640 is an accurate and unduplicated count of children with disabilities receiving special education and related services on the dates in question.</p> <p>(Approved by the Office of Management and Budget under control numbers 1820–0030 and 1820–0043) (Authority: 20 U.S.C. 1418(a)(3))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty under 20 U.S.C. § 1418 of the IDEA to report program information to the U.S. Department of Education.</p>

<p>§ 300.644 Annual report of children served—criteria for counting children.</p>		
<p>The SEA may include in its report children with disabilities who are enrolled in a school or program that is operated or supported by a public agency, and that—</p> <ul style="list-style-type: none"> (a) Provides them with both special education and related services that meet State standards; (b) Provides them only with special education, if a related service is not required, that meets State standards; or (c) In the case of children with disabilities enrolled by their parents in private schools, counts those children who are eligible under the Act and receive special education or related services or both that meet State standards under §§ 300.132 through 300.144. 		<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty under 20 U.S.C. § 1418 of the IDEA to report program information to the U.S. Department of Education.</p>

<p>(Approved by the Office of Management and Budget under control numbers 1820-0030, 1820-0043, 1820-0659, 1820-0621, 1820-0521, and 1820-0517)(Authority: 20 U.S.C. 1418(a))</p>		
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<p><u>§ 300.645 Annual report of children served—other responsibilities of the SEA.</u></p>		
<p>In addition to meeting the other requirements of §§ 300.640 through 300.644, the SEA must—</p> <ul style="list-style-type: none"> (a) Establish procedures to be used by LEAs and other educational institutions in counting the number of children with disabilities receiving special education and related services; (b) Set dates by which those agencies and institutions must report to the SEA to ensure that the State complies with §300.640(a); (c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made; (d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required under §§ 300.640 through 300.644; and (e) Ensure that documentation is maintained that enables the State and the Secretary to audit the accuracy of the count. <p>(Approved by the Office of Management and Budget under control numbers 1820-0030, 1820-0043, 1820-0659, 1820-0621, 1820-0518, 1820-0521, and 1820-0517)(Authority: 20 U.S.C. 1418(a))</p>		<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty under 20 U.S.C. § 1418 of the IDEA to report program information to the U.S. Department of Education.</p>

<p>§ 300.646 Disproportionality.</p>		
<p>(a) <i>General.</i> Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to—</p> <p>(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act;</p> <p>(2) The placement in particular educational settings of these children; and</p> <p>(3) The incidence, duration, and type of disciplinary removals from placement, including suspensions and expulsions.</p> <p>(b) <i>Methodology.</i> The State must apply the methods in § 300.647 to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State under paragraph (a) of this section.</p> <p>(c) <i>Review and revision of policies, practices, and procedures.</i> In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with paragraph (a) and (b) of this section, the State or the Secretary of the Interior must—</p> <p>(1) Provide for the review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement in particular education settings, including disciplinary removals, to ensure that</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>E. Significant disproportionality.</p> <p>(1) Pursuant to CFR 34 Sec. 300.646, LEAs must provide for the collection and examination of data to determine if significant disproportionality, based on race and ethnicity, is occurring with respect to:</p> <p>(a) the identification of children as children with disabilities including the identification of children as children with disabilities in accordance with a particular impairment as defined by 34 CFR Sec. 300.8;</p> <p>(b) the placement in particular educational settings of these children; and</p> <p>(c) the incidence, duration and type of disciplinary actions, including suspensions and expulsions.</p> <p>(2) Each public agency must reserve the fifteen percent early intervening funds if they are identified for having data that is significantly disproportionate in any one of the following categories:</p> <p>(a) suspension of students with disabilities;</p> <p>(b) over identification of students with disabilities;</p> <p>(c) over identification of students in accordance with a particular impairment as defined by 34 CFR Sec. 300.8; and</p> <p>(d) placement of students with disabilities in a particular setting.</p>	<p>CIMARRON MUNICIPAL SCHOOLS will provide accurate, valid and timely data to the NMPED deemed necessary by the NMPED to carry out its duty to determine if significant discrepancies exist between the rates of long-term suspensions and expulsions of children with and without disabilities or any other information that may be required by the NMPED or the U.S. Department of Education.</p> <p>With respect to the definition of significant disproportionality, CIMARRON MUNICIPAL SCHOOLS recognizes that the State has the discretion to define the term for the LEAs and for the State in general. CIMARRON MUNICIPAL SCHOOLS understands that the State will review CIMARRON MUNICIPAL SCHOOLS’s policies, practices, and procedures for identifying and placing children with disabilities if there is significant disproportionality in identification, placement, or discipline. CIMARRON MUNICIPAL SCHOOLS further understands that the purpose of such a review would be to determine if CIMARRON MUNICIPAL SCHOOLS’s policies, practices, and procedures are consistent with the IDEA. (See 71 Fed. Reg. 46738 (August 14, 2006))</p> <p>CIMARRON MUNICIPAL SCHOOLS complies with Title VI of the Civil Rights Act of 1964 which protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. The Office for Civil Rights under the U.S. Department of Education (“OCR”) provides school districts and state departments of education guidance in satisfying Title VI. CIMARRON MUNICIPAL SCHOOLS, by reference in these procedures, and through staff development (as appropriate), shall inform appropriate personnel of the following key OCR guidance documents:</p> <ul style="list-style-type: none"> ■ Education and Title VI of the Civil Rights Act of 1964 (1991). ■ The Provision of an Equal Education Opportunity

<p>the policies, practices, and procedures, comply with the requirements of the Act.</p> <p>(2) Require the LEA to publicly report on the revision of policies, practices, and procedures described under paragraph (c)(1) of this section with the requirements of the Family Education Rights and Privacy Act, its implementing regulations in 34 CFR Part 99, and Section 618 (b) (1) of the Act.</p> <p>(d) <i>Comprehensive coordinated early intervening services.</i> Except as provided in paragraph (e) , the State or the Secretary of the Interior shall require any LEA identified under paragraphs (a) and (b) of this section to reserve the maximum amount of funds under section 613 (f) of the Act to provide comprehensive coordinated early intervening services to address factors contributing to the significant disproportionality.</p> <p>(1) In implementing comprehensive coordinated early intervening services an LEA- -</p> <p>(i) May carry out activities that include professional development and educational and behavioral evaluations, services, and supports;</p> <p>(ii) Must identify and address the factors contributing to the significant disproportionality, which may include, among other identified factors, a lack of access to scientifically based instruction; economic, cultural, or linguistic barriers to appropriate identification of placement in particular educational settings; inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings; differences in academic</p>	<p>(3) Review and revision of policies, practices and procedures. In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with Paragraph (1) of this subsection, the LEA must:</p> <p>(a) provide for the review and, if appropriate, revision of the policies, procedures and practices used in the identification or placement to ensure that the policies, procedures and practices comply with the requirements of the IDEA; and</p> <p>(b) require any LEA identified under Paragraph (1) of this subsection to reserve the maximum amount of funds under 34 CFR Sec. 300.226 to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over-identified under Paragraph (1) of this subsection; and</p> <p>(c) require the LEA to publicly report on the revision of policies, practices and procedures described under Subparagraph (b) of this paragraph.</p>	<p>to Limited-English Proficient Students (Revised August 2000).</p>
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<p>achievement levels; and policies, practices or procedures that contribute to the significant disproportionality.</p> <p>(iii) Must address a policy, practice or procedure it identifies as contributing to the significant disproportionality, including a policy, practice or procedure that results in a failure to identify, or the inappropriate identification or, a racial or ethnic group (or groups).</p> <p>(2) An LEA may use funds reserved for comprehensive coordinated early intervening services to serve children from age 3 through grade 12, particularly, but not exclusively, children in those groups that were significantly over-identified under paragraph (a) or (b) of this section, including - -</p> <p>(i) Children who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment; and</p> <p>(ii) Children with disabilities.</p> <p>(3) An LEA may not limit the provision of comprehensive coordinated early intervening services under this paragraph to children with disabilities.</p> <p><i>(e) Exception to comprehensive coordinated early intervening services.</i> The State or the Secretary of the Interior shall not require any LEA that serves only children with disabilities identified under paragraphs (a) and (b) to reserve funds to provide comprehensive coordinated early intervening services.</p>		
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<p>(f) <i>Rule of Construction.</i> Nothing in this section authorizes a State or an LEA to develop or implement policies, practices or procedures that result in actions that violate the requirements of this part, including requirements related to child find and ensuring that a free appropriate public education is available to all eligible child with disabilities.</p> <p>(Authority: 20 U.S.C. 1413 (f); 1418(d))</p>		
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<p>Subpart G— Authorization, Allotment, Use of Funds, and Authorization of Appropriations</p>		
<p>Allotments, Grants, and Use of Funds</p>		
<p>§ 300.700 Grants to States.</p>		
<p>(a) <i>Purpose of grants.</i> The Secretary makes grants to States, outlying areas, and freely associated States (as defined in §300.717), and provides funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with Part B of the Act.</p> <p>(b) <i>Maximum amount.</i> The maximum amount of the grant a State may receive under section 611 of the Act is—</p> <p>(1) For fiscal years 2005 and 2006—</p> <p>(i) The number of children with disabilities in the State who are receiving special education and related services—</p>		

<p>(A) Aged three through five, if the State is eligible for a grant under section 619 of the Act; and</p> <p>(B) Aged 6 through 21; multiplied by—</p> <p>(ii) Forty (40) percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States (as defined in § 300.717); and</p> <p>(2) For fiscal year 2007 and subsequent fiscal years—</p> <p>(i) The number of children with disabilities in the 2004–2005 school year in the State who received special education and related services—</p> <p>(A) Aged three through five if the State is eligible for a grant under section 619 of the Act; and</p> <p>(B) Aged 6 through 21; multiplied by</p> <p>(ii) Forty (40) percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States (as defined in § 300.717);</p> <p>(iii) Adjusted by the rate of annual change in the sum of—</p> <p>(A) Eighty-five (85) percent of the State’s population of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of FAPE under Part B of the Act; and</p>		
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<p>(B) Fifteen (15) percent of the State’s population of children described in paragraph (b)(2)(iii)(A) of this section who are living in poverty.</p> <p>(Authority: 20 U.S.C. 1411(a) and (d))</p>		
<p>§ 300.701 Outlying areas, freely associated States, and the Secretary of the Interior. [Text omitted from these procedures.]</p>		
<p>§ 300.702 Technical assistance. [Text omitted from these procedures.]</p>		
<p>§ 300.703 Allocations to States. [Text omitted from these procedures.]</p>		
<p>§ 300.704 State-level activities.</p> <p>(a) <i>State administration.</i></p> <p>(1) For the purpose of administering Part B of the Act, including paragraph (c) of this section, section 619 of the Act, and the coordination of activities under Part B of the Act with, and providing technical assistance to, other programs that provide services to children with disabilities—</p>	<p>6.31.2.7 NMAC. DEFINITIONS:</p> <p>B. The following terms shall have the following meanings for purposes of these rules.</p> <p>...</p> <p>(16) “Puente para los niños fund” in New Mexico means a risk pool fund to support high cost students</p>	

<p>(i) Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under section 611 of the Act for fiscal year 2004 or \$800,000 (adjusted in accordance with paragraph (a)(2) of this section), whichever is greater; and</p> <p>(ii) Each outlying area may reserve for each fiscal year not more than five percent of the amount the outlying area receives under § 300.701(a) for the fiscal year or \$35,000, whichever is greater.</p> <p>(2) For each fiscal year, beginning with fiscal year 2005, the Secretary cumulatively adjusts—</p> <p>(i) The maximum amount the State was eligible to reserve for State administration under section 611 of the Act for fiscal year 2004; and</p> <p>(ii) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.</p> <p>(3) Prior to expenditure of funds under paragraph (a) of this section, the State must certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) of the Act are current.</p> <p>(4) Funds reserved under paragraph (a)(1) of this section may be used for the administration of Part C of the Act, if the SEA is the lead agency</p>	<p>with disabilities identified by LEAs pursuant to 34 CFR Sec. 300.704(c)(3)(i).</p> <p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>B. Public agency funding and staffing. ...</p> <p>(6) Risk pool fund. (Puente para los ninos fund.)</p> <p>(a) Local educational agency high cost fund.</p> <p>(i) In compliance with 34 CFR Sec. 300.704(c) the department shall maintain a risk pool fund to support high cost children with disabilities identified by LEAs.</p> <p>(ii) Funds distributed under this program will be on a reimbursable basis.</p> <p>(b) Application for funds. LEAs desiring to be reimbursed for the cost of children with disabilities with high needs shall file an application in accordance with the department’s puente para los ninos fund as described on the department’s website.</p>	
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<p>for the State under that Part.</p> <p>(b) <i>Other State-level activities.</i></p> <p>(1) States may reserve a portion of their allocations for other State-level activities. The maximum amount that a State may reserve for other State-level activities is as follows:</p> <p>(i) If the amount that the State sets aside for State administration under paragraph (a) of this section is greater than \$850,000 and the State opts to finance a high cost fund under paragraph (c) of this section:</p> <p>(A) For fiscal years 2005 and 2006, 10 percent of the State's allocation under §300.703.</p> <p>(B) For fiscal year 2007 and subsequent fiscal years, an amount equal to 10 percent of the State's allocation for fiscal year 2006 under §300.703 adjusted cumulatively for inflation.</p> <p>(ii) If the amount that the State sets aside for State administration under paragraph (a) of this section is greater than \$850,000 and the State opts not to finance a high cost fund under paragraph (c) of this section—</p> <p>(A) For fiscal years 2005 and 2006, nine percent of the State's allocation under §300.703.</p> <p>(B) For fiscal year 2007 and subsequent fiscal years, an amount equal to nine percent of the State's allocation for fiscal year 2006 adjusted cumulatively for inflation.</p> <p>(iii) If the amount that the State sets aside for</p>		
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<p>State administration under paragraph (a) of this section is less than or equal to \$850,000 and the State opts to finance a high cost fund under paragraph (c) of this section:</p> <p>(A) For fiscal years 2005 and 2006, 10.5 percent of the State's allocation under § 300.703.</p> <p>(B) For fiscal year 2007 and subsequent fiscal years, an amount equal to 10.5 percent of the State's allocation for fiscal year 2006 under §300.703 adjusted cumulatively for inflation.</p> <p>(iv) If the amount that the State sets aside for State administration under paragraph (a) of this section is equal to or less than \$850,000 and the State opts not to finance a high cost fund under paragraph (c) of this section:</p> <p>(A) For fiscal years 2005 and 2006, nine and one-half percent of the State's allocation under § 300.703.</p> <p>(B) For fiscal year 2007 and subsequent fiscal years, an amount equal to nine and one-half percent of the State's allocation for fiscal year 2006 under § 300.703 adjusted cumulatively for inflation.</p> <p>(2) The adjustment for inflation is the rate of inflation as measured by the percentage of increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.</p>		
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<p>(3) Some portion of the funds reserved under paragraph (b)(1) of this section must be used to carry out the following activities:</p> <ul style="list-style-type: none"> (i) For monitoring, enforcement, and complaint investigation; and (ii) To establish and implement the mediation process required by section 615(e) of the Act, including providing for the costs of mediators and support personnel; <p>(4) Funds reserved under paragraph (b)(1) of this section also may be used to carry out the following activities:</p> <ul style="list-style-type: none"> (i) For support and direct services, including technical assistance, personnel preparation, and professional development and training; (ii) To support paperwork reduction activities, including expanding the use of technology in the IEP process; (iii) To assist LEAs in providing positive behavioral interventions and supports and mental health services for children with disabilities; (iv) To improve the use of technology in the classroom by children with disabilities to enhance learning; (v) To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities; (vi) Development and implementation of transition programs, including 		
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<p>coordination of services with agencies involved in supporting the transition of students with disabilities to postsecondary activities;</p> <p>(vii) To assist LEAs in meeting personnel shortages;</p> <p>(viii) To support capacity building activities and improve the delivery of services by LEAs to improve results for children with disabilities;</p> <p>(ix) Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State- operated or State-supported schools, and children with disabilities in charter schools;</p> <p>(x) To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with sections 1111(b) and 1201 of the ESEA; and</p> <p>(xi) To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA, to children with disabilities, in schools or LEAs implementing comprehensive support and improvement activities to targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing</p>		
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<p>professional development to special and regular education teachers who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.</p> <p>(c) <i>Local educational agency high cost fund.</i></p> <p>(1) In general—</p> <p>(i) For the purpose of assisting LEAs (including a charter school that is an LEA or a consortium of LEAs) in addressing the needs of high need children with disabilities, each State has the option to reserve for each fiscal year 10 percent of the amount of funds the State reserves for other State-level activities under paragraph (b)(1) of this section—</p> <p>(A) To finance and make disbursements from the high cost fund to LEAs in accordance with paragraph (c) of this section during the first and succeeding fiscal years of the high cost fund; and</p> <p>(B) To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to paragraph (c)(2)(ii) of this section.</p> <p>(ii) For purposes of paragraph (c) of this section, <i>local educational agency</i> includes a charter school that is an LEA,</p>		
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<p>or a consortium of LEAs.</p> <p>(2)</p> <ul style="list-style-type: none"> (i) A State must not use any of the funds the State reserves pursuant to paragraph (c)(1)(i) of this section, which are solely for disbursement to LEAs, for costs associated with establishing, supporting, and otherwise administering the fund. The State may use funds the State reserves under paragraph (a) of this section for those administrative costs. (ii) A State must not use more than 5 percent of the funds the State reserves pursuant to paragraph (c)(1)(i) of this section for each fiscal year to support innovative and effective ways of cost sharing among consortia of LEAs. <p>(3)</p> <ul style="list-style-type: none"> (i) The SEA must develop, not later than 90 days after the State reserves funds under paragraph (c)(1)(i) of this section, annually review, and amend as necessary, a State plan for the high cost fund. Such State plan must— <ul style="list-style-type: none"> (A) Establish, in consultation and coordination with representatives from LEAs, a definition of a high need child with a disability that, at a minimum— <ul style="list-style-type: none"> (1) Addresses the financial impact a high need child with a disability has on the budget of the child’s LEA; and (2) Ensures that the cost of the high need child with a disability is greater than 3 times the average per pupil expenditure (as defined in 		
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<p>section 8101 of the ESEA) in that State;</p> <p>(B) Establish eligibility criteria for the participation of an LEA that, at a minimum, take into account the number and percentage of high need children with disabilities served by an LEA;</p> <p>(C) Establish criteria to ensure that placements supported by the fund are consistent with the requirements of §§ 300.114 through 300.118;</p> <p>(D) Develop a funding mechanism that provides distributions each fiscal year to LEAs that meet the criteria developed by the State under paragraph(c)(3)(i)(B) of this section;</p> <p>(E) Establish an annual schedule by which the SEA must make its distributions from the high cost fund each fiscal year; and</p> <p>(F) If the State elects to reserve funds for supporting innovative and effective ways of cost sharing under paragraph (c)(1)(i)(B) of this section, describe how these funds will be used.</p> <p>(ii) The State must make its final State plan available to the public not less than 30 days before the beginning of the school year, including dissemination of such information on the State Web site.</p> <p>(4)</p> <p>(i) Each SEA must make all annual disbursements from the high cost fund</p>		
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<p>established under paragraph (c)(1)(i) of this section in accordance with the State plan published pursuant to paragraph (c)(3) of this section.</p> <p>(ii) The costs associated with educating a high need child with a disability, as defined under paragraph (c)(3)(i)(A) of this section, are only those costs associated with providing direct special education and related services to the child that are identified in that child's IEP, including the cost of room and board for a residential placement determined necessary, consistent with § 300.114, to implement a child's IEP.</p> <p>(iii) The funds in the high cost fund remain under the control of the State until disbursed to an LEA to support a specific child who qualifies under the State plan for the high cost funds or distributed to LEAs, consistent with paragraph (c)(9) of this section.</p> <p>(5) The disbursements under paragraph (c)(4) of this section must not be used to support legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child with a disability to ensure FAPE for such child.</p> <p>(6) Nothing in paragraph (c) of this section—</p> <p>(i) Limits or conditions the right of a child with a disability who is assisted under Part B of the Act to receive FAPE pursuant to section 612(a)(1) of the Act in the least restrictive environment pursuant to section 612(a)(5) of the Act; or</p> <p>(ii) Authorizes an SEA or LEA to establish a limit on what may be spent on the education of a child with a disability.</p>		
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<p>(7) Notwithstanding the provisions of paragraphs (c)(1) through (6) of this section, a State may use funds reserved pursuant to paragraph (c)(1)(i) of this section for implementing a placement neutral cost sharing and reimbursement program of high need, low incidence, catastrophic, or extraordinary aid to LEAs that provides services to high need children based on eligibility criteria for such programs that were created not later than January 1, 2004, and are currently in operation, if such program serves children that meet the requirement of the definition of a high need child with a disability as described in paragraph (c)(3)(i)(A) of this section.</p> <p>(8) Disbursements provided under paragraph (c) of this section must not be used to pay costs that otherwise would be reimbursed as medical assistance for a child with a disability under the State Medicaid program under Title XIX of the Social Security Act.</p> <p>(9) Funds reserved under paragraph (c)(1)(i) of this section from the appropriation for any fiscal year, but not expended pursuant to paragraph (c)(4) of this section before the beginning of their last year of availability for obligation, must be allocated to LEAs in the same manner as other funds from the appropriation for that fiscal year are allocated to LEAs under § 300.705 during their final year of availability.</p> <p>(d) <i>Inapplicability of certain prohibitions.</i> A State may use funds the State reserves under paragraphs (a) and (b) of this section without regard to—</p> <p>(1) The prohibition on commingling of funds in §300.162(b).</p> <p>(2) The prohibition on supplanting other funds in §300.162(c).</p>		
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<p>(e) <i>Special rule for increasing funds.</i> A State may use funds the State reserves under paragraph (a)(1) of this section as a result of inflationary increases under paragraph (a)(2) of this section to carry out activities authorized under paragraph(b)(4)(i), (iii), (vii), or (viii) of this section.</p> <p>(f) <i>Flexibility in using funds for Part C.</i> Any State eligible to receive a grant under section 619 of the Act may use funds made available under paragraph (a)(1) of this section, §300.705(c), or § 300.814(e) to develop and implement a State policy jointly with the lead agency under Part C of the Act and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C of the Act to children with disabilities who are eligible for services under section 619 of the Act and who previously received services under Part C of the Act until the children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.</p> <p>(Approved by the Office of Management and Budget under control number 1820–0600) (Authority: 20 U.S.C. 1411(e))</p>		
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<p>§ 300.705 Subgrants to LEAs.</p> <p>(a) <i>Subgrants required.</i> Each State that receives a grant under section 611 of the Act for any fiscal year must distribute any funds the State does not reserve under §300.704 to LEAs (including public charter schools that operate as LEAs) in the State that have established their eligibility under section 613 of the Act for use in accordance with Part B of the Act. Effective with funds that become available on the July 1, 2009, each State must distribute funds to eligible LEAs, including public charter schools that</p>	<p>6.31.2.9 NMAC. PUBLIC AGENCY RESPONSIBILITIES:</p> <p>I. Reallocation of funds. If a new LEA is created, the base payment portion of the IDEA subgrant of the LEA that would have served children with disabilities now being served by the new LEA will be adjusted pursuant to 34 CFR Sec. 300.705(b)(2). IDEA funds to new charter schools that are LEAs will be allocated pursuant to 34 CFR Secs. 76.785-76.799 and 34 CFR Sec. 300.705(b).</p>	
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<p>operate as LEAs, even if the LEA is not serving any children with disabilities.</p> <p>(b) <i>Allocations to LEAs</i> For each fiscal year for which funds are allocated to States under § 300.703, each State shall allocate funds as follows:</p> <p>(1) <i>Base payments.</i> The State first must award each LEA described in paragraph (a) of this section the amount the LEA would have received under section 611 of the Act for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d) of the Act, as that section was then in effect.</p> <p>(2) <i>Base payment adjustments</i> For any fiscal year after 1999 —</p> <p>(i) If a new LEA is created, the State must divide the base allocation determined under paragraph (b)(1) of this section for the LEAs that would have been responsible for serving children with disabilities now being served by the new LEA, among the new LEA and affected LEAs based on the relative numbers of children with disabilities ages 3 through 21, or ages 6 through 21 if a State has had its payment reduced under § 300.703(b), currently provided special education by each of the LEAs;</p> <p>(ii) If one or more LEAs are combined into a single new LEA, the State must combine the base allocations of the merged LEAs;</p> <p>(iii) If, for two or more LEAs, geographic boundaries or administrative responsibility for providing services to children with disabilities ages 3 through 21 change, the base allocations of affected LEAs must be redistributed among</p>	<p>Pursuant to 34 CFR Sec. 300.705(c) if the department determines that a public agency is adequately providing FAPE to all children with disabilities residing in the area served by that public agency with state and local funds, the department may reallocate any portion of the funds under this part that are not needed by that public agency to provide FAPE to other LEAs in the state that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other LEAs or the department may also retain those funds for use at the state level as provided by 34 CFR Sec. 300.705(c).</p>	
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<p>affected LEAs based on the relative numbers of children with disabilities ages 3 through 21, or ages 6 through 21 if a State has had its payment reduced under § 300.703(b), currently provided special education by each affected LEA; and</p> <p>(iv) If an LEA received a base payment of zero in its first year of operation, the SEA must adjust the base payment for the first fiscal year after the first annual child count in which the LEA reports that it is serving any children with disabilities. The State must divide the base allocation determined under paragraph (b)(1) of this section for the LEAs that would have been responsible for serving children with disabilities now being served by the LEA, among the LEA and affected LEAs based on the relative numbers of children with disabilities ages 3 through 21, or ages 6 through 21 currently provided special education by each of the LEAs. This requirement takes effect with funds that become available on July 1, 2009.</p> <p>(3) Allocation of remaining funds. After making allocations under paragraph (b)(1) of this section, as adjusted by paragraph (b)(2) of this section, the State must —</p> <p>(i) Allocate 85 percent of any remaining funds to those LEAs on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the LEA ' s jurisdiction; and</p> <p>(ii) Allocate 15 percent of those remaining funds to those LEAs in accordance with their relative numbers of children living in poverty, as determined by the SEA.</p>		
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<p>(c) Reallocation of LEA funds.</p> <p>(1) If an SEA determines that an LEA is adequately providing FAPE to all children with disabilities residing in the area served by that agency with State and local funds, the SEA may reallocate any portion of the funds under this part that are not needed by that LEA to provide FAPE, to other LEAs in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other LEAs. The SEA may also retain those funds for use at the State level to the extent the State has not reserved the maximum amount of funds it is permitted to reserve for State-level activities pursuant to §300.704.</p> <p>(2) After an SEA distributes funds under this part to an eligible LEA that is not serving any children with disabilities, as provided in paragraph (a) of this section, the SEA must determine, within a reasonable period of time prior to the end of the carryover period in 34 CFR 76.709, whether the LEA has obligated the funds. The SEA may reallocate any of those funds not obligated by the LEA to other LEAs in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other LEAs. The SEA may also retain those funds for use at the State level to the extent the State has not reserved the maximum amount of funds it is permitted to reserve for State-level activities pursuant to §300.704.</p> <p>(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: 20 U.S.C. 1411(f))</p>		
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§ 300.706 [Reserved]		
Secretary of the Interior		
§ 300.707 Use of amounts by Secretary of the Interior. [Text omitted from these procedures.]		
§ 300.708 Submission of information. [Text omitted from these procedures.]		
§ 300.709 Public participation. [Text omitted from these procedures.]		
§ 300.710 Use of funds under Part B of the Act. [Text omitted from these procedures.]		
§ 300.711 Early intervening services. [Text omitted from these procedures.]		

§ 300.712 Payments for education and services for Indian children with disabilities aged three through five. [Text omitted from these procedures.]		
§ 300.713 Plan for coordination of services. [Text omitted from these procedures.]		
§ 300.714 Establishment of advisory board. [Text omitted from these procedures.]		
§ 300.715 Annual reports. [Text omitted from these procedures.]		
§ 300.716 Applicable regulations. [Text omitted from these procedures.]		
Definitions that Apply to this Subpart		
§ 300.717 Definitions applicable to allotments, grants, and use of funds. [Text omitted from these procedures.]		

<u>Acquisition of Equipment and Construction or Alteration of Facilities</u>		
<u>§ 300.718 Acquisition of equipment and construction or alteration of facilities.</u>		
<p>(a) <i>General.</i> If the Secretary determines that a program authorized under Part B of the Act will be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary may allow the use of those funds for those purposes.</p> <p>(b) <i>Compliance with certain regulations.</i> Any construction of new facilities or alteration of existing facilities under paragraph (a) of this section must comply with the requirements of—</p> <ol style="list-style-type: none"> (1) Appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the “Americans with Disabilities Accessibility Standards for Buildings and Facilities”); or (2) Appendix A of subpart 101–19.6 of title 41, Code of Federal Regulations (commonly known as the “Uniform Federal Accessibility Standards”). <p>(Authority: 20 U.S.C. 1404)</p>		

<u>Subpart H—Preschool Grants for Children with Disabilities</u>		
<u>§ 300.800 In general.</u>		
[Text omitted from these procedures.]		

§ 300.801–300.802 [Reserved] [Text omitted from these procedures.]		
§ 300.803 Definition of State. [Text omitted from these procedures.]		
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§ 300.805 [Reserved] [Text omitted from these procedures.]		
§ 300.806 Eligibility for financial assistance. [Text omitted from these procedures.]		
§ 300.807 Allocations to States. [Text omitted from these procedures.]		
§ 300.808 Increase in funds. [Text omitted from these procedures.]		

§ 300.809 Limitations. [Text omitted from these procedures.]		
§ 300.810 Decrease in funds. [Text omitted from these procedures.]		
§ 300.811 [Reserved] [Text omitted from these procedures.]		
§ 300.812 Reservation for State activities. [Text omitted from these procedures.]		
§ 300.813 State administration. [Text omitted from these procedures.]		
§ 300.814 Other State-level activities. [Text omitted from these procedures.]		
§ 300.815 Subgrants to LEAs. [Text omitted from these procedures.]		

§ 300.816 Allocations to LEAs. [Text omitted from these procedures.]		
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 6.31.2.7 (E)(3)(b) NMAC. *See* § 300.45
 6.31.2.7 (E)(3)(c) NMAC. *See* § 300.45
 6.31.2.7 (E)(3)(d) NMAC. *See* § 300.45
 6.31.2.7 (E)(3)(e) NMAC. *See* § 300.45
 6.31.2.7 (F) NMAC. *See* § 300.45
 6.31.2.7 (F)(1) NMAC. *See* § 300.45
 6.31.2.7 (F)(1)(a) NMAC. *See* § 300.45
 6.31.2.7 (F)(1)(b) NMAC. *See* § 300.45
 6.31.2.7 (F)(1)(c) NMAC. *See* § 300.45
 6.31.2.7 (F)(1)(c)(i) NMAC. *See* § 300.45
 6.31.2.7 (F)(1)(c)(ii) NMAC. *See* § 300.45
 6.31.2.7 (F)(1)(c)(iii) NMAC. *See* § 300.45
 6.31.2.7 (F)(2) NMAC. *See* § 300.45
 6.31.2.7 (F)(2)(a) NMAC. *See* § 300.45

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6.31.2.7 (F)(2)(b) NMAC. *See* § 300.45
 6.31.2.7 (F)(2)(c) NMAC. *See* § 300.45
 6.31.2.7 NMAC. *See* Educations Services for Gifted Children
 6.31.2.8 (A) NMAC. *See* § 300.101
 6.31.2.8 (B) NMAC. *See* § 300.101
 6.31.2.9 (A) NMAC. *See* § 300.201, *See* § 300.111
 6.31.2.9 (B) NMAC. *See* § 300.704, *See* § 300.207, *See* § 300.156, *See* § 300.154, *See* § 300.104, *See* § 300.103
 6.31.2.9 (B)(1) NMAC. *See* § 300.103
 6.31.2.9 (B)(10) NMAC. *See* § 300.207, *See* § 300.156
 6.31.2.9 (B)(10)(a) NMAC. *See* § 300.207, *See* § 300.156
 6.31.2.9 (B)(10)(b) NMAC. *See* § 300.207, *See* § 300.156
 6.31.2.9 (B)(2) NMAC. *See* § 300.103
 6.31.2.9 (B)(3) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(a) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b)(i) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b)(ii) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b)(iii) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b)(iv) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b)(v) NMAC. *See* § 300.104
 6.31.2.9 (B)(3)(b)(vi) NMAC. *See* § 300.104
 6.31.2.9 (B)(4) NMAC. *See* § 300.104
 6.31.2.9 (B)(5) NMAC. *See* § 300.154
 6.31.2.9 (B)(6) NMAC. *See* § 300.704
 6.31.2.9 (B)(6)(a) NMAC. *See* § 300.704
 6.31.2.9 (B)(6)(a)(i) NMAC. *See* § 300.704
 6.31.2.9 (B)(6)(a)(ii) NMAC. *See* § 300.704
 6.31.2.9 (B)(6)(b) NMAC. *See* § 300.704
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 6.31.2.9 (B)(7)(a)(ii) NMAC. *See* § 300.154

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 6.31.2.9 (B)(7)(b) NMAC. *See* § 300.154
 6.31.2.9 (B)(7)(b)(i) NMAC. *See* § 300.154
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 6.31.2.9 (B)(7)(d)(i) NMAC. *See* § 300.154
 6.31.2.9 (B)(7)(d)(ii) NMAC. *See* § 300.154
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 6.31.2.9 (B)(8) NMAC. *See* § 300.154
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 6.31.2.9 (B)(9)(a) NMAC. *See* § 300.154
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 6.31.2.9 (C) NMAC. *See* § 300.200
 6.31.2.9 (C)(1) NMAC. *See* § 300.200
 6.31.2.9 (C)(2) NMAC. *See* § 300.200
 6.31.2.9 (C)(3) NMAC. *See* § 300.200
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 6.31.2.9 (C)(5) NMAC. *See* § 300.200
 6.31.2.9 (D) NMAC. *See* § 300.226, *See* § 300.208
 6.31.2.9 (D)(1) NMAC. *See* § 300.226, *See* § 300.208
 6.31.2.9 (D)(2) NMAC. *See* § 300.226, *See* § 300.208
 6.31.2.9 (D)(3) NMAC. *See* § 300.226, *See* § 300.208
 6.31.2.9 (D)(4) NMAC. *See* § 300.226, *See* § 300.208
 6.31.2.9 (E) NMAC. *See* § 300.646, *See* § 300.173
 6.31.2.9 (E)(1) NMAC. *See* § 300.646, *See* § 300.173
 6.31.2.9 (E)(1)(a) NMAC. *See* § 300.646, *See* § 300.173
 6.31.2.9 (E)(1)(b) NMAC. *See* § 300.646, *See* § 300.173
 6.31.2.9 (E)(1)(c) NMAC. *See* § 300.646, *See* § 300.173
 6.31.2.9 (E)(2) NMAC. *See* § 300.646
 6.31.2.9 (E)(2)(a) NMAC. *See* § 300.646
 6.31.2.9 (E)(2)(b) NMAC. *See* § 300.646
 6.31.2.9 (E)(2)(c) NMAC. *See* § 300.646
 6.31.2.9 (E)(2)(d) NMAC. *See* § 300.646

Procedures

6.31.2.9 (E)(3) NMAC. *See* § 300.646
 6.31.2.9 (E)(3)(a) NMAC. *See* § 300.646
 6.31.2.9 (E)(3)(b) NMAC. *See* § 300.646
 6.31.2.9 (E)(3)(c) NMAC. *See* § 300.646
 6.31.2.9 (F) NMAC. *See* § 300.224
 6.31.2.9 (F)(1) NMAC. *See* § 300.224
 6.31.2.9 (F)(2) NMAC. *See* § 300.224
 6.31.2.9 (G) NMAC. *See* § 300.224
 6.31.2.9 (H) NMAC. *See* § 300.224
 6.31.2.9 (I) NMAC. *See* § 300.705
 6.31.2.9 (J) NMAC. *See* § 300.174
 6.61.6.8 NMAC. *See* § 300.156
 NMSA 1978 §22-13-6 (2010). *See* § 300.307, *See* § 300.8
 NMSA 1978, § 22-2C-6. (I). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(A). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(A)(1). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(A)(2). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(B). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(B)(1). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(B)(2). *See* 300.324
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 NMSA 1978, § 22-5-4.12 (2017)(D). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(D)(1). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(D)(2). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(D)(3). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(D)(3)(a). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(D)(3)(b). *See* 300.324
 NMSA 1978, § 22-5-4.12 (2017)(E). *See* § 300.535
 NMSA 1978, § 22-5-4.12 (2017)(F). *See* § 300.201
 NMSA 1978, § 22-5-4.12 (2017)(G). *See* § 300.535
 NMSA 1978, § 22-5-4.12 (2017)(I). *See* Definitions
 NMSA 1978, § 22-5-4.12 (2017)(I)(1). *See* Definitions

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NMSA 1978, § 22-5-4.12 (2017)(I)(2). *See* Definitions
NMSA 1978, § 22-5-4.12 (2017)(I)(3). *See* Definitions
NMSA 1978, § 22-5-4.12 (2017)(I)(4). *See* Definitions
NMSA 1978, § 22-5-4.12 (2017)(I)(5). *See* Definitions

NMSA 1978, § 26-2B as amended through SB 204 and
SB 406 (2019). *See* § 300.530

NMSA 1978, § 22-13-6 (E). *See* § 300.8, *See* § 300.307
NMSA 1978, § 22-13-32 (A)-(H). *See* §300.8

NMSA 1978, § 22-1-2(O). *See* § 300.45

NMSA 1978, § 21-21N-3. *See* § 300.320

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[Addressing Student Behavior: A Guide for Educators.](#)

See § 300.324

[Alternative Dispute Resolution Request Form \(English\).](#)

See § 300.506

[Alternative Dispute Resolution Request Form \(Spanish\).](#)

See § 300.506

[Characteristics of Gifted Students with Factors](#)

[Instructions, Checklist, and Scoring Guide.](#) See §

300.538–300.599

[Children in Private Schools.](#) See § 300.130; § 300.131; §

300.136; § 300.140

[Derechos De Padre Y Nino En Educacion Especial](#)

[Aviso Sobre Procedimientos De Proteccion.](#) See §

300.121; § 300.504; § 300.507; § 300.508; § 300.510; §

300.514; § 300.517

[Developing Quality IEPs.](#) See § 300.112; § 300.320; §

300.503

[Due Process Hearing Request Form.](#) See § 300.509

[Education and Title VI of the Civil Rights Act of 1964.](#)

See § 300.646

[Frequency of Service Stated on an IEP.](#) See § 300.320

[Graduation Options for Students with Disabilities.](#) See §

300.320

[IDEA and Private Schools.](#) See § 300.132; § 300.133

[IEP Considerations for Students with Autism Spectrum](#)

[Disorders.](#) See § 300.324

[Length of School Day and Instructional Time.](#) See §

300.116

[Model Form for Prior Written Notice.](#) See § 300.503

[Model Form: Individualized Education Program.](#) See §

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[National Technical Assistance Center on Positive Behavioral Interventions and Supports \(PBIS\).](#) See § 300.324

[New Mexico Dyslexia Professional Development Modules.](#) See § 300.156

[New Mexico School for the Blind and Visually Impaired.](#) See § 300.2

[New Mexico School for the Deaf.](#) See § 300.2

[New Mexico Statewide Assessment Program Procedures Manual.](#) See § 300.320

[New Mexico Technical Evaluation and Assistance](#)

[Manual: Determining Eligibility for IDEA Part B](#)

[Special Education Services.](#) See § 300.304

[OSEP Letter to Caplan.](#) See § 300.321

[OSEP Letter to Morris.](#) See § 300.320

[OSERS Q/A on IEPs, Evaluations, and Reevaluations \(Revised September 2011\).](#) See § 300.320; § 300.321; § 300.323; § 300.324; § 300.503;

[Overview of Special Education Transportation: A Primer for Parents and Educators.](#) See § 300.320

[Parent and Child Rights in Special Education Procedural](#)

[Safeguards Notice.](#) See § 300.121; § 300.504; §

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[Parent and Child Rights in Special Education Procedural](#)

[Safeguards Notice \(Navajo Version\).](#) See § 300.121; §

300.504; § 300.507; § 300.508; § 300.510; § 300.514; §

300.517

[Parent and Child Rights in Special Education](#)

[Procedurals Safeguards Notice \(Russian\).](#) See §

300.121; § 300.504; § 300.507; § 300.508; § 300.510;

§ 300.514; § 300.517

[Parent and Child Rights in Special Education](#)

[Procedurals Safeguards Notice \(Spanish\).](#) See §

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[Part C Regulations and U.S. Department of Education](#)

[Non Regulatory Guidance.](#) See §

300.124 [Preschool/Elementary School](#) and [Secondary](#)

(updated February 2015). See § 300.112

[Primer on the Provision of Extended School Year](#)

[Services for Parents and Educators.](#) See § 300.106

[Private School Service Plan.](#) See § 300.132

[Prohibition on Mandatory Medication.](#) See § 300.174

[Provision of an Equal Education Opportunity to](#)

[Limited-English Proficient Students.](#) See § 300.173; §

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[Questions and Answers On Discipline Procedures.](#) See §

300.530

[Response to Intervention Framework \(2014\).](#) See §

300.111

[Restraint and Seclusion: Resource Document \(May 15,](#)

[2012\).](#) See § 300.324

[Serving Children With Disabilities Placed by Their](#)

[Parents at Private Schools.](#) See § 300.131; § 300.132

[Shortened School Days for Students with Disabilities.](#)

See § 300.116

[Student Discipline: A Technical Assistance Manual for](#)

[Students with Disabilities.](#) See § 300.530

[Technical Assistance Manual for Gifted Education in](#)

[New Mexico.](#) See §§ 300.538–300.599

[The Facilitated IEP Meeting Fact Sheet.](#) See § 300.152

[U.S. Department of Education’s Non-Regulatory](#)

[Guidance on the IDEA Part B Regulations Regarding](#)

[Parental Consent for the Use of Public Benefits or](#)

[Insurance to Pay for Services under the IDEA, Issued](#)

[February 14, 2013, and Effective March 18, 2013.](#) See §

300.154

[Use of Time-Out Room as a Behavioral Intervention.](#)

See § 300.324



2020-2021

IDEA B Application Cover Page
















Version A (Total Preliminary Allocation ONLY)


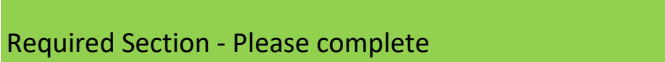


Version A: This version of the application contains the **total preliminary allocation amount only** . If the LEA would like to budget and use the **total preliminary allocation amount only** for the 2020-2021 School Year, this is the CORRECT application. If not, please go to and complete Application - Version B.

Yes Select YES, if **Application - Version A, total preliminary allocation amount only**, is the amount the LEA selects to budget for the 2020-2021 School Year.

Components of the IDEA B Application:

-  Tab 1: Cover Page
-  Tab 2: Checklist
-  Tab 3: Assurances
-  Tab 4: LEA Analysis and Plans
-  Tab 5: Basic and Preschool Budgets
-  Tab 6: Coordinated Early Intervening Services (CEIS)
-  Tab 7: Local Charters
-  Tab 8: Private Schools
-  Tab 9: Private School Consultation
-  Tab 10: Parent Involvement
-  Tab 11: Excess Cost
-  Tab 12: Budget Summary
-  Tab 13: Instructions

Section (Tab) Priorities:

-   Required Section - Please complete This section must be completed in order for the IDEA B Application to be processed.
-   Consider the following before completing Answer the questions to determine if the LEA must complete the section

Key Stakeholders:

- Special Education Director/Coordinator
- Board of Education/Governing Council President
- Superintendent
- Business Manager
- Parents of Students with Disabilities (Does not include students that are gifted only.)
- Private School Representatives



Select LEA Name:

Cimarron Municipal Schools

Application Checklist



Required Section - Please complete

All applicable sections of the application must be completed, utilize this checklist to ensure all areas are complete. Under the "Select" column, in the grey shaded area, please select the applicable response for each item

LEA Completion

PED Use Only

Tab	Description	Select
Assurances and Required Signatures	LEA provided assurance that the eligibility requirements of the IDEA B Act and regulations are met?	Yes
	LEA has uploaded Policies and Procedures to WebEPSS?	Yes
	Board Minutes evidencing the adoption of revised Policies and Procedures have been uploaded to WebEPSS?	Yes
	Yes selected for item 3 MOE?	Yes
	7a or 7b selected?	Yes
	If 8b selected, attachment (plan) uploaded to WebEPSS?	Yes
	YES selected for all other Federal assurances 1-2, 4-19?	Yes
	Tribes listed for assurance 18? (If applicable)	N/A
	MOUs attached for assurance 18? (If applicable)	N/A
	Certifications 1-2 provided?	Yes
	Board of Education President signature/date?	Yes
	Superintendent/Head Administrator signature/date?	Yes
	Special Education Director signature/date?	Yes
	Business Manager signature/date?	Yes
Parent Representative signature/date?	Yes	

Date Received and/or Verified	Notes

LEA Analysis and Plans	Number of Comprehensive and Support Schools in LEA provided?	N/A
	Number of Targeted Support and Improvement Schools in LEA provided?	N/A
	Areas of non-compliance and plans for improvement provided?	N/A
	Plans for improving graduation rates provided?	N/A

	Private school consultation form completed and uploaded with original signatures?	N/A		
		N/A		

LEA Completion

Tab	Description	Select
Parent Involvement	Required parent information provided?	Yes
	State Student Identification (ID) numbers for students whose parents participated in the development of the IDEA B application provided?	Yes

Objective 8 Excess Cost	Elementary and secondary costs calculated independently? (Are not the same)	Yes
-------------------------	-----------------------------------------------------------------------------	-----

Budget Summary	Is the page error free?	Yes
	Do the amounts match the OBMS budgets?	Yes

Approvals	Board Meeting Agenda uploaded to WebEPSS?	Yes
	Signed Board Meeting Minutes uploaded to WebEPSS?	Yes

PED Use Only

Date Received and/or Verified	Notes

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Print this page, obtain required signatures then upload the page to WebEPSS.

F. Local IDEA-B Funding Application Approval

Authorized Representative Certification of Assurances

In conjunction with this submission, I certify that all assurances, listed in Section I - Public Information and marked as "yes" in the Plan of Assurances have been met, or that the LEA has completed, or will complete and submit proof of adoption to the Special Education Bureau (SEB), policies and procedures that are consistent with State policies and procedures established under IDEA B regulations, by no later than June 30, 2020. I further certify that the LEA can make the assurances marked as "yes" in Section III and IV of this application. These provisions meet the requirements of IDEA B as found in Public Law No. 108-446. The LEA or State agency will operate its Part B program in accordance with all of the required assurances. If any assurances have been checked "no", I certify that the LEA or State agency will operate throughout the period of this grant award consistent with the requirements of IDEA, as found in Public Law No. 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of IDEA, as amended, as soon as possible, and not later than June 30, 2020. (34 CFR § 76.104).

Printed/Typed Name and Title of Authorized Representative of the LEA or State Agency:

--

Authorized Representative's Signature (REQUIRED):

Date:

--	--

G. Board of Education or Governing Authority and LEA Approval of Local IDEA B Funding Application

This application for IDEA B Entitlement funding was submitted to the local educational agency's (LEA's) local school board or governing authority for approval and the LEA has elected to submit this application for the purpose of maximizing resources in meeting fully all obligations to children with disabilities of the district under the Individuals with Disabilities Education Act Part B.

The 2020-2021 application for IDEA B Entitlement funding was approved on: *Enter date.*

--

The Board of Education or Governing Authority for the _____ School District, State Chartered Charter School or State Supported Educational Programs provides assurance to the New Mexico Public Education Department (PED), SEB that the applicable Federal, State and local laws and regulations will be met as described in the Local Application for IDEA B Funding. We the undersigned, further certify that all assurances in this application as provided to the PED have been approved by the local Board of Education and/or Charter School Governing Authority.

Board of Education/Governing Board President Signature (REQUIRED):	Date:
Superintendent Signature/ Head Administrator Signature (REQUIRED):	Date:
Special Education Director Signature (REQUIRED):	Date:
Business Manager (REQUIRED)*:	
* <input type="checkbox"/> Check box if Business Manager acknowledges receipt of the Budget Summary page, of the 2019-2020 application, for the purposes of setting up a correct budget in OBMS per fund/function.	
Business Manager Signature (REQUIRED):	Date:
Parent Involvement (REQUIRED):	
I represent parents of the LEA. My signature below assures the Department that parents participated in the development of the IDEA B Entitlement budget for the 2020-2021 School Year.	
Parent Representative Signature (REQUIRED):	Date:



2020-2021

IDEA B Application - Version A (Total Preliminary Allocation ONLY)

Cimarron Municipal Schools



Needs Analysis and Local Education Agency (LEA) Plans



Required Section - Please complete

Complete the grey shaded areas below. If an area is not applicable to the LEA, indicate N/A for Not Applicable.

Every Student Succeeds Act (ESSA) School Categories

Enter the number of schools for each of the categories below:

Number of Comprehensive Support and Intervention (CSI) Schools

Number of Targeted Support and Improvement (TSI) Schools

Describe how IDEA B funds will be utilized to support students with disabilities with IEPs in the schools with CSI and TSI designations.

--

Area(s) of noncompliance

If a Corrective Action Plan was issued based on the 2018-2019 annual determination, please describe how IDEA B funds will be utilized to improve services to students with disabilities with IEPs

Area(s) of noncompliance	Describe brief synopsis of LEA plan

Improving graduation rates for students with disabilities

Describe how funds will be utilized to improve graduation rates for students with disabilities.

Students have a case manager who works with our transition counselor, the student, parents, and any ancillary services to agree on the student's IEP with a direction for graduation. Students are monitored consistently for their progress towards graduation.

Improving dropout rates for students with disabilities

Describe how IDEA B funds will be utilized to improve dropout rates for students with disabilities.

Students are worked with during school and after school to help pass their classes and stay on track for graduation. Individual plans are made for each student as to what they want to be in the future and classes are designed around their needs that have been agreed upon by the IEP team.

Attach additional sheets as necessary.



2020-2021

IDEA B Application - Version A (Total Preliminary Allocation ONLY)

Cimarron Municipal Schools



Basic (24106) and Preschool (24109) Budgets

Required Section - Please complete

A. Application Type, Option and Allocation

Select the appropriate Application Type and Option from the drop-down menu below:

Application Type: Single Applicant

Application Option: Option A - Preliminary Allocation Only

Select the LEA name from the drop-down menu below and the funding allocations will be populated:

Allocation	Allocation	
	Basic - 24106	Preschool - 24109
Cimarron Municipal Schools	\$ 122,987.34	\$ 12,217.00

B. Special Education and Related Services Budget

Direct Instruction and Extended School Year (Objective 1 - Function 1000)

Please complete each section where the LEA chooses to budget funds. Areas where funds will not be budgeted can remain blank. Do not add additional rows or columns

1. a. Supplemental licensed special education teachers and licensed special education instructional assistants working with students with disabilities with IEPs.

Position Title(s)	Position Location	Function Duties	% FTE IDEA B	24106 Amount	24109 Amount
Licensed Teacher	ENMS		2.5	\$90,792.00	\$ 12,217.00

1. b.* All costs listed in 1.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

2. a. Stipends for licensed general education, special education teachers and special education instructional assistants involved in special education related activities.

Position Title(s)	Position Location	Function Duties for Stipend	% FTE IDEA B	24106 Amount	24109 Amount

2. b.* All costs listed in 2.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

3. a. Purchased services directly associated with teaching students with disabilities with IEPs.

Position Title(s)	Position Location	Function Duties for Stipend	% FTE IDEA B	24106 Amount	24109 Amount

3. b.* All costs listed in 3.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

4. a. Educational supplies, materials, curriculum and software directly involved with direct instruction and implementing IEPs for students with disabilities.

Please note: Items \$5,00 and above require prior approval. LEAs must complete and submit a Equipment Over \$5,000 Approval Form to the SEB for approval.

Provide Detailed Description	24106 Amount	24109 Amount

4. b.* All costs listed in 4.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

5. a. Equipment directly involved with direct instruction and implementing IEPs for students with disabilities.

Provide Detailed Description	24106 Amount	24109 Amount

5. b.* All costs listed in 5.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

6. a. Professional development costs for general and special education teachers and special education instructional assistants to improve instruction students with disabilities with IEPs.

Describe Professional Development	24106 Amount	24109 Amount
Professional Development	\$ 500.00	

6. b.* All costs listed in 6.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

7. a. Extended school year services costs for students with disabilities with IEPs.

Detailed Description	Number of Students	24106 Amount	24109 Amount

7. b.* All costs listed in 7.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

8. a. Contract with Regional Educational Cooperatives (REC) to provide direct instruction or extended school year services to students with disabilities.

Describe Services	List REC(s)	24106 Amount	24109 Amount

8. b.* All costs listed in 8.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

*See instructions tab for definitions of the above items. A "No" answer to any of the above disqualifies the cost(s) from being included in the IDEA B application.

"Yes" to each question above does not assure SEB approval. All items will be subject to SEB audit.

Direct Instruction and Extended School Year (Objective 1 - Function 1000)		
	Basic - 24106	Preschool - 24109
Allocation	\$ 91,292.00	\$ 12,217.00
Percent of Budget Allocated	74.23%	100.00%

Instructional Support (Objective 2)

Please complete each section in which the LEA chooses to budget funds. Areas where funds will not be budgeted can remain blank.

1.a. Evaluation and Child Find activities to include private schools.

Detailed Description	24106 Amount	24109 Amount

1. b.* All costs listed in 1.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

2.a. Licensed related services providers serving students with disabilities with IEPs. (Employee Type is a drop-down menu)

Position Title	Position Location	Function Duties for Stipend	Employee Type	% FTE IDEA B	24106 Amount	24109 Amount

2. b.* All costs listed in 2.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

3.a. Support staff directly providing instructional support to students with disabilities with IEPs.

Position Title	Position Location	Function Duties	% FTE IDEA B	24106 Amount	24109 Amount
SPED Secretary			0.64	\$ 19,081.25	

3. b.* All costs listed in 3.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

4.a. Stipends for licensed general education, special education teachers and special education instructional assistants involved in special education related activities.

Position Title	Position Location	Function Duties for Stipend	% FTE IDEA B	24106 Amount	24109 Amount

4. b.* All costs listed in 4.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

5. a. Educational supplies, materials, curriculum and software directly involved with direct instruction and implementing IEPs for students with disabilities.

Please note: Items \$5,00 and above require prior approval. LEAs must complete and submit a Equipment Over \$5,000 Approval Form to the SEB for approval.

Provide Detailed Description	24106 Amount	24109 Amount
General Supplies and Materials		\$ -

5. b.* All costs listed in 5.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

6.a. Professional development costs for related service staff and support staff to improve instructional support services for students with disabilities with IEPs.

Describe Professional Development	24106 Amount	24109 Amount

6. b.* All costs listed in 6.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

7.a. Technical assistance costs for improving instruction for students with disabilities with IEPs.

Describe Technical Assistance	24106 Amount	24109 Amount

7. b.* All costs listed in 7.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

8.a. Stipends for students with disabilities with IEPs participating in job readiness and/or career technical education classes.

Number of Students	Function duties for stipend	24106 Amount	24109 Amount

8. b.* All costs listed in 8.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

9.a Employment for students with disabilities with IEPs participating in work-based learning environments.

Number of Students	Describe Work-Based Employment	24106 Amount	24109 Amount

9. b.* All costs listed in 9.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

10.a. Travel costs for parents of students with disabilities with IEPs providing transportation to receive related services as indicated in the IEP.

Number of Students	Related Service Type	24106 Amount	24109 Amount

10. b.* All costs listed in 10.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

11.a. Contract with Regional Educational Cooperatives (REC) to provide instructional support to students with disabilities with IEPs.

Describe Services	List REC	24106 Amount	24109 Amount

11. b.* All costs listed in 11.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

*See instructions tab for definitions of the above items. A "No" answer to any of the above disqualifies the cost(s) from being included in the IDEA B application.

"Yes" to each question above does not assure SEB approval. All items will be subject to SEB audit.

Direct Instruction and Extended School Year (Objective 2 - Function 2100)		
	Basic - 24106	Preschool - 24109
Allocation	\$ 19,081.25	\$ -
Percent of Budget Allocated	15.5%	0.0%

Activities for the Provision of Special Education and Related Services (Objective 3)

Please complete each section in which the LEA chooses to budget funds. Areas where funds will not be budgeted can remain blank.

1. Support Services - General Administration (Function 2200)

1.a. Instruction Related Technology (Function 2230)

Describe Cost	24106 Amount	24109 Amount

1. b.* All costs listed in 1.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

1.c. Other Support Services (Function 2290) as indicated in students IEPs

Describe Cost	Student Identification numbers	24106 Amount	24109 Amount

1. d.* All costs listed in 1.c. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

2. Indirect/Audit Costs (Function 2300)

24106 Amount	24109 Amount

3. Support Services - School Administration (Function 2400)

3.a. Other Support Services - School Administration (Function 2490)

Position Title(s)	Position Location	Function Duties	% FTE IDEA B	24106 Amount	24109 Amount

3. b.* All costs listed in 2.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

4. Support Services - Central Services (Function 2500)

4.a. Printing, Publishing and Duplicating Services (Function 2530)

Describe Cost	24106 Amount	24109 Amount

4. b.* All costs listed in 3.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

4.c. Public Information Services (Function 2560)

Describe Cost	24106 Amount	24109 Amount

4. d.* All costs listed in 3.c. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

4.e. Administrative Technology Services (Function 2580)

Describe Cost	24106 Amount	24109 Amount

4. f.* All costs listed in 3.e. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

4.g. Other Support Services (2590)

Describe Cost	24106 Amount	24109 Amount

4. h.* All costs listed in 3.g. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

5. Operation and Maintenance of Plant (Function 2600)

5.a. Care and Upkeep of Special Education Equipment (Function 2640)

Describe Cost	24106 Amount	24109 Amount

5. b.* All costs listed in 4.a. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

5.c. Vehicle Operation and Maintenance for providing Special Education Services to students with disabilities with IEPs. (Function 2650)

Describe Cost	Student Identification numbers	24106 Amount	24109 Amount

5. d.* All costs listed in 4.c. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

5.e. Safety Costs for providing Special Education Services to students with disabilities with IEPs. (Function 2670)

Describe Cost	Student Identification numbers	24106 Amount	24109 Amount

5. f.* All costs listed in 4.e. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

5.g. Other Operation and Maintenance of Plant Costs for providing special education and related services to students with disabilities. (Function 2680)

Describe Cost	24106 Amount	24109 Amount

5. h.* All costs listed in 4.g. meet the following requirements for IDEA B eligibility.

Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special education and related services?

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6. Student Transportation (Function 2700)

6.a. Vehicle Operation for students with disabilities and/or as indicated in the students IEP (Function 2710)

Describe Cost	Student Identification numbers	24106 Amount	24109 Amount

6. b.* All costs listed in 5.a. meet the following requirements for IDEA B eligibility. Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special

6.c. Bus Aides as indicated in IEP (Function 2720)

Describe Cost	Student Identification numbers	24106 Amount	24109 Amount

6. d.* All costs listed in 5.c. meet the following requirements for IDEA B eligibility. Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special

6.e. Other Student Transportation Services (Function 2790)

Describe Cost	Student Identification numbers	24106 Amount	24109 Amount

6. f.* All costs listed in 5.e. meet the following requirements for IDEA B eligibility. Please select Yes or No for each below.

Excess cost	Reasonable	Necessary	Allocable	Costs are specifically for the purpose of providing special

*See instructions tab for definitions of the above items. A "No" answer to any of the above disqualifies the cost(s) from being included in the IDEA B application.

"Yes" to each question above does not assure SEB approval. All items will be subject to SEB audit.

Activities for the provision of Special Education Services (Objective 3)		
	Basic - 24106	Preschool - 24109
Allocation	\$ -	\$ -
Percent of Budget Allocated	0.0%	0.0%

C. Business Manager Copy

A copy of the 2020-2021 Basic (24106) and Preschool (24109) budgets have been submitted to the LEA's Business Manager?

The amounts in Objectives 1, 2 and 3 of this LEA application must be the same as as the line item amounts and objective amounts entered into OBMS.

ms.



24112 - COORDINATED EARLY INTERVENING SERVICES (CEIS) Comprehensive (Mandatory) and Voluntary

! Consider the following before completing

Select Yes or No from the drop-down menu for the following questions.

1. Is the LEA required to set aside funds for Comprehensive CEIS? No (LEA's with significant disproportionality based on race or ethnicity must set aside funds.)

If the LEA selects Yes to question 1, please proceed to the table below. If No, proceed to Question 2.

2. Will the LEA set aside funds for Voluntary CEIS? No

If the LEA selects Yes to question 2, please proceed to the table below. If No, please skip to the next section (tab).

Comprehensive (Mandatory) CEIS:

LEAs identified as having significant disproportionality based on race or ethnicity must reserve 15 percent of IDEA Part B Section 611 (24106) and Section 619 (24109) funds to implement Comprehensive (Mandatory) CEIS. The Special Education Bureau will identify disproportionality with respect to identification, placement, and/or disciplinary removals and notify LEAs found to have significant disproportionality. Comprehensive (Mandatory) CEIS is defined by regulations at 34 CFR §300.646(d).

Voluntary CEIS:

Under the 2004 amendments to the IDEA, (34 CFR § 300.226), an LEA may select to use up to 15 percent of the current year IDEA-B allocation for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in the general education environment.

Funds designated for this purpose are to be budgeted under Fund Code 24112. If the LEA chooses to budget Fund 24112 a CEIS Plan must be submitted to SEB for approval. SEB written approval of the CEIS Plan is required prior to implementation. Funds set aside for CEIS may not be expended until the CEIS plan has been approved by SEB. [34 CFR 300.205 applies in conjunction with 34 CFR 300.226]. [34 CFR 300.226(d); 20 U.S.C 1413(f)(4); 6.31.2.9(D)(4) NMAC]

LEA's who wish to submit a CEIS plan must contact the SEB Education Administrator assigned to the LEA to request the CEIS plan form, instructions and approval.

If the LEA selects Yes to question 1. or 2. above, then the following table must be completed. In No, please skip this section.

CEIS Information	
Select CEIS Type from drop-down:	Select
Maximum amount to be set-aside:	\$ 20,280.65 (Number will prepopulate)
CEIS Proposed Budget Amounts	
Enter proposed amounts below: Amounts below cannot exceed the maximum amount above.	
24106 - Basic proposed budget amount to 24112	(Amount to transfer from Fund 24106 to Fund 24112)
24109 - Preschool proposed budget amount to 24112	(Amount to transfer from Fund 24109 to Fund 24112)

Students to be Served

LEA must identify the estimated number of students to be served with CEIS funds during the 2020-2021 School Year.

Number of students to be served with CEIS funds

If the budgeted amount is greater than the Maximum amount, please adjust the proposed budget amount to less than or equal to the maximum amount allowed.



2020-2021

IDEA B Application - Version A (Total Preliminary Allocation ONLY)

Cimarron Municipal Schools



Local (Dependent) Charter Schools

! Consider the following before completing

UCOA Function Code 2500, Object Code 55912 and Applicable Location Code - LOCAL CHARTER SCHOOL

Select Yes or No from the drop-down menu for the following question.	
Does the LEA have Local (Dependent) Charter Schools within its jurisdiction that are public schools of the LEA?	Yes
If the LEA selects Yes to the above question, please proceed to the tables below. If No , please skip to the next section (tab).	

An LEA must comply with certain requirements if it has charter schools within its jurisdiction that are public schools of the LEA. The LEA must serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools. The LEA also must provide IDEA-B funds to those charter schools:

- 1) On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and
- 2) at the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

The provision of funds to the LEA's local charter schools(s) must be determined on the same basis and at the same time as all the other public schools within the LEA's jurisdiction [34 C.F.R. § 300.209]

In order to verify that LEAs are reserving an adequate amount of their IDEA-B funds for services to students with disabilities who have an IEP (excluding gifted only) in charter schools, necessary to comply with IDEA requirements, the application must include a separate objective that is distinguishable within OBMS for each charter school. Enrollment numbers are to be exclusive of those students who are gifted only, however, a student who is gifted and has a disability would be included in the enrollment figures. Please include a separate calculation for each charter. For LEAs with charter schools that do not open until Fall 2020, an appropriate amount must be based on an estimate of students with IEPs, that are not gifted, who will be served at the charter school. This estimated allocation should be adjusted by the end of December 2020 and based on actual data collected during the actual school year to reflect actual counts of students with disabilities who have an IEP on the 40 Day reporting period. Funds allocated under this section are to be reported to the PED in OBMS by budgeting each charter school allocation under Function Code 2500 (Central Services), Object Code 55912 (Flow-through Grants to Charters) and the applicable Location Code for each local charter school.

Cimarron Municipal Schools

If the LEA selects **Yes to the above question**, then the following tables must be completed. In **No**, please skip this section.

Section 1 - Assurances

LEAs with local (dependent) charter schools in their educational jurisdiction must complete the sections below:

Please select **Yes** next to assurances 1 and 2 below. If you cannot select Yes to both 1 and 2 you must select Yes next to assurance 3 and provide a description of how IDEA-B funds will be distributed to the charter school(s).

Yes	1	District chartered charter schools' initial allocations are included in this application so that funds may be distributed at the same time as the LEA distributes other Federal funds to the LEA's other public schools.
Yes	2	Funds will be allocated to district chartered charter schools by a proportional distribution based on relative enrollment of children with disabilities.
Select	3	If funds are not to be disbursed by a proportional distribution based on relative enrollment of children with disabilities please describe how funds are to be distributed in the space below. SEB may require further clarification under this objective before the application may be approved. Please type clarification on distribution of funds below:

Section 2 - Determining Proportionate Share for Dependent/Local Charter Schools, Basic Allocation (24106)

Please enter amounts requested for a. and b. **only** below using 2019-2020 40 day STARS student counts. **Do not enter information in c. - e and Total Allocation box.**

a	b	c	d	e	
Enter total number of children with disabilities in public schools in the LEA	Enter total ALL Local Charter School students with IEPs	Proportionate share to Local Charters	IDEA B Allocation (24106 - Basic)	Average Allocation per child (d / a = e)	Total Allocation to be distributed to dependent/local charter(s)
39	4	0.103	\$ 122,987.34	\$ 3,153.52	\$ 12,614.09

All numbers above should exclude students who are gifted only.

Section 3 - Budgeting Funds per Dependent/Local Charter Schools, Basic Allocation (24106)

Please enter the Local Charter School Name and information in grey shaded areas.

1	Local Charter School Name	Moreno Valley High School
The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input style="width: 200px;" type="text" value="4"/>		
Local charter's 24106-Basic Total Allocation		\$ 12,614.09
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.	
\$ 12,614.09	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students.	
\$	Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.	
\$ 12,614.09	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)	

2	Local Charter School Name	
The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input style="width: 200px;" type="text"/>		
Local charter's 24106-Basic Total Allocation		\$ -
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.	
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students.	

\$	Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

3	Local Charter School Name	
<p>The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input type="text"/></p> <p>Local charter's 24106-Basic Total Allocation <input type="text" value="\$ -"/></p>		
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.	
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students.	
\$	Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.	
\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)	

4	Local Charter School Name	
<p>The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input type="text"/></p> <p>Local charter's 24106-Basic Total Allocation <input type="text" value="\$ -"/></p>		
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.	
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students.	
\$	Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.	

\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)
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5	Local Charter School Name	
<p>The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input style="width: 200px;" type="text"/></p> <p style="text-align: center;">Local charter's 24106-Basic Total Allocation <input style="width: 150px;" type="text" value="\$ -"/></p>		
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$		1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.
\$		2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.
\$		3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.
\$		4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students.
\$		Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -		Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

6	Local Charter School Name	
<p>The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input style="width: 200px;" type="text"/></p> <p style="text-align: center;">Local charter's 24106-Basic Total Allocation <input style="width: 150px;" type="text" value="\$ -"/></p>		
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$		1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.
\$		2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.
\$		3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.
\$		4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students.
\$		Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -		Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

7	Local Charter School Name	
The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input type="text"/>		
Local charter's 24106-Basic Total Allocation <input type="text" value="\$ -"/>		
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.	
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted only students. Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.	
\$	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)	<input type="text" value="-"/>

8	Local Charter School Name	
The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input type="text"/>		
Local charter's 24106-Basic Total Allocation <input type="text" value="\$ -"/>		
For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.		
\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.	
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted only students.	
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\$	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)	<input type="text" value="-"/>

9 Local Charter School Name	
The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment	
Local charter's 24106-Basic Total Allocation	
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11 Local Charter School Name	
The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input style="width: 250px;" type="text"/>	
Local charter's 24106-Basic Total Allocation <input style="width: 250px;" type="text" value="\$ -"/>	
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Local charter's 24106-Basic Total Allocation		\$ -
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15 Local Charter School Name	
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Local charter's 24106-Basic Total Allocation \$ <input type="text" value="-"/>	
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20	Local Charter School Name	
<p>The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided. Enter 2019-2020 40 day Total Local Charter SWD Enrollment <input type="text"/></p> <p>Local charter's 24106-Basic Total Allocation \$ <input type="text" value="-"/></p>		
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21	Local Charter School Name	
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The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided.

Enter 2019-2020 40 day Total Local Charter SWD Enrollment

Local charter's 24106-Basic Total Allocation \$

For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.

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\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

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The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided.

Enter 2019-2020 40 day Total Local Charter SWD Enrollment

Local charter's 24106-Basic Total Allocation \$

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Local charter's 24106-Basic Total Allocation

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Local charter's 24106-Basic Total Allocation \$

For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.

\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

38 Local Charter School Name

The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided.

Enter 2019-2020 40 day Total Local Charter SWD Enrollment

Local charter's 24106-Basic Total Allocation \$

For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.

\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

39 Local Charter School Name

The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided.

Enter 2019-2020 40 day Total Local Charter SWD Enrollment

Local charter's 24106-Basic Total Allocation \$ -

For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.

\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

40 Local Charter School Name

The above local charter's total enrollment of students with disabilities (SWD) for the 2019-2020 40 day reporting period must be provided.

Enter 2019-2020 40 day Total Local Charter SWD Enrollment

Local charter's 24106-Basic Total Allocation \$ -

For this Local Charter please enter the amount to be budgeted for each line 1. - 4. Items identified below are to budgeted accordingly in OBMS.

\$	1. Personnel costs for providing special education service to students with disabilities who have an IEP; excluding gifted only students.
\$	2. Training costs for staff involved with providing special education services for students with disabilities who have an IEP; excluding gifted
\$	3. Supplies and material costs related to providing special education services for students with disabilities who have an IEP; excluding gifted
\$	4. Educational equipment directly involved with direct instruction and implementing IEPs for students with disabilities; excluding gifted Please note: Items \$5,000 and above require prior approval and submission of an Equipment Over \$5,000 Approval Form to the SEB.
\$ -	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)

\$	12,614.09	Total Budget (Total Budget must equal Local Charter's 24106-Basic Total Allocation above.)
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Private Schools (24115)

Consider the following before completing

Select **Yes** or **No** from the drop-down menu for the following question.

Does the LEA have Private Schools within its educational jurisdiction?	Select
If the LEA selects Yes to the above question, please proceed to the tables below. If No, please skip to the next section (tab).	

If the LEA selects **Yes to the above question**, then the following tables must be completed. In **No**, please skip this section.

Section 1 - 2019-2020 Parentally-Placed Private (PPP) School Student Information

Please report the following information for parentally-placed private school students during the 2019-2020 school year:

Number of PPP School students who were evaluated during 2019-2020	Number of PPP School students who were found to be eligible for IDEA B in 2019-2020 *	Number of PPP School students who were served in 2019-2020 *

* If there is a difference between the number of students found to be eligible for IDEA B and the number of students who were served a written justification must be submitted to the SEB.

Section 2 - Determining Proportionate Share for Private Schools, Basic Allocation (24106)

Please enter amounts requested for a. and b. below.

a	b	c	d	e	f
Enter total number of children with disabilities in public schools in the LEA	Enter Number of parentally-placed eligible children with disabilities in all private schools located in the LEA	Total number of eligible children (a + b = c)	IDEA B Allocation (24106 - Basic)	Average Allocation per child (d / a = e)	Total Allocation to be distributed to dependent/local charter(s)
		0	\$ 122,987.34	\$ -	\$ -

All numbers above should exclude students who are gifted only.

Section 3 - Determining Proportionate Share for Individual Private Schools and Budgets

Enter the private school name and the number of parentally-placed private school students with disabilities enrolled at this Private School during the 2019-2020 school year and Reported on the 40 Day in STARS:

1 Private School Name:

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

2 Private School Name:

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

3 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

4 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

5 Private School Name: <input type="text"/>		
Please enter amounts requested for g. below.		
g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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6 Private School Name: <input type="text"/>		
Please enter amounts requested for g. below.		
g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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7 Private School Name: <input type="text"/>		
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Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

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Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

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9 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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11 Private School Name:
Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
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Please enter amounts requested for g. below.

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13 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
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\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services
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14 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
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Please enter amounts requested for g. below.

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16 Private School Name: _____

Please enter amounts requested for g. below.

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	\$ -	\$ -

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Please enter amounts requested for g. below.

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Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
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18 Private School Name:
Please enter amounts requested for g. below.

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	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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23 Private School Name: _____
Please enter amounts requested for g. below.

g	h	i
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Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

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	\$ -	\$ -

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25 Private School Name: _____

Please enter amounts requested for g. below.

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Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

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26 Private School Name:

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

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27 Private School Name:

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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Please enter amounts requested for g. below.

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Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
-	\$ -	\$ -

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-	\$ -	\$ -

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30 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
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Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
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	\$ -	\$ -

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g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

33 Private School Name:

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

34 Private School Name:

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

35 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

36 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

37 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
---	---	---

Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

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\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

38 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

39 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services

40 Private School Name: _____

Please enter amounts requested for g. below.

g	h	i
Enter the number of parentally-placed eligible children with disabilities in this private school	Average Allocation per child (calculated above)	Total Amount to be Expended for Parentally-Placed Children with Disabilities at this school (g x h = i)
	\$ -	\$ -

For this private school please enter the amount to be budgeted for each line 1. - 2., based on the determination made after completing the required consultation with the Private School Administration. **Items identified below must be budgeted in OBMS under Fund Code 24115.**

\$	1. Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to private school personnel (excluding evaluation services)
\$	2. Purchase of educational supplies directly related to the service plans of parentally-placed private school students eligible for special education services



2020-2021

IDEA B Application - Version A (Total Preliminary Allocation ONLY)

Cimarron Municipal Schools



2019-2020 Private School Consultation Form

Required if 24115 Private School completed

We, the undersigned representatives of private schools, affirm that we consulted with:

Cimarron Municipal Schools

During the design and development of special education and related services for students with IEPs, with regard to the five items below, specifically described at 20 U.S.C. 1412(a)(10)(A)(iii) [34 CFR § 300.134]: (a) Child find; (b) Proportionate share of funds; (c) Consultation Process; (d) Provision of special education and related services; and (e) Written explanation by LEA regarding services.

Please note: This private school consultation documentation must be submitted with the original signatures.

LEA PRIVATE SCHOOL CONSULTATION DOCUMENTATION					
	Name of Private School	Number of students with disabilities enrolled	Name of Representative (Print)	Signature of Representative	Consultation Date
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					



2020-2021

IDEA B Application - Version A (Total Preliminary Allocation ONLY)

Cimarron Municipal Schools



Parent Involvement in IDEA B Application

Required Section - Please complete

In accordance with Subsection 22-8-11 NMSA 1978, the department shall not approve and certify an operating budget of any school district, state supported educational institution, or state-chartered charter school that fails to demonstrate that parental involvement in the process was solicited.

Please list the names of parents of students that are currently enrolled with disabilities who have a current Individualized Education Program (IEP), who are not employees of the district or a representative of the Regional Educational Cooperative (REC) of the LEA who participated in the development of this application. THIS IS REQUIRED OF ALL LEAs, INCLUDING FOR STATE-SUPPORTED EDUCATIONAL PROGRAMS. Excludes parents of students who are gifted-only.

Name	Phone	E-Mail	State Student Identification Number
Barbara Martinez	575-376-2470	leo87714@yahoo.com	654493725



Excess Cost - Elementary and Secondary School Calculations



Required Section - Please complete

Excess Cost means costs that are in excess of the average annual per-student expenditure in an LEA during the preceding school year for an elementary and secondary school student. Determining the excess cost amounts is a statutory requirement that mandates how much the LEA must expend for children with disabilities from state funds.

Section 602(8) of the Act and IDEA B regulation section 300.16 requires the LEA to compute the Excess Cost Calculation separately for children with disabilities in its elementary schools and for children with disabilities in its secondary schools. LEAs may not compute the minimum average amount it must spend on the education of children with disabilities based on a combination of the enrollments in its elementary schools and secondary schools. Expenditures for capital outlay or debt service cannot be included in the excess cost calculations. [20 U.S.C. 1401(8); 34 CFR § 300.16]

Elementary School Excess Cost Requirement

Excess Cost must be completed based on the most current data available.

Total Elementary School Expenditures	
Enter the total actual expenditures from state Fiscal Year (FY) 2019 (2019-2020 School Year) for all elementary school students from all funds -- a. State and local funds, b. Federal funds (including Part B), and c. capital outlay and debt services:	
\$ 3,873,417.49	a. Total Expenditures from State and local tax funds
\$ 502,513.75	b. Total Expenditures from Federal funds
\$ 2,937,609	c. Total Expenditures for capital outlay and debt service
\$ 1438322.24	d. Total expenditures for elementary school students less capital outlay and debt service (a + b - c = d)

Other Deductions	
Enter the total actual expenditures from FY 2019 (2019-2020 School Year) for all elementary school students from the Federal Funds identified below:	
\$ 94,686	e. Total Expenditures from IDEA, Part B allocation
\$ 65,386.11	f. Total Expenditures ESEA, Title I, Part A allocation
\$ 0	g. Total Expenditures ESEA, Title III, Parts A and B allocation

Enter the total actual expenditures from FY 2019 (2017-2018 School Year) for elementary school students with disabilities from state or local funds below:	
\$ 198,599.27	h. Total Expenditures from State and local funds for children with disabilities, excluding gifted only
\$	i. Total Expenditures from State or local funds for programs under ESEA, Title I, Part A, and Title III, Parts A and B
\$ 358671.04	j. Total of other deductions (e + f + g + h + i = j)
\$ 1079651.2	k. Total Expenditures for all elementary school students less other deductions (d - j = k)

Determining Excess Cost

The average annual per student expenditure for the LEA's elementary schools is calculated below:	
280	l. Enter AVERAGE number of all elementary students enrolled (including students with disabilities)
3855.897143	m. Average annual per student expenditure for Elementary (k ÷ l = m)
33	n. Enter TOTAL elementary students with disabilities enrolled on the 2019-2020 40 Day, excluding gifted only
127244.61	o. Minimum amount of funds an LEA must spend for the education of children with disabilities enrolled in the LEA's elementary schools before using Part B funds to cover the Excess Cost (m x n = o)

Secondary School Excess Cost Requirement

Excess Cost must be completed based on the most current data available.

Total Secondary School Expenditures	
Enter the total actual expenditures from state Fiscal Year (FY) 2018 (2017-2018 School Year) for all secondary school students from all funds -- a. State and local funds, b. Federal funds (including Part B), and c. capital outlay and debt services:	
\$ 1131268.71	a. Total Expenditures from State and local tax funds
\$ 123857.35	b. Total Expenditures from Federal funds
\$ 1014285.91	c. Total Expenditures for capital outlay and debt service
\$ 240840.15	d. Total expenditures for secondary school students less capital outlay and debt service (a + b - c = d)
Other Deductions	
Enter the total actual expenditures from FY 2019 (2017-2018 School Year) for all secondary school students from the Federal Funds identified below:	
\$ 36920.79	e. Total Expenditures from IDEA, Part B allocation
\$ 1326.07	f. Total Expenditures ESEA, Title I, Part A allocation
\$ 0	g. Total Expenditures ESEA, Title III, Parts A and B allocation
Enter the total actual expenditures from FY 2019 (2017-2018 School Year) for secondary school students with disabilities from state or local funds below:	
\$ 62738.38	h. Total Expenditures from State and local funds for children with disabilities, excluding gifted only
\$	i. Total Expenditures from State or local funds for programs under ESEA, Title I, Part A, and Title III, Parts A and B
\$ 100985.24	j. Total of other deductions (e + f + g + h + i = j)
\$ 139854.91	k. Total Expenditures for all secondary school students less other deductions (d - j = k)
Determining Excess Cost	
The average annual per student expenditure for the LEA's secondary schools is calculated below:	
141	l. Enter AVERAGE number of ALL secondary students enrolled (including students with disabilities)
992	m. Average annual per student expenditure for Secondary ($k \div l = m$)
10	n. Enter TOTAL secondary students with disabilities enrolled on the 2019-2020 40 Day, excluding gifted only
9919	o. Minimum amount of funds an LEA must spend for the education of children with disabilities enrolled in the LEA's elementary schools before using Part B funds to cover the Excess Cost ($m \times n = o$)

IDEA B APPLICATION - VERSION A BUDGET SUMMARY

If all amounts are entered correctly throughout the application, the Balanced (**Unbalanced**) section should be zero. If a zero is not indicated, please double check all figures for accuracy and correct as needed. This page will prepopulate once the previous tabs are completed. *Do not enter any amounts on this page.*

2019-2020 INITIAL IDEA-B ALLOCATIONS

A m o u n t s B u d g e t e d	Objective 1	Function 1000
	24106	\$ 91,292.00
	24109	\$ 12,217.00
	Objective 2	Function 2100
	24106	\$ 19,081.25
	24109	\$ -
	Objective 3	Function 2200
	24106	\$ -
	24109	\$ -
	Objective 4	
Voluntary CEIS	From 24106	From 24109
Fund 24112	\$ -	\$ -
Objective 6		
Dependent/Local	From 24106	Total Dependent Charters
Charters	\$ 12,614.09	\$ 12,614.09
Objective 7		
Private Schools	From 24106	Total Private
Fund 24115	\$ -	\$ -

BASIC ENTITLEMENT		PRESCHOOL ENTITLEMENT	
Fund 24106		Fund 24109	
\$ 122,987.34		\$ 12,217.00	
Fund 24106 Budget Check		Fund 24109 Budget Check	
ERROR			
Total Budgeted	\$ 122,987.34	Total Budgeted	\$ 12,217.00
Balanced (Unbalanced)	0.00	Balanced (Unbalanced)	0.00
(should be \$ 0)		(should be \$ 0)	

Objective 8 - Excess Cost Requirement				
	Average Annual per Student Expenditure	AVERAGE ALL Students enrolled	AVERAGE Students with Disabilities enrolled, excluding gifted only	Minimum amount of funds an LEA must spend for the education of children with disabilities enrolled in the LEA before using IDEA B funds to cover the Excess Costs above that amount
Elementary Excess Cost	\$ 3,855.90	280	33	\$ 127,244.61
Secondary Excess Cost	\$ 991.88	141	10	\$ 9,918.79

**2020-2021 IDEA B Application Checklist and Instructions****Tab 1: Application Checklist**  **Required Section**

1. **Select** the LEA name from the dropdown menu
2. **Answer** each question by selecting the appropriate choice from the drop-down menu in the “Select” column. This checklist should be used as a guide, to ensure all appropriate sections are completed and as each section of the application is completed.

Tab 2: Plan of Assurances  **Required Section**

All LEAs are required to provide the needed assurances. All assurances and certifications highlighted in grey must be addressed. **LEAs that are unable to provide the requisite assurances will not be eligible for IDEA B funding.**

A. Federal Program General Assurances

1. Read both statements carefully.
2. Select **Yes** for the item applicable to the LEA, **1. or 2.**, do not select Yes for both statements.

B. Other Federal Assurances

Assurance 1a. – 1b.

1. Read both statements carefully.
2. Either select **Yes** for the item 1a. **or enter a date** for item 1b., do not provide a response for both statements.

Assurance 2. and 4.-6.

1. Read each statement carefully.
2. Select **Yes** for **Assurances 2 and 4 through 6**. Assurances 2 and 4 through 6 address IDEA B compliance requirements. (LEAs who are unable to select YES to each statement are not eligible for IDEA B funds.)

Assurance 3. – Maintenance of Effort (MOE)

1. Enter the Maintenance of Effort (MOE) **amount** for the LEA based on the year which auditable numbers are available.

Assurance 7a. – 7b. – Charter Schools

1. Read both statements carefully.
2. For LEAs **with** dependent (local) charter schools:
 - i. Select **Yes** for item 7a., do not provide a response for both statements. Select **N/A (not applicable)** for item 7a. if the LEA has no local charters.
3. For LEAs **that are** state charter schools:
 - i. Select **Yes** for item 7b., do not provide a response for both statements. Select **N/A (not applicable)** for item 7b. for LEAs that are not a state charter school.

Assurance 8a. – 8b. – Instructional Materials for blind person or other persons with print disabilities

1. Read both statements carefully.
2. Either select **Yes** for item 8a. **or 8b.**, do not provide a response for both statements.
 - i. Selecting Yes to 8a means that the LEA agrees to coordinate with NIMAC if there is a need for instructional materials for the blind or other persons with print disabilities.
 - ii. Selecting Yes to 8b means that the LEA chose not to coordinate with NIMAC and must submit a plan of action outlining how they will provide instructional materials for the blind or other persons with print disabilities if necessary. **This option requires for a plan of action to be uploaded to WebEPSS indicating how instructional materials for blind person or other persons with print disabilities will be provided.**

Assurances 9. - 12.

1. Read each statement carefully.
2. Select **Yes** for **Assurances 9 - 12**. Assurances 9 through 12 address IDEA B compliance requirements. (LEAs who are unable to select YES to each statement are not eligible for IDEA B funds.)

C. Other Assurances

Assurance 13. – Impact Aid

1. Read the statement carefully.
2. **All LEAs** must select **Yes** for **Assurances 13**.
 - i. For LEAs **receiving Impact Aid** for the benefit of students with disabilities – Selecting Yes to Assurance 13 assures that the LEA is and will continue to follow IDEA B regulations.
 - ii. For LEAs **not receiving Impact Aid** – Selecting Yes to Assurance 13 means that the LEA will follow IDEA B regulations if it were to receive Impact Aid funds for the benefit of students with disabilities.

Assurances 14. – 16.

1. Read the statement carefully.
2. **All LEAs** must select **Yes** for **Assurances 14 through 16**.
 - i. Assurances 14 through 16 address reporting and accountability requirements that the LEA must follow to be in compliance with IDEA B.

Assurance 17. – Part C to B transition

1. Read the statement carefully.
2. **All LEAs** must select **Yes** for **Assurance 17**.
 - i. For LEAs **servicing preschool children with disabilities**– Selecting Yes to Assurance 17 assures that the LEA agrees to have appropriate policies and procedures for transition from Part C to B programs for preschool children with disabilities within the LEAs jurisdiction.
 - ii. For LEAs **not servicing preschool children with disabilities** – Selecting Yes to Assurance 17 means that the LEA agrees to have appropriate policies and procedures for transition from Part C to B programs for preschool children with disabilities within the LEAs jurisdiction if it were to serve students with disabilities.

Assurance 18 - Memorandum of Understanding (MOU) with Tribes for Child Find and Preschool Services

1. Read the statement carefully.
2. **All LEAs** must select **Yes** for **Assurance 18**.
 - i. For LEAs **with tribes in educational jurisdiction** – Selecting **Yes** to **Assurance 18** means that the LEA agrees to coordinate child find and provide direct services to preschool children with disabilities living on reservations.
 - ii. For LEAs **without tribes in educational** – Selecting **Yes** to **Assurance 18** means that the LEA agrees to coordinate child find with tribes and provide direct services to preschool children with disabilities living on reservations.
3. The approved, signed Memorandum of Understanding (MOU) must be uploaded in Web EPSS.

Assurances 19. – 20.

1. Read the statements carefully.
2. **All LEAs** must select **Yes** for **Assurances 19 through 20**.

D. Certifications

1. Read the statements carefully.
2. **All LEAs** must select **Yes** to **Certifications 1 and 2**.

E. Conditional Approval Related to Assurances for Current Grant Year

1. Conditional Approval Related to Assurances
 - i. **Select the appropriate statement** from the Conditional Approval Related to Assurances drop-down menu.
 - ii. If the LEA did not receive a conditional approval letter from PED, select **N/A**.
2. Conditional Approval Related to Other Issues
 - i. **Select the appropriate statement** from the Conditional Approval Related to Assurances drop-down menu.

- ii. If none of the statements in the drop-down menu are true for the LEA, select **N/A**.
- iii. LEAs that will not have Board of Education/Governing Council Meeting minutes at the time the application is submitted, the LEA must request Conditional Approval and the following statement in the drop-down menu: Due to time constraints, the LEA is not yet able to upload Board Meeting Agenda and Minutes in WebEPSS but will do so no later than June 30, 2020.

F. Local IDEA-B Funding Application Approval


1. The LEA or State Agency’s authorized representative must **enter** Printed/Typed Name and Title.
2. The LEA or State Agency’s authorized representative must **sign** certifying that all assurance are being met.

G. Board of Education or Governing Authority and LEA Approval of Local IDEA B Funding Application

1. **Enter** the date that the 2020-2021 IDEA B Application was approved by the school board or governing authority in the box next to the following statement: “The 2020-2021 application for IDEA B Entitlement funding was approved on:”.
2. Ensure School District, State Chartered Charter School or State Supported Education Program **name** which is pre-populated is correct.
3. **Signatures are required** for the following:
 - i. Board of Education/Governing Board President
 - ii. Superintendent/Head Administrator
 - iii. Special Education Director
 - iv. Business Manager
 - v. Parent
4. Print the **Signature-Approval Page (print page 4 of 4)**
5. The **Signature-Approval Page** including **all required signatures** must be scanned and uploaded in Web EPSS along with the 2020-2021 IDEA B Application.

Tab 3: Needs Analysis and LEA Plans  **Required Section**

1. Every Student Succeeds Act (ESSA) School Categories
 - i. **Enter the total number of schools** within the LEA designated as Comprehensive Support and Intervention (CSI) and Targeted Support and Improvement (TSI) .
 - ii. **Enter a description** indicating how IDEA B funds will be utilized to support students with disabilities with IEPs in these designated schools.
2. Area(s) of noncompliance
 - i. **Enter the areas of noncompliance** as indicated in the 2018-2019 annual determination letter.
 - ii. **Enter a description** indicating how IDEA B fund will be utilized to improve services to students with disabilities with IEPs.
3. Improving graduation rates for students with disabilities
 - i. **Enter how funds will be utilized** to improve graduation rates for students with disabilities.
4. Improving dropout rates for students with disabilities
 - i. **Enter how funds will be utilized** to improve dropout rates for students with disabilities.

Tab 4: Basic (24106) and Preschool (24109) Budgets  **Required Section**

A. Application Type, Option and Allocation

1. **Select the application type** for the LEA from the dropdown menu. (**Single Applicant** is the most commonly selected).
2. Select the **application option** for the LEA from the dropdown menu. (**Option A** is the Preliminary Allocation only and **Option B** is the Preliminary plus projected carryover)
3. **Select the Local Educational Agency (LEA)** from the dropdown menu. Once the LEA is selected, the allocation and other data specific to the LEA selected will populate throughout the application. This will assist you in completing the application.

B. Special Education and Related Services Budget

1. Direct Instruction and Extended School Year (ESY) (Objective 1 - Function Code 1000)
 - i. **Enter** the information requested for each line item a., for example position title, position location, function

duties, percent full time equivalency (FTE) which will be charged to the IDEA B budget, etc.

ii. Enter the **budget amount, under the appropriate fund, 24106 and/or 24109**, for each line items in which the LEA elects to budget funds.

iii. **Select Yes or No** from the dropdown menu for each area in line item b. See below for requirements on allowable, reasonable and allocable costs below. A "No" answer to any of the above disqualifies the cost(s) from being included in the IDEA B application. "Yes" to each question above does not assure SEB approval. All items will be subject to SEB audit.

iv. The amount budgeted for **Objective 1** must be budgeted under **Function Code 1000** in OBMS

§200.403 Factors affecting allowability of costs.

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

(a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

(b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.

(c) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.

(d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.

(e) Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.

(f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also §200.306 Cost sharing or matching paragraph (b).

(g) Be adequately documented. See also §§200.300 Statutory and national policy requirements through 200.309 Period of performance of this part.

§200.404 Reasonable costs.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally-funded. In determining reasonableness of a given cost, consideration must be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.

(b) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.

(c) Market prices for comparable goods or services for the geographic area.

(d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government.

(e) Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.

§200.405 Allocable costs.

(a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received.

This standard is met if the cost:

(1) Is incurred specifically for the Federal award;

(2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and

(3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in

(c) is necessary to the overall operation of the non-Federal entity, and is assignable in part to the Federal award in accordance with the principles in this subpart.

(b) All activities which benefit from the non-Federal entity's indirect (F&A) cost, including unallowable activities and donated services by the non-Federal entity or third parties, will receive an appropriate allocation of indirect costs.

(c) Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

(d) Direct cost allocation principles. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required. See also §§200.310 Insurance coverage through 200.316 Property trust relationship and 200.439 Equipment and other capital expenditures.

(e) If the contract is subject to CAS, costs must be allocated to the contract pursuant to the Cost Accounting Standards. To the extent that CAS is applicable, the allocation of costs in accordance with CAS takes precedence over the allocation provisions in this part.

2. Instructional Support (Objective 2 – Function 2100)

i. **Enter** the information requested for each line item a., for example position title, position location, function duties, percent full time equivalency (FTE) which will be charged to the IDEA B budget, etc.

ii. **Enter the budget amount, under the appropriate fund, 24106 and/or 24109**, for each line items in which the LEA elects to budget funds.

iii. **Select Yes or No** from the dropdown menu for each area in line item b. See above for requirements on allowable, reasonable and allocable costs. A "No" answer to any of the above disqualifies the cost(s) from being included in the IDEA B application. "Yes" to each question above does not assure SEB approval. All items will be subject to SEB audit.

iv. The amount budgeted for **Objective 2** must be budgeted under **Function Code 2100** in OBMS

3. Activities for the Provision of Special education and Related Services (Objective 3)

i. **Enter** the information requested for each line item a., for example position title, position location, function duties, percent full time equivalency (FTE) which will be charged to the IDEA B budget, etc.

ii. **Enter the budget amount, under the appropriate fund, 24106 and/or 24109**, for each line items in which the LEA elects to budget funds.

iii. **Select Yes or No** from the dropdown menu for each area in line item b. See above for requirements on allowable, reasonable and allocable costs. A "No" answer to any of the above disqualifies the cost(s) from being included in the IDEA B application. "Yes" to each question above does not assure SEB approval. All items will be subject to SEB audit.

iv. The amount budgeted for **Objective 3** must be budgeted in OBMS per the applicable line as indicated in the New Mexico Public Education Department, Uniform Chart of Accounts.

Please note the following:

Preschool (619) funds can only be used for three-to-five year old programs. This includes Kindergarten programs for students with disabilities.

Salaries of Superintendents and Charter School Directors to serve as Special Education Supervisors:

- IDEA funds may be used for the Superintendent or Charter School Directors serving as the supervisor of special education.

- For these positions listed serving as the supervisor of special education whose pay is supplemented by IDEA, they must be able to clearly document that IDEA duties are in addition to their regular responsibilities.


they must be able to clearly document that IDEA duties are in addition to their regular responsibilities.

- Certified bi-weekly or monthly time documentation (i.e. Time and Effort Logs or a system of documentation) must be maintained to document the bi-weekly or monthly duties.
- Time documentation must be submitted with Requests for Reimbursements (RfRs) via OBMS upon request from the NMPED without delay.
- Contracts must be provided to the SEB for any full-time equivalency (FTE) greater than 1.0 FTE including for additional compensation or stipends above a 1.0 FTE.
- If included in a single contract, salaries of Superintendents and Charter School Directors to serve as the Supervisor of Special Education must be budgeted and paid for from the Superintendent line item in OBMS. If these duties are covered under a separate contract, salaries of Superintendents and Charter School Directors to serve as the Supervisor of Special Education can be budgeted and paid for from the appropriate line item in OBMS (usually under Coordinator/Subject Matter Experts).

Considerations:

- LEAs must ensure paying the above listed individuals from IDEA B funds do not negatively impact the LEAs Maintenance of Effort (MOE) and only supplement and not supplant the pay these individuals would otherwise receive.
- Moving the salary from state to IDEA funds for of any of the individuals listed above may be problematic if that position has always been paid with state funds then becomes fully or partially funded from IDEA as this may be an issue of supplanting. LEAs would have to show that the person took on special education supervisor responsibilities they did not have before.
- For questions, please contact the LEAs assigned Education Administrator.

Tab 5: Coordinated Early Intervening Services (CEIS) Consider the following before completing

1. **Select Yes or No** to the questions 1. and 2. regarding the LEA setting aside funds for voluntary or comprehensive (mandatory) CEIS. If LEA answers **YES to c**  **ons 1 or 2**, then the CEIS Proposed Budget Amount section **must be completed**. If the LEA enters **No to questions 1 and 2**, **stop and go to the next tab**.
2. **Select** the CEIS type - voluntary or comprehensive (mandatory) from the drop down menu.
3. **Enter** a proposed budget amount from fund 24106.
 - i. The maximum amount allowed from fund 24106 for CEIS is identified. The proposed budget amount cannot exceed the maximum amount.
3. **Enter** a proposed budget amount from fund 24109.
 - i. The maximum amount allowed from fund 24109 for CEIS is identified. The proposed budget amount cannot exceed the maximum amount.
4. **Enter** the number of students to be served by CEIS in 2020-2021.
5. A CEIS plan must be **uploaded** in Web EPSS for SEB approval.

Please note the following:

Under the 2004 amendments to the IDEA, (34 CFR § 300.226), an LEA may use up to 15% of the current year IDEA-B allocation for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in the general education environment.

"Coordinated early intervening services (CEIS) are services to help children who need additional academic or behavioral support to be successful in school. They can include professional development and educational and behavioral evaluations, services, and supports (see 34 CFR §300.226(b); 34 CFR §300.646(d)(1)(i)). Under IDEA, the provision of CEIS can be voluntary or mandatory.

Voluntary CEIS is defined by regulations at 34 CFR §300.226. These regulations allow local educational agencies (LEAs) to use up to 15 percent of their IDEA Part B Section 611 and Section 619 funds to implement voluntary CEIS.

IDEA regulations guiding the mandatory provision of CEIS — referred to as comprehensive CEIS — were revised in 2016. These regulations require LEAs identified by their states as having significant disproportionality based on race or ethnicity to reserve 15 percent of IDEA Part B Section 611 and Section 619 funds to implement comprehensive CEIS. States must identify disproportionality with respect to identification, placement, and/or disciplinary removals. Comprehensive CEIS is defined by regulations at 34 CFR §300.646(d)." Taken from the Center for IDEA Fiscal Reporting. Quick Reference Guide on Coordinated Early Intervening Services.

Center for IDEA fiscal reporting; Quick Reference Guide on Coordinated Early Intervening Services.

Funds designated for this purpose are to be budgeted under Fund Code 24112. If the LEA chooses to budget Fund 24112 a CEIS Plan must be submitted to SEB for approval. SEB's written **approval** of the CEIS Plan is **required prior to implementation**. Funds set aside for CEIS may not be expended until the CEIS plan has been approved by SEB. [34 CFR 300.205 applies in conjunction with 34 CFR 300.226]. Please refer to guidance memo from Denise Koscielniak, Federal Programs Director, regarding "Technical Assistance: Coordinated Early Intervening Services", dated August 20, 2009. The memo may be accessed on the SEB website. [34 CFR 300.226(d); 20 U.S.C 1413(f)(4); 6.31.2.9(D)(4) NMAC]

The CEIS Plan must explain in detail how funds will be utilized in accordance with 34 CFR § 300.226(b). In addition, the plan must describe the group of students that will be served through CEIS. A proposed budget that sets out the source of funding for each activity identified within the plan is also required. The UCOA must be utilized when providing the budget detail.


Each LEA that develops and maintains a CEIS plan under 34 CFR § 300.226 must annually report to the SEB on:
The number of children served under 34 CFR § 300.226 who received early intervening services; and
The number of children served under 34 CFR § 300.226 who received early intervening services and subsequently receive special education and related services under Part B of IDEA during the preceding two year period.

The students served under the CEIS program must be reported for the current year and two subsequent years in the Student Teacher Accountability Reporting System (STARS) under the Programs Fact Template, Field 17. Programs Fact Template, Field 17 may only be completed if the student is identified as "CEIS" only in Field 5 of the Programs Fact Template. A final progress report, including each student's progress, and whether or not a student has been referred for special education services, must be submitted to the SEB no later than June 15 of the current year. Failure to submit the progress report may delay the LEA's request for CEIS funds the following grant year. Funds designated for this purpose are to be budgeted under Fund Code 24112.

Note: Mandatory CEIS is not included in the standard 2018-2019 IDEA B Application. LEAs required to participate in mandatory CEIS will be notified and will complete a CEIS plan outside of the IDEA B Application process.

Tab 6: Dependent (Local) Charters

Consider the following before completing

1. **Select Yes or No** to the question regarding the LEA having dependent/local charter schools in its educational jurisdiction. If LEA answers **YES**, then sections 1,2 and 3 **must be completed**. If the LEA enters **No**, **stop and go to the next tab**. 

2. Section 1 - Assurances

i. LEAs must **select Yes** from the dropdown menus for items 1 through 2 to provide assurance that the allocation and distribution of IDEA B Funds to the Local Charter Schools follows IDEA B regulations.

ii. If the LEA cannot answer **Yes** to items 1 and 2 then it must select **Yes** to item 3 and **provide detailed clarification** on the distribution of funds in cell D37 (this cell will automatically expand if necessary).

3. Section 2 - Determining Proportionate Share for Dependent/Local Charters

The below numbers should exclude students who are gifted only

i. **Enter** the (a) **total number of children with disabilities in public schools in the LEA** from the LEA's 2019-2020 40 Day STARS student counts.

ii. **Enter** the (b) **total ALL local charter school students with IEPs** from the 2019-2020 40 Day STARS student counts.

iii. Once the student counts in (a) and (b) are entered, (c) the proportionate share to local charters, (d) IDEA B allocation, (e) average allocation per child and the Total allocation to be distributed to dependent/local charter(s) automatically calculates in each cell.

4. Section 4 – Determining Proportionate Share per Dependent/Local Charter Schools

a. **Enter** the following information for each dependent/local charter school:

b. **Select** the Local Charter School Name from the drop-down menu.

c. **Enter** the total enrollment of students with disabilities at the Local Charter School from the 2018-2019 40 Day STARS student count.

i. The Local charter's 24106-Basic Total Allocation amount will populate once count in b. is entered.

d. **Enter** the amount to be budgeted per line item.

i. The total budget must equal to the Local charter's 24106-Basic Total Allocation amount.

e. Step 4. must be **repeated** for each Local Charter School, if multiple local charter schools are included in the application.

application.

Note: The Total Amount Allocated to the Local Charter School(s) identified in the application must be budgeted in OBMS under Fund 24106, Function Code 2500, Object Code 55912 and the applicable Location Code for the local charter school.

Please note the following:

An LEA must comply with certain requirements if it has charter schools within its jurisdiction that are public schools of the LEA. The LEA must serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools. The LEA also must provide IDEA-B funds to those charter schools:

On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

at the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.


The provision of funds to the LEA's local charter schools(s) must be determined on the same basis and at the same time as all the other public schools within the LEA's jurisdiction [34 C.F.R. § 300.209]

In order to verify that LEAs are reserving an adequate amount of their IDEA-B funds for services to students with disabilities who have an IEP (excluding gifted only) in charter schools, necessary to comply with IDEA requirements, the application must include a separate objective that is distinguishable within OBMS for each charter school. Enrollment numbers are to be exclusive of those students who are gifted only, however, a student who is gifted and has a disability would be included in the enrollment figures. Please include a separate calculation for each charter. For LEAs with charter schools that do not open until Fall 2019, an appropriate amount must be based on an estimate of students with IEPs, that are not gifted, who will be served at the charter school. This estimated allocation should be adjusted by the end of December 2019 and based on actual data collected during the actual school year to reflect actual counts of students with disabilities who have an IEP on the 40 Day reporting period. Funds allocated under this section are to be reported to the PED in OBMS by budgeting each charter school allocation under Function Code 2500 (Central Services), Object Code 55912 (Flow-through Grants to Charters) and the applicable Location Code for each local charter school.

Tab 7: Private School(s)

Consider the following before completing

1. **Select Yes or No** to the question regarding the LEA having private schools in its educational jurisdiction. If LEA answers **YES**, then sections 1, 2 and 3 **must be completed**. If the LEA enters **No**, **stop and go to the next tab**.

2. Section 1 – 2020-2021 Parentally-placed Private School Inform: 

The below numbers should exclude students who are gifted only.

i. **Enter** the District's total number of **students evaluated** during **2019-2020**.

ii. **Enter** the number of **students who were found to be eligible for IDEA B** in **2019-2020**.

iii. **Enter** the number of **students served** in **2019-2020**.

Note: If there is a difference between the number of students found eligible and the number of students served, a written justification must be submitted along with the 2019-2020 IDEA B Application.

3. Section 2 – Determining Proportionate Share for Private Schools, Basic Allocation (24106)

i. **Enter** the (a) **total number of children with disabilities in public school** from the LEA's 2019-2020 40 Day STARS report.

ii. **Enter** the (b) **number of parentally-placed eligible children with disabilities in all private schools** located in the LEA from the 2019-2020 40 Day STARS.

iii. Once the student counts in (a) and (b) are entered, (c) total number of children, (d) IDEA B allocation, (e) average allocation per child and (f) the total allocation to be distributed to dependent/local charter(s) automatically calculates in each cell.

4. Section 3 - Determining Proportionate Share for Individual Private Schools and Budgets

i. **Select** the **private school name** from the drop-down menu.

ii. **Enter** the (g) **total number of parentally-placed eligible children with disabilities** in the private school.

iii. The average allocation per child (h) and total amount to be expended for parentally-placed children disabilities

iii. The average allocation per child (ii) and total amount to be expended for parentally placed children with disabilities in the private school (i) will populate.

iv. Enter the amount to be budgeted per line item 1 and 2.

IMPORTANT REMINDERS:

Do not include activities for child find and reevaluation activities under this objective, those activities belongs under Objective 2. Funds allocated to this objective remain with the LEA and cannot flow to the private school. Reimbursements for costs associated with the private school will follow approved LEA fiscal practices.

5. Repeat step 5 for each private school in the LEA's educational jurisdiction.

6. The Total Amount Allocated to the Private School(s) identified in the application must be budgeted in OBMS under Fund 24115.

Please note the following:

A. Determining the Proportionate Share for Equitable Participation Services

Under 34 CFR §§ 300.132-300.133, an LEA must spend a proportionate amount of their IDEA Basic Entitlement and, if applicable, Preschool sub-grant funds for special education and related services ("equitable participation services") to students with disabilities who are parentally placed in private elementary and secondary schools ("equitable participation services") located in the school district served by the LEA. Students who are gifted only are not to be included in the calculation of private school proportionate share however a student who is gifted and is learning disabled and receiving special education services, would be included in the calculation. Children aged three through five are considered to be parentally-placed private school children with disabilities, only if they are enrolled in a private school that meets the definition of elementary school in 34 CFR § 300.13. New Mexico State law defines an elementary school as "a public school providing instruction for grades kindergarten through eight, unless there is a junior high school program approved by the state board [department], in which case it means a public school providing instruction for grades kindergarten through six." 22-1-3(A) NMSA 1978.

LEAs must budget their IDEA Basic Entitlement and, if applicable, Preschool Entitlement sub-grant funds accordingly within fund 24115 in order to ensure that they can meet the proportionate share spending requirement under 34 CFR §§ 300.132-300.133. The proportionate share amount is determined using:

(1) the LEA's IDEA Basic/Preschool Entitlement sub-grant amount;

(a) the count of parentally-placed private school children with disabilities, aged 3 through 21 (or 3 through 5 for the Preschool Grant), attending private elementary and secondary schools located in the LEA (This count must be conducted on the second Wednesday in October.) [34 CFR § 300.133(c)(1)]; and

(b) the total number of children with disabilities in the LEA's jurisdiction aged 3 through 21 (or 3 through 5 for the Preschool Grant) (The second Wednesday in October count is used, i.e. 40 Day).

Appendix B of the IDEA B regulations demonstrates how to determine the proportionate share amount.

IMPORTANT: LEAs must report students in private schools through STARS for the first reporting period, the second Wednesday in October (40 Day). Data regarding students in private schools must be collected through the LEA from STARS as part of the OSEP annual child count.

B. Determining Who Receives Equitable Participation Services

No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. [34 CFR § 300.137(a)] The LEA's consultation process must cover a number of topics, including the LEA's child find activities, the consultation process, and decision-making on the provision of services. Consultation must address how special education and related services will be apportioned if the proportionate share of IDEA B funds are insufficient to serve all parentally-placed private school children. [34 CFR § 300.134] While an LEA cannot refuse to consider the needs of parentally-placed private school children with disabilities, the LEA ultimately decides which students will receive equitable participation services, and an LEA, after meaningful consultation, can decide not to serve some students. [OSEP Letter to Mendelson (Aug. 25, 2007), 49 IDELR 198.]

C. Determining Equitable Participation Services to Be Provided

The LEA's consultation process must address how, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities including a discussion of:

will be provided for parentally-placed private school children with disabilities, including a discussion of:

- (1) The types of services, including direct services and alternate service delivery mechanisms; and
- (2) how and when those decisions will be made.

If an eligible parentally-placed private school student is designated to receive services, a services plan must be developed and implemented consistent with the requirements at 34 CFR §§ 300.137-300.139. Equitable participation services must be documented on a written services plan for each eligible student who has been designated by the LEA to receive services. [34 CFR § 300.132(b)] The LEA must:

- (1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with §300.138(b); and
- (2) ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls. The LEA makes the final decision on services to be provided to eligible students. [34 CFR §300.137(b)] Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools. [34 CFR § 300.138]

The services plan must describe the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined that it will make available. The services plan must, to the extent appropriate:

- (1) Meet the IEP requirements of 34 CFR §300.320, or for a child ages three through five, meet the IEP requirements of 34 CFR §300.323(b) with respect to the services provided; and
- (2) be developed, reviewed, and revised consistent with IEP procedures described at §§300.321 through 300.324.

The services provided must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements

Equitable participation services may be provided on the premises of private, including religious schools, to the extent consistent with the law. The consultation process must include a discussion of where services will be provided. The services plan must include transportation costs, in certain situations if necessary for the child to benefit from or participate in the equitable participation services provided by the LEA under IDEA B. These transportation costs may cover transportation:

- (1) From the child's school or the child's home to a site other than the private school; and
- (2) from the service site to the private school, or to the child's home, depending on the timing of the services.

* LEAs are not required to provide transportation from the child's home to the private school. The cost of the transportation included in a services plan may be included in calculating whether the LEA has met the proportionate share requirement of 34 CFR §300.133. [34 CFR § 300.139] Separate documentation is required for the purpose of tracking these funds and prior approval is required.

Equitable participation services must be provided:

By employees of a public agency; or
through contract by the public agency with an individual, association, agency, organization, or other entity.

Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and non-ideological. [34 CFR § 300.138(c)(ii)(2)] An LEA may use IDEA B funds to pay for the services of an employee of a private school to provide equitable participation services if:

- (1) The employee performs the services outside of his or her regular hours of duty; and
- (2) the employee performs the services under public supervision and control.

[34 CFR 300.142(b)]

A public agency must control and administer the funds used to provide IDEA B equitable participation services, and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in IDEA B. The public agency may place equipment and supplies in a private school for the

purposes provided in IDEA B. The public agency may place equipment and supplies in a private school for the period of time needed for the IDEA B program. The public agency must ensure that the equipment and supplies placed in a private school:

- (1) Are used only for Part B purposes; and
- (2) can be removed from the private school without remodeling the private school facility.

The public agency must remove equipment and supplies from a private school if:

- (1) The equipment and supplies are no longer needed for Part B purposes; or
- (2) removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes.

No funds under Part B of the Act may be used for repairs, minor remodeling, or construction of private school facilities. [34 CFR § 300.144]

D. Private School Evaluations and Services from the 2018-2019 School Year

IDEA B requires that each LEA maintain in its records, and provide to the SEA, the following information related to parentally-placed private school children covered under §§300.130 through 300.144:

The number of children evaluated;
the number of children determined to be children with disabilities; and
the number of children served.

[20 U.S.C. 1412(a)(10)(A)(i); 34 CFR § 300.132(c)]

Tab 8: 2019-2020 Private School Consultation Form **Required if 24115 Private School Section completed**

1. If the LEA **has Private School(s)** in its educational jurisdiction, this **consultation form must be completed**. If the LEA **does not have Private School(s)** in its educational jurisdiction, **skip this tab and go on to the next tab**. Documentation regarding the Private School Consultation is required. The form provided on this tab was created to meet this requirement.



2. **Hold** a consultation meeting with the private school representatives in the LEAs educational jurisdiction.
3. Private School representatives must **provide the Name of Private School, Name of Representative, Number of students with disabilities enrolled, the Signature of the representative and the date** on the 2019-2020 Private School Consultation Form.
4. The completed form must be uploaded in Web EPSS. The copy uploaded must contain private school representative's original signatures.

Please note the following:

Documentation of Private School Consultation

IDEA B requires that a LEA consult with representatives of private schools and parents of parentally-placed private school students during the design and development of special education and related services for students with IEPs, regarding:


- (1) The child find process, including how parentally-placed private school children with disabilities can participate equitably, and how parents, teachers, and private school officials will be informed of the process;
- (2) the determination of the proportionate amount of federal funds available to serve these students, including the determination of how the proportionate share of those funds was calculated;
- (3) the consultation process, including how the process will operate throughout the year to ensure that parentally placed private school students can meaningfully participate in special education and related services;
- (4) how, where, and by whom services will be provided to these students, including a discussion of:
 - (i) the types of services (including direct services and alternate service delivery mechanisms),
 - (ii) how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and
- (5) the process by which the LEA will notify, in writing, the reasons why the LEA may choose not to provide services as requested by representatives of private schools.

[20 U.S.C. 1412(a)(10)(A)(iii); 34 CFR § 300.134]

Tab 9: Parent Involvement **Required Section**

1. **Enter names, phone numbers, and email addresses of parents** (if available) and their student's state identification number. Parents must have currently-enrolled students with disabilities participating in special education. These parents, who participated in the development of the application, must not be employees of the

education. These parents, who participated in the development of the application, must not be employees of the LEA.

i. Parents must have a student(s) currently  enrolled with disabilities that have a current Individualized Education Program (IEP),

ii. Parents must not be employees of the district or a representative of the Regional Educational Cooperative (REC) of the LEA who participated in the development of this application.


2. The LEA will **make available to parents** of children with disabilities and to the general public all documents relating to the eligibility of the LEA under the Individuals with Disabilities Education Act (IDEA-B), in accordance with 34 CFR §300.212.

3. In accordance with Subsection 22-8-11 NMSA 1978, the department shall not approve and certify an operating budget of any school district, state supported educational institution, or state-chartered charter school that fails to demonstrate that parental involvement in the process was solicited.

Tab 10: Excess Cost

Required Section

The Excess Cost tab **must be completed by ALL LEAs** except State-Chartered Charter Schools opening in the Fall of 2019.

Note: LEAs are required to compute the Excess Cost Calculation for their **elementary** and **secondary** students with disabilities **separately**. This is a federal requirement of the IDEA-B application and should be done by the business office. 

When calculating excess cost, LEAs must use the following definitions included in State law at 22-1-3 NMSA 1978. Definitions; public schools; classifications

As used in the Public School Code:

a. "elementary school" means a public school providing instruction for grades kindergarten through eight unless there is a junior high school program approved by the state board [department], in which case it means a public school providing instruction for grades kindergarten through six;

b. "secondary school" means a public school providing instruction for grades nine through twelve, unless there is a junior high school program approved by the state board [department], in which case it means a public school providing instruction for grades seven through twelve;

c. "junior high school" means a public school providing a junior high school program approved by the state board [department] for grades seven through nine, or for grades seven and eight; and

d. "high school" means a public school providing instruction for any of the grades nine through twelve, unless there is a junior high school program approved by the state board [department] for grades seven through nine, in which case it means a public school providing instruction for any of the grades ten through twelve.

1. In OBMS, print an expenditure report for your LEA using the 4th quarter or 12th month of the 2017-2018 school year.

a. Reports>select report type...>Actuals Report>Actuals Expenditure rollup report

b. Budget: Your LEA 2017-2018

c. Actuals reporting period: Fourth Quarter (Apr-Jun) or Twelfth Month

d. Click on "View Report"

2. Export to Excel

3. Delete or hide all columns with numbers except YTD

4. Add columns for Elementary, Secondary, Sum and Notes

5. Under "Elementary," indicate the grades included in the calculation for elementary. Under "Secondary," indicate the grades included in the calculation for secondary.

6. Here is an example of a spreadsheet:

- All expenditures on OBMS report should be reported on one of the lines on the Excess Cost worksheets.

- [Lines a.+b.-c.+j. (Elementary)] + [Lines a.+b.-c.+j. (Secondary)] = Total YTD Expenditures per OBMS report

For items L and N (student counts) you may use the following:

- L. "Average number of ALL Elementary or Secondary Students enrolled (including SWD)": use 40 day membership counts for 2017-2018, separated by elementary and secondary grades.

- N. "Total Elementary or Secondary students with disabilities enrolled on the 2017-2018 40th day" = 40D SWD count, separated by elementary and secondary grades.

- Upload your OBMS report clearly indicating the separation of expenses by Elementary and Secondary grades.

Be sure to indicate on which line of the Excess Cost worksheet the expense was included. You can do this per

be sure to indicate on which line of the Excess Cost worksheet the expense was included. You can do this per subtotal line.

Please note the following:

Excess Cost is one of several fiscal compliance requirements governing the expenditures of federal funds on students with disabilities. The Excess Cost is a statutory requirement that mandates how much the LEA must expend for children with disabilities from state funds.

The Excess Cost section of the IDEA B application must be completed based on the most current data available. Except as otherwise provided, amounts provided to an LEA under Part B of IDEA may be used only to pay the excess costs of providing special education and related services to children with disabilities. Excess costs are those costs necessary for the education of an elementary school or secondary school student with a disability that is in excess of the average annual per student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate. Excess cost calculations may not include expenditures for capital outlay or debt service.

An LEA must spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services.

LEAs are required to compute the Excess Cost Calculation for its elementary and secondary students with disabilities separately. Section 602(8) of the Act and IDEA B regulation section 300.16 requires the LEA to compute the Excess Cost Calculation separately for children with disabilities in its elementary schools and for children with disabilities in its secondary schools.

LEAs may not compute the minimum average amount it must spend on the education of children with disabilities based on a combination of the enrollments in its elementary schools and secondary schools.

[20 U.S.C. 1401(8); 34 CFR § 300.16]

Tab 11: Budget Summary

This tab provides the LEA with the 2019-2020 Initial Allocations and a Summary of the amounts budgeted throughout the 2019-2020 IDEA B Application. The LEA must be selected on the Basic and Preschool Budget Page to populate the IDEA B Allocation.

1. The amounts budgeted for Objectives 1 through 8 automatically populate this spreadsheet.
2. The total amounts budgeted for Fund 24106 and Fund 24109 are automatically calculated.
 - a. The Total Budgeted Amount from the 2018-2019 Application for IDEA B is highlighted in Yellow on this tab.
3. The LEA is not required to enter any information on the **Budget Summary Tab**.
4. The Budget Summary identifies the amounts that should be budgeted for each Function Code in OBMS based the completed 2019-2020 IDEA B Application.
 - a. IDEA B budgets will not be approved in OBMS if they do not match the amounts from the Budget Summary Tab.

The following documents must be uploaded into WebEPSS for the application to be considered complete and to be eligible for funding:	
	Completed 2020-2021 IDEA B Application
	Signed and dated Required Signature page (Tab 2 in the application)
	Signed and dated Board Minutes and Agenda (identifying the approval of the IDEA B Application)
	Special Education Policies and Procedures adopted by the board of education (if revised)
	Memorandum of Understanding (MOU) regarding child find for children living on reservations. (This MOU is not required of state-chartered charter schools.)

	Signed and dated Private School Consultation Form (if the LEA has a private school within its jurisdiction the Private School Consultation Form is required)
	Plan for Coordinated Early Intervention Services (CEIS) (required for any district or state-chartered charter school participating in voluntary CEIS)

FAEA—Fine Arts Education Act

2020–2021

Application

FOR

Elementary Arts Funding

RfA—Request for Application




NEW MEXICO
Public Education Department

April 2020

Cover Art by Heidi Dinkle, Grade 2, Matheson Park,

2020–2021

FAEA—Fine Arts Education Act

Elementary Arts Funding Application

RfA—Request for Application

This document may be accessed electronically and downloaded through the PED website at:

<https://webnew.ped.state.nm.us/information/rfps-rfis-rfas/>

Overview

Please read through the entire application and rubric prior to completing each portion.

Submit your 2020–2021 renewal application as follows:

1. **Electronic submission.**

Submit your application digitally to vicki.breen@state.nm.us and

FA.Humanities@state.nm.us

- in MS Word
- include the Cover Page, Assurances Form, Goals and Objectives, Measurable Program Goals and Objectives, FAEA/Classroom Support, Budget Worksheet or Line Item Worksheet—all applicable parts **except** signatures **by May 22**
- in the **subject** line of the email, include your DISTRICT NAME **first, then** FAEA RfA
- **Due electronically May 22, 2020**
- ASSURANCES FORM may be sent signed with the application **or as single page through June 15**, as signed and sent **electronically**

Introduction

The purpose of this form is to solicit applications for public education funds through the Fine Arts Education Act (22–15D NMSA 1978).

The Fine Arts Education Act (FAEA) was enacted to provide funding to support school districts to offer opportunities for elementary school students to participate in arts education programs, including dance, media arts, music, theatre, and visual arts in order to encourage cognitive and affective development by

focusing on a variety of learning styles and engaging students through success;

- training students in complex thinking and learning;
- helping students to devise creative solutions for problems;
- providing students with new challenges; and
- teaching students to work cooperatively with others and to understand and value diverse cultures.

This is an opportunity to develop a unique arts program plan, using measurable goals and best practices, effectively connecting students to the curriculum in dance, media arts, music, theatre, and visual arts education programs. Applicants are encouraged to make use of, and incorporate, art resources available within their communities and the new ESSA (Title I, Title IV-A), STEM/STEAM, 21st Century, Title I and IV-B, K5 Plus, community/school funds, extended learning time, and other funds to enhance the program.

FUNDING

A section of the Public School Finance Act was legislated during the regular session of New Mexico's 47th Legislative Session to provide funding for elementary arts education programs, as part of the State Equalization Guarantee (SEG). The funding period for approved applications will be School Year (SY) 2020–2021. Funds will be distributed only to districts and charter schools that have approved applications.

- **Newly approved programs (2020–2021 applications)** will be funded based on their 2020–2021, 40th day membership data, as reported in the Student Teacher Accountability Reporting System (STARS).
- **Funding of renewal programs (programs that were previously approved for SY 2019–2020)** will be based on the previous year's average of 80- and 120-day counts, as reported in STARS.

ELIGIBILITY

New Mexico public school districts, state-chartered schools, and district-chartered schools may apply on behalf of those elementary schools that the district proposes to include in the program plan for this RfA. District-chartered elementary schools may apply on their own behalf or may be included in their district's application.

Districts may not apply as a consortium. However, following the awarding of funds to individual districts, they may combine fine arts funding as a consortium, if it is determined that this will provide the best use of these funds.

For purposes of this RfA, the term *elementary school* shall be defined as those schools the district has reported through STARS and that serve any of the elementary grades, K–5 and/or grade 6 students with an arts education program.

APPLICATION APPROVAL

Successful initial applicants will receive notification by June 2020 that their application has been approved for funding for the 2020–2021 SY. Funding for following years will be contingent on approval of yearly program plan renewal applications and successful compliance with all program plan objectives, as stated and certified in the application for funding. Budget authority will be granted July 1, 2020.

ADDENDUM PROCESS

If additional information or clarification is needed, applicants will be asked to submit an application addendum. These applicants' program budgets will not be approved until their addenda are also approved. Districts will follow up through the school year with art and arts education/mid-year report.

REQUIRED COMPONENTS CHECKLIST

REQUIRED COMPONENTS	
Complete	Item
<input type="checkbox"/>	Cover Page with District or Charter Name
<input type="checkbox"/>	ASSURANCES Page
<input type="checkbox"/>	Program Narrative
<input type="checkbox"/>	Budget Page(s)

RfA Cover Page

Cover Page of the RfA <input type="checkbox"/> Approved

**Request for Application
Elementary Arts Education Program
2020–2021 Request for Applications**

Name of District or School Applicant →	Cimarron Municipal Schools		
Please check one →	<input type="checkbox"/> Local Education Agency (LEA) <input type="checkbox"/> District Authorized Charter School <input type="checkbox"/> State Authorized Charter School	Please check one →	<input type="checkbox"/> Initial application <input checked="" type="checkbox"/> Renewal application

↓ LEA/Non-charter school applicant completes this section ↓

Contact person Day-to-Day Program Management	Tessa Fleming		
Superintendent	Adan Estrada		
Mailing address	125 N. Collision Rd.		
City/State/Zip	Cimarron, New Mexico 87718		
Telephone	575-376-2445 Ext. 103		
Email	tfleming@cimarronschools.org / adanestrada@cimarronschools.org		

↓ Charter school applicant completes this section

Contact person Day-to-Day Program Management			
School district—Complete this box ONLY if you are a state OR district authorized charter school			
Charter contact			
Mailing address			
City/State/Zip			
Telephone			
Email			

FAEA Total Statistics

Projected number of elementary fine arts TEACHERS in SY 2019–2020 →	Dance		Total number of elementary fine arts STUDENTS to be served in SY 2020–2021 →	202
	Media Arts	1.0		
	Music	2.0		
	Theatre			

	Visual Arts	2.0		
Total				
Elementary School(s) Being Served				
School (Form may be extended if additional space is needed)	District Code	Location Code	Grade levels	Number of students to be served SY 2020-2021
Eagle Nest Elementary/Middle School			K-6th	127
Cimarron Elementary/Middle School			K-6th	75
			Total	202

ASSURANCE Form

For Implementation of the 2020–2021 Elementary Arts Program

LEA: Cimarron Municipal Schools

Please check one →

- Initial application
 Renewal application

ASSURANCES

Signed by **the superintendent, district-authorized charter school director, or state-authorized charter director**
 I certify that the information in this application (initial or renewal) and the arts education plan is true and correct to the best of my knowledge. If funded, the district, state charter, or charter school I represent will

- a) implement the arts education program presented in the application to provide for the educational needs of students in the areas of dance, media arts, music, theatre, and visual arts;
- b) align the elementary arts education program with the following:
 1. [NM Core Arts Standards](#) **and/or**
 2. [National ARTS Standards](#) **and/or**
 3. **Applicable** Common Core State Standards;
- c) provide sufficient classroom space, materials, appropriate instructional time, including the number of classes per week and the qualified personnel to teach the elementary arts education program;
- d) provide licensed instructors for the elementary arts education program in both teaching and supervisory roles— non-certified instructors will have appropriate background checks and will be supervised by certified teachers at all times;
- e) provide opportunities for instructors and other appropriate staff to participate in professional development, training, and technical assistance in the arts, including team participation in statewide professional development;
- f) conduct a self-evaluation that includes an assessment of the district elementary arts education program; and
- g) form and work with a fine arts advisory council (parental and community arts - FAAC) to participate in annual reviews of the Elementary Arts Education Program and to plan and work with their local board.

Signatures

Superintendent or Charter School Director		Date	
Business Manager		Date	
Project Director		Date	
Fine Arts Advisory Council (FAAC) contact		Date	
School Board President or Governance Council Chair		Date	

Goals and Objectives

Arts Education and Equity: Meeting the Needs of All Students

1. In what way is art culturally and linguistically relevant? In what way is art taught via student-centered pedagogy?

Art reflects time and place, what is valued and what is universal. It encompasses relationships, connects us with our common humanity, and our need to communicate and express ourselves. Art gives humanity a way to share our experiences, beauty and emotions as well as being a social statement. Linguistically, art builds nonverbal skills as well as all types of linguistic skills and vocabulary development through communication of music, visual art, theater, and media arts. Students who are not able to express themselves through verbal presentation can use art as an effective communication tool. There is a universal quality to art that can be understood regardless of which language a student speaks. Art crosses cultural and demographic lines. When students learn to read or create art, it contributes to vocabulary development and self-discovery. The student becomes experts at their own interests and at what they find beautiful, valuable, and meaningful.

Art is taught with the students creating the art that they desire or exploring new mediums and types of art through Choice Based art. Time in class is spent with student directed experiences that relate to their interests and cultural backgrounds as well as personal experiences. In a Choice based classroom such as what is used in Cimarron School District, each student is presented with a general concept or a short instruction method then they take that information and apply it to self-directed art concepts and experimentation. Each student is responsible for creating visual art that utilizes Studio Habits of the Mind and the Design process as well as Elements of Art and Principles of Design through self-directed and self-selected choices and follow through. Students then evaluate and explain to a small group or class the choices that they made and what feelings and impressions they wanted to convey. If a student has an interest in a particular concept or has seen something they would like to experience, they are allowed to do the research and experimentation to understand the concept and then to create or try something else. This type of instruction and art room structure encourages creativity, self-regulation, a wide variety of art choices and student assessment instead of direct instruction that may limit or exclude some students who interest is different than the instructors.

Measurable Program Goals and Objectives from 2019–2020 to 2020-2021

2. List three or more goals and measurable objectives for your visual arts, music, dance, and/or theatre programs aligned with

- [NM Core Arts Standards](#)
- [National Arts Standards](#); and/or
- Elementary Secondary Education Act—ESSA—content, including—but not limited to—sequential and developmentally appropriate additional Title I or Title IV curricula to ESSA & 21st Century funds to the arts.

Goals	Steps and Outcomes
<p>1. Students will be able to plan, create, refine and present artistic ideas and work at all grade levels</p>	<p>Steps:</p> <ul style="list-style-type: none"> ● Students will be introduced to a TAB/Choice based art room at the beginning of the year and will practice in each center: painting, drawing, sculpture, clay, paper structure, building with Legos/wooden blocks, recycled art, weaving/yarn, and beading). ● Students will be introduced to sketchbooks, Studio Habits of the Mind, and self-evaluation procedures on an ongoing basis throughout the year. ● Students will become independent artist using resources in the art room to create original art and to present it using Artist Statements or verbal presentations on a regular basis. ● Students will be introduced to artists from different cultural background and mediums through video presentations and/or guest artist on a monthly basis. <p>Outcomes:</p> <ul style="list-style-type: none"> ● Students creating art that covers different mediums and meeting artistic standards through Elements of Art and Principal of Design.
<p>2. Students will be able to convey meanings and life experiences through completed artistic work at all grade levels.</p>	<p>Steps:</p> <ul style="list-style-type: none"> ● Students will create original works of art using Studio Habits of the Mind, Express and Observe primarily to link personal experiences to artwork. ● Presentation to community and school through art shows, displayed works of art. ● Artist statements and verbal presentations. ● Study of artists from different backgrounds and mediums. <p>Outcomes:</p> <ul style="list-style-type: none"> ● Students are able to communicate and relate personal art to parts of their lives and the influence of other artist. ● Students will be able to communicate through verbal or written communication and be comfortable presenting to others their art. ● Students will be able to give meaningful and art rich vocabulary presentation to others.

<p>3. Students will respond and develop critiquing methods for their own and others artwork.</p>	<p>Steps:</p> <ul style="list-style-type: none"> • Students will engage in oral conversations and presentations to practice constructive critiquing of self and other's art work. • Students will keep an ongoing sketchbook to reflect and revise artwork on a regular basis. • Students will be able to use art vocabulary through instruction and practice, modeling and review and finally assessment through ongoing artist statements, sketchbook reviews and verbal assessments both informal and formal with teacher. <p>Outcomes:</p> <ul style="list-style-type: none"> • Students become fluent in reflecting and responding to their and others artwork. • Students strive to better each ongoing art that they are creating.
<p>4. Students will create art and art show for parents and community working on all phases from presentation, verbal and written to set up and critique.</p>	<p>Steps:</p> <ul style="list-style-type: none"> • Students will be given dates and rubric to plan and implement artistic creation to represent themselves and the community around them. • Students will study, observe and create presentation of art work through web search, visiting art galleries and talking to professional artists. • Students will set up and promote art show/auction before, during and after each event. • Students will create promotional materials and schedule needed personal to facilitate art show. <p>Outcomes:</p> <ul style="list-style-type: none"> • Students will experience artistic presentation and community responses. • Students will understand and gain confidence with presentation of artistic work. • Students will have ownership of events.
<p>5.</p>	

FAEA/Classroom Support

3. QUESTIONS/ INSTRUCTIONS	RESPONSES																												
<p>a. How many art teachers are employed? List your teachers and the grade levels taught by each.</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">AREA</th> <th style="text-align: left;"># OF TEACHERS</th> <th style="text-align: left;">GRADES</th> <th style="text-align: left;">LEVELS TAUGHT</th> </tr> </thead> <tbody> <tr> <td>Dance</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Media Arts</td> <td>1</td> <td>K-6</td> <td></td> </tr> <tr> <td>Music</td> <td>2</td> <td>K-6</td> <td></td> </tr> <tr> <td>Theatre</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Visual Arts</td> <td>1</td> <td>K-6</td> <td></td> </tr> <tr> <td>Total</td> <td>Numbers</td> <td>4</td> <td></td> </tr> </tbody> </table>	AREA	# OF TEACHERS	GRADES	LEVELS TAUGHT	Dance				Media Arts	1	K-6		Music	2	K-6		Theatre				Visual Arts	1	K-6		Total	Numbers	4	
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Theatre																													
Visual Arts	1	K-6																											
Total	Numbers	4																											

b. How frequent are your elementary arts classes, and what is the length of class time?

Media Arts: 2 times per week per grade/class
Music: 4 times per week per grade
Visual Art Classes are twice a week for grades Kindergarten to 5th and 2 times a week for grade 6th. Classes are 50 minutes long

c. What assessments are you using to measure students' learning in the arts (e.g., report card grades, surveys, portfolio performance assessment)?	Studio of Habits self-assessments and rubrics Portfolio and sketchbooks Completed work meeting student created rubrics. Daily participation grades
d. If your district is matching FAEA funds and/or expanding the program each year (e.g., through ESSA, STEM/STEAM, 21 st Century, K5 Plus, or community, ELT, other funds), please describe or indicate that this expansion is not occurring.	The district provides operational dollars to fully staff that are employed in this position including educational aides to assist in art rooms and STEAM classrooms.
e. Describe district support for arts teachers. Include areas such as adequacy of program planning time, budget/support planning, collaborations, and ESSA.	Art teacher is afforded material and supplies. The class schedules are built so they have a planning period daily and district allows for additional time for collaboration within the district and each school. District provides location and resources for community performances/art shows as well as additional support for outreach programs.
4. Describe professional development, training, and/or technical assistance (suggested 3 to 5 % of FAEA funding) in the arts provided for arts teachers and administrators, and describe funding source:	
<p>Teacher is provided funding for TAB training in New Mexico and Colorado as scheduled, New Mexico FAEA Winter Conference and ongoing webinars as requested by the art teacher. Art teachers will be presenting and working with core teachers the concept of TAB/Choice Art structured classrooms and the new National Art Standards during professional development beginning of the year as well as to the school board.</p> <p>Art rooms are equipped with computers, I-Pads, Media Presentation tools and students have personal computers that are allowed to be brought to the classroom upon the request of the art teacher.</p>	
<p>*These include, but are not limited to, the NAMM, NAFME, NAEA (Art and Music, Performing Arts Education Associations), State Annual Conferences, NMMENC, NMAEA, the FAEA Winter Meeting, the All-State Music Conference, the EdTA (Educational Theatre Association) Conference, and the NDEO (National Dance Educational Organization) and INSPIRE 2020 Conference. Discuss presenting, participating and collaborations.</p>	
<p>5. Fine Arts Advisory Council (FAAC)</p> <p>Briefly summarize below how the district FAAC assists in the review of measurable goals and priorities of the program and makes appropriate recommendations for changes or revisions in the program plan and alignment to the budget.</p>	

N/A

FAEA/Classroom Support (cont.)

FAEA CLASSROOM SUPPORTS QUESTIONS/INSTRUCTIONS AND RESPONSES

6. Licensed school instructors and supervisors to insure excellence in teaching and learning arts education.

- a. Describe below how your program ensures their use and, if unavailable, detail how the applicant complies with the requirement that—when an art resource, non-licensed person provides instruction for the arts program—a licensed teacher (the teacher of record) is supervising the program, the instruction, and the provider, including lesson planning.

7. Program Plan Summary

Attach a one to three page narrative description and self-evaluation of your instructional program, budget, instructors, and evaluation plan/compliance elements. Discuss collaborative efforts (district or region).

ELEMENTARY ARTS EDUCATION BUDGET 2020–2021

Align your goals with the budget. Demonstrate budget support for the program and include aligned, measurable goals. To do so, use either the proposed budget or budget worksheet that follow. List the planned expenditures that support the 2020–2021 Elementary Arts Education Program. Include all additional funding sources that will support the program plan. Demonstrate how your budget aligns with FAEA goals. Name the person(s) responsible for oversight of the budget and how you ensure that all funds are being spent on the arts as indicated in your proposal.

Inform your business office and STARS representative about your budget, complete expense records for program expenditures, and retain copies for your files. All program directors should maintain a file for this and other purposes in order to implement, maintain, and cultivate this program.

(Budget Worksheets—Next Pages)

Elementary Arts Education Budget 2019–2020

Align your goals with the budget. Demonstrate budget support for the program and include aligned, measurable goals. To do so, use either the proposed budget or the budget worksheets that follow. If using the budget worksheet, complete it by listing the planned expenditures that support the 2019–2020 Elementary Arts Education Program. Include additional funding sources that will support the program plan. Demonstrate how your budget aligns with FAEA goals. Name the person(s) responsible for oversight of the budget and how you ensure that all funds are being spent on the arts as indicated in your proposal.

Inform your business office and STARS representative about your budget, complete expense records for program expenditures, and retain copies for your files. All program directors should maintain a file for this and other purposes in order to implement, cultivate, and maintain this program.

(Budget Worksheets—Next Pages)

Elementary Arts Education Budget Worksheet, 2020-2021

			FAEA Funding	Other Funding Sources	District Funds	Total
A	Instructional	Licensed Personnel Services				
	Salaries	Dance				
	Salaries	Media Arts				
	Salaries	Music			15,472	15,472
	Salaries	Theatre				
	Salaries	Visual Arts	41,000		25,829	66,829
B	Professional Development	Possible Fees				
		Travel mileage			500	500
		Meals \$ per day			200	200
		Hotel \$ per day			750	750
		Contract Services				
C	Instructional Supplies	(Specify)				
H	Other		19,292			19,292
	Total		60,292		42,751	103,043

Arts Education Standards

Arts Education Standards Allow for More Than Mere Exposure to the Arts

The existence of a standards document in the arts indicates that students at all grade levels will be actively engaged in comprehensive, sequential programs of arts education that include creating, performing, and producing—as well as studying, analyzing, and reflecting. This expectation implies that these programs provide consistent, timely instruction in the arts by any combination of highly qualified arts specialists, visiting artists, artists-in-residence, performance groups, trained volunteers, and/or a variety of local arts-related resources. It also implies that these entities work in collaborative partnerships, with instructional goals to expand and deepen students' competencies, which are informed and guided by the standards.

—The National Arts Standards

ESEA Reauthorization - Every Student Succeeds Act (ESSA)

The New Mexico Public Education Department (PED) has been at the forefront of pursuing a student-centered reform agenda, knowing that each year is an opportunity to give our students the chance to succeed.

New Mexico's state plan under ESSA builds on the momentum of recent student success while meeting updated federal requirements. The plan includes a continued commitment to robust college- and career-ready standards and assessments, meaningful accountability, a commitment to ensure that all students are served by excellent educators, and collaborative strategies for turning around the state's struggling schools. The plan also articulates New Mexico's methodology for setting creative and collaborative goals to strategically utilize funding to best meet the needs of our students.

- Programs that have been supported by the Arts in Education fund have been such as *Assistance for Arts Education* fund, the National Endowment for the Arts/Arts in Education, and Innovative Approaches to Literacy.
- Arts and Music education are specified as eligible uses for new, state-administered "Student Support and Academic Enrichment Grants," including support for the arts in STEM/STEAM education.
- 21st Century Community Learning Center funding is maintained, and art, dance, music and theatre education are specified as eligible for support under *expanded learning time* provisions.

Funding Formula

The FAEA formula for 2020–2021 is calculated in the following manner:

- i. Find the 80/120 student count from the previous SY, unless this is a NEW/INITIAL application

Project directors calculate the amount they will receive as follows:

- 1) STARS average is the average of the 80th and 120th day counts from SY 2019–2020
- 2) FAEA MEM is 1.0
- 3) 0.0500 is the multiplier from FAEA statute
- 4) Unit value—operational—

20–21—\$4,758.10 11000 operational fund

The amount per student funding is derived from the available Public School Support—State Equalization Guarantee funding formula.

New Mexico Arts Standards

At the state level, the New Mexico Core Arts Standards are mandated for students in grades K–8 and guide arts course development for participating students in grades 9–12. These high school courses either meet the fine arts or practical arts graduation requirement—as adopted by local school districts—or can be taken as required electives.

The Arts are included in Advanced Placement (AP), Dual Credit, Media Arts, Arts, Audio/Video, Technology and Communications, and local operational and administrative funding decisions.

Literature and research, published by a multitude of individuals and organizations, all conclude that the arts are a hallmark of learning and excellence in any school district. Nationwide, there is a direct correlation between high-performing schools and comprehensive, instructionally sound programs in visual and performing arts. What are the unique benefits of an education in the arts, and why do the arts deserve an equal role in the education offered to our students?

- The arts provide a set of tools for making critical choices as well as for creating, communicating, collaborating, and understanding others' ideas.
- Education in the arts affects the quality of learning in all content areas and to the overall learning environment.
- The arts provide a context for learning those skills and personal qualities identified as essential for success in the workplace.
- Education in the arts provides students with opportunities to use divergent modes of thinking and explore the notion that problems may have multiple solutions.
- The arts appeal to, and hold benefits for, all students, regardless of their level of cognitive ability.
- The arts have the unique capacity to engage students intellectually, emotionally, and physically.

A comprehensive curriculum that includes the arts at all levels greatly enhances the credibility and attractiveness of the public education system as communities compete to recruit business and industry that can have a significant economic impact.

—The National and New Mexico Core Arts Standards

[NM Core Arts Standards](#)
[National Arts Standards](#)

SEG— State Equalization Guarantee Distribution

Nearly all state-level school districts' operational funds are distributed through the Public School Fund. Only one significant state appropriation is not distributed through the Public School Fund, the Free Textbook appropriation. [22-15-9 NMSA 1978]. These funds are available for the Arts from 2019–2025 with the current adoption cycle. At this time, Instructional Materials are available operationally and through the SEG.

The Public School Fund is appropriated in the following three separate distributions: the SEG, the Transportation Distribution, and the Supplemental Distributions. The SEG accounts for more than 90 percent of school districts' operational revenue and is based on a school finance formula created to equitably fund educational need throughout the state. This widely acclaimed, innovative school finance plan was incorporated into law by the 1974 NM legislature's Public School Finance Act.

How New Mexico Schools are Funded. https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/SBFAB_home_How-New-Mexico-Schools-Are-Funded-4-7-16.pdf



New Mexico School Boards Association

POLICY SERVICES ALERT

To: All Superintendents and Board Members

Date: April 13, 2020

Re: Policy Issues related to Coronavirus Pandemic and Social Media Issues During On- Line Learning

Policy Issues related to Coronavirus Pandemic

Some questions have been raised regarding whether School Boards need to modify policies during this period of alternative educational activity. State and Federal agencies have been actively informing school districts of emergency procedures to be undertaken to accomplish their education and related tasks. The New Mexico School Boards Association has posted these announcements and directives prominently on the opening page of www.nmsba.org. They are listed under important messages.

Per the Attorney General opinion, [Attorney General March 17, 2020 Open Government / Meetings Advisory COVID-19](#) the Open Meeting requirements have been modified to allow Boards to meet through electronic means so long as the public is informed and can monitor the meetings.

In the form of summary, the State has suspended attendance requirements, and established guidelines and reporting procedures for approved education and related services for the rest of the school calendar year. There are Federal guidelines as well. In all, the declaration of emergency and suspension of requirements temporarily during the “stay at home period” and school closure period have meant that alternative procedures will need to be implemented.

In this time of emergency many of the compliance issues for which Boards of Education develop policy have been suspended in favor of temporary measures directed by the authorizing bodies. The current emergency circumstances will, in general, not require the Board to develop policy. Under most circumstances a Board may need to suspend conflicting policies per the emergency authorization, but because the alternative actions are temporary and are at the direction of the emergency declarations, they require only procedural steps to be developed for the remainder of the emergency period. The emergency guidelines establish the course of action, indicating what is wanted and why and how much, which is the function of policy. Procedures or regulation, in accord with the Policy Manual Introduction indicates: “Regulations are the detailed directions developed by the administration to put policy into practice. They tell how, by whom, where, and when things are to be done.” Under these circumstances the Superintendent should develop plans (regulations) for implementing the Emergency Declarations and inform the Board of need to suspend or change current policy

The material provided is intended as information only. Should legal advice be needed contact your school attorney.

as necessary.

Policy Services recommends that Boards of Education consider the orders by the New Mexico Governor and Federal Agencies as authority to suspend the operation of conflicting policies using policy BGF – Suspension and Repeal of Policy. For example, if enforcement of attendance policies has been altered then Boards, by majority vote, can suspend parts of the recently legislated policies affected. In the case of graduation requirements, the State maintains the unit requirements but is allowing the mastery of the standards or a portfolio of standards-based indicators adopted by the Secretary of Public Education, in accordance with 6.19.7 NMAC, and other competency requirements as determined by the Board. Mastery of standards and portfolio indicators are provided for in policy IKF – Graduation Requirements, no policy change is necessary. The former may require a suspension of parts of the attendance policies in section JE of the policy manual while the latter (Graduation Requirements) is in accordance with current policy IKF but will require the development of procedures by administration to implement assessments.

Social Media Issues During On- Line Learning

Recently, Policy Services was called by the New Mexico Public School Insurance Agency (NMPSIA) inquiring as to whether client districts had and were they enforcing the policy on Staff Conduct with Students (GBEBB), during this time of greater social media use between teachers and students. It seems there have been several districts having issues with student “grooming” and use of media for non-school student contact purposes in the recent past. NMPSIA wished to know which districts in the service had adopted Advisory 157 and were enforcing the “Boundaries” suggested by Policy Services in that advisory which updated the Staff Conduct with Students (GBEBB) policy.

Unfortunately, there have been only about 37 of 75 member districts that have adopted the policy. Recognizing that the policy was not a compliance issue but was recommended to enhance the prohibitions on student and staff unwarranted personal interaction, it is now time for districts to take heed of the “Boundary” issues, and to adopt and enforce this policy. If your district has not adopted Advisory 157 it can be downloaded by going to www.nmsba.org and then to the bottom of the page on Services/Policy Services to Policy Services Advisory/Alerts or at the following web address <http://www.nmsba.org/policy-service/> .

Please review the Emergency Orders .If you have policy questions, contact the Director of Policy Services at nmsbapolicy@cox.net .



New Mexico School Boards Association

POLICY SERVICES ALERT

To: All Superintendents and Board Members

Date: May 2020

Re: Staff and Student Protection from Covid-19

Districts are thinking about opening school in August of 2020. Considering the Coronavirus issues that will still be of concern, one of the most pressing issues will be how to protect your staff and students from infection. Below you will find requirements and resources for this purpose.

Employee Protection

OSHA has had requirements for an employee protection plan by school districts since the early 1990's. As an NMSBA Policy Services District, your district should implement GBGC-E Employee Assistance. This is the district plan for the OSHA exposure control requirement. It is followed by a policy and procedures for dealing with Communicable Diseases titled Wellness Programs (GBGCA and Exhibit.)

In general, universal precautions shall be observed by all District employees to prevent contact with blood or other potentially infectious materials as found in GBGCA-E. If differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

- Reference the Engineering and work practices controls indicated in GBGC-E.
- Go to the OSHA Manual page 25 for Information available electronically and OSHA publications. Particularly reference the side headings of the Exhibit regarding Personal Protective Equipment, Housekeeping and Information and Training.
- Post a copy of GBGCA-E on Universal Precautions in every classroom and on every bulletin board to emphasis the need for caution.

OSHA regulation 29 CFR 1910,1030, the reason for the plan in GBGC-E states: “Each **employer** having an employee(s) with **occupational exposure** shall establish a written Exposure **Control** Plan designed to eliminate or minimize **employee exposure**.” The definition of Bloodborne Pathogens includes viruses. Although the origin of the plan was for the control of bloodborne pathogens like the viruses HIV/AIDS and Hepatitis B, it is a plan for disinfection, employee protection, and maintenance of safe practices. It also is heavily influenced by procedures used by healthcare workers including masks for airborne droplets.

An OSHA prepared manual, “Occupational Exposure to Bloodborne Pathogens Control Manual” (OSHA Manual) providing suggestions regarding the requirements can be found at <https://www.osha.gov/Publications/osha3186.pdf> Standards for compliance officers are found at <https://www.osha.gov/SLTC/covid-19/standards.html> and control and prevention of coronavirus infection at <https://www.osha.gov/SLTC/covid-19/controlprevention.html> .

The Environmental Protection Agency has a long list of products that can be used as disinfectants for the Coronavirus. It is called the N list and can be found at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

Resources for Opening School and Protecting Students and Staff

Social distancing and wearing masks may be issues that needs further investigation along with student cleanliness and contact prevention. Current guidance by the Center for Disease Control about cleaning, prevention of infection, reducing social activities, tracing the contacts and distancing can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html>

Below you will find a list of articles discussing social distancing as the new norm in schools. There are studies of the effectiveness of social distancing in schools by countries that did not close schools during the initial Coronavirus pandemic and reviews of literature about the actions taken by schools in the 2003 SARS epidemic. These are recommended as resources to provide options to districts given the variation in school size, classroom exits, hallway size and the needs to be taken into account considered when students and teachers return to the classrooms.

- Post-COVID-19 classrooms: What if 'keeping your distance' becomes the new school normal? <https://nationalpost.com/opinion/post-covid-19-classrooms-what-if-keeping-your-distance-becomes-the-new-school-normal>
- Inside Taiwan during COVID-19: How the country kept schools and businesses open throughout pandemic <https://www.cbc.ca/news/business/taiwan-covid-19-lessons-1.5505031>
- Controlling the Spread of Disease in Schools <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3248433/>
- School practices to promote social distancing in K-12 schools: review of influenza

pandemic policies and practices

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5870081/>

- Other articles cited in the above references

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3248433/citedby/>

Some Further Thoughts

The current practice of mass education in public schools and students moving from class to class in hallways raises questions. Can less movement of students and more of teaching staff be effective in preventing transmission of a virus? Do crowded classes need to be more dispersed? Will certain classes need to be curtailed for distancing purposes such as band, choir, recess, and physical education and will those teachers be available to supervise directed learning? Will masks or gowns need to be worn by both students and staff? If so, will the district pay for the protective items? Transportation expenses will go up if distancing is used, will the reimbursement cover the cost of running duplicate routes or fewer riders per mile?

Licensing issues and the use of staff to lower class sizes for the proper implementation of social distancing will need to be examined. For instance, can licensed teaching aids provide supervision of directed learning prepared by the classroom teachers? Current licensing may allow elementary schools to utilize substitute teachers for instructional purposes to lower class size for distancing, at least for 45 days. Should there be a request to allow these exceptions through the Department of Education?

Negative air pressure or circulation of the air in the classroom to promote the change of air and exposing possible contaminants to the atmosphere is practiced in hospitals, should it be considered in prevention of transmission of the virus? Bathroom privileges and contacts that might occur in those small spaces is in need of some thought. Even the distance or availability of lockers for storage of materials and outerwear will need examination for possible distance allocation. Will partitions need to be used like sneeze guards around desks? These issues are only some that may need to be considered.

Please call or email if you have any questions regarding this Policy Alert.

Dr. Donn Williams/Policy Services Director

nmsbapolicy@cox.net

505-469-0193

Local Wellness Policy Implementation Plan

District: **Cimarron Municipal Schools**

Date:

Instructions: Use the "Wellness Policy Assessment" to identify policy items that are not currently being implemented. Put those policy items in column A on this form. Fill out each column to plan your implementation.

Purpose:

The link between nutrition and learning is well documented. Healthy eating patterns are essential for students to achieve their full academic potential, fully physical and mental growth, and lifelong health and well-being. Healthy eating is demonstrably linked to reduced risk for mortality and decreases the development of many chronic diseases as adults. Schools have a responsibility to help students and staff to establish and maintain lifelong, healthy eating patterns. Well-planned and well-implemented school nutrition programs have been shown to positively influence students' eating habits.

All students shall possess the knowledge and skills necessary to make nutritious and enjoyable food choices for a lifetime. In addition, staff is encouraged to model healthy eating and physical activity as a valuable part of daily life. The Cimarron Municipal School District shall prepare, adopt and implement a comprehensive plan to encourage healthy eating and physical activity. This plan shall make effective use of school and community resources and serve the needs and interest of all students and staff, taking into consideration differences in cultural norms.

The Cimarron Municipal Schools supports, encourages, and promotes lifelong nutritious eating habits and physical wellness activities for students and staff. This policy will not only address nutrition and physical activities in the school but also family and community involvement, physical education, health education, healthy and safe school environment, social and emotional well-being, health services, and staff wellness.

Section 1: Wellness Policy

	Policy Item	Action Steps	Person Responsible	Expected Outcomes	Due Date/Time Frame	Monitoring and Evaluation	Report Results to Whom
1.1 Wellness Policy	CMS Wellness Policy and Plan meets the requirements outlined in NMAC 6.12.6.8, Federal 7 C.F.R. 210 and 220 (National School Lunch and Breakfast Programs, respectively).	Annually review guidelines, adjust program as necessary.	Superintendent	Ensure compliance with federal and state statute	Annually, fall	Triannually, PED	CMS School Board
1.2 School Health Advisory Council	CMS will establish a School Health Advisory Council (SHAC) which: is comprised of administration, health staff, food service staff, parents, students, and community members; meets regularly (at least twice each year) to develop, revise, implement and evaluate the wellness plan; and, make wellness policy recommendations to the Governing Council.	Recruit members yearly in August (current list of members attached)	Superintendent	Ensure SHAC has balanced participation	Annually, fall	Ongoing	Superintendent
1.3 Point of Contact	CMS Superintendent is the point of contact for the Wellness Policy and Plan.	N/A	Superintendent	N/A	N/A	N/A	N/A
1.4 Publication	CMS Wellness Policy and Plan is available for review on CMS website (www.cimarronschools.org)	Post plan to website	Superintendent	Post on Website	Annually, fall	Ongoing	CMS School Board

1.5 Review	CMS will review the Wellness Policy and Plan annually to determine effectiveness of programs, ensure compliance federal and state guidelines, and determine need for change.	Create and review policy and plan	Superintendent	Revise/ complete annual wellness plan	Tri-annually, beginning 2020	Ongoing	CMS School Board
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Section 2: Nutrition

	Policy Item	Action Steps	Person Responsible	Expected Outcomes	Due Date/Time Frame	Monitoring and Evaluation	Report Results to Whom
2.1 Meals & Fundraiser Guidelines	CMS meals and fundraisers follow standards and guidelines pursuant to Federal guidelines and NMAC 6.12.5.8	Create menus according to federal food guidelines. All snacks sold during school day meet the Smart Snack regulations. Salad option is available to students daily. Menus are communicated via daily announcements and are posted on the CMS website.	Food Service Coordinator, Classroom Teachers, Building Secretaries, SHAC	Create and publish menus, create a menu of snacks that meet Smart Snack Regulations	Monthly - menus, annually -fundraising guidelines	Ongoing, spot checks for fundraisers	Food Service Coordinator, Superintendent
2.2 Compliance Guidelines	CMS complies with standards for all foods and beverages provided, but not sold, to students during the school day.	PTA/Halos CMS parents most often provide food during the school day. Parents are encouraged to bring healthy foods, limit sugary sodas and snacks, and in grades where food allergies are a concern, parents have been notified not to bring snacks with peanuts. Birthdays and Celebrations are limited to monthly events.	Food Service Coordinator, Classroom Teachers	Create and send email announcement to parents regarding healthy snacks in classrooms	Annually, Fall	Spot checks in classrooms	Food Service Coordinator, SHAC, Superintendent
2.3 Fundraiser Guidelines	CMS has procedures in place to document fundraisers and ensure they meet Smart Snack regulations if held during the school day. All fundraisers final approval happens through district Superintendent.	Fundraiser form completed by sponsor and submitted for approval.	Activity Sponsors	Running document of fundraisers and monitor those that violate regulations	Ongoing	Form	Superintendent
2.4 Marketing and Advertising	Marketing and Advertising: CMS allows no marketing or advertising.	CMS allows no marketing or advertising.	Superintendent	Only Smart Snack Items are sold	Annually, Fall	Ongoing	Food Service Coordinator, Superintendent

2.5 USDA Guidelines	CMS meets or exceeds local, state and federal nutrition requirements and/or USDA nutrition standards.	CMS menus exceed nutritional standards and CMS offers a salad bar daily to students and staff.	Food Service Coordinator	Continue to offer high quality meals	Ongoing	Ongoing	Food Service Coordinator, Superintendent
2.6 Water Guidelines	Free drinking water is available to students at all CMS Cafeterias.	CMS has bottle fillers at each school site and students are encouraged to bring/fill water bottles during the day.	Superintendent	Continue to provide water during meals, in Cafeterias, and in halls.	Ongoing	Ongoing	Superintendent
2.7 Nutrition Education	CMS will provide nutrition education activities that align with the New Mexico Health Education Content Standards and Benchmarks and Performance Standards as set forth in 6.29.6 NMAC.	CMS requires high school students to take and pass a Health class in order to graduate. Nutrition is a required component of this course.	Health Teacher	Continue to require a nutrition component in the mandatory Health Class.	Ongoing	Ongoing	Superintendent
2.8 Nutrition Promotion	CMS establishes specific goals for nutrition promotion and education that promotes student wellness and consider evidence-based strategies in determining these goals.	CMS has a strong participation in extracurricular athletics. CMS is dedicated to the physical and emotional health of students. CMS Teachers and Coaches regularly discuss the importance of nutrition and activity to improve health.	Teachers and Coaches	Continue to promote health and wellness in classes.	Ongoing	Ongoing	Superintendent
2.9 Food Allergy Assurance	Assurance that CMS adheres to requirements regarding possible food allergies in schools.	CMS School Nurse, Parents, and Food Service Coordinator collaborate to meet needs of individual students with food allergies.	School Nurse, Food Service Coordinator	Assurances Sent to NMPED	Annually, Fall	N/A	Superintendent

Section 3: Quality Physical Activity

	Policy Item	Action Steps	Person Responsible	Expected Outcomes	Due Date/Time Frame	Monitoring and Evaluation	Report Results to Whom
3.1 Physical Activity	CMS has guidelines created to provide physical activity opportunities before, during and after school (6.12.6.8.D3 NMAC)	Teachers understand the instructional benefits of physical activity and engage students in learning activities that require full body movement throughout the day. CMS offers Physical Education courses K-12 in addition to other courses that require intentional full body movement. Students are permitted and encouraged to use the basketball courts, and grassy areas for physical activity before school, after school and during lunch. High school students must take a PE class in order to graduate. There is a 4 minute passing period that serves as a break for students.	Teachers	Continue to offer a variety of classes that support physical activity inside and outside of school hours.	Ongoing	Ongoing	Superintendent
3.2 Health Education	Physical activity is included as a health education topic (6.29.9 NMAC) in CMS high school Health class.	Pursuant to NM Content Standards and Benchmarks, physical activity is a component of the required health course.	Health Teacher	Ensure physical activity is a component in health class.	Annually, Fall	Annually, Fall	Superintendent
3.3 Recess	Elementary schools provide daily recess for all students	Elementary schools provide daily recess for all students	Teachers	Daily physical activity for all students	Ongoing	Ongoing	Superintendent
3.4 Assurance	Assurance that CMS is restricted from withholding physical activity from students as a form of punishment.	Physical Activity is not restricted for any CMS student. As need arises, different opportunities may be given based on individual student needs.	Teachers, School Social Worker	Assurances sent to NMPED	Annually, Fall	Twice annually, Fall and Spring	Superintendent

3.5 Active Transport	CMS encourages walking, biking, and skating (skateboarding) as transportation modes to and from school.	All schools in the district will encourage basic physical activities of walking, biking and skating as transportation modes to and from schools so long as those routes are deemed safe by parents and schools.	Parents, Transportation Director	Increase the number of students who walk or bike to school if they live within 1 mile of CMS.	Annually, Fall	Twice annually, Fall and Spring	Superintendent
3.6 Goals for Physical Activity	CMS-specific goals for physical activity that promote student wellness and consider evidence-based strategies in determining these goals.	Teachers understand the instructional benefits of physical activity and engage students in learning activities that require full body movement throughout the day. CMS offers Physical Education courses K-12 in addition to other courses that require intentional full body movement. Students are permitted and encouraged to use the basketball courts, and grassy areas for physical activity before school, after school and during lunch. High school students must take a PE class in order to graduate. There is a 4 minute passing period that serves as a break for students.	Teachers	Continue to offer a variety of classes that support physical activity inside and outside of school hours.	Annually, Fall	Ongoing	Superintendent

8000 DISTRICT

8033 CES

8034 CHS

8036 CMS

8047 ENES

8048 ENMS

Cimarron Municipal Schools

Disbursement Detail Listing

Date: 04/01/2020 - 04/30/2020

ACTIVITIES

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
11183	04/10/2020	2122	J W PEPPER & SON INC	257995884	23446.1000.56118.1010.008000.0000	FALLING LEAVES SCORE	\$28.99
						Check Total:	\$28.99
11185	04/21/2020	2124	KIT CARSON ELECTRIC COOPERATIVE INC	2/18-3/18/20	23426.1000.53711.1010.008000.0000	2019-2020 - ELECTRIC SERVICE FOR BARN	\$0.31
						Check Total:	\$0.31
11186	04/21/2020	2124	MELROSE HIGH SCHOOL	2/8/20	23403.1000.53711.1010.008000.0000	MEALS FOR BASKETBALL	\$221.75
						Check Total:	\$221.75
11187	04/30/2020	2126	EASTERN NEW MEXICO UNIVERSITY	4/30/20	23456.1000.53711.1010.008000.0000	STUDENT REGISTRATION	\$296.00
						Check Total:	\$296.00
11188	04/30/2020	2126	WEX BANK	64622736	23407.1000.55817.1010.008000.0000	FLEET FUEL	\$4.55
11188	04/30/2020	2126	WEX BANK	64622736	23426.1000.55817.1010.008000.0000	FLEET FUEL	\$18.94
						Check Total:	\$23.49
						Bank Total:	\$570.54

OPERATIONAL

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/01-4/30-20	11000.2600.54416.0000.008000.0000	2019-2020 - LONG DISTANCE AND LOCAL	\$31.27
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/01-4/30-20	11000.2600.54416.0000.008033.0000	2019-2020 - LONG DISTANCE AND LOCAL	\$15.10
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/01-4/30-20	11000.2600.54416.0000.008034.0000	2019-2020 - LONG DISTANCE AND LOCAL	\$30.21
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/01-4/30-20	11000.2600.54416.0000.008036.0000	2019-2020 - LONG DISTANCE AND LOCAL	\$15.11
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/01-4/30-20	13000.2700.54416.0000.008000.0000	2019-2020 - LONG DISTANCE AND LOCAL	\$146.92
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/01-4/30-20	31701.4000.54315.0000.008000.0000	FIRE ALARM EQUIPMENT	\$90.63
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/1-4/30-20 - INTERN	11000.2600.54416.0000.008000.0000	2019-2020 INTERNET - ADMINISTRATION	\$141.73
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/1-4/30-20 - INTERN	11000.2600.54416.0000.008033.0000	2019-2020 INTERNET - CES	\$141.72
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/1-4/30-20 - INTERN	11000.2600.54416.0000.008034.0000	2019-2020 INTERNET - CHS	\$141.72
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/1-4/30-20 - INTERN	11000.2600.54416.0000.008036.0000	2019-2020 INTERNET -	\$141.76
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/10/20	31701.4000.54315.0000.008000.0000	64 CHANNEL 4K NVR SYSTEM RAID 24TB HARD	\$2,000.00
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/10/20	31701.4000.54315.0000.008000.0000	8 PORT POE SWITCH	\$150.00
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/10/20	31701.4000.54315.0000.008000.0000	ENSPIRE BATTERY BAKC-UP	\$140.00
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/10/20	31701.4000.54315.0000.008000.0000	INSTALLATION LABOR	\$160.00
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/10/20.	31701.4000.54315.0000.008047.0000	RE-INSTALL ACCESS CONTROL SOFTWARE	\$80.00
42844	04/10/2020	2123	BACA VALLEY TELEPHONE CO INC	4/10/20.	31701.4000.54315.0000.008048.0000	RE-INSTALL ACCESS CONTROL SOFTWARE	\$80.00
Check Total:							\$3,506.17
42845	04/10/2020	2123	CARQUEST RATON	5728-326790	31701.4000.54315.0000.008000.0000	2019-2020 - CAR PARTS AND FLUIDS	\$115.46
42845	04/10/2020	2123	CARQUEST RATON	5728-327916	13000.2700.54314.0000.008000.0000	2019-2020 - PARTS & EQUIPMENT FOR ROUTE	\$233.26
Check Total:							\$348.72

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42846	04/10/2020	2123	CENTURYLINK	3/22/20	11000.2600.54416.0000.008047.0000	MONTHLY SERVICE CHARGE FOR TWO ALARM	\$69.06
42846	04/10/2020	2123	CENTURYLINK	3/22/20	11000.2600.54416.0000.008048.0000	MONTHLY SERVICE CHARGE FOR TWO ALARM	\$69.06
Check Total:							\$138.12
42847	04/10/2020	2123	CIMARRON MUNICIPAL SCHOOLS	2/26/20	11000.1000.55817.9000.008034.0000	AFTER SCHOOL SHUTTLE	\$11.30
42847	04/10/2020	2123	CIMARRON MUNICIPAL SCHOOLS	2/27/20	11000.1000.55817.9000.008034.0000	AFTER SCHOOL SHUTTLE	\$11.30
42847	04/10/2020	2123	CIMARRON MUNICIPAL SCHOOLS	3/10/20	11000.1000.55817.9000.008034.0000	AFTER SCHOOL SHUTTLE	\$11.20
42847	04/10/2020	2123	CIMARRON MUNICIPAL SCHOOLS	3/11/20	11000.1000.55817.9000.008034.0000	AFTER SCHOOL SHUTTLE	\$11.20
42847	04/10/2020	2123	CIMARRON MUNICIPAL SCHOOLS	3/4/20	11000.1000.55817.9000.008034.0000	AFTER SCHOOL SHUTTLE	\$11.20
42847	04/10/2020	2123	CIMARRON MUNICIPAL SCHOOLS	3/5/20	11000.1000.55817.9000.008034.0000	AFTER SCHOOL SHUTTLE	\$11.20
Check Total:							\$67.40
42848	04/10/2020	2123	CLEAN HARBORS ENVIRONMENTAL SVC INC	1003221707	31701.4000.54315.0000.008034.0000	LEAD CHEMIST FEES FOR IDENTIFYING CHEMICALS IN	\$558.22
Check Total:							\$558.22
42849	04/10/2020	2123	COMMUNITY TECH SOLUTIONS	04-20 CMSD	31900.4000.53414.0000.008000.0000	2019-2020 - TECHNOLOGY SUPPORT	\$4,972.91
Check Total:							\$4,972.91
42850	04/10/2020	2123	COOPERATIVE EDUCATIONAL SERVICES	24-101203	31701.4000.54500.0000.008047.0000	LIVING DESIGNS GROUP ARCHITECTS - EAGLE NEST	\$13,780.00
42850	04/10/2020	2123	COOPERATIVE EDUCATIONAL SERVICES	24-101203	31701.4000.54500.0000.008047.0000	NM GRT	\$1,171.30
42850	04/10/2020	2123	COOPERATIVE EDUCATIONAL SERVICES	24-101203	31701.4000.54500.0000.008048.0000	NM GRT	\$1,171.30
42850	04/10/2020	2123	COOPERATIVE EDUCATIONAL SERVICES	24-101203	31701.4000.54500.0000.008048.0000	LIVING DESIGNS GROUP ARCHITECTS - EAGLE NEST	\$13,780.00
Check Total:							\$29,902.60
42851	04/10/2020	2123	DANIEL L GURULE	219403	13000.2700.53711.0000.008000.0000	RECERTIFY CPR, BASIC 1ST AIDE AND AED	\$92.00
Check Total:							\$92.00
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	BASEBALL UNIFORMS - 2 - XL; 6 - LG; 10 - MD; 2	\$3,999.80
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	CAGE JACKETS	\$899.80
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	ELITE SOCKS - RED	\$159.80
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	ELITE SOCKS - DARK GREY	\$159.80

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	HEAVY DUTY BASEBALL BELT - RED	\$155.80
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	HEAVY DUTY BASEBALL BELT - DARK GREY	\$155.80
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	HOODIE WITH SCREEN PRINT	\$774.80
42852	04/10/2020	2123	GUTSY LLC	1103	11000.1000.56118.9000.008034.0000	COACHES GEAR	\$260.00
Check Total:							\$6,565.60
42853	04/10/2020	2123	HAROLD WHITE	20200402-001	31900.4000.53414.0000.008034.0000	SPECIFY, PURCHASE, INSTALLATION OF VIDEO	\$605.62
Check Total:							\$605.62
42854	04/10/2020	2123	HURTADO SPEECH THERAPY LLC	3008	11000.2100.53212.2000.008000.0000	2019-2020 - SPEECH THERAPY SERVICES	\$4,780.77
Check Total:							\$4,780.77
42855	04/10/2020	2123	JIVE COMMUNICATIONS, INC	IN6000665612	11000.2600.54416.0000.008000.0000	2019-2020 - VOIP SERVICE - ADMIN	\$185.98
42855	04/10/2020	2123	JIVE COMMUNICATIONS, INC	IN6000665612	11000.2600.54416.0000.008033.0000	2019-2020 - VOIP SERVICE - CES	\$185.98
42855	04/10/2020	2123	JIVE COMMUNICATIONS, INC	IN6000665612	11000.2600.54416.0000.008034.0000	2019-2020 - VOIP SERVICE - CHS	\$185.98
42855	04/10/2020	2123	JIVE COMMUNICATIONS, INC	IN6000665612	11000.2600.54416.0000.008036.0000	2019-2020 - VOIP SERVICE - CMS	\$185.99
42855	04/10/2020	2123	JIVE COMMUNICATIONS, INC	IN6000665612	11000.2600.54416.0000.008047.0000	2019-2020 - VOIP SERVICE - ENES	\$185.98
42855	04/10/2020	2123	JIVE COMMUNICATIONS, INC	IN6000665612	11000.2600.54416.0000.008048.0000	2019-2020 - VOIP SERVICE - ENMS	\$185.98
Check Total:							\$1,115.89
42856	04/10/2020	2123	MANNON MOTION, LTD. CO.	C20208	11000.2100.53214.2000.008000.0000	2019-2020 - PHYSICAL THERAPY SERVICES	\$2,171.58
Check Total:							\$2,171.58
42857	04/10/2020	2123	MATTHEW BOWERS	2020-2.	11000.2100.53218.2000.008033.0000	2019 - 2020 - O&M SERVICES	\$837.50
Check Total:							\$837.50
42858	04/10/2020	2123	NATURE SCAPES INC	18319	13000.2700.53711.0000.008000.0000	PURCHASE AND INSTALL SNOW STOPS AT	\$940.87
Check Total:							\$940.87
42859	04/10/2020	2123	NEW MEXICO SCHOOL BOARDS ASSOCIATION	20359	11000.2300.55915.0000.008000.0000	NMSBA POLICY SERVICE (APRIL, MAY, JUNE 2020)	\$1,155.00
Check Total:							\$1,155.00

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71417	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$560.49
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71417	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$560.49
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71418	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$480.27
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71418	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$480.27
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71419	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$148.89
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71419	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$148.89
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71420	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$270.06
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71420	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$270.06
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71421	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$54.39
42860	04/10/2020	2123	NORTHERN NEW MEXICO GAS COMPANY-AF	71421	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$54.39
Check Total:							\$3,028.20
42861	04/10/2020	2123	RHONDA J LEE-HICKS	38	11000.2100.53213.2000.008000.0000	2019-2020 - OCCUPATIONAL THERAPY	\$3,006.25
Check Total:							\$3,006.25
42862	04/10/2020	2123	SPRINGER ELECTRIC COOPERATIVE INC	37676	11000.2600.54411.0000.008033.0000	2019-2020 - CES ELECTRICITY	\$1,155.74
42862	04/10/2020	2123	SPRINGER ELECTRIC COOPERATIVE INC	37676	11000.2600.54411.0000.008034.0000	2019-2020 - CHS ELECTRICITY	\$2,102.86
42862	04/10/2020	2123	SPRINGER ELECTRIC COOPERATIVE INC	37676	11000.2600.54411.0000.008036.0000	2019-2020 - CMS ELECTRICITY	\$1,155.74
42862	04/10/2020	2123	SPRINGER ELECTRIC COOPERATIVE INC	37676	13000.2700.54411.0000.008000.0000	2019-2020 - TRANSPORTATION DEPT	\$281.98
Check Total:							\$4,696.32
42863	04/10/2020	2123	T-MOBILE USA, INC	4/13/20	31900.4000.54416.0000.008000.0000	2019-2020 - DISTRICT CELL PHONES	\$96.10
Check Total:							\$96.10
42864	04/10/2020	2123	TILLERY CHEVROLET GMC INC	5045746	31701.4000.54315.0000.008000.0000	RAM BUS - GASKET HUB CAP	\$25.77
42864	04/10/2020	2123	TILLERY CHEVROLET GMC INC	5045746	31701.4000.54315.0000.008000.0000	SEAL, INNER FRONT	\$45.17
Check Total:							\$70.94
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	11000.2600.54415.0000.008033.0000	2019-2020 - CES WATER	\$202.51

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	11000.2600.54415.0000.008034.0000	2019-2020 - CHS WATER	\$247.27
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	11000.2600.54415.0000.008036.0000	2019-2020 - CMS WATER	\$202.52
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	13000.2700.54415.0000.008000.0000	2019-2020 - TRANSPORTATION	\$193.80
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	31701.4000.54315.0000.008000.0000	2019-2020 - ADMIN SOLID WASTE	\$78.12
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	31701.4000.54315.0000.008033.0000	2019-2020 - CES SOLID WASTE	\$78.12
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	31701.4000.54315.0000.008034.0000	2019-2020 - CHS SOLID WASTE	\$78.12
42865	04/10/2020	2123	VILLAGE OF CIMARRON	3/1-3/30/20	31701.4000.54315.0000.008036.0000	2019-2020 - CMS SOLID WASTE	\$78.12
						Check Total:	\$1,158.58
42866	04/21/2020	2125	ACORN PETROLEUM INC.	1014199	13000.2700.56212.0000.008000.0000	2019-2020 - DIESEL FUEL FOR TO AND FROM ROUTE	\$627.78
						Check Total:	\$627.78
42867	04/21/2020	2125	ALPINE LUMBER	52195417	31701.4000.54315.0000.008000.0000	2019-2020 -	\$215.00
42867	04/21/2020	2125	ALPINE LUMBER	52195469	31701.4000.54315.0000.008000.0000	2019-2020 -	\$70.37
						Check Total:	\$285.37
42868	04/21/2020	2125	BENNETT'S LLC	20-C38540	31701.4000.54315.0000.008000.0000	2019-2020 - MONTHLY CYLINDER RENTAL	\$21.70
						Check Total:	\$21.70
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	BLUE NITRILE DISPOSABLE GLOVE LARGE	\$86.50
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	STERIPHENE SPRING BREEZE 12/CS	\$446.40
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	SPRAYWAY GLASS CLEANER 12/CS	\$514.80
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	TOWEL SF NATURAL PS	\$194.40
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	TOILET TISSUE ROSES 96/CS	\$393.60
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	WAVE 3D DEOD URINAL SCREENS 10/CS	\$142.45
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	LINER LD386001 50K	\$376.20
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	LINER 24 X X32 EX WHITE 55/CS	\$401.70

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	DMQ DAMP MOP QUAT GALLON 4/CS	\$558.00
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	TOWEL JUMP DIS 4142 ROLL 12/800/CS	\$857.80
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	PS BLEACH GAL 6/CS	\$66.60
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	POT BRUSH 8"	\$51.12
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	18" BLACK STRIP PAD 5/CS	\$154.20
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	20" BLACK STRIP PAD 5/CS	\$90.00
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	18" RED BUFF PAD 5/CS	\$102.40
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	20" RED BUFF PAD 5/CS	\$90.00
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	18" WHITE POLISH PAD 5/CS	\$75.30
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	20" WHITE POLISH PAD 5/CS	\$67.50
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	BASEBOARD STRIP AERO 12/CS	\$390.24
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	TNT AERO BATHROOM CLEANER 12/CS	\$356.40
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	SQUARE ONE 5 GALLON	\$1,015.80
42869	04/21/2020	2125	BURCO CHEMICAL & SUPPLY INC	22771	31701.4000.56118.0000.008000.0000	TRENDSETTER 5 GALLON	\$1,019.50
						Check Total:	\$7,450.91
42870	04/21/2020	2125	COOPERATIVE EDUCATIONAL SERVICES	24-101890	31701.4000.54500.0000.008047.0000	NM GRT	\$394.35
42870	04/21/2020	2125	COOPERATIVE EDUCATIONAL SERVICES	24-101890	31701.4000.54500.0000.008047.0000	LIVING DESIGNS GROUP ARCHITECTS – EAGLE NEST	\$4,639.45
42870	04/21/2020	2125	COOPERATIVE EDUCATIONAL SERVICES	24-101890	31701.4000.54500.0000.008048.0000	LIVING DESIGNS GROUP ARCHITECTS – EAGLE NEST	\$4,639.45
42870	04/21/2020	2125	COOPERATIVE EDUCATIONAL SERVICES	24-101890	31701.4000.54500.0000.008048.0000	NM GRT	\$394.36
42870	04/21/2020	2125	COOPERATIVE EDUCATIONAL SERVICES	36-033821	11000.2100.53211.2000.008000.0000	ANCILLARY: DIAGNOSTICIAN –	\$460.44
						Check Total:	\$10,528.05
42871	04/21/2020	2125	INSTITUTE FOR TEACHING AND LEADING INC	1085	31900.4000.53414.0000.008000.0000	2019–2020 – SERVICE CONTRACT	\$1,272.72
						Check Total:	\$1,272.72

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42872	04/21/2020	2125	KIT CARSON ELECTRIC COOPERATIVE INC	2/18-3/18/20.	11000.2600.54411.0000.008047.0000	2019-2020 - ENES ELECTRICITY	\$45.75
42872	04/21/2020	2125	KIT CARSON ELECTRIC COOPERATIVE INC	2/18-3/18/20.	11000.2600.54411.0000.008048.0000	2019-2020 - ENMS ELECTRICITY	\$45.76
42872	04/21/2020	2125	KIT CARSON ELECTRIC COOPERATIVE INC	2/3-3/2/20	11000.2600.54411.0000.008047.0000	2019-2020 - ENES ELECTRICITY	\$1,070.73
42872	04/21/2020	2125	KIT CARSON ELECTRIC COOPERATIVE INC	2/3-3/2/20	11000.2600.54411.0000.008048.0000	2019-2020 - ENMS ELECTRICITY	\$1,070.72
Check Total:							\$2,232.96
42873	04/21/2020	2125	LORRAINE D. CARTER	CDL PHYSICAL	13000.2700.53711.0000.008000.0000	REIMBURSEMENT FOR CDL PHYSICAL	\$110.00
Check Total:							\$110.00
42874	04/21/2020	2125	MARK-US PRINTING	RECEIPT BOOKS	11000.2300.56118.0000.008000.0000	ADMINISTRATION OFFICE - GENERAL OPERATIONAL	\$103.00
Check Total:							\$103.00
42875	04/21/2020	2125	NM EDGE	4/15/20 - CPO RECERT	11000.2300.53330.0000.008000.0000	NMP 211 - PROCUREMENT METHODS	\$75.00
42875	04/21/2020	2125	NM EDGE	4/15/20 - CPO RECERT	11000.2300.53330.0000.008000.0000	NMP 142 - NM ETHICS & PUBLIC PROCUREMENT	\$75.00
Check Total:							\$150.00
42876	04/21/2020	2125	PSAT/NMSQT	382043471B	11000.1000.55915.1010.008000.0000	TEST FEES - FALL 2019 ADMINISTRATION	\$153.00
Check Total:							\$153.00
42877	04/21/2020	2125	RECORDS ACE HARDWARE	314291	13000.2700.56118.0000.008000.0000	2019-2020 - MAINTENCE & REPAIR FOR	\$7.95
Check Total:							\$7.95
42878	04/21/2020	2125	TASCOSA OFFICE MACHINES INC	187482	31701.4000.54315.0000.008000.0000	(2019-2020) CONTRACT YEAR (08/01/19-07/31/20)	\$866.98
42878	04/21/2020	2125	TASCOSA OFFICE MACHINES INC	187483	31701.4000.54315.0000.008000.0000	(2019-2020) CONTRACT YEAR (08/01/19-07/31/20)	\$1,496.70
Check Total:							\$2,363.68
42879	04/21/2020	2125	THE TAOS NEWS	LEGAL 17206	11000.2300.53711.0000.008000.0000	LEGAL AD 17206 FOR AUDIT SERVICES	\$64.80
Check Total:							\$64.80
42880	04/21/2020	2125	VILLAGE OF EAGLE NEST	MARCH BILLING	11000.2600.54415.0000.008047.0000	2019-2020 - ENES WATER	\$376.46
42880	04/21/2020	2125	VILLAGE OF EAGLE NEST	MARCH BILLING	11000.2600.54415.0000.008048.0000	2019-20120 - ENMS WATER	\$376.45
Check Total:							\$752.91

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42881	04/21/2020	2125	ZIA NATURAL GAS COMPANY	2/28-3/31/20	11000.2600.54412.0000.008033.0000	2019-2020 - CES NATURAL GAS	\$776.87
42881	04/21/2020	2125	ZIA NATURAL GAS COMPANY	2/28-3/31/20	11000.2600.54412.0000.008034.0000	2019-2020 - CHS NATURAL GAS	\$2,148.33
42881	04/21/2020	2125	ZIA NATURAL GAS COMPANY	2/28-3/31/20	11000.2600.54412.0000.008036.0000	2019-2020 - CMS NATURAL GAS	\$776.88
42881	04/21/2020	2125	ZIA NATURAL GAS COMPANY	2/28-3/31/20	13000.2700.54412.0000.008000.0000	2019-2020 - TRANSPORTATION NATURAL	\$243.17
						Check Total:	\$3,945.25
42891	04/30/2020		MORENO VALLEY HIGH SCHOOLV10494		24106.2500.55912.0000.008000.0000	FLOWTHROUGH GRANTS TO CHARTERS	\$9,095.00
						Check Total:	\$9,095.00
42892	04/30/2020	2127	A'VIANDS, LLC	INV1900024862	21000.3100.53414.0000.008000.0000	2019-2020 - FOOD SERVICES CONTRACT	\$18,829.14
						Check Total:	\$18,829.14
42893	04/30/2020	2127	ALPINE LUMBER	52196094	31701.4000.54315.0000.008000.0000	2019-2020 -	\$116.44
42893	04/30/2020	2127	ALPINE LUMBER	52196583	31701.4000.54315.0000.008000.0000	2019-2020 -	\$257.00
42893	04/30/2020	2127	ALPINE LUMBER	52196590	31701.4000.54315.0000.008000.0000	ECO LIGHT BULBS	\$510.00
42893	04/30/2020	2127	ALPINE LUMBER	52196590	31701.4000.54315.0000.008000.0000	CEILING TILES	\$1,350.00
						Check Total:	\$2,233.44
42894	04/30/2020	2127	CARQUEST RATON	5728-329039	31701.4000.54315.0000.008000.0000	2019-2020 - CAR PARTS AND FLUIDS	\$27.89
42894	04/30/2020	2127	CARQUEST RATON	5728-329105	31701.4000.54315.0000.008000.0000	2019-2020 - CAR PARTS AND FLUIDS	\$25.05
						Check Total:	\$52.94
42895	04/30/2020	2127	CDWG INC	XJP8809	31900.4000.56118.0000.008000.0000	MICROSOFT OFFICE 365 PRO PLUS	\$0.50
42895	04/30/2020	2127	CDWG INC	XJP8809	31900.4000.56118.0000.008000.0000	MIRCROSOFT OFFICE 365 OFFICE PRO PLUS	\$5.00
						Check Total:	\$5.50
42896	04/30/2020	2127	CHRISTINE MAY	107	11000.2100.53218.2000.008033.0000	2019-2020 - TVI SERVICES	\$984.13
						Check Total:	\$984.13
42897	04/30/2020	2127	CHRISTINE OLIVIA SUBRATIE	TURNER YOUTH SVC	26156.1000.56118.1010.008000.0000	TURNER YOUTH BOARD - 4 YEARS SERVICE	\$100.00
						Check Total:	\$100.00
42898	04/30/2020	2127	CIMARRON MUNICIPAL SCHOOLS	APRIL INVOICE	24118.3100.56116.0000.008033.0000	2019-2020 - FRESH FRUITS & VEGETABLES AWARD	\$771.52
						Check Total:	\$771.52

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42899	04/30/2020	2127	COMMUNITY TECH SOLUTIONS	05-20 CMSD	31900.4000.53414.0000.008000.0000	2019-2020 - TECHNOLOGY SUPPORT	\$4,972.91
						Check Total:	\$4,972.91
42900	04/30/2020	2127	COOPERATIVE EDUCATIONAL SERVICES	36-033931	11000.2100.53211.2000.008000.0000	ANCILLARY: DIAGNOSTICIAN -	\$914.41
						Check Total:	\$914.41
42901	04/30/2020	2127	ELIZABETH D. DECRISTINO	CDL PHYSICAL- 2020	13000.2700.53711.0000.008000.0000	REIMBURSEMENT FOR CDL PHYSICAL	\$110.00
						Check Total:	\$110.00
42902	04/30/2020	2127	GEORGE OTERO	4/15/20	27126.1000.53414.1010.008047.0000	MANAGE THE PLANNING GRANT FOR THE	\$2,500.00
42902	04/30/2020	2127	GEORGE OTERO	4/15/20	27126.1000.53414.1010.008048.0000	MANAGE THE PLANNING GRANT FOR THE	\$2,500.00
						Check Total:	\$5,000.00
42903	04/30/2020	2127	GRAINGER	9507602499	31701.4000.54315.0000.008000.0000	LITHONIA LIGHTING - REPLACE DISTRICT WIDE	\$2,597.28
						Check Total:	\$2,597.28
42904	04/30/2020	2127	HIGH PLAINS REC	4TH QUARTER-19/20	11000.2100.53215.2000.008000.0000	2019 - 2020 - TRANSITIONS/REHAB	\$5,706.77
42904	04/30/2020	2127	HIGH PLAINS REC	4TH QUARTER-19/20	25153.2100.53215.2000.008000.0000	2019 - 2020 - SOCIAL	\$10,557.51
						Check Total:	\$16,264.28
42905	04/30/2020	2127	KIT CARSON ELECTRIC COOPERATIVE INC	03/02/20-04/01/20	11000.2600.54411.0000.008047.0000	2019-2020 - ENES ELECTRICITY	\$913.98
42905	04/30/2020	2127	KIT CARSON ELECTRIC COOPERATIVE INC	03/02/20-04/01/20	11000.2600.54411.0000.008048.0000	2019-2020 - ENMS ELECTRICITY	\$913.97
						Check Total:	\$1,827.95
42906	04/30/2020	2127	KITE CONSTRUCTION	i20-032	31701.4000.54315.0000.008047.0000	DIG UP AND CAP WATER LINE TO THE BARN AT	\$150.00
42906	04/30/2020	2127	KITE CONSTRUCTION	i20-032	31701.4000.54315.0000.008048.0000	DIG UP AND CAP WATER LINE TO THE BARN AT	\$150.00
						Check Total:	\$300.00
42907	04/30/2020	2127	M.C. ELECTRIC INC	2330	13000.2700.53711.0000.008000.0000	REMOVE & REPLACE 6 INSIDE GARAGE LIGHTS.	\$4,546.00
						Check Total:	\$4,546.00
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	2698	29102.2300.56118.0000.008000.0000	PROPANE FOR PROPANE BOTTLES FOR GRILLS	\$65.88
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	71712	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$263.13

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	71712	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$263.13
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	71713	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$161.49
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	71713	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$161.49
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	S0020752	11000.2600.54413.0000.008047.0000	2019-2020 PROPANE FOR EAGLE NEST	\$10.00
42908	04/30/2020	2127	NORTHERN NEW MEXICO GAS COMPANY-AF	S0020752	11000.2600.54413.0000.008048.0000	2019-2020 PROPANE FOR EAGLE NEST	\$10.00
Check Total:							\$935.12
42909	04/30/2020	2127	PAUL'S PEST CONTROL	4/20/20	31701.4000.54315.0000.008000.0000	2019-2020 - PEST CONTROL SERVICES FOR	\$520.40
Check Total:							\$520.40
42910	04/30/2020	2127	PITNEY BOWES GLOBAL FINANCIAL SERVICES	3310987398	31701.4000.54315.0000.008000.0000	2019-2020 - POSTAGE MACHINE LEASE	\$57.48
Check Total:							\$57.48
42911	04/30/2020	2127	RECORDS ACE HARDWARE	314618	13000.2700.56118.0000.008000.0000	2019-2020 - MAINTENCE & REPAIR FOR	\$4.57
42911	04/30/2020	2127	RECORDS ACE HARDWARE	314939	13000.2700.56118.0000.008000.0000	2019-2020 - MAINTENCE & REPAIR FOR	\$11.94
Check Total:							\$16.51
42912	04/30/2020	2127	RYAN B. SMITH	TURNER YOUTH SVC	26156.1000.56118.1010.008000.0000	TURNER YOUTH BOARD - 4 YEARS SERVICE	\$100.00
Check Total:							\$100.00
42913	04/30/2020	2127	TASCOSA OFFICE MACHINES INC	186982	13000.2700.56118.0000.008000.0000	NCR - PRE-POST TRIP	\$420.00
Check Total:							\$420.00
42914	04/30/2020	2127	TOP SHELF IMAGING	3023	11000.1000.56118.1010.008034.0000	HP LASERJET CE390A - NANCY HOLMGREN	\$85.00
42914	04/30/2020	2127	TOP SHELF IMAGING	3023	11000.2300.56118.0000.008000.0000	HP LASERJET Q5942A - ANITA PADILLA	\$100.00
42914	04/30/2020	2127	TOP SHELF IMAGING	3023	11000.2300.56118.0000.008000.0000	HP LASERJET CE390A - AMBER ARCHULETA	\$85.00
42914	04/30/2020	2127	TOP SHELF IMAGING	3023	11000.2300.56118.0000.008000.0000	HP LASERJET 37A - MARY SCIACCA	\$250.00
42914	04/30/2020	2127	TOP SHELF IMAGING	3023	13000.2700.56118.0000.008000.0000	BROTHER TN 760 - TRANSPORTATION	\$50.00
Check Total:							\$570.00

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
42915	04/30/2020	2127	V2 VENTURES, LLC	000509771	31900.4000.56118.0000.008048.0000	SATELLITE INTERNET CHARGES – ENMS	\$34.40
42915	04/30/2020	2127	V2 VENTURES, LLC	000509773	31900.4000.56118.0000.008036.0000	SATELLITE INTERNET CHARGES – CMS & ENS	\$34.40
Check Total:							\$68.80
42916	04/30/2020	2127	WEX BANK	64622736.	11000.1000.55813.9000.008034.0000	FLEET FUEL	\$84.82
42916	04/30/2020	2127	WEX BANK	64622736.	11000.1000.55817.9000.008034.0000	FLEET FUEL	\$467.62
42916	04/30/2020	2127	WEX BANK	64622736.	11000.1000.55819.1010.008000.0000	FLEET FUEL	\$6.73
42916	04/30/2020	2127	WEX BANK	64622736.	11000.2300.55813.0000.008000.0000	FLEET FUEL	\$88.00
42916	04/30/2020	2127	WEX BANK	64622736.	11000.2600.55813.0000.008000.0000	FLEET FUEL	\$135.11
42916	04/30/2020	2127	WEX BANK	64622736.	11000.2600.55813.0000.008034.0000	FLEET FUEL	\$16.27
42916	04/30/2020	2127	WEX BANK	64622736.	11000.2600.55813.0000.008047.0000	FLEET FUEL	\$5.58
42916	04/30/2020	2127	WEX BANK	64622736.	13000.2700.55813.0000.008000.0000	FLEET FUEL	\$146.03
42916	04/30/2020	2127	WEX BANK	64622736.	21000.3100.55813.0000.008000.0000	FLEET FUEL	\$109.49
42916	04/30/2020	2127	WEX BANK	64622736.	24106.1000.53330.2000.008000.0000	FLEET FUEL	\$62.38
Check Total:							\$1,122.03
Bank Total:							\$172,300.28
Manual Checks Recap							
42891	04/30/2020	11448	MORENO VALLEY HIGH SCHOOL	MANUAL	24106.2500.55912.0000.008000.0000	FLOWTHROUGH GRANTS TO	\$9,095.00
Check Total:							\$9,095.00
Manual Checks Total:							\$9,095.00

<u>Fund</u>	<u>Amount</u>
11000	\$47,837.39
13000	\$8,166.27
21000	\$18,938.63
23403	\$221.75
23407	\$4.55
23426	\$19.25
23446	\$28.99
23456	\$296.00
24106	\$9,157.38
24118	\$771.52
25153	\$10,557.51
26156	\$200.00
27126	\$5,000.00
29102	\$65.88
31701	\$59,611.14
31900	\$11,994.56
Fund Totals:	\$172,870.82

End of Report

Disbursements Grand Total: \$172,870.82

Cimarron Municipal Schools

Deposit Listing

Date: 04/01/2020 - 04/30/2020

ACTIVITIES

Deposit Number	Date	Memo	Cash/Other	Checks/Credit	Deposit Total	
363035450	04/02/2020	CEMS - PENNIES FOR PATIENTS	\$238.60	\$0.00	\$238.60	
363035451	04/02/2020	ENEMS - SNACK SALES STARTING CASH	\$20.00	\$0.00	\$20.00	
363035452	04/02/2020	ENEMS - SNACK SALES	\$12.94	\$0.00	\$12.94	
Total Deposits for Bank:		3	Total Amount:	\$271.54	\$0.00	\$271.54

OPERATIONAL

Deposit Number	Date	Memo	Cash/Other	Checks/Credit	Deposit Total
363035534	04/06/2020	UNITED STATES POSTAL SERVICE - APRIL RENT	\$0.00	\$459.17	\$459.17
363035535	04/06/2020	COLFAX COUNTRY TREASURER - FEBRUARY 2020 DISTRIBUTION	\$0.00	\$79,496.42	\$79,496.42
363035536	04/02/2020	ENEMS - CAFETERIA STARTING CASH	\$20.00	\$0.00	\$20.00
363035537	04/02/2020	ENEMS - GATE MONEY STARTING CASH	\$50.00	\$0.00	\$50.00
363035539	04/13/2020	NMPED - 24101 - TITLE 1 ESEA	\$0.00	\$7,959.84	\$7,959.84
363035540	04/14/2020	CIMARRON MUNICIPAL SCHOOLS - DIESEL REIMBURSEMENT	\$0.00	\$67.40	\$67.40
363035541	04/06/2020	NMPED - 25233 - REAP	\$0.00	\$1,145.08	\$1,145.08
363035542	04/06/2020	USDA - FFVP - FEBRUARY 2020	\$0.00	\$594.49	\$594.49
363035543	04/08/2020	USDA - FEBRUARY 2020	\$0.00	\$19,366.87	\$19,366.87
363035544	04/20/2020	NMPED - 24106 - ENTITLEMENT	\$0.00	\$18,764.41	\$18,764.41
363035545	04/20/2020	NMPED - 24106 - ENTITLEMENT	\$0.00	\$9,972.11	\$9,972.11
363035546	04/21/2020	TRANSPORTATION - APRIL 2020	\$0.00	\$41,934.00	\$41,934.00
363035549	04/22/2020	FOREST RESERVE - FY20	\$0.00	\$7,319.50	\$7,319.50
363035550	04/24/2020	NMPED - EMERGENCY MEALS	\$0.00	\$3,136.91	\$3,136.91
363035551	04/28/2020	CIMARRON MUNICIPAL SCHOOLS	\$269.00	\$42.00	\$311.00
363035552	04/28/2020	COLFLAX COUNTY TREASURER - MARCH DISTRIBUTION	\$0.00	\$39,670.13	\$39,670.13
363035553	04/28/2020	HIGH PLAINS REGIONAL EDUCATION COOP - MARCH MEDICA	\$0.00	\$1,279.20	\$1,279.20

363035555 04/30/2020	NMPED - 24109 - IDEA B		\$0.00	\$1,167.07	\$1,167.07
363035558 04/10/2020	SEG - APRIL 2020		\$0.00	\$452,200.00	\$452,200.00
Total Deposits for Bank:	19	Total Amount:	\$339.00	\$684,574.60	\$684,913.60
Total Deposits:	22	Total Amount:	\$610.54	\$684,574.60	\$685,185.14

End of Report

Cimarron Municipal Schools

Date: 4/1/2020 - 4/30/2020

BOARD EXPENDITURE REPORT

Account Number	Description	Budget	Adjustments	GL Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
11000.0000.00000.0000.000000.0000	UNDESIGNATED	\$4,876,522.00	\$114,256.00	\$4,990,778.00	\$339,539.47	\$3,492,240.57	\$1,498,537.43	\$1,096,493.10	\$402,044.33	8.06%
	FUND: OPERATIONAL - 11000	\$4,876,522.00	\$114,256.00	\$4,990,778.00	\$339,539.47	\$3,492,240.57	\$1,498,537.43	\$1,096,493.10	\$402,044.33	8.06%
13000.0000.00000.0000.000000.0000	UNDESIGNATED	\$461,269.00	\$7.00	\$461,276.00	\$34,624.22	\$383,270.62	\$78,005.38	\$82,489.53	(\$4,484.15)	-0.97%
	FUND: PUPIL TRANSPORTATION - 13000	\$461,269.00	\$7.00	\$461,276.00	\$34,624.22	\$383,270.62	\$78,005.38	\$82,489.53	(\$4,484.15)	-0.97%
14000.0000.00000.0000.000000.0000	UNDESIGNATED	\$45,971.00	(\$131.00)	\$45,840.00	\$0.00	\$12,347.17	\$33,492.83	\$0.00	\$33,492.83	73.06%
	FUND: INSTRUCTIONAL MATERIALS - 14000	\$45,971.00	(\$131.00)	\$45,840.00	\$0.00	\$12,347.17	\$33,492.83	\$0.00	\$33,492.83	73.06%
21000.0000.00000.0000.000000.0000	UNDESIGNATED	\$273,486.00	(\$354.00)	\$273,132.00	\$22,538.64	\$211,535.07	\$61,596.93	\$61,484.23	\$112.70	0.04%
	FUND: FOOD SERVICES - 21000	\$273,486.00	(\$354.00)	\$273,132.00	\$22,538.64	\$211,535.07	\$61,596.93	\$61,484.23	\$112.70	0.04%
22000.0000.00000.0000.000000.0000	UNDESIGNATED	\$34,879.00	\$5,838.00	\$40,717.00	(\$3,369.81)	\$15,713.76	\$25,003.24	\$500.00	\$24,503.24	60.18%
	FUND: ATHLETICS - 22000	\$34,879.00	\$5,838.00	\$40,717.00	(\$3,369.81)	\$15,713.76	\$25,003.24	\$500.00	\$24,503.24	60.18%
24101.0000.00000.0000.000000.0000	UNDESIGNATED	\$126,318.00	\$0.00	\$126,318.00	\$18,261.22	\$81,267.65	\$45,050.35	\$26,636.86	\$18,413.49	14.58%
	FUND: TITLE I - IASA - 24101	\$126,318.00	\$0.00	\$126,318.00	\$18,261.22	\$81,267.65	\$45,050.35	\$26,636.86	\$18,413.49	14.58%
24106.0000.00000.0000.000000.0000	UNDESIGNATED	\$133,404.00	\$0.00	\$133,404.00	\$10,004.24	\$95,352.58	\$38,051.42	\$39,068.13	(\$1,016.71)	-0.76%
	FUND: ENTITLEMENT IDEA-B - 24106	\$133,404.00	\$0.00	\$133,404.00	\$10,004.24	\$95,352.58	\$38,051.42	\$39,068.13	(\$1,016.71)	-0.76%
24109.0000.00000.0000.000000.0000	UNDESIGNATED	\$11,294.00	\$0.00	\$11,294.00	\$981.48	\$7,674.94	\$3,619.06	\$3,432.37	\$186.69	1.65%
	FUND: PRESCHOOL IDEA-B - 24109	\$11,294.00	\$0.00	\$11,294.00	\$981.48	\$7,674.94	\$3,619.06	\$3,432.37	\$186.69	1.65%
24118.0000.00000.0000.000000.0000	UNDESIGNATED	\$0.00	\$2,661.00	\$2,661.00	\$771.52	\$1,833.04	\$827.96	\$827.96	\$0.00	0.00%
	FUND: FRESH FRUIT AND VEGETABLE - 24118	\$0.00	\$2,661.00	\$2,661.00	\$771.52	\$1,833.04	\$827.96	\$827.96	\$0.00	0.00%
24132.0000.00000.0000.000000.0000	UNDESIGNATED	\$20,000.00	\$0.00	\$20,000.00	(\$41.56)	\$1,090.25	\$18,909.75	\$0.00	\$18,909.75	94.55%
	FUND: IDEA-B RESULTS PLAN - 24132	\$20,000.00	\$0.00	\$20,000.00	(\$41.56)	\$1,090.25	\$18,909.75	\$0.00	\$18,909.75	94.55%
24154.0000.00000.0000.000000.0000	UNDESIGNATED	\$31,267.00	\$0.00	\$31,267.00	\$418.40	\$5,888.58	\$25,378.42	\$1,651.68	\$23,726.74	75.88%
	FUND: TEACHER/PRINCIPAL TRAINING & RECRUITING - 24154	\$31,267.00	\$0.00	\$31,267.00	\$418.40	\$5,888.58	\$25,378.42	\$1,651.68	\$23,726.74	75.88%
24189.0000.00000.0000.000000.0000	UNDESIGNATED	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	0.00%
	FUND: TITLE IV - 24189	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	0.00%
25153.0000.00000.0000.000000.0000	UNDESIGNATED	\$52,408.00	\$0.00	\$52,408.00	\$12,200.61	\$31,015.26	\$21,392.74	\$15,801.01	\$5,591.73	10.67%
	FUND: TITLE XIX MEDICAID 3/21 YEARS - 25153	\$52,408.00	\$0.00	\$52,408.00	\$12,200.61	\$31,015.26	\$21,392.74	\$15,801.01	\$5,591.73	10.67%
25233.0000.00000.0000.000000.0000	UNDESIGNATED	\$9,696.00	\$11,163.00	\$20,859.00	\$394.85	\$9,278.70	\$11,580.30	\$745.45	\$10,834.85	51.94%
	FUND: RURAL EDUCATION ACHIEVEMENT PROGRAM - 25233	\$9,696.00	\$11,163.00	\$20,859.00	\$394.85	\$9,278.70	\$11,580.30	\$745.45	\$10,834.85	51.94%
26156.0000.00000.0000.000000.0000	UNDESIGNATED	\$17,744.00	\$11,860.00	\$29,604.00	\$200.00	\$7,392.73	\$22,211.27	\$0.00	\$22,211.27	75.03%
	FUND: TURNER FOUNDATION - 26156	\$17,744.00	\$11,860.00	\$29,604.00	\$200.00	\$7,392.73	\$22,211.27	\$0.00	\$22,211.27	75.03%
26179.0000.00000.0000.000000.0000	UNDESIGNATED	\$870.00	\$0.00	\$870.00	\$0.00	\$0.00	\$870.00	\$0.00	\$870.00	100.00%
	FUND: A PLUS FOR ENERGY - 26179	\$870.00	\$0.00	\$870.00	\$0.00	\$0.00	\$870.00	\$0.00	\$870.00	100.00%
27103.0000.00000.0000.000000.0000	UNDESIGNATED	\$0.00	\$1,384.00	\$1,384.00	\$0.00	\$1,384.00	\$0.00	\$0.00	\$0.00	0.00%
	FUND: 2009 DUAL CREDIT IM/HB2 - 27103	\$0.00	\$1,384.00	\$1,384.00	\$0.00	\$1,384.00	\$0.00	\$0.00	\$0.00	0.00%
27107.0000.00000.0000.000000.0000	UNDESIGNATED	\$6,388.00	\$12,519.00	\$18,907.00	\$0.00	\$962.99	\$17,944.01	\$5,408.58	\$12,535.43	66.30%
	FUND: 2012 GO BOND - 27107	\$6,388.00	\$12,519.00	\$18,907.00	\$0.00	\$962.99	\$17,944.01	\$5,408.58	\$12,535.43	66.30%
27149.0000.00000.0000.000000.0000	UNDESIGNATED	\$147,000.00	(\$7,000.00)	\$140,000.00	\$14,035.02	\$90,949.22	\$49,050.78	\$49,061.98	(\$11.20)	-0.01%
	FUND: PREK INITIATIVE - 27149	\$147,000.00	(\$7,000.00)	\$140,000.00	\$14,035.02	\$90,949.22	\$49,050.78	\$49,061.98	(\$11.20)	-0.01%

Account Number	Description	Budget	Adjustments	GL Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
27155.0000.00000.0000.000000.0000	UNDESIGNATED	\$0.00	\$1,141.00	\$1,141.00	\$0.00	\$991.09	\$149.91	\$0.00	\$149.91	13.14%
	FUND: BREAKFAST FOR ELEM STUDENTS - 27155	\$0.00	\$1,141.00	\$1,141.00	\$0.00	\$991.09	\$149.91	\$0.00	\$149.91	13.14%
29102.0000.00000.0000.000000.0000	UNDESIGNATED	\$62,753.00	\$102,087.00	\$164,840.00	\$65.88	\$10,344.83	\$154,495.17	\$470.81	\$154,024.36	93.44%
	FUND: PRIVATE DIR GRANTS (CATEGORICAL) - 29102	\$62,753.00	\$102,087.00	\$164,840.00	\$65.88	\$10,344.83	\$154,495.17	\$470.81	\$154,024.36	93.44%
31100.0000.00000.0000.000000.0000	UNDESIGNATED	\$626.00	(\$626.00)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	FUND: BOND BUILDING - 31100	\$626.00	(\$626.00)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
31600.0000.00000.0000.000000.0000	UNDESIGNATED	\$1,985.00	\$0.00	\$1,985.00	\$2.48	\$48.90	\$1,936.10	\$0.00	\$1,936.10	97.54%
	FUND: HB 33 - 31600	\$1,985.00	\$0.00	\$1,985.00	\$2.48	\$48.90	\$1,936.10	\$0.00	\$1,936.10	97.54%
31701.0000.00000.0000.000000.0000	UNDESIGNATED	\$1,785,024.00	\$42,295.00	\$1,827,319.00	\$59,732.87	\$657,864.32	\$1,169,454.68	\$436,161.94	\$733,292.74	40.13%
	FUND: CAPITAL IMPROVEMENTS SB-9 - 31701	\$1,785,024.00	\$42,295.00	\$1,827,319.00	\$59,732.87	\$657,864.32	\$1,169,454.68	\$436,161.94	\$733,292.74	40.13%
31900.0000.00000.0000.000000.0000	UNDESIGNATED	\$628,472.00	\$502,994.00	\$1,131,466.00	\$11,994.56	\$308,145.36	\$823,320.64	\$15,346.70	\$807,973.94	71.41%
	FUND: ED. TECHNOLOGY EQUIPMENT ACT - 31900	\$628,472.00	\$502,994.00	\$1,131,466.00	\$11,994.56	\$308,145.36	\$823,320.64	\$15,346.70	\$807,973.94	71.41%
41000.0000.00000.0000.000000.0000	UNDESIGNATED	\$1,044,267.00	(\$36,264.00)	\$1,008,003.00	\$84.91	\$485,214.88	\$522,788.12	\$0.00	\$522,788.12	51.86%
	FUND: DEBT SERVICES - 41000	\$1,044,267.00	(\$36,264.00)	\$1,008,003.00	\$84.91	\$485,214.88	\$522,788.12	\$0.00	\$522,788.12	51.86%
43000.0000.00000.0000.000000.0000	UNDESIGNATED	\$1,129,926.00	\$36,577.00	\$1,166,503.00	\$89.17	\$549,313.08	\$617,189.92	\$0.00	\$617,189.92	52.91%
	FUND: TOTAL ED. TECH. DEBT SERVICE SUBFUND - 43000	\$1,129,926.00	\$36,577.00	\$1,166,503.00	\$89.17	\$549,313.08	\$617,189.92	\$0.00	\$617,189.92	52.91%
Grand Total:		\$10,911,569.00	\$800,407.00	\$11,711,976.00	\$522,528.17	\$6,471,119.59	\$5,240,856.41	\$1,835,580.33	\$3,405,276.08	29.08%

End of Report

Cimarron Municipal Schools

Date: 4/1/2020 - 4/30/2020

REVENUE REPORT

Account Number	Description	Budget	Adjustments	GL Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
11000.0000.41110.0000.000000.0000	AD VALOREM TAXES - SCHOOL DISTRICT	(\$158,480.00)	\$0.00	(\$158,480.00)	(\$2,730.90)	(\$128,549.13)	(\$29,930.87)	\$0.00	(\$29,930.87)	18.89%
11000.0000.41113.0000.000000.0000	OIL AND GAS TAXES	(\$13,774.00)	\$0.00	(\$13,774.00)	(\$745.11)	(\$7,195.32)	(\$6,578.68)	\$0.00	(\$6,578.68)	47.76%
11000.0000.41500.0000.000000.0000	INTEREST INCOME	(\$22,000.00)	\$0.00	(\$22,000.00)	\$0.00	(\$13,422.72)	(\$8,577.28)	\$0.00	(\$8,577.28)	38.99%
11000.0000.41910.0000.000000.0000	RENTALS	(\$60,100.00)	\$0.00	(\$60,100.00)	(\$459.17)	(\$18,841.70)	(\$41,258.30)	\$0.00	(\$41,258.30)	68.65%
11000.0000.41920.0000.000000.0000	CONTRIBUTIONS AND DONATIONS FROM PRIVATE	\$0.00	\$0.00	\$0.00	\$0.00	(\$28,600.00)	\$28,600.00	\$0.00	\$28,600.00	0.00%
11000.0000.41922.0000.000000.0000	INSTRUCTIONAL SUPPORT - CATEGORICAL	(\$13,000.00)	\$0.00	(\$13,000.00)	\$0.00	(\$5,775.00)	(\$7,225.00)	\$0.00	(\$7,225.00)	55.58%
11000.0000.41923.0000.000000.0000	ADMINISTRATION - CATEGORICAL	(\$43,000.00)	\$0.00	(\$43,000.00)	\$0.00	(\$34,000.00)	(\$9,000.00)	\$0.00	(\$9,000.00)	20.93%
11000.0000.43101.0000.000000.0000	STATE EQUALIZATION GUARANTEE	(\$4,354,777.00)	(\$32,290.00)	(\$4,387,067.00)	(\$369,648.00)	(\$3,647,773.00)	(\$739,294.00)	\$0.00	(\$739,294.00)	16.85%
11000.0000.43120.0000.000000.0000	CHARTER SCHOOL ADMIN REVENUE	(\$17,014.00)	\$0.00	(\$17,014.00)	(\$1,651.04)	(\$14,878.26)	(\$2,135.74)	\$0.00	(\$2,135.74)	12.55%
11000.0000.44204.0000.000000.0000	FOREST RESERVE	\$0.00	\$0.00	\$0.00	(\$7,319.50)	(\$7,319.50)	\$7,319.50	\$0.00	\$7,319.50	0.00%
11000.0000.46100.0000.000000.0000	CAPITAL CONTRIBUTIONS	\$0.00	(\$16,590.00)	(\$16,590.00)	\$0.00	(\$16,590.30)	\$0.30	\$0.00	\$0.30	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$4,682,145.00)	(\$48,880.00)	(\$4,731,025.00)	(\$382,553.72)	(\$3,922,944.93)	(\$808,080.07)	\$0.00	(\$808,080.07)	17.08%
	FUND: OPERATIONAL - 11000	(\$4,682,145.00)	(\$48,880.00)	(\$4,731,025.00)	(\$382,553.72)	(\$3,922,944.93)	(\$808,080.07)	\$0.00	(\$808,080.07)	17.08%
13000.0000.43206.0000.000000.0000	TRANSPORTATION DISTRIBUTION	(\$461,269.00)	\$0.00	(\$461,269.00)	(\$41,934.00)	(\$419,340.00)	(\$41,929.00)	\$0.00	(\$41,929.00)	9.09%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$461,269.00)	\$0.00	(\$461,269.00)	(\$41,934.00)	(\$419,340.00)	(\$41,929.00)	\$0.00	(\$41,929.00)	9.09%
	FUND: PUPIL TRANSPORTATION - 13000	(\$461,269.00)	\$0.00	(\$461,269.00)	(\$41,934.00)	(\$419,340.00)	(\$41,929.00)	\$0.00	(\$41,929.00)	9.09%
14000.0000.43207.0000.000000.0000	INSTRUCTIONAL MATERIALS - CREDIT	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	\$1.00	\$0.00	\$1.00	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	\$1.00	\$0.00	\$1.00	0.00%
	FUND: INSTRUCTIONAL MATERIALS - 14000	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	\$1.00	\$0.00	\$1.00	0.00%
21000.0000.41603.0000.000000.0000	FEES-ADULTS/FOOD SERVICES	(\$4,300.00)	\$0.00	(\$4,300.00)	(\$211.00)	(\$3,900.50)	(\$399.50)	\$0.00	(\$399.50)	9.29%
21000.0000.41604.0000.000000.0000	FEES-STUDENTS/FOOD SERVICES	(\$23,000.00)	\$0.00	(\$23,000.00)	(\$694.49)	(\$23,813.00)	\$813.00	\$0.00	\$813.00	-3.53%
21000.0000.43215.0000.000000.0000	INTER GOVERNMENTAL CONTRACT REVENUE	(\$1,900.00)	\$0.00	(\$1,900.00)	\$0.00	\$0.00	(\$1,900.00)	\$0.00	(\$1,900.00)	100.00%
21000.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$214,896.00)	\$0.00	(\$214,896.00)	(\$22,503.78)	(\$161,551.80)	(\$53,344.20)	\$0.00	(\$53,344.20)	24.82%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$244,096.00)	\$0.00	(\$244,096.00)	(\$23,409.27)	(\$189,265.30)	(\$54,830.70)	\$0.00	(\$54,830.70)	22.46%
	FUND: FOOD SERVICES - 21000	(\$244,096.00)	\$0.00	(\$244,096.00)	(\$23,409.27)	(\$189,265.30)	(\$54,830.70)	\$0.00	(\$54,830.70)	22.46%
22000.0000.41701.0000.000000.0000	FEES - ACTIVITIES	(\$13,000.00)	\$0.00	(\$13,000.00)	\$0.00	(\$14,104.75)	\$1,104.75	\$0.00	\$1,104.75	-8.50%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$13,000.00)	\$0.00	(\$13,000.00)	\$0.00	(\$14,104.75)	\$1,104.75	\$0.00	\$1,104.75	-8.50%
	FUND: ATHLETICS - 22000	(\$13,000.00)	\$0.00	(\$13,000.00)	\$0.00	(\$14,104.75)	\$1,104.75	\$0.00	\$1,104.75	-8.50%
24101.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$109,989.00)	\$0.00	(\$109,989.00)	(\$7,959.84)	(\$93,139.32)	(\$16,849.68)	\$0.00	(\$16,849.68)	15.32%
24101.0000.44504.0000.000000.0000	FEDERAL FLOWTHROUGH PRIOR YEAR	(\$16,329.00)	\$0.00	(\$16,329.00)	\$0.00	\$0.00	(\$16,329.00)	\$0.00	(\$16,329.00)	100.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$126,318.00)	\$0.00	(\$126,318.00)	(\$7,959.84)	(\$93,139.32)	(\$33,178.68)	\$0.00	(\$33,178.68)	26.27%
	FUND: TITLE I - IASA - 24101	(\$126,318.00)	\$0.00	(\$126,318.00)	(\$7,959.84)	(\$93,139.32)	(\$33,178.68)	\$0.00	(\$33,178.68)	26.27%
24106.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$133,404.00)	\$0.00	(\$133,404.00)	(\$28,736.52)	(\$133,925.02)	\$521.02	\$0.00	\$521.02	-0.39%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$133,404.00)	\$0.00	(\$133,404.00)	(\$28,736.52)	(\$133,925.02)	\$521.02	\$0.00	\$521.02	-0.39%
	FUND: ENTITLEMENT IDEA-B - 24106	(\$133,404.00)	\$0.00	(\$133,404.00)	(\$28,736.52)	(\$133,925.02)	\$521.02	\$0.00	\$521.02	-0.39%
24109.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$11,294.00)	\$0.00	(\$11,294.00)	(\$1,167.07)	(\$10,157.45)	(\$1,136.55)	\$0.00	(\$1,136.55)	10.06%

Account Number	Description	Budget	Adjustments	GL Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$11,294.00)	\$0.00	(\$11,294.00)	(\$1,167.07)	(\$10,157.45)	(\$1,136.55)	\$0.00	(\$1,136.55)	10.06%
	FUND: PRESCHOOL IDEA-B - 24109	(\$11,294.00)	\$0.00	(\$11,294.00)	(\$1,167.07)	(\$10,157.45)	(\$1,136.55)	\$0.00	(\$1,136.55)	10.06%
24118.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	\$0.00	(\$2,661.00)	(\$2,661.00)	\$0.00	(\$467.08)	(\$2,193.92)	\$0.00	(\$2,193.92)	82.45%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$2,661.00)	(\$2,661.00)	\$0.00	(\$467.08)	(\$2,193.92)	\$0.00	(\$2,193.92)	82.45%
	FUND: FRESH FRUIT AND VEGETABLE - 24118	\$0.00	(\$2,661.00)	(\$2,661.00)	\$0.00	(\$467.08)	(\$2,193.92)	\$0.00	(\$2,193.92)	82.45%
24132.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$20,000.00)	\$0.00	(\$20,000.00)	\$0.00	(\$25,811.76)	\$5,811.76	\$0.00	\$5,811.76	-29.06%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$20,000.00)	\$0.00	(\$20,000.00)	\$0.00	(\$25,811.76)	\$5,811.76	\$0.00	\$5,811.76	-29.06%
	FUND: IDEA-B RESULTS PLAN - 24132	(\$20,000.00)	\$0.00	(\$20,000.00)	\$0.00	(\$25,811.76)	\$5,811.76	\$0.00	\$5,811.76	-29.06%
24154.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$14,946.00)	\$0.00	(\$14,946.00)	\$0.00	(\$13,709.08)	(\$1,236.92)	\$0.00	(\$1,236.92)	8.28%
24154.0000.44504.0000.000000.0000	FEDERAL FLOWTHROUGH PRIOR YEAR	(\$16,321.00)	\$0.00	(\$16,321.00)	\$0.00	\$0.00	(\$16,321.00)	\$0.00	(\$16,321.00)	100.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$31,267.00)	\$0.00	(\$31,267.00)	\$0.00	(\$13,709.08)	(\$17,557.92)	\$0.00	(\$17,557.92)	56.15%
	FUND: TEACHER/PRINCIPAL TRAINING & RECRUITING - 24154	(\$31,267.00)	\$0.00	(\$31,267.00)	\$0.00	(\$13,709.08)	(\$17,557.92)	\$0.00	(\$17,557.92)	56.15%
24183.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	\$0.00	\$0.00	\$0.00	\$0.00	(\$20,828.00)	\$20,828.00	\$0.00	\$20,828.00	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	\$0.00	\$0.00	\$0.00	(\$20,828.00)	\$20,828.00	\$0.00	\$20,828.00	0.00%
	FUND: USDA EQUIPMENT - 24183	\$0.00	\$0.00	\$0.00	\$0.00	(\$20,828.00)	\$20,828.00	\$0.00	\$20,828.00	0.00%
24189.0000.44500.0000.000000.0000	RESTRICTED GRANTS-IN-AID FROM THE FEDERAL	(\$10,000.00)	\$0.00	(\$10,000.00)	\$0.00	(\$23,905.97)	\$13,905.97	\$0.00	\$13,905.97	-139.06%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$10,000.00)	\$0.00	(\$10,000.00)	\$0.00	(\$23,905.97)	\$13,905.97	\$0.00	\$13,905.97	-139.06%
	FUND: TITLE IV - 24189	(\$10,000.00)	\$0.00	(\$10,000.00)	\$0.00	(\$23,905.97)	\$13,905.97	\$0.00	\$13,905.97	-139.06%
25153.0000.43214.0000.000000.0000	INTER GOV CONTRACTS	(\$52,408.00)	\$0.00	(\$52,408.00)	(\$1,279.20)	(\$18,814.65)	(\$33,593.35)	\$0.00	(\$33,593.35)	64.10%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$52,408.00)	\$0.00	(\$52,408.00)	(\$1,279.20)	(\$18,814.65)	(\$33,593.35)	\$0.00	(\$33,593.35)	64.10%
	FUND: TITLE XIX MEDICAID 3/21 YEARS - 25153	(\$52,408.00)	\$0.00	(\$52,408.00)	(\$1,279.20)	(\$18,814.65)	(\$33,593.35)	\$0.00	(\$33,593.35)	64.10%
25233.0000.44301.0000.000000.0000	OTHER RESTRICTED GRANTS-FED DIRECT	(\$9,696.00)	(\$11,163.00)	(\$20,859.00)	(\$1,145.08)	(\$8,883.85)	(\$11,975.15)	\$0.00	(\$11,975.15)	57.41%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$9,696.00)	(\$11,163.00)	(\$20,859.00)	(\$1,145.08)	(\$8,883.85)	(\$11,975.15)	\$0.00	(\$11,975.15)	57.41%
	FUND: RURAL EDUCATION ACHIEVEMENT PROGRAM - 25233	(\$9,696.00)	(\$11,163.00)	(\$20,859.00)	(\$1,145.08)	(\$8,883.85)	(\$11,975.15)	\$0.00	(\$11,975.15)	57.41%
26156.0000.41921.0000.000000.0000	INSTRUCTIONAL - CATEGORICAL	\$0.00	(\$12,500.00)	(\$12,500.00)	\$0.00	(\$12,500.00)	\$0.00	\$0.00	\$0.00	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$12,500.00)	(\$12,500.00)	\$0.00	(\$12,500.00)	\$0.00	\$0.00	\$0.00	0.00%
	FUND: TURNER FOUNDATION - 26156	\$0.00	(\$12,500.00)	(\$12,500.00)	\$0.00	(\$12,500.00)	\$0.00	\$0.00	\$0.00	0.00%
27103.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	\$0.00	(\$1,384.00)	(\$1,384.00)	\$0.00	(\$1,384.00)	\$0.00	\$0.00	\$0.00	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$1,384.00)	(\$1,384.00)	\$0.00	(\$1,384.00)	\$0.00	\$0.00	\$0.00	0.00%
	FUND: 2009 DUAL CREDIT IM/HB2 - 27103	\$0.00	(\$1,384.00)	(\$1,384.00)	\$0.00	(\$1,384.00)	\$0.00	\$0.00	\$0.00	0.00%
27107.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	(\$6,388.00)	(\$12,519.00)	(\$18,907.00)	\$0.00	(\$5,100.20)	(\$13,806.80)	\$0.00	(\$13,806.80)	73.02%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$6,388.00)	(\$12,519.00)	(\$18,907.00)	\$0.00	(\$5,100.20)	(\$13,806.80)	\$0.00	(\$13,806.80)	73.02%
	FUND: 2012 GO BOND - 27107	(\$6,388.00)	(\$12,519.00)	(\$18,907.00)	\$0.00	(\$5,100.20)	(\$13,806.80)	\$0.00	(\$13,806.80)	73.02%
27109.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	\$0.00	(\$35,753.00)	(\$35,753.00)	\$0.00	(\$35,753.35)	\$0.35	\$0.00	\$0.35	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$35,753.00)	(\$35,753.00)	\$0.00	(\$35,753.35)	\$0.35	\$0.00	\$0.35	0.00%
	FUND: INSTRUCTIONAL MATERIALS-GAA 2019 - 27109	\$0.00	(\$35,753.00)	(\$35,753.00)	\$0.00	(\$35,753.35)	\$0.35	\$0.00	\$0.35	0.00%
27126.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	\$0.00	(\$49,900.00)	(\$49,900.00)	\$0.00	\$0.00	(\$49,900.00)	\$0.00	(\$49,900.00)	100.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$49,900.00)	(\$49,900.00)	\$0.00	\$0.00	(\$49,900.00)	\$0.00	(\$49,900.00)	100.00%

Account Number	Description	Budget	Adjustments	GL Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
FUND: COMMUNITY SCHOOLS PLANNING - 27126		\$0.00	(\$49,900.00)	(\$49,900.00)	\$0.00	\$0.00	(\$49,900.00)	\$0.00	(\$49,900.00)	100.00%
27149.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	(\$147,000.00)	\$7,000.00	(\$140,000.00)	\$0.00	(\$120,582.14)	(\$19,417.86)	\$0.00	(\$19,417.86)	13.87%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$147,000.00)	\$7,000.00	(\$140,000.00)	\$0.00	(\$120,582.14)	(\$19,417.86)	\$0.00	(\$19,417.86)	13.87%
FUND: PREK INITIATIVE - 27149		(\$147,000.00)	\$7,000.00	(\$140,000.00)	\$0.00	(\$120,582.14)	(\$19,417.86)	\$0.00	(\$19,417.86)	13.87%
27155.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	\$0.00	(\$1,141.00)	(\$1,141.00)	\$0.00	\$0.00	(\$1,141.00)	\$0.00	(\$1,141.00)	100.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$1,141.00)	(\$1,141.00)	\$0.00	\$0.00	(\$1,141.00)	\$0.00	(\$1,141.00)	100.00%
FUND: BREAKFAST FOR ELEM STUDENTS - 27155		\$0.00	(\$1,141.00)	(\$1,141.00)	\$0.00	\$0.00	(\$1,141.00)	\$0.00	(\$1,141.00)	100.00%
29102.0000.41920.0000.000000.0000	CONTRIBUTIONS AND DONATIONS FROM PRIVATE	\$0.00	(\$100,000.00)	(\$100,000.00)	\$0.00	(\$100,000.00)	\$0.00	\$0.00	\$0.00	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$100,000.00)	(\$100,000.00)	\$0.00	(\$100,000.00)	\$0.00	\$0.00	\$0.00	0.00%
FUND: PRIVATE DIR GRANTS (CATEGORICAL) - 29102		\$0.00	(\$100,000.00)	(\$100,000.00)	\$0.00	(\$100,000.00)	\$0.00	\$0.00	\$0.00	0.00%
31600.0000.41110.0000.000000.0000	AD VALOREM TAXES - SCHOOL DISTRICT	\$0.00	\$0.00	\$0.00	(\$247.93)	(\$4,889.08)	\$4,889.08	\$0.00	\$4,889.08	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	\$0.00	\$0.00	(\$247.93)	(\$4,889.08)	\$4,889.08	\$0.00	\$4,889.08	0.00%
FUND: HB 33 - 31600		\$0.00	\$0.00	\$0.00	(\$247.93)	(\$4,889.08)	\$4,889.08	\$0.00	\$4,889.08	0.00%
31700.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	\$0.00	\$0.00	\$0.00	\$0.00	(\$26,963.00)	\$26,963.00	\$0.00	\$26,963.00	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	\$0.00	\$0.00	\$0.00	(\$26,963.00)	\$26,963.00	\$0.00	\$26,963.00	0.00%
FUND: STATE MATCH SB-9 - 31700		\$0.00	\$0.00	\$0.00	\$0.00	(\$26,963.00)	\$26,963.00	\$0.00	\$26,963.00	0.00%
31701.0000.41110.0000.000000.0000	AD VALOREM TAXES - SCHOOL DISTRICT	(\$807,508.00)	\$0.00	(\$807,508.00)	(\$12,173.29)	(\$551,858.74)	(\$255,649.26)	\$0.00	(\$255,649.26)	31.66%
31701.0000.41113.0000.000000.0000	OIL AND GAS TAXES	(\$55,098.00)	\$0.00	(\$55,098.00)	(\$2,980.32)	(\$28,781.20)	(\$26,316.80)	\$0.00	(\$26,316.80)	47.76%
31701.0000.41500.0000.000000.0000	INTEREST INCOME	\$0.00	\$0.00	\$0.00	\$0.00	(\$9,962.89)	\$9,962.89	\$0.00	\$9,962.89	0.00%
31701.0000.41953.0000.000000.0000	INSURANCE RECOVERIES	\$0.00	\$0.00	\$0.00	\$0.00	(\$11,678.24)	\$11,678.24	\$0.00	\$11,678.24	0.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$862,606.00)	\$0.00	(\$862,606.00)	(\$15,153.61)	(\$602,281.07)	(\$260,324.93)	\$0.00	(\$260,324.93)	30.18%
FUND: CAPITAL IMPROVEMENTS SB-9 - 31701		(\$862,606.00)	\$0.00	(\$862,606.00)	(\$15,153.61)	(\$602,281.07)	(\$260,324.93)	\$0.00	(\$260,324.93)	30.18%
31703.0000.43202.0000.000000.0000	STATE FLOWTHROUGH GRANTS	\$0.00	(\$12,973.00)	(\$12,973.00)	\$0.00	\$0.00	(\$12,973.00)	\$0.00	(\$12,973.00)	100.00%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	\$0.00	(\$12,973.00)	(\$12,973.00)	\$0.00	\$0.00	(\$12,973.00)	\$0.00	(\$12,973.00)	100.00%
FUND: SB-9 STATE MATCH - 31703		\$0.00	(\$12,973.00)	(\$12,973.00)	\$0.00	\$0.00	(\$12,973.00)	\$0.00	(\$12,973.00)	100.00%
31900.0000.41500.0000.000000.0000	INTEREST INCOME	(\$6,000.00)	\$0.00	(\$6,000.00)	\$0.00	(\$10,734.14)	\$4,734.14	\$0.00	\$4,734.14	-78.90%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$6,000.00)	\$0.00	(\$6,000.00)	\$0.00	(\$10,734.14)	\$4,734.14	\$0.00	\$4,734.14	-78.90%
FUND: ED. TECHNOLOGY EQUIPMENT ACT - 31900		(\$6,000.00)	\$0.00	(\$6,000.00)	\$0.00	(\$10,734.14)	\$4,734.14	\$0.00	\$4,734.14	-78.90%
41000.0000.41110.0000.000000.0000	AD VALOREM TAXES - SCHOOL DISTRICT	(\$447,185.00)	\$0.00	(\$447,185.00)	(\$8,491.21)	(\$383,185.02)	(\$63,999.98)	\$0.00	(\$63,999.98)	14.31%
41000.0000.41113.0000.000000.0000	OIL AND GAS TAXES	(\$33,659.00)	\$0.00	(\$33,659.00)	(\$1,771.28)	(\$17,225.90)	(\$16,433.10)	\$0.00	(\$16,433.10)	48.82%
41000.0000.41500.0000.000000.0000	INTEREST INCOME	(\$1,300.00)	\$0.00	(\$1,300.00)	\$0.00	(\$3,552.97)	\$2,252.97	\$0.00	\$2,252.97	-173.31%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$482,144.00)	\$0.00	(\$482,144.00)	(\$10,262.49)	(\$403,963.89)	(\$78,180.11)	\$0.00	(\$78,180.11)	16.22%
FUND: DEBT SERVICES - 41000		(\$482,144.00)	\$0.00	(\$482,144.00)	(\$10,262.49)	(\$403,963.89)	(\$78,180.11)	\$0.00	(\$78,180.11)	16.22%
43000.0000.41110.0000.000000.0000	AD VALOREM TAXES - SCHOOL DISTRICT	(\$490,171.00)	\$0.00	(\$490,171.00)	(\$8,916.51)	(\$413,918.55)	(\$76,252.45)	\$0.00	(\$76,252.45)	15.56%
43000.0000.41113.0000.000000.0000	OIL AND GAS TAXES	(\$54,463.00)	\$0.00	(\$54,463.00)	(\$1,939.18)	(\$18,603.18)	(\$35,859.82)	\$0.00	(\$35,859.82)	65.84%
43000.0000.41500.0000.000000.0000	INTEREST INCOME	(\$1,500.00)	\$0.00	(\$1,500.00)	\$0.00	(\$2,282.49)	\$782.49	\$0.00	\$782.49	-52.17%
	FUNCTION: REVENUE/BALANCE SHEET - 0000	(\$546,134.00)	\$0.00	(\$546,134.00)	(\$10,855.69)	(\$434,804.22)	(\$111,329.78)	\$0.00	(\$111,329.78)	20.39%
FUND: TOTAL ED. TECH. DEBT SERVICE SUBFUND - 43000		(\$546,134.00)	\$0.00	(\$546,134.00)	(\$10,855.69)	(\$434,804.22)	(\$111,329.78)	\$0.00	(\$111,329.78)	20.39%
Grand Total:		(\$7,845,169.00)	(\$281,874.00)	(\$8,127,043.00)	(\$524,704.42)	(\$6,654,253.25)	(\$1,472,789.75)	\$0.00	(\$1,472,789.75)	18.12%

Cimarron Municipal Schools

May 2020 Board Meeting

Budget Adjustment Request(BAR) Approvals/Cash Transfers

<u>TYPE OF BAR</u>	<u>BAR#</u>	<u>ACCOUNT</u>	<u>JUSTIFICATION</u>
MAINTENANCE	112	24132 - RAMS	
MAINTENANCE	113	11000 - OPERATIONAL	MAINTENANCE
TRANSFER	114	11000 - OPERATIONAL	MAINTENANCE

PLEASE SEE ATTACHED BARS FOR DETAILED INFORMATION

Bar Increases/Decreases:

*****REQUEST PERMISSION TO PROCESS BARS FOR 2019-20
CARRYOVER FUNDS OR ANY FUND UPON RECEIPT OF PED NOTIFICATION
OR ANY BAR APPROVED BY SUPERINTENDENT**

Must submit backup for all BARs, except transfers of funds for SEG or direct grants

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 Don Gaspar Santa Fe, NM 87501-2786
Budget Adjustment Request

Doc. ID: 008-000-1920-0112-M
Fund Type: General Fund / Capital Outlay / Debt Service

Adjustment Type: Maintenance

Fiscal Year: 2019-2020

Entity Name: Cimarron

Adjustment Changes Intent/Scope of Program Yes or No?: No

Contact: Mary Sciacca, Business Manager

Total Approved Budget (Flowthrough):

Phone: 5753762445

Email: msciacca@cimarronschools.org

FLOWTHROUGH ONLY	
Budget Period: Jul 1 2019 12:00AM	To: Jun 30 2020 12:00AM
A. Approved Carryover:	
B. Total Current Year Allocation:	
D. Total Funding Available:	

Fund	Function	Object	Program	Job Class	Present Budget	Adj Amt Exp	Adj Budget	ADD'L FTE
11000 Operational	1000 Instruction	51100 Salaries Expense	0000 No Program	1611 Substitutes-Sick Leave	\$23,000	(\$3,050)	\$19,950	
11000 Operational	1000 Instruction	51100 Salaries Expense	0000 No Program	1612 Substitutes-Other Leave	\$15,000	\$3,000	\$18,000	
11000 Operational	1000 Instruction	51100 Salaries Expense	1010 Regular Education (K-12) Programs	1414 Teachers-Preschool (exclude Special Ed)	\$24,792	\$50	\$24,842	
Sub Total						\$0		
Indirect Cost								
DOC. TOTAL						\$0		

Justification:

Maintenance

Compliance with Sections 10-15-1 and 22-8-12, NMSA, 1978 Compilation:

A. The requested budget/changes were authorized at a scheduled Board of Education or Governance Council meeting open to the public on:

B. Justification for the transfer: Explanation such as "underbudgeted", "insufficient budget", or "needed to close out Project" ARE NOT ACCEPTABLE. Attach additional sheets if necessary.

ALL TRANSFER BARS MUST NET OUT TO ZERO ON THE DOC. TOTAL LINE.

Must submit backup for all BARs, except transfers of funds for SEG or direct grants

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 Don Gaspar Santa Fe, NM 87501-2786
Budget Adjustment Request

Doc. ID: 008-000-1920-0113-M
Fund Type: General Fund / Capital Outlay / Debt Service

Adjustment Type: Maintenance

Fiscal Year: 2019-2020

Entity Name: Cimarron

Adjustment Changes Intent/Scope of Program Yes or No?: No

Contact: Mary Sciacca, Business Manager

Total Approved Budget (Flowthrough):

Phone: 5753762445

Email: msciacca@cimarronschools.org

FLOWTHROUGH ONLY	
Budget Period: Jul 1 2019 12:00AM	To: Jun 30 2020 12:00AM
A. Approved Carryover:	
B. Total Current Year Allocation:	
D. Total Funding Available:	

Fund	Function	Object	Program	Job Class	Present Budget	Adj Amt Exp	Adj Budget	ADD'L FTE
11000 Operational	2100 Support Services-Students	55813 Employee Travel - Non-Teachers	0000 No Program	0000 No Job Class	\$1,500	(\$1,066)	\$434	
11000 Operational	2100 Support Services-Students	56118 General Supplies and Materials	0000 No Program	0000 No Job Class	\$5,000	(\$3,543)	\$1,457	
11000 Operational	2200 Support Services-Instruction	51100 Salaries Expense	0000 No Program	1213 Library/Media Assistants	\$11,930	(\$11,930)		
11000 Operational	2200 Support Services-Instruction	52210 FICA Payments	0000 No Program	0000 No Job Class	\$1,740	(\$1,000)	\$740	
11000 Operational	2200 Support Services-Instruction	52311 Health and Medical Premiums	0000 No Program	0000 No Job Class	\$1,682	(\$721)	\$961	
11000 Operational	2300 Support Services-General Administration	53411 Auditing	0000 No Program	0000 No Job Class	\$30,000	\$18,260	\$48,260	
Sub Total						\$0		
Indirect Cost								
DOC. TOTAL						\$0		

Justification:

Maintenance

Compliance with Sections 10-15-1 and 22-8-12, NMSA, 1978 Compilation:

A. The requested budget/changes were authorized at a scheduled Board of Education or Governance Council meeting open to the public on:

B. Justification for the transfer: Explanation such as "underbudgeted", "insufficient budget", or "needed to close out Project" ARE NOT ACCEPTABLE. Attach additional sheets if necessary.

ALL TRANSFER BARS MUST NET OUT TO ZERO ON THE DOC. TOTAL LINE.

Must submit backup for all BARs,
except transfers of funds for SEG or
direct grants

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 Don Gaspar Santa Fe, NM 87501-2786
Budget Adjustment Request

Doc. ID: 008-000-1920-0114-T

Fund Type: Flowthrough

Adjustment Type: Transfer

Fiscal Year: 2019-2020

Entity Name: Cimarron

Adjustment Changes Intent/Scope of Program Yes or No?: No

Contact: Mary Sciacca, Business Manager

Total Approved Budget (Flowthrough):

Phone: 5753762445

Email: msciacca@cimarronschools.org

FLOWTHROUGH ONLY	
Budget Period: 07/01/2019	To: 06/30/2020
A. Approved Carryover:	
B. Total Current Year Allocation:	
D. Total Funding Available:	

Fund	Function	Object	Program	Job Class	Present Budget	Adj Amt Exp	Adj Budget	ADD'L FTE
24101 Title I - ESEA	1000 Instruction	51100 Salaries Expense	1010 Regular Education (K- 12) Programs	1711 Instructional Assistants- Grades 1-12	\$41,660	(\$11,711)	\$29,949	
24101 Title I - ESEA	1000 Instruction	52111 Educational Retirement	0000 No Program	0000 No Job Class	\$6,853	(\$2,019)	\$4,834	
24101 Title I - ESEA	2200 Support Services-Instruction	51100 Salaries Expense	0000 No Program	1213 Library/Media Assistants	\$32,142	\$11,930	\$44,072	
24101 Title I - ESEA	2200 Support Services-Instruction	52111 Educational Retirement	0000 No Program	0000 No Job Class	\$6,127	\$500	\$6,627	
24101 Title I - ESEA	2200 Support Services-Instruction	52210 FICA Payments	0000 No Program	0000 No Job Class	\$2,365	\$500	\$2,865	
24101 Title I - ESEA	2200 Support Services-Instruction	52220 Medicare Payments	0000 No Program	0000 No Job Class	\$555	\$300	\$855	
24101 Title I - ESEA	2200 Support Services-Instruction	52312 Life	0000 No Program	0000 No Job Class	\$93	\$100	\$193	
24101 Title I - ESEA	2200 Support Services-Instruction	52313 Dental	0000 No Program	0000 No Job Class	\$357	\$400	\$757	
Sub Total						\$0		
Indirect Cost								
DOC. TOTAL						\$0		

Justification:

Transfer

Compliance with Sections 10-15-1 and 22-8-12, NMSA, 1978 Compilation:

A. The requested budget/changes were authorized at a scheduled Board of Education or Governance Council meeting open to the public on:

B. Justification for the transfer: Explanation such as "underbudgeted", "insufficient budget", or "needed to close out Project" ARE NOT ACCEPTABLE. Attach additional sheets if necessary.

ALL TRANSFER BARS MUST NET OUT TO ZERO ON THE DOC. TOTAL LINE.

Cimarron Municipal Schools

April 2020

Fund Balances

<u>Fund</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expense</u>	<u>Transfers</u>	<u>Fund Balance</u>	<u>Cash Balance</u>	<u>Variance</u>
11000	OPERATIONAL	\$259,753.95	\$3,922,944.93	(\$3,492,240.57)	\$90,984.00	\$781,442.31	\$615,159.88	\$166,282.43
13000	PUPIL TRANSPORTATION	\$14.59	\$419,340.00	(\$383,270.62)	\$0.00	\$36,083.97	\$36,082.20	\$1.77
14000	INSTRUCTIONAL MATERIALS	\$45,839.06	\$1.00	(\$12,347.17)	\$0.00	\$33,492.89	\$33,492.89	\$0.00
21000	FOOD SERVICES	\$29,036.40	\$189,265.30	(\$211,535.07)	\$0.00	\$6,766.63	\$6,766.63	\$0.00
22000	ATHLETICS	\$32,716.79	\$14,104.75	(\$15,713.76)	\$0.00	\$31,107.78	\$31,107.78	\$0.00
23200	ZANE CD SCHOLARSHIP	\$12,444.52	\$210.56	\$0.00	\$0.00	\$12,655.08	\$12,655.08	\$0.00
23201	CARDWELL SCHOLARSHIP CD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
23202	MASONIC SCHOLARSHIP	\$10,785.15	\$1,200.00	\$0.00	\$0.00	\$11,985.15	\$11,985.15	\$0.00
23400	CHS ANNUAL YEARBOOK	\$630.24	\$0.00	(\$100.00)	\$0.00	\$530.24	\$530.24	\$0.00
23401	ACTIVITY INTEREST	\$3,785.01	\$2,486.27	(\$131.24)	\$0.00	\$6,140.04	\$6,140.04	\$0.00
23402	CHS ART	\$1,651.69	\$165.00	(\$398.94)	\$0.00	\$1,417.75	\$1,417.75	\$0.00
23403	CHS RAM PRIDE BOOSTER CLUB	\$22,020.77	\$20,442.50	(\$23,090.00)	\$0.00	\$19,373.27	\$19,373.27	\$0.00
23404	JOHN/BEVERLY CARDWELL SCHOLARSHIP FUND	\$47,097.47	\$10,000.00	\$0.00	\$0.00	\$57,097.47	\$57,097.47	\$0.00
23405	JUAN MARTINEZ SCHOLARSHIP FUND	\$18,650.88	\$0.00	\$0.00	\$0.00	\$18,650.88	\$18,650.88	\$0.00
23406	CHS CHEERLEADERS	\$540.30	\$0.00	\$0.00	\$0.00	\$540.30	\$540.30	\$0.00
23407	FAMILY GROUP 6-8	\$2,824.18	\$13,307.00	(\$10,078.23)	\$0.00	\$6,052.95	\$6,052.95	\$0.00
23408	CEMOP	\$3,094.16	\$131.00	(\$915.28)	\$0.00	\$2,309.88	\$2,309.88	\$0.00
23409	CEMS YEARBOOK	\$947.62	\$500.00	(\$895.50)	\$0.00	\$552.12	\$552.12	\$0.00
23410	CEMS ACTIVITY	\$1,359.97	\$2,631.57	(\$2,122.14)	\$0.00	\$1,869.40	\$1,869.40	\$0.00
23411	CEMS ART	\$148.28	\$0.00	\$0.00	\$0.00	\$148.28	\$148.28	\$0.00
23412	CES PEEWEE BB	\$5.04	\$0.00	(\$5.04)	\$0.00	\$0.00	\$0.00	\$0.00
23413	CES 3-4 SCIENCE TEACHERS	\$65.90	\$0.00	\$0.00	\$0.00	\$65.90	\$65.90	\$0.00
23415	CHS CLASS OF 2022	\$0.56	\$1,092.50	\$0.00	\$0.00	\$1,093.06	\$1,093.06	\$0.00
23416	DISTRICT NURSE	\$2,065.17	\$500.00	(\$645.07)	\$0.00	\$1,920.10	\$1,920.10	\$0.00
23417	CHS CLASS OF 2020	\$4,957.77	\$3,311.00	(\$1,899.11)	\$0.00	\$6,369.66	\$6,369.66	\$0.00
23419	CHS CLASS OF 2021	\$2,180.45	\$7,007.00	(\$2,339.99)	\$0.00	\$6,847.46	\$6,847.46	\$0.00
23420	CHS CLASS OF 2018	\$146.44	\$0.00	\$0.00	\$0.00	\$146.44	\$146.44	\$0.00
23421	CHS CLASS OF 2019	\$825.29	\$0.00	\$0.00	\$0.00	\$825.29	\$825.29	\$0.00
23422	CHS CLASS OF 2023	\$0.00	\$487.00	\$0.00	\$0.00	\$487.00	\$487.00	\$0.00
23424	CMS STUDENT COUNCIL	\$668.51	\$23.00	(\$97.71)	\$0.00	\$593.80	\$593.80	\$0.00
23425	CMS 8TH GRADE DANCE	\$214.60	\$130.50	(\$60.60)	\$0.00	\$284.50	\$284.50	\$0.00
23426	ENEMS ACTIVITY	\$10,440.46	\$7,718.86	(\$7,165.37)	\$0.00	\$10,993.95	\$10,993.95	\$0.00
23427	ENEMS STAFF	\$80.39	\$0.00	\$0.00	\$0.00	\$80.39	\$80.39	\$0.00
23428	ENMS BARN FUND	\$18,707.59	\$2,000.00	(\$6,753.48)	\$0.00	\$13,954.11	\$13,954.11	\$0.00
23429	EN AQUAPONICS	\$35.18	\$0.00	\$0.00	\$0.00	\$35.18	\$35.18	\$0.00
23430	ENEMS ART PROGRAM	\$255.64	\$0.00	\$0.00	\$0.00	\$255.64	\$255.64	\$0.00
23431	ENEMS YEARBOOK	\$1,891.67	\$0.00	\$0.00	\$0.00	\$1,891.67	\$1,891.67	\$0.00
23432	EN VOCATIONAL ED	\$2.46	\$0.00	\$0.00	\$0.00	\$2.46	\$2.46	\$0.00
23433	TRAILS END RANCH	\$1,100.00	\$0.00	\$0.00	\$0.00	\$1,100.00	\$1,100.00	\$0.00
23434	ENMS STUDENT COUNCIL	\$1,707.86	\$260.00	(\$69.94)	\$0.00	\$1,897.92	\$1,897.92	\$0.00
23435	EN PBIS COMMITTEE	\$519.98	\$941.75	\$0.00	\$0.00	\$1,461.73	\$1,461.73	\$0.00

23436	SNOW INDUSTRIES	\$200.00	\$0.00	\$0.00	\$0.00	\$200.00	\$200.00	\$0.00
23440	CHS ACTIVITY	\$1,795.12	\$1,381.22	(\$883.00)	\$0.00	\$2,293.34	\$2,293.34	\$0.00
23442	CHS STUDENT COUNCIL	\$330.89	\$0.00	(\$195.15)	\$0.00	\$135.74	\$135.74	\$0.00
23445	CHS TEACHERS	\$471.64	\$0.00	\$0.00	\$0.00	\$471.64	\$471.64	\$0.00
23446	BAND-MUSIC PROGRAM	\$9,470.83	\$14,616.00	(\$14,696.93)	\$0.00	\$9,389.90	\$9,389.90	\$0.00
23448	SKI CLUB	\$26.93	\$3,647.00	(\$2,636.70)	\$0.00	\$1,037.23	\$1,037.23	\$0.00
23449	FFA	\$567.41	\$4,553.50	(\$3,657.01)	\$0.00	\$1,463.90	\$1,463.90	\$0.00
23450	CHS NATIONAL HONOR SOCIETY	\$297.91	\$3,199.00	(\$2,768.00)	\$0.00	\$728.91	\$728.91	\$0.00
23451	CHS RAMSHORN	\$1.25	\$0.00	(\$1.25)	\$0.00	\$0.00	\$0.00	\$0.00
23452	CHS RHOR	\$473.33	\$0.00	\$0.00	\$0.00	\$473.33	\$473.33	\$0.00
23454	CHS SHOP	\$6,841.55	\$828.00	\$0.00	\$0.00	\$7,669.55	\$7,669.55	\$0.00
23455	CHS LASER SHOP/BUSINESS	\$0.00	\$60.00	\$0.00	\$0.00	\$60.00	\$60.00	\$0.00
23456	CHS DRAMA CLUB	\$1,294.87	\$979.00	(\$2,044.31)	\$0.00	\$229.56	\$229.56	\$0.00
23457	CHS SNACK PANTRY	\$86.90	\$0.00	(\$86.90)	\$0.00	\$0.00	\$0.00	\$0.00
23458	CEMS HALOS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
23460	ZANE SCHOLARSHIP	\$606.87	\$0.00	\$0.00	\$0.00	\$606.87	\$606.87	\$0.00
23461	STAFF EVENT DONATION	\$252.98	\$0.00	\$0.00	\$0.00	\$252.98	\$252.98	\$0.00
23463	ENEMS LIBRARY	\$794.65	\$0.00	\$0.00	\$0.00	\$794.65	\$794.65	\$0.00
23464	ENES K-2 TEACHERS	\$3,219.35	\$2,270.18	(\$2,242.45)	\$0.00	\$3,247.08	\$3,247.08	\$0.00
23465	ENES 3-5 TEACHERS	\$9,553.59	\$11,110.00	(\$7,987.12)	\$0.00	\$12,676.47	\$12,676.47	\$0.00
23470	EN TUTORING PROGRAM	\$2,130.22	\$0.00	\$0.00	\$0.00	\$2,130.22	\$2,130.22	\$0.00
23471	ENEMS CENTURY LINK	\$205.00	\$0.00	\$0.00	\$0.00	\$205.00	\$205.00	\$0.00
23479	CHS GRAPHIC ARTS	\$215.30	\$0.00	\$0.00	\$0.00	\$215.30	\$215.30	\$0.00
23482	CHS BROADCAST	\$395.75	\$0.00	\$0.00	\$0.00	\$395.75	\$395.75	\$0.00
23483	CHS DESIGN	\$6,809.01	\$185.00	(\$196.96)	\$0.00	\$6,797.05	\$6,797.05	\$0.00
23485	ENMS JUNIOR CHAMBER	\$1,795.82	\$0.00	\$0.00	\$0.00	\$1,795.82	\$1,795.82	\$0.00
23486	DISTRICT SAMS REWARDS	\$102.30	\$0.00	(\$89.50)	\$0.00	\$12.80	\$12.80	\$0.00
23487	WERC ENVIRONMENTAL DESIGN	\$230.83	\$0.00	\$0.00	\$0.00	\$230.83	\$230.83	\$0.00
23488	DISTRICT ATHLETICS	\$3,776.00	\$9,004.00	(\$3,847.31)	\$0.00	\$8,932.69	\$8,932.69	\$0.00
24101	TITLE I - IASA	\$18,631.88	\$93,139.32	(\$81,267.65)	\$0.00	\$30,503.55	\$30,503.55	\$0.00
24106	ENTITLEMENT IDEA-B	(\$46,166.54)	\$133,925.02	(\$95,352.58)	(\$31,167.00)	(\$38,761.10)	\$7,405.90	(\$46,167.00)
24109	PRESCHOOL IDEA-B	(\$3,463.78)	\$10,157.45	(\$7,674.94)	(\$2,464.00)	(\$3,445.27)	\$18.73	(\$3,464.00)
24118	FRESH FRUIT AND VEGETABLE	\$0.00	\$467.08	(\$1,833.04)	\$0.00	(\$1,365.96)	(\$1,365.96)	\$0.00
24120	IDEA-B RISK POOL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
24132	IDEA-B RESULTS PLAN	(\$25,749.89)	\$25,811.76	(\$1,090.25)	(\$25,750.00)	(\$26,778.38)	(\$1,028.38)	(\$25,750.00)
24154	TEACHER/PRINCIPAL TRAINING & RECRUITING	(\$10,613.35)	\$13,709.08	(\$5,888.58)	(\$9,737.00)	(\$12,529.85)	(\$1,792.85)	(\$10,737.00)
24183	USDA EQUIPMENT	(\$20,828.00)	\$20,828.00	\$0.00	(\$20,828.00)	(\$20,828.00)	\$0.00	(\$20,828.00)
24189	TITLE IV	(\$13,905.97)	\$23,905.97	(\$10,000.00)	\$10,094.00	\$10,094.00	\$24,000.00	(\$13,906.00)
25153	TITLE XIX MEDICAID 3/21 YEARS	\$0.00	\$18,814.65	(\$31,015.26)	\$3,000.00	(\$9,200.61)	(\$9,200.69)	\$0.08
25214	TEACHER QUALITY ENHANCEMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
25233	RURAL EDUCATION ACHIEVEMENT PROGRAM	\$0.00	\$8,883.85	(\$9,278.70)	\$300.00	(\$94.85)	(\$94.85)	\$0.00
26156	TURNER FOUNDATION	\$17,103.91	\$12,500.00	(\$7,392.73)	\$0.00	\$22,211.18	\$22,211.18	\$0.00
26179	A PLUS FOR ENERGY	\$870.56	\$0.00	\$0.00	\$0.00	\$870.56	\$870.56	\$0.00
27103	2009 DUAL CREDIT IM/HB2	\$0.00	\$1,384.00	(\$1,384.00)	\$0.00	\$0.00	\$0.00	\$0.00
27106	2010 GO BONDS STUDENT LIBRARY FUND SB1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27107	2012 GO BOND	(\$5,100.20)	\$5,100.20	(\$962.99)	(\$5,101.00)	(\$6,063.99)	(\$962.99)	(\$5,101.00)

27109	INSTRUCTIONAL MATERIALS-GAA 2019	\$0.00	\$35,753.35	(\$33,335.97)	\$0.00	\$2,417.38	\$2,417.38	\$0.00
27114	CENTER FOR TEACHER EXCELLENCE PED	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27125	EXCELLENCE IN TEACHING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27126	COMMUNITY SCHOOLS PLANNING	\$0.00	\$0.00	(\$18,510.13)	\$0.00	(\$18,510.13)	(\$18,510.13)	\$0.00
27138	INCENTIVES FOR SCHOOL IMPR ACT PED	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27149	PREK INITIATIVE	(\$13,367.69)	\$120,582.14	(\$90,949.22)	\$17,632.00	\$33,897.23	\$47,265.23	(\$13,368.00)
27155	BREAKFAST FOR ELEM STUDENTS	\$0.00	\$0.00	(\$991.09)	\$0.00	(\$991.09)	(\$991.09)	\$0.00
27171	2010 GOB IM	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27181	"STEM" TEACHER INITIATIVE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27183	NM GROWN FVV	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27195	TEACHERS HARD TO STAFF STIPEND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
28178	GEAR-UP CHE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
29102	PRIVATE DIR GRANTS (CATEGORICAL)	\$64,840.22	\$100,000.00	(\$10,344.83)	\$0.00	\$154,495.39	\$154,495.39	\$0.00
31100	BOND BUILDING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
31600	HB 33	\$1,984.60	\$4,889.08	(\$48.90)	\$0.00	\$6,824.78	\$6,824.78	\$0.00
31700	STATE MATCH SB-9	(\$26,963.00)	\$26,963.00	\$0.00	(\$26,963.00)	(\$26,963.00)	\$0.00	(\$26,963.00)
31701	CAPITAL IMPROVEMENTS SB-9	\$964,712.67	\$602,281.07	(\$657,864.32)	\$0.00	\$909,129.42	\$909,129.42	\$0.00
31703	SB-9 STATE MATCH	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
31900	ED. TECHNOLOGY EQUIPMENT ACT	\$1,125,467.04	\$10,734.14	(\$308,145.36)	\$0.00	\$828,055.82	\$828,055.82	\$0.00
41000	DEBT SERVICES	\$525,858.81	\$403,963.89	(\$485,214.88)	\$0.00	\$444,607.82	\$444,607.82	\$0.00
43000	TOTAL ED. TECH. DEBT SERVICE SUBFUND	\$620,369.37	\$434,804.22	(\$549,313.08)	\$0.00	\$505,860.51	\$505,860.51	\$0.00
	Grand Total:	\$3,764,838.93	\$6,780,631.66	(\$6,621,065.92)	\$0.00	\$3,924,404.67	\$3,924,404.39	\$0.28

End of Report

CIMARRON MUNICIPAL SCHOOLS

To: Board Members
From: Lawana Whitten
Date: May 1, 2020
Re: Variance explanations for March 2020

11000 Operational	Intra-Fund Loans paid that crossed fiscal years	\$166,284.00
11000 Operational	NMPSIA	(\$1.57)
13000 Transportation	NMPSIA	(\$5.82)
13000 Transportation	18-19 Cash Balance to PED	\$7.59
24106 Entitlement IDEA B	Intra-Fund Loans paid that crossed fiscal years	(\$46,167.00)
24109 Preschool IDEA B	Intra-Fund Loans paid that crossed fiscal years	(\$3,464.00)
24132 IDEA-B	Intra-Fund Loans paid that crossed fiscal years	(\$25,750.00)
24154 Title II	Intra-Fund Loans paid that crossed fiscal years	(\$10,737.00)
24183 USDA	Intra-Fund Loans paid that crossed fiscal years	(\$20,828.00)
24189 TITLE IV	Intra-Fund Loans paid that crossed fiscal years	(\$13,906.00)
25153 MEDICAID	NMPSIA	\$0.08
27107 GEO BOND	Intra-Fund Loans paid that crossed fiscal years	(\$5,101.00)
27149 PRE-K	Intra-Fund Loans paid that crossed fiscal years	(\$13,368.00)
31700 STATE MATCH	Intra-Fund Loans paid that crossed fiscal years	(\$26,963.00)

Intra-fund Loans are loans from Operational to Federal and State & Local to be paid back once request for reimbursement (RFR) have been received.

Loans will be paid in full in this fiscal year (19-20) for last year (18-19) as RFR's were received in August.

It will show as a variance until the new year.

NM State Treasurer's Office Investment Pool - LGIP

March 2020

4/1/2020		0.712
4/2/2020		0.743
4/3/2020		0.742
4/6/2020		0.737
4/7/2020		0.732
4/8/2020		0.732
4/9/2020		0.735
4/10/2020	Closed	
4/13/2020		0.710
4/14/2020		0.711
4/15/2020		0.707
4/16/2020		0.733
4/17/2020		0.732
4/20/2020		0.678
4/21/2020		0.678
4/22/2020		0.643
4/23/2020		0.611
4/24/2020		0.643
4/27/2020		0.579
4/28/2020		0.578
4/29/2020		0.556
4/30/2020		0.534
Average	0.677	0.500

Cimarron Municipal Schools

Non-Check Batch Listing

Date: 04/01/2020 - 04/30/2020

4/15/2020	INTERNATIONAL BANK-EFTPS	\$25,012.64	4097
4/30/2020	INTERNATIONAL BANK	\$82,079.40	4099
4/30/2020	INTERNATIONAL BANK-EFTPS	\$24,951.39	4100
4/30/2020	INTERNATIONAL BANK-403B COMMON REMITTER	\$3,914.50	4102
4/30/2020	EDUCATIONAL RETIREMENT BOARD	\$65,497.35	4103
4/30/2020	INTERNATIONAL BANK-RETIREE	\$7,903.34	4104
4/30/2020	NEW MEXICO TAXATION & REVENUE DEPT.	\$4,219.83	4105
4/30/2020	INTERNATIONAL BANK-NMPSIA	\$62,779.76	4106

Total \$634,985.63

End of Report

BOND

PO#	PAID	ENCUMBRANCE	TOTAL
Total Bond	#REF!	#REF!	#REF!

SB-9

PO#		PAID	ENCUMBRANCE	TOTAL
1920111	CHS-CES-LIVING DESIGN GROUP	\$ 29,295.00	\$ -	\$ 29,295.00
1920633	ENEMS-CES-LIVING DESIGN GROUP	\$ 48,867.25	\$ 364,599.12	\$ 315,731.87
1921052	ENEMS-TAOS LAND SERVICES	\$ -	\$ 8,820.00	\$ -
1921101	CHS-STOVEN CONSTRUCTION	\$ -	\$ 567,765.45	\$ -
		\$ 78,162.25	\$ 373,419.12	\$ 345,026.87

FUND	2019-2020	2020-2021
24101-TITLE I	\$ 126,318.00	\$ 109,989.00
24106-SPED IDEA B	\$ 133,404.00	\$ 122,987.00
24109-IDEA B	\$ 12,217.00	\$ 11,294.00
24154-TITLE II	\$ 31,267.00	\$ 16,032.75
TRANSPORTATION	\$ 461,269.00	\$ 426,913.00
31703-STATE MATCH	\$ 12,973.00	FROZEN DID NOT EXPEND

SHORT FALL

\$ (16,329.00)

\$ (10,417.00)

\$ (923.00)

\$ (15,234.25)

\$ (34,356.00)

\$ (12,973.00) Lost allocation

\$ (90,232.25) Total Shortfall
Operational will have to cover salaries not covered