



High Plains Regional Education Cooperative

Official Policy Manual

HPREC#3
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The mission of High Plains Regional Educational Cooperative (HPREC) is to research and implement sound educational practices in order to be responsive to client needs. We do this by engaging in research-based practices, developing relationships, and implementing systems to transform education. We do this so that all our clients are successful and effective.



High Plains Regional Education Cooperative #3

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It is the policy of the High Plains Regional Education Cooperative Coordinating Council to provide equal opportunities without regard to race, color, national origin, sex, religion, age, marital status, disability, qualified handicap, sexual orientation, gender identity, or veteran status in its educational program and activities. This includes, but is not limited to, education services and employment. Inquiries concerning application of this policy may be referred to the Executive Director who is the Compliance Administrator for: Title IX of the Education Amendments of 1972, 20USC&1681, Age Discrimination in Employment Act of 1967 as amended, 29USC&621, Section 504 of the Rehabilitation Act of 1973, 29USC&701 et seq., Americans with Disabilities Act, 42 USC&1201 et seq., Title VI, Title VII of the Civil Rights Act of 1964 as amended, 42 USC&2000e, and Governmental Dispute Prevention and Resolution Act, 12-8A-2 NMSA 1978. The address is: Executive Director, High Plains Regional Education Cooperative, 101 North Second Street, Raton, New Mexico 87740. Telephone: (575) 445.7090.

High Plains Regional Education Cooperative Official Policies

Table of Contents

		Section/Page
100	Legal Authority	100-1
101	History	100-2
102	Establishment	100-2
200	Governance	200-1
201	Statutory Requirements	200-2
2010	Council Requirements	200-2
2020	Organizational Requirements	200-2
2030	Policy Requirements	200-2
2040	Council Responsibilities	200-2
2050	Department of Finance	200-3
300	Council Operations.....	300-1
301	Introduction.....	300-2
302	Purpose.....	300-2
303	General Goals	300-2
304	General Organization	300-3
305	Legal Status.....	300-3
306	Council Membership	300-4
3061	Officers	300-4
3062	Terms of Office	300-4
307	Meetings.....	300-4
3071	Place of Meetings	300-4
3072	Time of Meeting	300-4
308	Rules of Procedures.....	300-5
309	Powers and Responsibility of Council.....	300-6
310	Action in Absence Policy.....	300-7
311	Complaint Policy and Procedure	300-7
312	Nepotism	300-8
313	Records Available	300-8
400	Administration.....	400-1
401	Executive Director	400-2
4011	Qualifications.....	400-2
4012	Appointment	400-2
4013	Responsibilities.....	400-2
4014	Separation	400-3
4015	Resignation	400-3
4016	Compensation and Benefits	400-3
4017	Retirement	400-4
4018	Travel Expenses	400-4
4019	Evaluation	400-4
402	Council-Executive Director Relations	400-4
4020	Annual Reports.....	400-4
4021	Administration in Policy Absence.....	400-4

	4022	Delegation of Authority as Hearing Officer	400-5
	4023	Delegation of Authority as Procurement/Purchasing Officer	400-5
403		Director of Programs	400-6
	4031	Qualifications.....	400-6
	4032	Supervises.....	400-6
	4033	Responsibilities.....	400-6
	4034	Terms of Employment	400-7
	4035	Evaluation	400-7
	4036	Employment Conditions	400-7
500		Personnel—Licensed and Non-Licensed	500-2
501		Equal Opportunity Employment.....	500-2
	5011	Classification of Employees	500-2
502		Background Investigations	500-2
503		Chain of Command	500-3
504		Staff Development Opportunities	500-3
505		Employee Grievance Resolution Procedure	500-4
506		Conflict of Interest.....	500-7
507		Political Activities	500-9
508		Public Appearances	500-10
509		Personnel Records.....	500-10
510		Employee Leave Benefits	500-12
	5100	Sick/Medical Leave	500-12
		51001 Family and Medical Leave Act Leave of Absence	500-14
	5101	Personal Leave.....	500-17
	5102	Court or Jury Duty Leave	500-17
	5103	Maternity/Paternity Leave	500-18
	5104	Workers' Compensation Leave	500-19
	5105	Professional Leave.....	500-19
	5106	Military Leave	500-20
	5107	Other Leave of Absence	500-21
	5108	Emergency Road Conditions Leave	500-08
	5109	Vacations, Holidays	500-22
511		Insurance Programs.....	500-22
512		Retirement.....	500-23
513		Travel Expenses	500-23
514		Staff and Student Health and Safety Issues	500-23
	5140	Harassment and Violence.....	500-23
	5141	Staff—Student Relations	500-27
	5142	Child Abuse Reporting.....	500-27
	5143	Drug Free Schools and Campuses/Drug Free Workplace.....	500-28
	5144	Reporting Procedures-Student Alcohol/Drug Use	500-29
	5145	Clean Indoor Act/Tobacco Free Policy	500-29
	5146	Exposure to Bloodborne Pathogens.....	500-30
	5147	Hazard Communication/Right to Know.....	500-30
515		Employment Issues.....	500-33
	5151	Employee Contracts	500-33
		5151 Acceptance of Employment	500-34
	5152	Salary Schedules	500-34

	5153	Recruitment and Applications	500-35
	5154	Hiring	500-35
	51540	Conditions of Employment	500-35
	51541	Health Requirements	500-36
	5155	Suspension.....	500-36
	5156	Re-employment/Termination Decisions	500-36
	5157	Discharge during Term of Contract	500-36
	5158	Reduction in Force.....	500-38
	5159	Resignation	500-39
516		Work Requirements	500-48
	5160	Work Day/Year	500-49
	5161	Assignment/Duty Station	500-49
	5162	Overtime.....	500-49
	5163	Extra Duty	500-49
	5164	Supervision and Evaluation	500-49
	5165	Staff Meetings	500-50
517		Professional Organizations	500-50
518		Discipline	500-50
519		Medicaid Supervision Procedures	500-51
600		Fiscal Accountability	600-1
	601	Program and Budget Developmnet.....	600-3
	602	Budget Review and Approval	600-5
	603	Procurement Requirements	600-6
	604	Cash Disbursement Accounting.....	600-9
	606	Fixed Assets Inventory.....	600-10
	607	Financial and Compliance Audits	600-10
	6071	Internal Control	600-10
	608	Records Retention and Disposition	600-11
	609	Loss Prevention and Control Plan	600-13
700		Facilities.....	700-1
	701	Monthly Fire Extinguisher Inspection	700-2
Appendix A:		HPREC Job Descriptions.....	2000-1
Appendix B:		Fiscal Agents Agreement	4000-1
Appendix B:		Medicaid Supervision Procedures	6000-1
Appendix B:		Loss Prevention and Control Plan	8000-1



Legal Authority

HPREC Policy Manual

High Plains Regional Education Cooperative Policies**100 Legal Authority****Adopted: November 2, 2001****Reviewed and/or Revised: February 19, 2008****100 LEGAL AUTHORITY**

Regional Educational Cooperatives (RECs) are established by the Regional Cooperative Education Act, 22-2B-1 to 22-2B-6, NMSA 1978. The purpose of a REC is to provide education-related services to students of participating education entities.

High Plains Regional Education Cooperative (HPREC) is an educational service agency committed to providing services to children, families, schools and communities of Colfax, Harding, and Union Counties.

101 History

In 1984, the New Mexico State Board of Education (SBE) established ten Regional Center Cooperatives (RCCs) under SBE Regulation No. 84-6. The purpose of the RCCs is to provide services for local education agencies and eligible state supported schools under Public Law 94-142, the Education of the Handicapped Act (IDEA-B). SBE Regulation No. 84.6 permits districts to submit consolidated applications to the State Department of Education (SDE) for certain entitlement and discretionary funds under IDEA-B. Since 1984, RCCs have also established cooperative programs of education services with funds other than IDEA-B entitlement or discretionary funds, including Drug Free School and Communities Act of 1986, Title II-Critical Skills Improvement, Medicaid in the Schools, and the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, as well as other direct federal and state/local funding sources.

The 41st Legislative Session authorized the establishment of Regional Education Cooperatives (RECs) and the State Board of Education adopted SBE Regulation 93-23, which establishes the minimum criteria for the establishment, operation, and oversight of RECs. RECs are state agencies administratively attached to the State Department of Education. The State Board of Education authorizes the existence and operation of Regional Education Cooperatives (RECs) formed by local school boards joining with other school boards or other state-supported education institutions. Regional education cooperatives are exempt from the provisions of the Personnel Act [10-9-1 to 10-9-25 NMSA 1978]¹, and other NMSA 1978 statutes.

102 Establishment

High Plains Regional Center Cooperative became High Plains Regional Education Cooperative in 1994 upon approval of its application for REC status by the State Board of Education. Members of High Plains Regional Center Cooperative as approved by the SBE are those entities approved in the New Mexico State Plan for distribution of PL 94-142 funds: Cimarron Municipal Schools, Clayton Municipal Schools, Des Moines Municipal Schools, Maxwell Municipal Schools, Mosquero Municipal Schools, Raton Public Schools, Roy Municipal Schools, and Springer Municipal Schools.

¹ Legal Reference: 22-2B1 to 22-2B-6, NMSA, 1978
SBE Regulations 84-6; 93-23
PL 94-142; New Mexico State Plan



Governance

HPREC Policy Manual

High Plains Regional Education Cooperative Policies

200 Governance

Adopted: November 2, 2001

Reviewed and/or Revised: February 19, 2008

200 GOVERNANCE**201 Statutory Requirements****2010 Council Requirement**

SBE Regulation 93-23 requires that the REC be governed by a Regional Education Coordinating Council (Council). The Council shall be composed of the superintendents or chief administrative officers of each participating local school district or state-supported education institution.

All meetings of REC Councils are subject to the Open Meetings Act [Sections 10-15-1 through 10-15-4 NMSA 1978].¹

2020 Organizational Requirements

The Council shall elect a chairman from its members. Meetings shall be held at the call of the chairman. A meeting of the majority of the members of the Council constitutes a quorum for the purpose of conducting business.

2030 Policy Requirements

The Council shall oversee the operation of the REC and develop a manual of policies and procedures governing the operation of the REC. These policies must include fiscal accountability, salary schedules for all employees of the REC, policies related to the accrual and utilization of leave by all employees, and policies relating to performance evaluations of all employees. Policies will be reviewed, as needed.

2040 Council Responsibilities

Responsibilities of the REC Council are to provide:

- Education services to all entities participating in the REC;
- Technical assistance and staff development opportunities to all entities participating in the REC;
- Cooperative purchasing capabilities and fiscal management opportunities to all entities participating in the REC; and
- Additional services to participating entities as may be determined by the Council to be appropriate.

Pursuant to regulation of the state board, the Council shall:

- Develop bylaws governing its own operation which incorporate State Board of Education Regulation 93-23 requirements²
- Adopt a budget and administrative guidelines as necessary to carry out the purposes

¹ Legal Reference: SBE Regulation 93-23
10-15-1 to 10-15-4, NMSA, 1978

² Legal Reference: SBE Regulation 93-23

- of the cooperative; and
- Hire an Executive Director.

2050 Department of Finance and Administration

The Secretary of the Department of Finance and Administration has granted an exemption to REC's for the prior submission of proposed vouchers, purchase orders or contracts to the Financial Control Division of DFA. However, RECs must still comply with the provisions of the Procurement Code [Chapter 13 NMSA 1978], and all applicable Department of Finance and Administration regulations (i.e., Mileage and Per Diem Act).³

³ Legal Reference: SDE REC Budgeting/Financial Procedures Manual



Council Operations

HPREC Policy Manual

High Plains Regional Education Cooperative Policies**300 Council Operations****Adopted: November 2, 2001****Reviewed and/or Revised: June 10, 2010****300 COUNCIL OPERATIONS****301 Introduction**

High Plains Regional Education Cooperative #3 (HPREC) is organized in compliance with the New Mexico State Plan FY 1991-93: Part B – Education of the Handicapped Act [Public Law 94-142] as authorized by Public Law 98-199 Individuals with Disabilities Education Act - Part B (IDEA-B) and Public Law 105-17.¹

302 Purpose

HPREC is specifically organized to facilitate the ability of member districts and institutions to:

1. Assist member districts in their child find efforts;
2. Conduct professional development and information dissemination activities;
3. Assist member districts in providing a free appropriate public education to all school age children with disabilities within the cooperative area;
4. Assist member districts in providing a full education opportunity for school age children with disabilities including those enrolled in private schools;
5. Provide ongoing professional development, support, and technical assistance educators;
6. Provide related services on a fee for services basis;
- 7.
8. Develop other cooperative support programs and services, as deemed necessary for participating districts and/or institutions;

303 General Goals

The HPREC will:

1. Gather and disseminate information on issues and trends that support providing quality educational services for students.
2. Provide technical and fiscal support in the program areas.
3. Develop interagency collaboration between and among the member districts, community, and other social service agencies.
4. Seek funding opportunities that will enhance educational services and opportunities for students and staff in the member districts.
5. Assist districts with state and federal compliance issues.
6. Promote the HPREC in a professional and positive manner.

304 General Organization

High Plains REC shall be governed by a Regional Education Coordinating Council, hereafter designated as the HPREC Council. Composed of the superintendents of each participating entity, the Council functions only when in official session. As prescribed by statute, only superintendents of each participating body may serve on the Council; no substitute

¹ Legal Reference: PL 94-142; PL 98-199, IDEA-B, PL 105-17.

representation shall be allowed. Termination of council membership shall occur when the agency represented no longer participates in the cooperative.²

305 Legal Status

Control of the HPREC is placed in the hands of the High Plains Council by the Fiscal Agents Agreement signed by all district's superintendents within the cooperative.

The districts and institution, in accordance with and pursuant to the Joint Powers Agreement Act, Sections 11-1-1 through 11-1-7, NMSA 1978, agree to submit a consolidated application to the Public Education Department for certain funds granted to the State of New Mexico pursuant to IDEA-B,³ and other state and federal programs.

They further agree to establish and maintain a cooperative program of special education services funded by participating districts' and institution's available federal entitlement, discretionary and preschool allocations. The Council will annually determine during the grant application process, upon the advise of the Executive Director, a percent of total discretionary allocations which will be used for cooperative regional projects and the percent of the discretionary allocation which will be allocated to local bodies for district and institution use. Entitlement and preschool allocations are budgeted for use directly to the districts/institution.

They further agree to establish and maintain a cooperative program of special education related services programs funded by New Mexico appropriations. (Districts agree to budget a percentage--currently 90%--of their state appropriation for related service providers provided by HPREC for cooperative purchase of such services; districts shall be billed quarterly for such services; any excess funds beyond that which is necessary to pay for all ancillary services provided to the members shall be credited against the next school year's billing on a pro-rata basis.)

They further agree to establish and maintain a cooperative program of non-special education programs funded by federal, state, local, foundational, or other funding sources.

306 Council Membership

The membership of the HPREC Council will be the superintendent of each member school district/institution: Cimarron, Clayton, Des Moines, Maxwell, Mosquero, Raton, Roy, and Springer. Each member of the council shall have one vote and only superintendents may exercise the voting privilege.

3061 Officers

Officers and duties of the office shall include:

- A. **Chair.** Shall preside at meetings, appoint committees, sign contracts and other documents on behalf of the Council, offer resolutions, discuss questions and vote.
- B. **Vice-Chair.** Perform the duties of the council chair in case of resignation, absence, or disability of the chair and any other duties as assigned by the council chair.

² Legal Reference: 22-2B-1 to 22-2B-5, NMSA, 1978

³ Legal Reference: 11-1-1 to 11-1-7, NMSA, 1978

- C. **Secretary.** Assist the council chair with preparations and dissemination of agenda for all meetings in accordance with council policy, and be responsible for official minutes of each meeting in accordance with council policy.

3062 Terms of Office

Terms of office shall be one fiscal year in length. Reorganization of the Council shall occur at the first meeting of each fiscal year. The council will hold an election for the chair, vice-chair, and secretary by nomination and majority vote. Duties of the office will be assumed upon adjournment of the meeting at which the election takes place.

307 Meetings

Meetings of the Council shall be held at the call of the chairperson, subject to the Council's Open Meetings Resolution and the Open Meetings Act [Section 10-15-1 through 10-15-4 NMSA 1978].⁴ The Council shall annually adopt an Open Meetings Resolution for publication which shall include a schedule of regular meetings, times, and places for the following fiscal year. The council chair may call special meetings as necessary following procedures outlined in the annual Open Meetings Resolution.

Place of Meetings

The regular meeting place of the Council will be at High Plains REC administrative office. Regular meetings may also be held at any of the member districts/institution. Location of all regular meetings will be specified in the Open Meetings Resolution and/or posted as per that Resolution. Special meeting places will be specified by the chairman or Executive Director.

Time of Meetings

Regular meetings will be at 9:00 a.m., unless otherwise indicated. Times will be specified at the calling of special meetings.

308 Rules of Procedure

- A. The chairman (or vice-chairman in the absence of the chairman) will conduct all meetings. In the absence of both the chairman and the vice-chairman, the members present shall elect a chairman elect pro tempore, who will serve only for that meeting, or the part of the meeting in which the chairman and vice-chairman are absent.
- B. A complete agenda, including supporting data, will be prepared by the director in consultation with the chairman of the Council, and delivered to each Council member at least three (3) working days before the date of the regular Council meeting. This requirement will be waived only for emergency meetings. Any individual or group wishing to address the Council must request placement on the agenda. Requests are to be made to the Executive Director at least seven (7) business days prior to the meeting. If Council action is anticipated on any agenda item that item will be clearly marked. Agenda items requiring Council action must be posted a minimum of 24 hours prior to the opening of the meeting.
- C. The regular order of business shall be:
 - 1. Call to Order

⁴ Legal Reference: Open Meetings Act 10-15-1 to 10-15-4, NMSA, 1978

2. Roll Call
 3. Approval of Agenda
 4. Approval and Signature of Minutes
 5. Executive Director's Report
 6. Director of Program's Report
 7. Financial Report
 8. Personnel (if needed)
 9. Executive Session (if needed)
 10. Issues from Participants
 11. Adjournment
- D. All members of the Council may make motions, second motions, and vote. Members not voting will be recorded as abstaining. A meeting of a majority of the members of the Council constitutes a quorum for the purpose of conducting business. ***A majority of members present and voting will constitute official action of the Council.*** A Council member may participate in a meeting by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Council who speaks during the meeting.
- E. A member of the Council who cannot be physically present at a meeting and who cannot participate by conference telephone but who wishes to vote on a proposed action item may file a confidential written proxy vote with the Chairman **prior** to the opening of the meeting at which the vote will be called.
- F. Any member of the Council who wishes to make a motion, second a motion, or discuss pending business will first secure recognition of the Chairman of the Council.
- G. The Chairman will present each agenda item for discussion, or designate the Executive Director or other member who will present the agenda item.
- H. All formal actions of the Council will be taken by ordinary motions, unless a formal resolution is legally required.
- I. It will not be necessary for a motion to be before the Council in order to discuss any agenda item, which has been presented by the Chairman for consideration. In the ordinary course of events, the Council will discuss all matters other than routine procedural questions prior to the making of a motion, in order that the reaching of a consensus may be facilitated.
- J. The following motions will be in order:
1. To adopt the agenda
 2. To recess
 3. To take action
 4. To amend a motion made to take action
 5. To set aside the rules
 6. To defer action

7. To adjourn, either finally, or to a specific time, date and place.
- K. Minutes of the previous meeting will be sent to each Council member within seven (7) business days prior to the subsequent meeting. Upon Council approval of minutes, they shall become official. Official minutes will be maintained at the HPREC office.
- L. Reasonable efforts shall be made to accommodate the use of audio and video recording devices. Any one who wishes to record Council meetings shall file a written request to record the meeting with the Executive Director at least twenty-four (24) hours prior to the designated meeting.
- M. Policies, bylaws, or rules of procedure of the Council may be amended by a majority vote of the Council.

309 Powers and Responsibilities of the Council

- A. **Powers of the Council.** The powers, duties and responsibilities of the Council are outlined in the Regional Cooperative Education Act [22-2B-1 to 22-2B-6 NMSA 1978], SBE Regulation 93-23, and the Fiscal Agents Agreement approved by each governing body.⁵
- B. **Responsibilities of the Council.** The Council shall:
 1. Hire an Executive Director and necessary additional staff and, subject to the provisions of law, approve the salaries of all employees. The administrative and supervisory functions of the Council shall be delegated to the Executive Director.
 2. Authorize or affirm disbursements based on the presentation and recommendation of the Business Manager, Director of Programs, and Executive Director.
 3. Maintain personnel, education, programmatic and financial records in accordance with federal and state statute and state board regulation.
 4. Permit authorized representatives of regulatory agencies to inspect and audit all records relating to the cooperative.
 5. Subject to any applicable requirements of state or federal laws and regulations, take action on any other matters, which the Council considers necessary or desirable in furtherance of the High Plains RECs programs, operations or interests.

310 Action in Absence of Policy

In cases where action must be taken within the cooperative and the Council has provided no guidelines for administrative action, the Executive Director shall have the power to act. The decisions shall be subject to review by the Council at its regular meeting. It shall be the duty of the Executive Director to inform the Council promptly of such action and of the need for policy.

311 Complaint Policy and Procedure

- A. **Policy.** High Plains REC Council and administration will afford parents, consumers, and districts the opportunity to resolve complaints and grievances in both an informal and formal manner. Complainants are to utilize informal procedures prior to initiating formal

⁵ Legal Reference: 22-2B-1 to 22-1B-6, NMSA, 1978
SBE Regulation 93-23
Fiscal Agents Agreement

procedures. Nothing in this policy will in any way limit or restrict parent rights under due process but are in addition to such rights.

- B. **Informal Procedure.** When the complainant or aggrieved party feels the need to resolve an issue relating to program, services and/or program administration, the use of an informal conference is encouraged. The complainant may contact a district superintendent or the Executive Director for assistance in organizing a conference between the complainant and the appropriate other party. The contacted superintendent or the Executive Director will schedule the conference and provide to both parties a written summary of the issue and agreed upon resolution. Both parties will agree that any informally agreed upon resolution will not be used as part of formal procedures without the written consent of both parties.
- C. **Formal Procedures.** The complainant or aggrieved party will provide, in writing, the specific program, service and/or program administration issue in question. The written complaint will be sent directly to the HPREC Council in care of the HPREC office. At the next council meeting, the Council will name a hearing officer to hear the issue. The hearing officer will, within five (5) working days, provide a copy of the written complaint to all other individuals directly involved in the issue and schedule a hearing within ten (10) working days of receipt of the formal complaint. The agreed upon resolution or, in cases where agreement is lacking, the resolution decision of the hearing officer will be reduced to writing and signed within five (5) working days of the hearing. An agreed upon resolution will be signed by the hearing officer and all parties directly involved. The hearing officer alone will sign the resolution decision when consensus is not reached. When consensus is reached, the agreement is binding on all parties. When consensus is not reached, the decision of the hearing officer is binding on all parties providing there is no appeal.
- D. **Appeal.** Within ten (10) working days of receipt of the hearing officer's decision, any party directly involved in the complaint may appeal the decision of the hearing officer. To appeal the hearing officer's decision, a letter requesting a hearing before the High Plains REC Council must be sent directly to the Council chairperson in care of the High Plains REC office. The Council chairperson will obtain copies of the hearing officer's decision. The chairperson will determine whether to schedule a review of the complaint or grievance with parties directly involved at the next regular meeting of the Council or call a special meeting of the council within thirty (30) working days of receipt of the request for appeal. The decision of the Council will be considered final and binding on all parties pending remedies available under other regulations.

312 Nepotism

The Council shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, of any member of the Council.

313 Records Available

All public records shall be available to citizens for inspection at the REC administrative offices according to the Inspection of Public Records Act⁶. A written request for access to desired records shall be given to the Executive Director as custodian of the REC's records.

⁶ Legal Reference: 14-2-1 to 14-2-12 NMSA, 1978 Comp.



Administration

HPREC Policy Manual

High Plains Regional Education Cooperative Policies**400 Administration****Adopted: November 2, 2001****Reviewed and/or Revised: February 19, 2008****400 ADMINISTRATION****401 Executive Director****4011 Qualifications**

The Executive Director shall have or be eligible for an administrative license issued by the New Mexico Public Education Department; shall have specialized training in the leadership and business administration of public schools and/or related organizations with at least a Master's degree from an accredited institution of higher learning; and shall have demonstrated by suitable experience the capability of leading a staff and educational community in a continuous program of improvement.

4012 Appointment

The contract of the Executive Director shall be considered at the first regular Council meeting of the calendar year. The director will be employed on a 261-day contract; the contract may be for one (1), two (2) years, or three (3) years.

4013 Responsibilities

The Executive Director shall:

1. Exercise all administrative and supervisory functions delegated by the HPREC Council.
2. Provide effective professional leadership and technical advice to the Council on matters pertaining to IDEA-B, Federal funds (e.g., Title I, Title II, and title IV), Medicaid in the Schools and other programs adopted by the Council.
3. Initiate and guide the development of policies for the Council's consideration and ensure that all policies of the Council and legal duties of the Council are implemented.
4. Interpret Council policies for staff, as well as all state and federal laws and regulations relevant to the operation of the HPREC.
5. Administer the development and maintenance of programs designed to provide maximum utilization of funds within the cooperative. Be accountable for accurate distribution of individual district monies and for accurate monthly, quarterly, and end-of-year reports by working with the HPREC Business Manager and Director of Programs. Assure sound fiscal management and compliance with state and federal audit procedures.
6. Maintain records required by the Council, state and federal statutes and regulations.
7. Provide districts with technical assistance in the interpretation of special education laws and regulations.
8. Prepare the agenda for each Council meeting; notify Council members in advance of the items to be discussed and set up dates, times and locations of meetings.

9. Attend all Council meetings. Prepare a report of monthly activities for the Council and provide information as needed.
10. Serve as the official representative of the Council in relations with the Public Education Department, New Mexico legislature, and other applicable agencies in matters pertaining to all programs adopted by HPREC.
11. Conduct studies and appraisals of the development and needs of all districts and make recommendations to the Council. Encourage ideas and active participation in the development of programs among personnel. Develop objectives to address specific problems facing local educators, administrators, teachers, educational assistants, staff, parents, etc., that work with students.
12. Strive to enhance cooperation between the public school, community, state, and federal agencies.
13. Provide districts with technical assistance for state and federal monitoring activities.
14. Define job requirements and responsibilities for HPREC personnel. Conduct evaluations of all HPREC personnel and office staff. Assist personnel with professional development plans as applicable. Make decisions regarding all employment, reemployment, termination, dismissal and discharge of staff.
15. Serve as recruitment agent for HPREC.
- 16.
17. Perform other duties as assigned by the HPREC Council.

4014 Separation

The Executive Director may be separated from service with the Council upon a majority vote of the full Council.

4015 Resignation

The Executive Director may resign upon providing the Council with proper notice of the intention to resign. The notice will be in conformance with contractual and statutory provisions.

4016 Compensation and Benefits

The Executive Director's compensation and benefits will be established by the Council and may be renegotiated at the time of issuance of contract or upon the preparation of yearly compensation schedules.

Regular leave benefits will be the same as provided for other employees of equal contract length. Any additional annual leave benefits will be established by the contract.

4017 Retirement

The Executive Director will be subject to the same retirement conditions as the total staff and will be entitled to all retirement benefits accumulated during total services as provided by statute.¹

4018 Travel Expenses

The Executive Director shall keep informed of current educational thought and practice by study, by visiting school districts, by attendance at educational conferences, by

¹ Legal Reference: Educational Retirement Act 22-11, NMSA, 1978

participation in professional organizations, and by any other appropriate means. The expenses of the Executive Director for such travel will be paid by HPREC. This expense item will be a part of appropriate yearly budgets and will follow all requirements of the Mileage and Per Diem Act.

4019 Evaluation

The Council will evaluate the Executive Director in terms of the efficiency of operation and accomplishments of the total REC program on an annual basis.

402 Council-Executive Director Relations

4020 Annual Reports

Ongoing reports, verbal and/or written, describing the progress of the REC in terms of goals achieved, objectives reached, and standards responded to shall be made to the Council, along with recommendations for improvement.

The annual report may include, but not be limited to:

1. Demographic data related to each school district/agency served.
2. Child Find information for the region.
3. Budget use for each of the REC's programs.
4. Plans and programs for staff improvement, including both REC and district staff.
5. An overview of programs in progress; plans for any innovative, experimental and/or new programs.
6. Reports on anticipated changes in state and federal statutes or regulations, which may impact program offerings.
7. Needs of the REC office and staff.
8. Proposals for policy changes or improvements.
9. Ongoing evaluation of staff.
10. Staff recruitment efforts.

4021 Administration in Policy Absence (see 310)

In cases where action must be taken within the cooperative and the Council has provided no guidelines for administrative action, the Executive Director shall have the power to act. The decisions shall be subject to review by the Council at its regular meeting. It shall be the duty of the Executive Director to inform the Council promptly of such action and of the need for policy.

4022 Delegation of Authority as Hearing Officer

The HPREC Council acknowledges the following: Under the provision of NMSA 1978, Section 22-4-4D² the Council must approve the employment, termination, or discharge of all personnel upon recommendation of the Executive Director; (2) The Council has the power and duty under Section 22-5-4C³ to delegate administrative and supervisory functions to the Executive Director; and (3) In the course of supervising and

² Legal Reference: 22-4-4D NMSA, 1978 Comp.

³ Legal Reference: 22-5-4C NMSA, 1978 Comp.

administering the daily operation of the REC, circumstances arise in which the Executive Director is called upon to take action with regard to employees within the REC.

The HPREC Council therefore delegates to the Executive Director the authority and responsibility to act as hearing officer or hearing authority for the purposes of hearing or reviewing facts, deciding appropriate disciplinary action, or reviewing disciplinary actions of other designated administrators, consistent with procedures established by state law or regulation or Council policy. Instances in which the Executive Director may exercise such delegation of authority include, but are not limited to, the following circumstances:

1. In effecting the immediate and temporary suspension with pay of employees, whether certified or non-certified, where alleged misconduct of the employee is so severe or extreme that the Executive Director in his sole discretion determines such immediate action to be necessary to preserve the health, safety, or welfare of students or other employees of districts or the REC or to assure the continued efficient operation of the REC. No appeal to the Council from such action may be had unless the Executive Director also recommends Council action to suspend such employee without pay or to terminate or discharge such employee.
2. In offering employment to prospective employees in the interim between Council meetings where such offer is necessary to obtain qualified staff, so long as all such offers are expressly conditional on the subsequent recommendation to and approval of the Council.
3. In reviewing complaint or grievance resolution proceedings as set forth in Council policy and in determining whether particular issues are subject to such grievance procedure.

The delegation of authority provided herein may not be used in a manner contrary to state law or regulations or to deny any employee rights to which he or she may otherwise be entitled. The council may expand the delegation prescribed herein in appropriate circumstances. The enumeration of delegated authorities to the Executive Director shall not be construed to limit the authority of the executive director to take such further actions as may be necessary to administer programs or to execute Council policy, unless such authority is reserved to the Council by state law.⁴

4022 Delegation of Authority as Procurement/Purchasing Officer

The HPREC Council delegates to the Executive Director the authority and responsibility to act as procurement/purchasing officer for HPREC within federal, state, and local regulation and policies. All such purchases and procurements are subject to the Procurement Act and to Council review and/or approval.

403 Director of Programs

4031 Qualifications

Shall possess a Master's degree with a major in educational administration, a valid New Mexico license to practice school administration, at least five years experience in public

⁴ Legal Reference: 22-4-4C-D, NMSA, 1978

schools or related agencies, or such alternatives to the qualifications as the Council may find appropriate and acceptable.

4032 Supervises

The Director of Programs directly supervises all program (related services and non-administrative office staff).

4033 Responsibilities

The job responsibilities of the Director of Programs shall include but not be limited to:

1. Carrying out the REC Council's policies as delegated by the Executive Director.
2. Coordinating all REC programs: IDEA, Medicaid, Title 1, Title II, Title IV, Title V, Child Find, and other HPREC programs..
3. Providing staff level leadership for curriculum and staff development.
4. Organizing related services personnel assigned to the member school districts for maximum effectiveness.
5. Arranges and coordinate in-service training for each school district, as needed. Assist directly and indirectly with the training and technology needs to facilitate success for all involved with educating all students. Assist the business manager in the financial arrangements of all workshops and in-services through the HPREC.
6. Coordinate activities necessary to conduct Child Find.
7. Assuring maintenance of accurate and complete personnel files.
8. Serving as the recruitment agent for the REC.
9. Making recommendations to the Executive Director regarding the employment, assignment, and evaluation of personnel. Assisting the Executive Director with the development of the REC staff evaluation and development plan. Maintaining documentation that each staff member has been evaluated and has demonstrated the essential competencies.
10. Establishing an atmosphere, which will promote communications with faculty, staff, parents and community and promoting a mutual understanding of the concerns, opinions, and feelings of each group.
11. Making appointments or setting meetings for staff, as requested.
12. Monitoring services by related services personnel to assure compliance with state and federal regulations.
13. Providing and/or coordinate parent/staff training and technical assistance to member school districts.
14. Acting as a liaison between the REC and member school districts.
15. Performing other duties as assigned by the Executive Director.

4034 Terms of Employment

The contract is for 261 days and may be for one (1) or two (2) years. Salary is established by the Council upon the recommendation of the Executive Director. Regular leave benefits will be the same as provided for other employees of equal contract length. Any additional annual leave benefits will be established by the contract.

4035 Evaluation

The Director of Programs is evaluated annually by the Executive Director in accordance with provisions of the High Plains REC evaluation procedures.

4036 Employment Conditions

Recruitment. The Executive Director will hire Director of Programs and any other administrative vacancies with the best-qualified person available.

1. Hiring. Director of Programs applicants will be interviewed and hired by the Executive Director.
2. Assignment. All Director of Programs responsibilities are assigned by the Executive Director.
3. Separation. Director of Programs may be separated from service with the REC upon recommendation of the Executive Director in accordance with statute and regulation.
4. Resignation. Director of Programs may resign his position by providing the Executive Director with a notice of at least thirty days of his intention to resign. The Executive Director is authorized to waive the thirty days notice and to accept the resignation without penalty according to his discretion.
5. Retirement. Administrative personnel are entitled to all retirement benefits accumulated during total service as provided by statute.
6. Reduction-in-Staff. Reduction in administrative staff will be accomplished, when necessary, in accordance with the HPREC reduction-in-force policy.



Personnel

HPREC Policy Manual

High Plains Regional Education Cooperative #3 Polices**500 Personnel – Licensed and Non-Licensed****Adopted: November 2, 2001****Reviewed and/or Revised: June 3, 2008****Reviewed and/or Revised: January 14, 2014****Reviewed and/or Revised: October 20, 2015****500 PERSONNEL—LICENSED AND NON-LICENSED****501 Equal Opportunity Employment**

HPREC is an Equal Opportunity Employer and does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, disability, handicap, sexual orientation, gender identity, or veteran status in employment or the provision of services. This includes, but is not limited to educational services or employment. Inquiries concerning the application of Title VI, and Title VII of the Civil Rights Act, Section 504 of PL 92-112, and the Age Discrimination Act shall be referred to the Executive Director of the HPREC. The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and staff members with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and staff members with disabilities with necessary reasonable accommodations that do not impose undue hardship. It is the responsibility of the applicant or staff member to inform the Executive Director that an accommodation is needed.¹

5011 Classification of Staff Members

The Council designates and defines the following classification of staff members:

1. **Licensed/Certified Personnel.** Staff members of HPREC paid from licensed salary schedules and who are required to be licensed by the New Mexico Public Education Department or other professional licensing boards.
2. **Support Personnel.** Staff members of HPREC who do not require a license
3. **Administrators.** Administratively licensed personnel who are paid as administrators and carry out administrative duties assigned by the Council and/or Executive Director.

502 Background Investigations

The HPREC will conduct work history, education history and reference investigations on each applicant recommended for employment including substitutes and temporaries. Each such applicant will be subject to a criminal background investigation, including mandatory fingerprinting at the applicant's expense, as a condition for further consideration for employment. An applicant for employment who has been initially certified by the New Mexico Public Education Department within twelve months of applying for employment with HPREC, shall not be required to submit to another background check if the New Mexico Public Education Department has copies of his/her Federal Bureau of

¹ Legal Reference: Civil Rights Act
PL 92-112, Section 504
Age Discrimination Act
American with Disabilities Act

Investigation records on file and if such copies are released to High Plains.²

All offers of employment are contingent upon the satisfactory completion of background investigations. Criminal convictions shall not automatically bar an applicant from obtaining employment with HPREC, but pursuant to the Criminal Offender Act [NMSA 1978, 28-2-4 and 28-2-5], may be the basis for refusing employment.³

Criminal background checks, as presented above, shall also be conducted upon each contractor or staff member, at the expense of the contractor or staff member, if the contractor has unsupervised access to students. In such cases, contracts shall be subject to the satisfactory completion of background checks.

With regard to existing staff members, HPREC may conduct equivalent background investigations if it becomes aware of facts, circumstances or conduct giving rise to a reasonable suspicion that undisclosed aspects of the staff member's background might disqualify him or her to continue in employment with HPREC.

Records and any related information shall be privileged and shall not be disclosed to a person not directly involved in the employment decision affecting the specific applicant who has been offered employment or a contractor or staff member with unsupervised access to students.

503 Chain of Command

HPREC Executive Director will report directly to the Council. All HPREC staff members will be responsible to and report to the Executive Director and their direct supervisor as detailed in the official HPREC organizational chart. When the HPREC staff member is working in a school district, he is to follow building/district policies and procedures. If there is a conflict, the staff member should try to resolve the issue(s) with the person involved. If it is not resolved, the HPREC staff member must inform the HPREC Executive Director and Director of Programs in writing. The HPREC Executive Director and Director of Programs will take appropriate and necessary action(s) per HPREC official policies.

504 Staff Development Opportunities

The Council recognizes that staff members should continue to improve their competencies during their service. It expects the Executive Director to promote opportunities for staff development and for staff members to take advantage of them. To the extent feasible, the Executive Director should establish procedures by which staff members can receive proper support and recognition for efforts to improve themselves.

Encouragement shall be given to all staff members to attend meetings, take courses, and read literature describing innovative practices and the solving of program problems. HPREC Executive Director and/or Director of Programs will provide for professional growth through such means as the following:

- A. Planned in-service programs and workshops offered within HPREC.
- B. Released time for visits to other RECs and schools, and for attendance at conferences, workshops, and professional meetings. Application will be made to the Director of

² Legal Reference: 22-10-3.3 NMSA, 1978

³ Legal Reference: 28-2-4 NMSA, 1978

Programs in advance. The Director of Programs will forward any approved request to the Executive Director. (See 5105 Professional Leave policy)

Reimbursements for expenses related to conferences and visitations will be approved by the Executive Director and/or Director of Programs in accordance with HPREC Official Policy; provided such expenses are within budget allocations for such purpose. Advance payment for approved professional development shall be made according to New Mexico Mileage and Per Diem Regulations.

505 Staff member Grievance Resolution Procedure

- A. **Purpose.** The purpose of this policy is for the reporting and resolution of legitimate employment-related concerns of the staff members of HPREC at the earliest possible time and with the least possible expense, disruption and conflict. The Council recognizes that most personnel difficulties encountered by staff members arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before more serious difficulties result.
- B. **Definitions and Limitation**
 1. "Grievant" shall mean a staff member who is personally and directly affected by a condition for which he or she seeks a resolution.
 2. A "grievance" shall be an allegation by a staff member that the treatment he or she received from a supervisor or staff member is unfair or improper, or that there has been a violation, a misinterpretation or an inequitable application of HPREC Official Policy, administrative rules or procedures, that directly and adversely affects the grievant. A single grievance may be submitted jointly by more than one grievant.
 3. "Resolution(s)" shall be the proposed written decision by the appropriate administrator(s), grievance review committee or Council, in response to the grievance.
 4. "Parties in interest" shall be the grievant and the supervisor or other staff member(s) of HPREC whose conduct or actions are the subject of the grievance.
 5. The following situations are not covered by this grievance procedure and are therefore not grievable under this policy:
 - a. The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any staff member by his or her immediate supervisor;
 - b. Any personnel decision made by the Council, including, but not limited to, a refusal to re-employ, a discharge, a demotion, or any other action directly and adversely affecting the employment of an staff member;
 - c. Situations in which the Executive Director and the Council are without authority to act;
 - d. Situations in which the remedy for the alleged violation exclusively resides in some person, agency, or authority other than the Council;
 - e. Situations as to which a different procedure within the HPREC is prescribed by state or federal authority;
 - f. Situations as to which a different procedure or remedy has been provided by the Council; and
 - g. Situations involving a grievance by a contractor for the HPREC.
 6. A grievance cannot be filed by a former staff member after the effective date of termination or discharge from employment.

C. General Procedural Requirements

1. A grievance must be initiated at Level 1, as provided in Section D, within ten (10) work days of the date upon which the grievant became aware of the circumstances, which gave rise to the grievance.
2. No persons shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of this grievance procedure.
3. Whenever possible, any grievance conference or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with regularly scheduled provision of service.
4. A grievant requiring the attendance and testimony of other staff members shall have the right to bring such witnesses as are willing to testify on his or her behalf, and any necessary released time shall be provided and the expense borne by the HPREC when hearings must be scheduled during service time.
5. A separate file shall be maintained by the HPREC for grievances. All documents produced during the processing of a grievance shall be filed herein. All parties shall maintain confidentiality with regard to proceedings and the resolution of the grievance shall not be made public unless agreed to by the grievant and the Executive Director, or unless the grievant pursues the matter beyond this policy. The grievance shall be maintained for one (1) year after cleared according to the New Mexico State Records Center and Archives and access to the file shall be limited to the grievant, the immediate supervisor, the Executive Director, and members of the Council.
6. Nothing contained herein shall be construed to limit in any way the ability of the HPREC and the grievant to resolve any grievance by informal means, and nothing herein shall be construed as requiring resort to the formal procedures when grievable problems arise.
7. A grievant may terminate the process at any level if he or she indicates in writing a desire to do so, accepts the resolution at that level, or fails to pursue his or her grievance by filing at the next level within the specified time limit.
8. All grievances shall be filed and processed on grievance forms prepared by the HPREC and available in the HPREC's administrative offices.
9. The time limits at any level may be extended by mutual agreement between the grievant and the supervisor, Executive Director, review committee, or Council.
10. Except as otherwise provide herein, unless a party can demonstrate prejudice arising from a departure from the proceedings established in this policy, such departure shall be presumed to be harmless error.

D. Procedural Steps

Level 1 (Informal Conference)

Prior to the filing of a formal written grievance, the grievant shall first discuss his or her grievance with his or her immediate supervisor in a good faith attempt to resolve the grievance prior to the filing of a formal grievance. In the case of a claim of sexual harassment in which the grievant's supervisor is the subject of the claim, the grievant may initiate the grievance at the next supervisory level above that of the subject supervisor.

Level 2 (Supervisor)

If the grievant is not satisfied with the discussion and disposition of his or her grievance at Level 1, he or she may file a written grievance with his or her immediate supervisor within ten days of the disposition. The immediate supervisor shall communicate his or her proposed resolution in writing to the grievant within five (5) workdays from the filing of the written grievance. Although no hearing or conference is required at this level, the immediate supervisor shall have the discretion to require a hearing or conference and

gather such evidence prior to the preparation of the decision as he or she, in his or her discretion, feels would assist in any appropriate resolution of the grievance. The hearing or conference, if any, shall be as informal as possible and shall be conducted as the immediate supervisor, in his or her discretion, feels is appropriate for a full understanding of the grievance, the position of the grievant and the evidence supporting that position.

Level 3 (Executive Director)

If the grievant is not satisfied with the resolution of the grievance at Level 2, or if the supervisor fails to issue a proposed resolution within the time limit set forth above, the grievant may file the grievance with the Executive Director within five (5) work days after the resolution was rendered or was due, if none was received. The Executive Director shall conduct a closed informal hearing with the parties in interest to the grievance within five (5) working days after receipt of the grievance. The hearing by the Executive Director shall be as informal as possible and shall be conducted, as he or she feels, is appropriate for a full understanding of the grievance. The Executive Director shall have the right to ask any questions of the interested parties as he or she deems necessary. Within five (5) work days following the hearing, the Executive Director shall render his or her written proposed resolution to the grievant.

Level 4 (Council)

If the grievant is not satisfied with the resolution of the grievance at Level 3, or if the Executive Director fails to issue a proposed resolution within the specified limit, the grievant may make a written request to the Executive Director for a hearing with the Council within five (5) work days after the Executive Director's resolution was rendered alternatively, was due, if none was received. At its sole option, the Council may appoint a Grievance Review Committee to hear the grievance. The Grievance Review Committee shall be composed of three (3) persons, one from each of the following staff categories:

1. Certified Instructor. To be selected from either HPREC staff members or participating entity staff members;
2. Administrator. To be selected from either HPREC staff members or participating entity staff members;
3. Non-certified staff member of HPREC or participating entities.

The members shall be appointed by the Council. The Committee shall select its chairperson prior to the processing of any grievance. The chairperson of the Committee shall schedule an informal hearing within five (5) work days of receipt of the grievance. If a Committee member is unable to participate in the informal hearing, the chairperson shall designate a substitute from within the staff member category of the non-attending member.

The procedure for the hearing shall be as follows:

1. The grievant shall present his/her grievance first, through testimony, witnesses, documents, etc. Cross-examination shall not be allowed by the other party in interest, if any.
2. The other party or parties in interest, if any, shall present their responses to the grievance. Cross-examination shall not be allowed.
3. The Committee may ask any questions that it deems necessary.
4. Arrangements to make a taped recording or to keep minutes of the proceeding shall be made by the chairperson. A verbatim written transcript is not required, but any minutes or other written record shall fairly reflect the substance of the hearing.

5. Within five (5) work days following the date of the hearing, the Committee shall transmit its findings and recommendations for proposed resolutions to the Council. Within ten (10) work days, the Council shall accept the recommendations of the Committee by a majority vote or agree to hear the grievance.

The holding of a hearing by the Council is discretionary with the Council, and such decision shall be made by the Council at its next regularly scheduled meeting after receipt of the written request for a hearing. If the Council rules that it is appropriate to hear the grievance, it shall set the date for such hearing and the parties in interest shall be notified by the Executive Director. The parties in interest shall submit written statements of position, which shall be delivered to the Council members at least five (5) work days prior to the hearing. In addition, any other documentary evidence desired to be reviewed by the Council shall be submitted at that time. The hearing shall be conducted as follows:

1. Each party in interest to the grievance shall have the opportunity to present oral statements limited to 30 minutes each. The presentation shall be limited to a review of evidence previously presented, unless the Council, in its discretion, allows new evidence to be presented during the hearing. Evidence may not be cross-examined by the other party in interest.
2. Since grievances are "personnel matters," the hearing may be conducted in an executive session, if the grievant so requests and the Council votes to close the hearing. The grievant may demand that the hearing be held in open session, in which case the hearing must be open.
3. The Council may make such inquiries of any party in interest, as it deems necessary or appropriate.
4. The Council shall render a final written decision within a reasonable time. In arriving at its decision, the Council has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested.

506 Conflict of Interest

Staff members of HPREC owe their full attention and loyalty while on the job to the best interests of the HPREC and its member districts and institutions. Various situations can create the potential for interfering with the physical performance of staff member's duties, or for bringing staff members' personal interests or the interests of some other person, group or entity into conflict with HPREC's best interests. All HPREC staff members must use their good judgment and avoid situations or relationships which interfere with their physical ability to perform their duties or which tend to divide their on-the-job loyalties.

A. Outside Employment

The Council recognizes that many HPREC staff members find it necessary or desirable to supplement their income through outside employment. Nevertheless, the Council considers that it has given full-time staff members' full-time jobs during the term of contract, and expects all HPREC staff members to give their assigned responsibilities priority over outside work.

The Council does not wish to infringe unduly upon any staff member's ability to augment his or her income through legal outside activities. However, outside work may legitimately concern the council if it interferes with the effective performance of a staff member's job related responsibilities, if it tends to compromise or embarrass the HPREC, or if it suggests a conflict of interest. Accordingly, the following rules shall govern staff members' outside employment.

1. HPREC staff members shall not perform any duties related to outside employment during regular working hours or within other assigned job related schedules.
2. No HPREC staff member may solicit or negotiate for, accept employment from or render any services for any outside person, firm, group or entity or own account if such employment or service:
 - a. Physically impairs the proper discharge of the staff member's official duties, or
 - b. Creates or tends to create a conflict between the interests of the HPREC and the staff member's personal interests or the interests of the outside person, firm, group or entity.

A full-time staff member who contemplates accepting outside employment shall submit in writing a request for outside employment to the Executive Director. The staff member must receive approval of the Executive Director before making any commitment to undertake outside work.

B. Gifts and Gratuities

Staff members of the Council are prohibited from accepting anything of material value from companies, organizations or individuals doing business with the HPREC. Staff members are prohibited from accepting anything of material value from any other individual, organization or company, which might compromise or reasonably appear to influence the exercise of independent judgment in the performance of official duties for HPREC.

C. Staff member Business Dealings with HPREC

1. **Philosophy.** HPREC exists to assist member schools and institutions in pursuance of excellence in education for the children of the region. To foster public confidence in the HPREC and to ensure fidelity to the mission of the member districts and institutions, it is essential that no staff member of the HPREC shall be permitted to exploit the employment relationship for personal financial gain beyond his or her authorized compensation. Even a suspicion of such exploitation is sufficient to erode public confidence in the HPREC. The Council accordingly adopts the following policies to guard against such eventualities.

2. **General Policy.** Section 22-21-1, NMSA, broadly prohibits certified staff members from profiting, even indirectly with their employing agencies, beyond the basic employment relationship. Violations are designated as fourth-degree felonies under the Criminal Code, which are punishable by imprisonment for up to 18 months and a fine of up to \$5,000.⁴

The Council hereby adopts the statutory prohibitions for non-certified staff members as well as certified personnel. Except for authorized, special services as provided below; or for allowable overtime compensation for non-certified personnel, it is the policy of the Council that no staff member of HPREC shall, directly or indirectly, receive or seek to receive any monetary gain from business dealings with or work for the HPREC beyond his or her official compensation. This policy shall govern despite the potential for a technically legal sale to the HPREC in the regular course of a staff member's business under the exceptions provided in Section 22-21-1B, NMSA.

3. **Special Contracts for Extra Duties.** Section 22-21-1B, NMSA accepts from the statute's general prohibitions "cases in which certified school instructors or certified school administrators contract to perform special services with the district with which they are

⁴ Legal Reference: 22-21-1 NMSA, 1978 Comp.

employed during time periods wherein service is not required under a contract for instruction or administration.” Executive Director may occasionally authorize special services contracts when such action seems appropriate to meet a particular need. However, no special services contract shall be authorized in any situation:

- a. Where the additional responsibilities would interfere physically with the proper performance of the staff member’s primary duties, or
- b. Where the additional responsibilities would create a conflict of interest with or tend to influence the staff member’s exercise of independent judgment in the performance of his or her primary duties, or where the potential for the appearance of such a conflict or influence reasonably exists.

D. Paid Services. To assure all students reasonable assistance without charge from their service providers and to avoid the potential for conflicts of interest, no service provider may receive any pay or anything of material value directly from any student who is assigned to the service provider’s assigned case load.

E. Professional Research and Publishing. The Council considers that the HPREC has proprietary rights to publications, instructional materials, and other devices prepared by staff members of the HPREC during their paid work time.

When original materials are developed by staff members or staff committees during working time or as part of regular or special assignments for which they are paid, the HPREC will retain exclusive rights regarding publication or reproduction and may acknowledge the contributions of the staff member(s) who developed the materials. When proprietary rights are reasonably in doubt, such as when original materials have been developed partly on work time and partly and demonstrably on an staff member’s own time, appropriate allocations of rights may be negotiated with the Executive Director’s approval.

507 Political Activities

The Council subscribes to the principle that HPREC staff members not only have the right but must also share in the responsibility for the development of sound public policy by assuming full political and citizenship responsibilities. A staff member who is a candidate for political office or has been elected to a non-partisan political office has a joint obligation to the public and to HPREC. HPREC staff members may not be candidates for partisan political office. During involvement with non-partisan political activities, a staff member will not:

- A. Misrepresent the HPREC but will take adequate precautions to distinguish between his personal views and HPREC views.
- B. Interfere with a colleague’s exercise of political and citizenship rights and responsibilities.
- C. Use HPREC privileges, resources, or working time to promote political candidates or partisan political activities.
- D. Assign or expect children to participate in any aspect of campaigning, canvassing, or aiding in the processes of attempting to persuade voters to vote for or against individuals or measures as a part of required or enrichment activities or course work. Nor will children be used as a forum for a staff member to express personal feelings for or against any candidate in any election at any level.

Campaigning in person, circulating political literature for or against any candidate or cause, or the posting of such literature, is prohibited in the HPREC or on the HPREC

premises with the exception of information and literature pertaining to HPREC, city, county, or higher education levies and bond issues. The Executive Director will act to ensure that unauthorized campaigning or distribution of literature is not permitted.

Upon request, the Council shall grant a political activity leave to a staff member to serve in the legislature and will consider on an individual basis requests for serving in other public offices that require time away from regular duties. Absences for public service leave shall not exceed 60 school days per contract year. However, if a need arises, such as special sessions, additional leave shall be granted upon the recommendation of the Executive Director and approval by the Council. Council approval for public service leave shall be required for the first term only.

Any HPREC staff member elected to a non-partisan public office who is appointed to a committee or committees dealing directly with program issues may file a request for leave without pay.

Staff members approved for absence from all assigned duties while serving the elected position shall be granted a leave without pay for all job time missed. Except, should the elected staff member fulfill partial job responsibilities while absent from regular duties, he will be paid on a pro-rata basis for verified hours/days worked.

508 Public Appearances

Only those HPREC staff members receiving prior approval of the Executive Director may officially represent the Council and the HPREC before a public or professional group speaking on behalf of the HPREC on its policies, rules and regulations, philosophies and programs.

509 Personnel Records

Personnel records of current and past applicants and staff members shall be the property of the HPREC. These personnel folders shall be placed in locked fireproof files in the HPREC office.

The personnel records may include but not be limited to the following documents where applicable:

1. Background information and documentation about training, experience, references, credentials, application form, personal data, licensure information, proof of age and nationality and any other information deemed appropriate and necessary.
2. Record of service within the HPREC consisting of service and program assignments, copies of contracts, transfer and leave requests, payroll information, supervisory and evaluation documents, letters of resignation, and other records deemed important and appropriate.
3. Termination information, which shall indicate whether termination was by resignation or dismissal. All information in an staff member's personnel file shall be open to the staff member except access to the confidential papers of placement bureaus and references received from former employers or personal references given by an employer on an application prior to employment which such placement offices or employers have requested be kept confidential
4. Records related to medical conditions or disability, personnel grievances, and formal personnel evaluations results shall be contained in permanent confidential files apart from regular personnel files per federal regulations and Council policies.

Access to General Personnel Files – General personnel files will be open to the following HPREC personnel:

1. Staff member concerned, except for confidential college placement papers and references received in confidence.
2. Executive Director and Director of Programs.
3. Human Resource staff as required in the performance of duties.
4. Council during official personnel sessions.
5. Designated HPREC attorney during official personnel sessions of the Council or as requested by the Executive Director.

Access to Confidential Personnel Files:

Confidential personnel files, which contain criminal background checks, confidential medical information, and personnel grievances will be accessed only by the staff member, the Executive Director, Director of Programs, Human Resources, the Council when convened in personnel session, and the Council's attorney as requested by the Executive Director.

Access by Outside Parties - It shall be the policy of HPREC to protect the privacy of current, former and prospective staff members to the extent permitted by law. Accordingly, all personnel information retained by HPREC shall be considered confidential unless the Inspection of Public Records Act [NMSA 14-2-1 et. seq.] requires otherwise⁵.

Confidential personnel information will not be released without the affected person's written consent unless an administrator who is responsible for maintaining the relevant records determines that exceptional circumstances justify such an action. Other personnel information will be made available pursuant to the Inspection of Public Act, as interpreted by New Mexico courts.

The Act and decisions interpreting it provide that the following types of personnel information may be treated as confidential:

1. Letters of reference concerning employment, licensing or permits;
2. Letters of memoranda which are matters of opinion in personnel files, including documents concerning infractions and disciplinary actions, performance evaluations, and related materials, opinions as to whether a person should be rehired or reasons why an applicant was not hired, and any other material expressing an opinion as to a current or former staff member or an applicant for employment;
3. Medical and related information pertaining to illness, injury, disability to perform a job task, or sick leave;
4. Names or other identifying information on applicants for positions within the HPREC until and unless one or more persons outside the HPREC are contacted for further information regarding a particular applicant; and
5. Other types of personal information, such as military discharge or arrest records, (a) which is solicited by the HPREC; (b) which is considered vital to the employment procedure; (c) which was furnished after a promise to keep the information confidential; and (d) for which disclosure would not appear to serve any identifiable interest.

Staff members are personally responsible for securing verification of service, transcripts, health certificates, birth certificates, required licenses, fingerprinting and criminal

⁵ Legal Reference: Inspection of Public Records Act 14-2-1 et.seq. NMSA, 1978 Comp.

background checks, etc.

Materials shall not be removed from the individual personnel folder except for review. Personnel records shall not be removed from the Human Resources office or the office of the Executive Director except as designated in policy.

Copies may be provided at a reasonable cost except as to matters involving litigation or threat of litigation in which event copies will be made available through a designated HPREC attorney or appropriate representatives determined by the Executive Director.

Lists of HPREC personnel will not be released to political, commercial, religious groups or by HPREC staff. Release of lists of personnel to educational groups or organizations shall be at the discretion of the Executive Director.

510 Staff Member Leave Benefits

All leave benefits are limited to permanent full-time staff members and to permanent part-time staff members who work at least twenty (20) hours weekly for at least a 170-day contract. Leave benefits do not apply to occasional or temporary staff members such as substitutes, student workers, hourly-rate service providers, or staff members hired to complete short-term projects.

Leave benefits for part-time staff members who work at least twenty (20) hours weekly are pro-rated based on how their work hours related to a full-time 40-hour week. A staff member who works 20 hours weekly would receive .50 of the leave granted a full-time staff member, i.e., such a staff member would be awarded .50 sick day for each contract month completed. A twelve-month staff member who works 20 hours weekly would be awarded .50 day personal leave per year without deduction in salary upon advance approval of the Executive Director. Leave benefits for staff members who are considered permanent full-time staff members but whose contracts are for less than 170 days will also be accrued on a pro rated basis. Except in cases of illness or emergency, all leave must be requested in advance and approval granted by the Executive Director before leave is taken. In approving leave requests, the Executive Director will consider both the staff member's need for leave and the HPREC's purpose to provide efficient services to its member districts. In cases of illness or emergency, HPREC is to be contacted as soon as possible.

5100 Sick/Medical Leave

Full-time HPREC staff members are allowed one (1) day paid sick/medical leave per contract month per year without deduction in salary. This leave is accumulated at the rate of one (1) day per month (.50 day per month for part-time staff members who work 20 hours weekly) of active service up to a total accumulation of the length of the annual contract/employment agreement. Staff members who are considered permanent full-time staff members but who work less than a 170-day contract will accrue medical leave at the percentage their contract relates to a 170-day contract, i.e., a staff member who has a 140-day contract will receive 140/170 day for each contract month or .82 days per month.

At the discretion of the Executive Director, a staff member may be granted advance leave based on individual circumstances and organizational requirements. The maximum advancement is the amount that the staff member could earn for the remainder of the current contract year. If advance leave is granted, the Executive

Director must insure that the staff member will make up the leave deficiency within the contract year or repay HPREC for any overpayment of salary caused by overdrawn sick leave should there be a termination of employment or when a deficit exists at the end of the contract year. A negative sick leave balance shall not be carried over from one contract year to the next. Before salary reduction is implemented to repay advance sick leave, the staff member must first use sick leave as accumulated, then annual leave or comp time accumulation, then personal leave; after these leave sources are exhausted, the overdrawn amount will be deducted from the staff members pay on a day-for-day basis. Upon the written request of the staff member, the Executive Director may authorize the payroll clerk to reduce the amount of payroll checks so that the anticipated deficit payment is allocated over the remaining contract period rather than for the final payroll period only.

A staff member claiming sick leave who is absent more than four consecutive work days shall submit a doctor's certificate attesting to said illness. If at any time the Executive Director has reason to suspect the abuse of sick leave benefits, i.e., a staff member who misses the day before or after a weekend on a regular basis, etc., the Executive Director may request a doctor's certificate. If at any time there is a question as to the ability of a staff member to perform one's assigned responsibilities, the HPREC will require an examination by a HPREC appointed doctor; the HPREC will pay for such a required examination.

Sick leave may be authorized for:

1. Personal medical treatment or illness of the staff member;
2. Medical treatment or illness of a member of the immediate family,
3. A death in the immediate family,
4. The actual period of temporary disability connected with childbearing or recovery therefrom as defined below:
 - a. The natural mother may use accumulated sick leave for the actual period of temporary disability caused or contributed to by pregnancy and childbirth.
 - b. The natural father may request sick leave to care for the mother and newborn infant during the natural mother's period of temporary disability. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate or other acceptable proof shall be required verifying the staff member's period of temporary disability. At the request of the Executive Director, the staff member may also be asked to provide a doctor's verification of any significant or continuing pre-delivery absences.
5. Adoption of a child under five years of age, limited to 30 days for each parent;

Definitions

The immediate family is defined as the staff member and spouse, their children, brothers, sisters, parents, grandparents, grandchildren. Absence due to illness or death of a close relative or friend of the staff member, other than those individuals listed in the definitions above, must be approved in advance by the Executive Director. Details as to the close relationship must be included in the written request for leave.

51001 Family and Medical Leave Act Leave of Absence

This policy is adopted to implement the federal Family and Medical Leave Act of 1993 (FMLA) pursuant to the terms, conditions, and limitations of the Act. In the event of any conflict between the provisions of this or any other leave policy of the Council and the provisions of the FMLA, the latter shall prevail.

1. To be eligible for leave under the Act a staff member must have worked for the HPREC for a total of 12 months, during which the staff member must have worked a total of 1,250 hours.
2. Pursuant to the Family and Medical Leave Act, staff members are permitted up to 12 work weeks of unpaid leave per year during any 12-month period. Family and medical leave can be requested for the following reasons:
 - a. Childbirth and infant care;
 - b. Placement of a child with the staff member for adoption or placement of a child with the staff member by a state agency for foster care (entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child);
 - c. Care of the staff member's spouse, son or daughter or parent with a serious health condition; and
 - d. The inability of the staff member to perform his or her job duties due to his or her own serious health condition, or the necessary absence from work of an staff member to receive medically necessary treatment.

The 12-month period within which each staff member may take 12 weeks of leave under the FMLA shall be a "rolling" 12-month period, measured backward for each staff member from the first time each such staff member uses leave under the FMLA.

3. A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves:
 - a. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
 - b. a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
 - c. any period of incapacity due to pregnancy, or for prenatal care; or
 - d. any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc); or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc); or
 - e. any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

4. A staff member requesting leave shall submit a "Request for Leave" form to the Executive Director.
5. If a staff member requests leave for treatment of a staff member's serious medical condition or for that of a child, parent, or spouse, the staff member must make a reasonable effort to schedule the treatment at a time that is not unduly disruptive to the HPREC.
6. A staff member seeking leave for a foreseeable reason such as the birth or placement of a child or for planned medical treatment, shall provide the HPREC with at least 30 days advance notice of the leave. If 30 days advance notice is not possible under the circumstances, e.g. in the case of a premature birth, the staff member shall give such notice as is practicable, e.g., within one or two business days of the day the staff member learns of the need for leave. If a staff member's reason for seeking leave was unforeseeable, such staff member shall give such notice as is practicable. A staff member who fails to give notice of leave as required herein may be denied such leave until the notice requirements are met. If less than 30 days notice is provided, the staff member must schedule an appointment with the Executive Director for approval.
7. An staff member seeking leave on the basis of the serious medical condition of the staff member or the staff member's spouse, son or daughter, or parent, must provide certification issued by the health care provider of the staff member or of the staff member's spouse, son or daughter, or parent, stating:
 - a. The date the condition began,
 - b. Its probable duration,
 - c. Appropriate medical facts, and
 - d. That, for a specified time, either:
 - i. The staff member is unable to perform his or her job functions or will be unavailable to do so while receiving necessary medical treatment, or
 - ii. The staff member will be needed to care for the sick family member.

If the adequacy of medical certification is questioned by HPREC, HPREC may require the staff member to seek the opinion of a second health care provider, who is not regularly employed by HPREC, at the expense of the HPREC. If the opinions of the first and second health care providers differ, HPREC may require the staff member to obtain a third opinion at the HPREC's expense, from a health care provider agreed upon by the staff member and the HPREC. The third opinion shall be final and binding.

8. Health care providers who may provide certification of a serious health conditions include:
 - a. Doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
 - b. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice under State law;

- c. Nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under State law and performing within the scope of their practice as defined under State law;
 - d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
 - e. Any health care provider recognized by HPREC or HPREC's group health plan's benefit manager; and
 - f. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.
- 9. Spouses employed by the HPREC are limited to a combined total of 12 workweeks per year for the birth or placement of a child, or to care for a parent. However, for other covered leaves, such as to care for a spouse or child, or for treatment of the staff member's own serious health condition, each spouse may take up to 12 weeks a year.
- 10. Intermittent leave and reduced work schedules are allowed when such are medically necessary; however, staff members may not take intermittent leaves or go on reduced work schedules that reduce the number of hours worked per week or per day for childbirth/infant care or adoption leave.
- 11. If any staff member requests intermittent leave or leave on a reduced work schedule to care for a seriously-ill family member or for the staff member's own serious health condition, and the need for leave is foreseeable based upon planned medical treatment, the staff member may temporarily be transferred to an available alternative position with equivalent pay and benefits, if the staff member is qualified for the position and the position better accommodates recurring periods of leave than the staff member's regular job.
- 12. All requests for family/medical leave must be approved by the Executive Director.
- 13. Staff members who take family/medical leave must utilize any available paid leave they have accrued under another of the Council's leave policies when the reason for leave corresponds with the basis for leave under the other policy. Accrued vacation or personal leave shall be substituted for any FMLA-qualifying purpose. If the request leave period extends beyond the staff member's accrued number of paid leave days, the remaining leave days will be unpaid.
- 14. Any staff member seeking leave shall explain the reasons for the need leave on forms provided by the HPREC. It shall be the HPREC's responsibility to identify the requested leave as covered by the FMLA as paid or unpaid on the basis of leave time accrued under other leave policies. Such identification shall be made at the time leave is requested or during such leave, on the basis of information provided by the staff member.
- 15. During the period of leave, the HPREC will maintain the employer's coverage for the staff member under its group benefits plan if enrolled; however, the

staff member is responsible for continuing to pay the staff member's bi-weekly portion of the premium. If a staff member fails to make payment of the staff member's share of health insurance premiums for 30 days after such payment is due, coverage of such staff member for benefits shall be discontinued. If the staff member fails to return to work following leave under the FMLA for any reason (1) other than the continuation of the FMLA-qualifying circumstances upon which the need for leave was originally based, or (2) circumstances beyond the control of the staff member, the staff member shall be required to reimburse HPREC for the employer's cost of benefit premiums HPREC paid to maintain coverage for the staff member during the leave period.

16. Staff members will not accrue leave or other benefits during the family/medical leave period.
17. A staff member other than a "key staff member," who has taken family/medical leave will be restored to his or her previous position or to a position of equivalent pay, benefit, and other terms and conditions of employment. Equivalency of positions shall be determined on the basis of HPREC policy. A "key staff member" may be denied reinstatement if it would create a substantial and grievous economic injury for the HPREC. A "key staff member" is one whose compensation is within the highest 10 percent of the work force of the HPREC.
18. A notice to staff members shall be posted describing the provisions of the FMLA, provided and approved by the Wage and Hour Division of the United States Department of Labor.

5101 Personal Leave

Twelve-month full-time HPREC staff members on a 261-day contract and full-time HPREC related service personnel on a 172-day are allowed one (1) day personal leave per contract year without deduction in salary upon advance approval of the Executive Director. Part-time staff members who work at least 20 hours weekly are allowed personal leave on a pro-rated basis. Any additional days requested for personal leave and approved by the Executive Director shall be charged to the staff member by deduction from the last paycheck of one (1) day's salary for each day of absence, i.e., full-time staff members on a 261-day contract will be charged 1/261 of their contract salary and full-time related service provider members on a 172-day contract will be charged 1/172 of their contract salary.

Personal leave does not accumulate and must be used during the contract year in which it is accrued. Personal leave must be requested one week in advance. Personal leave cannot be taken on mandatory in-service days and may not be used to fulfill the last day of a contract.

5102 Court or Jury Duty Leave

Court/Subpoena -- Leave shall be granted to a staff member to respond to a subpoena, which requires that staff member's absence from duty. Leave will be granted only in response to a subpoena and not for the purpose of legal consultation or voluntary courtroom attendance.

Jury Duty. Staff members of HPREC are eligible for leave with pay when required

to serve as a juror or to appear as a witness in obedience to a subpoena before a federal or state grand jury or court. Any public staff member shall not be compensated for jury services during normal working hours. If the staff member receives compensation for services, not including reimbursement for travel, the payment shall go directly to HPREC.

If a staff member, upon reporting for jury duty in the morning, learns that he/she is dismissed for jury duty for the remainder of the day, he/she is to report for duty at HPREC/assigned school and resume duties or do work as assigned by the Executive Director or Director of Programs for the remainder of the day. A leave request must be submitted with a copy of the subpoena or the letter from the court assigning jury duty.

5103 Maternity/Paternal Leave

For eligible staff members (those with at least 12 months/1250 hours HPREC employment), absence for childbirth or adoption is covered by and may be taken under the family and medical leave policy described in 51001. For staff members not eligible for family and medical leave, or for those staff members not wanting to use family and medical leave, absence for childbirth or adoption is covered by Policy 5100 Sick/Medical leave; also, in addition to leave provided less than 5100 and 51001, reasonable leave of absence without compensation will be granted for maternity/paternity. The Executive Director will make a determination as to the length of unpaid leave to be provided after consideration of the doctor's documentation required by Policy 5100.

Maternity/Paternal leave is available to permanent full-time or part-time (regularly scheduled to work 20 hours a week or more) staff members who are the natural parents of a newborn child or the adoptive parents of a newly adopted child under five years of age. Maternity/paternal leave is first charged against sick leave, then vacation or annual leave, comp time in the case of non-certified staff members, then personal leave, then leave without pay, or any appropriate combination as determined by the Executive Director.

The contract amount of the staff member will be reduced by a per diem amount based on the number of days granted as leave without pay. Upon the written request of the staff member, the Executive Director may direct the Human Resources to equalize the reduction of salary paid on any remaining payroll checks so that the reduction is spread out over the remaining contract period rather than from the final payroll period only.

Thirty (30) days notice shall be given prior to the beginning of maternity/paternal leave when medically possible; if thirty (30) days notice is not possible under the circumstances, e.g., in the case of a premature birth, the staff member shall give such notice as is practicable, but not later than five (5) working days from the date the staff member learns of the need for leave.

5104 Workers' Compensation Leave Benefits

Staff member Accidents. All staff members are covered under the provisions of Worker's Compensation for injuries occurring on the job. Accident reports are available in the personnel office and must be completed and forwarded to the immediate supervisor at the time of injury.

Workers' Compensation Coverage. Statutorily required workers' compensation leave benefits are provided through the State of New Mexico Risk Management Program. This program covers loss of wages and disability (partial, temporary, or permanent) for work related injuries only. The program coordinates with sick leave benefits in that all accumulated sick leave is used prior to workers' compensation leave benefits.

The day of injury is considered as a full day worked; no sick leave will be charged regardless of time of injury if staff member seeks medical treatment. When a staff member is off work more than seven days due to a work-related incident, worker's compensation benefits will be paid by the worker's compensation carrier based on a weekly rate payable every two weeks and continued while the staff member is disabled. A staff member may use his personal sick leave for the initial seven-day period (normally five working days). If a staff member is off work more than four weeks, compensation is retroactive to date of disability and sick leave is reinstated. The Worker's Compensation carrier will reimburse the HPREC for this absence. The weekly compensation rate for total disability is 66 2/3% of the staff member's average weekly gross earnings subject to the maximum specified by law. (Worker's Compensation Act, Chapter 52, NMSA 1978)

At the time of a qualifying disability, the staff member will be removed from the HPREC's payroll and will receive worker's compensation benefits from the insurance carrier according to Worker's Compensation Administration regulations. In order to continue current personal insurance benefits (health, dental, etc.), it will be necessary for the staff member to pay directly to the HPREC the amount of his payroll deduction for insurance premiums once he has been removed from the payroll to be placed on worker's compensation. The premium payment will be due in the payroll office on or before the first working day of each month. The HPREC will continue payment of its portion of this insurance premium while the staff member is under contract.

A worker injured on the job is entitled to medical care. Either the worker or the employer may choose the health care provider for the initial sixty (60) day period. The party who did not choose the initial health care provider may select the health care provider for the remaining medical benefit period beyond the initial sixty (60) day period. Either may challenge the health care choice of the other by notifying the Executive Director of Workers' Compensation Administration in writing. A Workers' Compensation Judge will hear the challenge and render a final decision within seven (7) days.

5105 Professional Leave

Professional leave is available for those HPREC staff members representing the HPREC or a participating district in a particular instructional area. Such leave is subject to approval by the Director of Programs and/or the Executive Director. All such leave is subject to review based on budget available.

After professional leave is approved, the staff member will be entitled to travel and per diem and workshop cost as approved by the Executive Director and as permissible under the Per Diem and Mileage Act. Professional leave is to provide

an opportunity for staff to participate in professional organizations, meetings and in-service on a local, district, state and national basis and when serving as a leader in such an activity. Permission for such absence is to be requested two (2) weeks in advance. Special consideration on an individual basis shall be given to those elected or appointed as a state or national officer.

Requests for professional leave over and beyond set limits shall be evaluated by the Executive Director and Director of Programs as to their benefit to the HPREC and member institutions. Ordinarily, such leave will be limited to four (4) days per year per staff member.

5106 Military Leave

The Veteran's Reemployment Rights law requires that staff members be granted a leave of absence to perform their military duties. Staff members granted a military leave of absence are entitled to participate during the leave period in insurance and other benefits offered by the employer to the same extent as staff members granted other types of leave. The HPREC will discontinue contractual payments to the staff member when military leave begins.

Staff members retain employment rights over a period of up to five years of active duty. The period may be extended to a total of five years if the extension is at the request and for the convenience of the government. An staff member who leaves his position voluntarily or involuntarily has the right to return to employment if certification of satisfactory military service is provided and application for reemployment is made as follows: regular military personnel released from active duty must apply for reemployment within 90 days; reserve personnel called to active duty for an initial period of 90 days or less, or for 180 days or less if extended, must apply for reemployment within 31 days of release from active duty; reserve personnel called for active duty for more than 180 days must reapply within 90 days from release.

HPREC staff members who are members of the National Guard (Army or Air) or Reserves (Army, Air Force, Navy, Marine or Coast Guard) shall be given military leave with pay when they are ordered to duty for training. Such leave shall not exceed fifteen (15) working days per federal fiscal year. This leave shall be in addition to other leave or vacation times with pay to which such staff members are otherwise entitled.

Any regular staff member of the HPREC who is a member of a military reserve unit and is ordered to active duty shall be given military leave. Such military leave for active duty will be granted as follows:

1. **Leave with Pay.** Leave with pay will be given for a period not to exceed fifteen (15) working days in any one calendar year or in any one continuous period for such absence.

During the fifteen (15) days of paid leave, the HPREC will continue the co-payment amount of the staff member's insurance premium(s).

2. **Leave without Pay.** Should a staff member need to be on extended military leave for active duty, leave without pay will be granted.

Once the 15-day period of paid military leave and all accrued annual or personal leave have been exhausted, the staff member must pay the full premium for insurance.

Upon application for re-employment, the staff member shall be placed in his former position or in one, which is available and suitable. No staff member will be subject to loss of seniority or benefits because of such leave.

In order to exercise the above rights, a staff member must apply for re-employment within 90 days following an honorable discharge or release from active duty or within a period of one (1) year should hospitalization continue after honorable discharge.

5107 Other Leave of Absence

After a staff member is employed for the fourth consecutive year, it is possible to request a leave of absence for academic study, extended illness or community service. Maximum leave is for one year, unless absence begins at mid-term, then the leave may be extended through the following school term. Any leave will be without pay; re-employment will be contingent upon a vacancy for which the staff member is qualified, such qualifications to be established by the Executive Director. Such re-employment will be considered only during the immediate school year following the leave; subsequent years would require a new application for employment with no consideration given for past employment. If leave is approved and the individual returns to the HPREC during the school term immediately following leave, the status of the individual would remain the same as it was at the time the leave was granted regarding sick leave and insurance (if full premiums are paid during the leave by the staff member). Applications for such leave should be made to the Executive Director in writing at least sixty (60) days prior to the granting of such leave. A leave of absence shall require Executive Director approval before being granted.

5108 Emergency Road Conditions Leave

When an staff member on a 172-day contract is unable to work at their regular duty station due to impassable road conditions or school closures resulting from weather conditions, the Executive Director may assign the staff member to a different duty station for that day or may require the staff member to make up the day as scheduled by the Director of Programs and the Executive Director (as documented on a Schedule Change form). If the staff member does not make up one (1) contract day missed due to weather conditions, that day shall be counted against available personal leave, if available. If all accumulated leave has been exhausted or if any additional days missed due to weather conditions are not made up, deduction will be made on a per diem basis from the staff member's paycheck.

A staff member on a 261-day contract who misses work due to road conditions may make up one (1) such day at the discretion of the Executive Director. Any additional such days missed will be counted against available leave—first against personal leave, then against vacation/annual leave or comp time accumulation.. If all accumulated leave has been exhausted, deduction will be made on a per diem basis from the staff member's paycheck.

5109 Vacations, Holidays

Twelve (12) month (261-days) staff members shall have two working weeks vacation yearly during the first three (3) years of employment. One additional vacation day per year will be added in employment years four through eight up to a total of three weeks annually. Vacation days are accrued at the rate of one (1) day for each 26 days worked with additional days after the third employment year to be added at the beginning of the contract period. Up to forty (40) hours of vacation leave can be carried forward from year to year.

Use of earned vacation leave by all staff members is in the best interests of both the HPREC and the individual staff member. It is the policy of HPREC, therefore, to encourage staff members to make *appropriate* use of earned vacation leave each year. Every effort will be made to grant vacation leave according to each staff member's request.

Requests for vacation leave must be submitted to the Executive Director and/or Director of Programs at least two weeks prior to leave and will be granted at the discretion of the Executive Director.

5110 Donation of Leave Employees may donate leave to another employee within HPREC for a medical emergency with the approval of the Executive Director. Request and approval of Donation of Leave must be in writing.

511 Insurance Programs

Risk Management will annually determine an insurance benefit program for staff members as allowed by law. Such benefit programs are limited to full-time staff members or part-time staff members who work at least 20 hours weekly for a minimum 170-day contract or equivalent as determined by the Executive Director. They do not apply to occasional workers such as substitute teachers, student workers, or hourly-rate service providers.

HPREC will pay the statutorily required percentage of insurance premium on those insurance programs it elects to offer. Other programs may be provided to staff members on a staff member-pay-all basis. HPREC will pay only its percentage of insurance premium for those staff members collecting worker's compensation benefits.

512 Retirement

HPREC staff members are provided retirement benefits through the Educational Retirement Board of New Mexico as per Sections 22-11-1 through 22-11-52 NMSA, 1978 Compilation. Required deductions for such benefit shall be made from staff member paychecks.⁶

513 Travel Expenses

Every effort should be made to minimize travel time and thus maximize child service time.

1. Related Service Personnel

Reimbursement for travel expense for assigned/scheduled work and out of district travel will be based on the New Mexico Per Diem and Mileage Act and HPREC travel procedures as outlined in the procedure manual. All out of district travel must be approved in advance by the Executive Director and/or Director of Programs.

⁶ Legal Reference: 22-11-1 to 22-11-52 NMSA, 1978 Comp.

2. HPREC Office Personnel

Travel reimbursements are prescribed by the New Mexico Per Diem and Mileage Act. Travel requests will be made by completing a Travel Plan & Reimbursement Request for Travel form. All travel must be approved in advance by the Executive Director and/or Director of Programs.

514 Staff and Student Health and Safety Issues

5140 Harassment and Violence

1. General Statement of Policy. It is the policy of the HPREC Council to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The Council prohibits any form of religious, racial or sexual harassment and violence.

It shall be a violation of this policy for any HPREC staff member to harass a pupil, teacher, administrator or other school or HPREC personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, personnel includes Council members, HPREC staff members and administrators, volunteers, contractors or persons subject to the supervision and control of the Council.)

It shall be a violation of this policy for any HPREC personnel to inflict, threaten to inflict, or attempt to inflict religious, racial, or sexual violence upon any pupil, teacher, administrator or other school or HPREC personnel.

The Council will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any HPREC personnel who is found to have violated this policy.

2. Definitions.

- a. **Sexual Harassment; Definition.** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical contact or communication of a sexual nature when:
 - i. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - ii. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - iii. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may include but is not limited to:

- i. Unwelcome verbal harassment or abuse;
- ii. Unwelcome pressure for sexual activity;

- iii. Unwelcome, sexually motivated or inappropriate physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other personnel to avoid physical harm to persons or property;
 - iv. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - v. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - vi. Unwelcome behavior or words directed at an individual because of gender.
- b. Racial Harassment; Definition. Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:
 - i. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - ii. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - iii. Otherwise adversely affects an individual's employment or academic opportunities.
- c. Religious Harassment; Definition. Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:
 - i. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - ii. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - iii. Otherwise adversely affects an individual's employment or academic opportunities.
- d. Sexual Violence; Definition. Sexual violence is a physical act of aggression or force or the threat thereof, which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas:

Sexual violence may include, but is not limited to:

 - (1) Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - (2) Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - (3) Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another, or
 - (4) Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- e. Racial Violence; Definition. Racial violence is a physical act of aggression or assault because of, or in a manner reasonably related to, race.
- f. Religious Violence; Definition. Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

g. Assault; Definition.

Assault is:

- (1) An act done with intent to cause fear in another of immediate bodily harm or death;
- (2) The intentional infliction of or attempt to inflict bodily harm upon another; or
- (3) The threat to do bodily harm to another with present ability to carry out the threat.

3. Reporting Procedures.

Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by HPREC personnel, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school or HPREC personnel should report the alleged acts immediately to an appropriate administrator or Council member designated by this policy. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Executive Director or Council chair.

- a. HPREC Service Providers/District Personnel. The Director of Programs is responsible for receiving oral or written reports of religious, racial or sexual harassment or violence from or regarding HPREC staff members who provide service in participating school districts/institutions. Any adult staff member who receives a report of religious, racial or sexual harassment or violence shall inform the Director of Programs immediately.

Upon receipt of a report, the Director of Programs must notify the Executive Director immediately, without screening or investigating the report. The Director of Programs may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Director of Programs to the Executive Director. If the report was given verbally, the Director of Programs will personally reduce it to written form within 24 hours and forward it to the Executive Director. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the Director of Programs. If the complaint involves the Director of Programs, the complaint shall be made or filed directly with the Executive Director by the reporting party or complainant.

- b. In the HPREC. The Council hereby designates the Executive Director to receive reports or complaints of religious, racial or sexual harassment or violence. The name, address, and telephone number of the Executive Director shall be conspicuously posted.
- c. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- d. Use of formal reporting forms is not mandatory.
- e. The HPREC will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with its legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

1. The Investigation.

By authority of the Council, the Executive Director, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by HPREC officials or by a third party designated by the HPREC.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the HPREC should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the HPREC may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence.

The investigation will be completed as soon as practicable and filed with the Executive Director. If the Executive Director personally conducts the investigation or if the complaint involves the Executive Director, the report will be filed directly with the Council. The report shall include a determination of whether the allegations have been substantiated as factual and whether there appears to be a violation of this policy.

5. Council Action.

- a. Upon receipt of a report, the Council will take appropriate action. Such action may include, but is not limited to, warning, suspension, transfer, remediation, termination or discharge. Action taken for violation of this policy will be consistent with New Mexico and federal law and Council policies.
- b. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by HPREC in accordance with state and federal law regarding data or records privacy.

6. Reprisal.

The Council and/or Executive Director will discipline or take appropriate action against any HPREC personnel who retaliates against any person who reports alleged religious, racial or sexual harassment or violence or any person who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

7. Right To Alternative Complaint Procedures.

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include initiating civil action or seeking redress under state criminal statutes and/or federal law.

8. Harassment or Violence As Abuse.

Under certain circumstances, alleged harassment or violence may also be possible abuse under New Mexico law. If so, the duties of mandatory reporting may be applicable. Nothing in this policy will prohibit the Council from taking immediate action to protect victims of alleged harassment, violence or abuse.

9. Dissemination of Policy and Training

- a. This policy shall be distributed to all staff members in the policy handbook and shall be posted in the HPREC offices.
- b. The HPREC will develop appropriate methods of discussing this policy with member districts staff members.
- c. This policy shall be reviewed at least annually for compliance with state and federal law.

5141 Staff – Student Relations

Staff members of HPREC are encouraged to take a sincere, professional interest in students. However, professional ethics require that staff members avoid social situations through which they could exploit their positions of authority over students.

5142 Child Abuse Reporting

It is the responsibility of each and every HPREC staff member to report child abuse directly to the appropriate agencies as per state law in addition to informing the building administrator. The HPREC Executive Director and/or Director of Programs must also be notified.

5143 Drug Free Schools and Campuses/Drug Free Workplace

The purpose of this policy is to insure a drug-free environment for all staff members, to establish a drug awareness program for all personnel; to provide assurances to state and federal government agencies that the HPREC is complying with the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1986, as amended in 1989, and all regulations promulgated thereunder; and to declare that HPREC shall make a good faith effort to maintain a drug-free workplace through implementation of this policy.

1. No staff member or contractor engaged by HPREC shall unlawfully manufacture, distribute, dispense, possess, or use alcohol or controlled substances in the workplace.

Compliance with this policy is mandatory; violation of this prohibition may result in termination of employment with the HPREC or another appropriate disciplinary action, including referral to law enforcement.

Any staff member who is convicted of a violation of a criminal drug statute occurring in the workplace shall, within five (5) days of the date of such conviction, notify his immediate supervisor in writing of such conviction. The

HPREC, upon receiving such written notice, shall take one of the following actions within thirty (30) days:

- a. Impose appropriate personnel action against the staff member up to and including termination of employment; or
 - b. Require the staff member to participate satisfactorily in a drug abuse assistance counseling or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
2. Definitions:
- a. Alcohol: All consumable non-prescription substances, which contain alcohol, specifically including, without limitation, spirits, wine, beer, malt beverages, and intoxicating liquors.
 - b. Drug: Marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamine; a metabolite of those drugs; or any nonprescription substance containing those drugs or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 VSC 812) and as further defined by Regulation 21 CFR 1300.11 through 1300.15.3.
 - c. Workplace. The site for the performance of work done in connection with employment, and shall include any place where work of the HPREC and its member districts and institutions is performed, including a school building or other premises, any school or HPREC owned vehicle or any other approved vehicle used to transport students for services and away from HPREC, school district or institutional property during any activity, event or function where students are under the supervision of the HPREC's staff members.
3. Through this policy a drug awareness program shall be established within the HPREC to inform all staff members about:
- a. The dangers of drug abuse in the workplace;
 - b. The HPREC policy of maintaining a drug-free workplace;
 - c. That assistance will be provided in finding counseling and rehabilitation programs for drug problems upon request from the staff member;
 - d. The penalties that may be imposed upon staff members for drug abuse violations occurring in the workplace.
4. Each staff member of the HPREC shall be given a copy of this policy and be notified that compliance with the terms of this policy is mandatory.
5. The HPREC shall make a good faith effort to maintain a drug-free workplace through implementation of this policy. The HPREC Council will review this policy annually to determine the program's effectiveness and implement changes as necessary. This review shall ensure that disciplinary sanctions are consistently enforced.

5144 Reporting Procedures—Known/Suspected Student Alcohol/Drug Use

Section 22-5-4.4 NASA 1978 Comp. requires that HPREC staff members who know or in good faith suspect any student of using or abusing alcohol or drugs shall report such use or abuse pursuant to procedures established by the Council. So long as such report is made in good faith, the reporting staff member shall be

immune from any civil damage for his or her action. This policy is enacted to provide a procedure to be followed by all staff members in reporting known or suspected use or abuse of alcohol or drugs by students.⁷

1. **Duty to Report.** All staff members have a mandatory, non-discretionary duty to report known or suspected alcohol or drug use or abuse by any student of the participating districts.
2. **Administration To Whom Reports Should Be Made.** All reports made hereunder shall be on a uniform reporting form, available from the Executive Director and shall be given to the Executive Director.
3. **Timely Reporting.** Reports required hereunder shall be made within a reasonable time after the staff member first learns or suspects the use or abuse of drugs or alcohol by a student; in no case should the report be made later than five (5) days after the staff member has such knowledge.
4. **Duty to Investigate.** It is not the duty of the staff member making the required report to conduct an investigation to determine whether or not the student identified has in fact used or abused drugs or alcohol. The duty to investigate shall be upon the responsible Executive Director and responsible school official to whom the report is made; provided, however, that the reporting staff member shall cooperate with the responsible school official during the course of the investigation.
5. **Failure to Report.** The failure of any staff member to report knowledge or suspicion of student alcohol or drug abuse in a timely manner may be cause for discipline of the staff member.

5145 Clean Indoor Air Act/Tobacco-Free Policy

Pursuant to the New Mexico Clean Indoor Air Act (Sections 26-16-1, NMSA, 1978) smoking or the use of smokeless tobacco in any form is prohibited in any HPREC facility and by any HPREC staff member while providing services to or transporting students to or from any participating school district or institution. This policy will be enforced 24 hours a day, 7 days a week.⁸

5146 Exposure to Bloodborne Pathogens

HPREC shall implement and enforce a comprehensive bloodborne pathogen Exposure Control Plan to ensure compliance with the Occupational Safety and Health Administration Safety Standards and for the safety and protection of its staff members and clients.

5147 Hazard Communication/Right to Know

Policy. The HPREC will maintain an effective "Hazard Communication Program" in accordance with the current New Mexico Occupational Health and Safety Act regulation 29 CFR 1910.1200. It is expected that all staff members of the HPREC fully cooperate and participate in this program.

Purpose. The above noted regulation sets forth "to ensure that the hazards of chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers, and staff members. The transmittal of information is to be

⁷ Legal Reference: 25-5-4.4 NMSA, 1978 Comp.

⁸ Legal Reference: New Mexico Clean Indoor Act, 26-16-1 NMSA, 1978 Comp.

accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and staff member training."

This program, as well as the regulation is otherwise referred to as the "Right to Know Law", which in effect is designed to provide knowledge, warning, protection, and training to staff members who may be exposed to hazards of chemicals and other materials.

Responsibility.

1. The HPREC Council designates its Executive Director to have the prime responsibility for the administration of the "Hazard Communication Program"; the Executive Director will be the Hazard Communication Program Coordinator.
2. All staff members (staff, administrative, supervisory, therapists, support personnel) will fully participate in the program as it may apply to their work area and work responsibility.
3. The "Hazard Communications Program" will consist of five basic parts, which are:
 - a. Inventory and audit of hazardous chemicals and materials.
 - b. Labels and labeling of hazardous chemicals and materials containers.
 - c. Material safety data sheets (MSDS) maintenance, distribution, availability and locations.
 - d. Staff member training and information, general and specific.
 - e. A written "Hazard Communication Program" as herewith prescribed.
4. The written "Hazard Communication Program" for the HPREC with its associated inventory list, records, materials, etc., will be maintained in the HPREC business office. Staff members may review the program, MSDS and chemical listing at this location.

Materials, Inventory, Audits.

1. An initial inventory of all chemicals and materials will be made of all work areas and facilities. An annual audit will be conducted thereafter. All hazardous chemicals and materials required will be identified and listed. The listing will note at least the following information:
 - a. The name of the chemical.
 - b. The manufacturer or supplier.
 - c. The location(s) where the chemical or material is used.
 - d. The workers exposed.
2. A system will be maintained to add any newly introduced hazardous chemicals or materials to the listing.

Material Safety Data Sheets (MSDS).

1. A MSDS will be provided on all required chemicals and materials used in the HPREC.

2. There will be a Master MSDS File and index of all required chemicals and materials, which will be located in the HPREC business office.
3. The original inventory listing and audits will be used to ascertain that there is an MSDS as may be required for each chemical or material item and that all containers are properly labeled and stored.
4. In the event an MSDS is not available or should a new chemical or material be introduced for use without a required MSDS the Executive Director should be contacted immediately so that the matter may be corrected.

Labels And Labeling.

1. All hazardous chemicals or materials on hand or received must have a label, which must specify at least:
 - a. The chemical name.
 - b. Any specific warning or other hazard information.
 - c. Identification of the manufacturer or supplier and address.
2. A hazardous chemical or material label will not be removed from its container, nor will such label be defaced.
3. Should it become necessary for a label to either be introduced by the HPREC or replaced on a hazardous chemical or material container, such label will display the information noted in Paragraph 1 above.
4. All containers of hazardous chemicals or materials will be received, and the label assured to be affixed on each and all containers by individuals responsible for their individual areas; i.e., maintenance supervisor, office manager or any staff member who utilizes a hazardous substance as a part of their employment responsibilities.
5. It will be the responsibility of the staff member to ensure that all secondary containers are properly labeled with a duplicate of the manufacturer's label or an HPREC label as noted in Parts 1 and 5 above.

Information & Training.

1. All staff members will be informed of the "Hazard Communication Program" / "Right to Know Law" annually, and/or at the time of initial assignment and annually thereafter.
2. Staff members will sign a form or list that they attended a general or specific training session or received the HPREC's policy on Hazard Communication or received any technical or specific training relative to hazards of chemicals or materials.
3. General program information and training will be accomplished by lecture, photo slides, movie, video, literature or any combination thereof, and will cover the contents of this program to include a review of the following:
 - a. HPREC's policy statement.
 - b. The basic definition of the regulation.
 - c. Statement of responsibility, both program and staff member.
 - d. Information relating to labels and placards.
 - e. Description of MSDS and how to read all sections.
 - f. Location and availability of the written hazard communication program, MSDS's master and locations, and chemical listing.
 - g. Definition of hazardous chemicals or materials
 - i. Hazardous chemicals
 - ii. Health hazard
 - iii. Physical hazard

- h. Steps the HPREC and staff members can take to lessen or prevent exposure to hazardous chemicals or materials, i.e., knowledge of chemicals, storage, posting, warnings, training, etc.
 - i. Methods and observation techniques used to determine the presence or release of hazardous chemicals or materials in a work area, i.e., flame or fire, smell or odor, fumes, itching, color, irritation, etc.
 - j. The emergency procedure to take in the event there is exposure to a hazardous chemical. (Immediately report to supervisor.)
 - k. Notice of hazardous chemicals or materials that are in a staff member's work areas.
4. Periodically, staff members may be required to perform non-routine work or tasks using hazardous chemicals, materials, or work in associated hazardous locations. Prior to starting such projects, each affected staff member will be given information about the chemicals, materials, or exposure of such activity. Such information will include:
- a. Specific hazards that may be associated with the chemical or material.
 - b. Protective and other safety measures to be taken.
 - c. Measures HPREC is taking to lessen or prevent hazards, i.e., ventilation, storage, postings, fire extinguishers, etc.
 - d. Review of the chemical or material, MSDS or other technical information applicable.
 - e. Review of emergency procedures to be taken.

Informing Contractors.

- 1. It will be the responsibility of the Executive Director to provide contractors with the following information:
 - a. Any hazardous chemicals to which they may be exposed while on the job site.
 - b. Precautions and controls to be taken to lessen or prevent possible exposure by use of appropriate protective measures.
- 2. The Executive Director will also be responsible for contacting each and all contractors before work is started to gather and disseminate any information concerning chemical hazards that the contractor may be bringing onto the work-site.

Program Maintenance - Other Functions.

- 1. Purchasing/MSDS Supply: A boiler plate statement will be applied to any purchase orders for any potentially hazardous chemical substance:

"Suppliers must furnish a Material Safety Data Sheet applicable to any chemical substance on this purchase request which is potentially hazardous."
- 2. Other supplied chemicals or materials: No chemical or material requiring a MSDS will be introduced into the HPREC or any work area of the HPREC by petty cash purchase, supplier samples or other means without the knowledge of the Executive Director.

Hazard Definitions.⁹

⁹ Legal Reference: Federal Register/Vol. 3, No. 183, 8/24/87 Rules and Regulations /Pg. 31879.

Hazardous Chemical. Means any chemical, which is a physical or health hazard.

Health Hazard. Means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed staff members. --includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, --agents which damage lungs, skin, eyes, or mucous membranes.

Physical Hazards. Means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, an explosive, flammable, or organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive.

Non-MSDs Items. Single use consumer products normally will not require an MSDS. This would apply to such items as a can of spray paint, nail polish remover, paint or gallon of latex paint, etc. However, should such items be supplied in large amounts and used in a regular process then an MSDS would be Required. This is a gray-line area and common sense application will have to be used. Think of amount and application plus hazard involvement, if any.

Likewise, FDA, FTA Agriculture and other government-controlled items do not have to have an MSDS. This would apply to foods and food products, cosmetics, drugs, tobacco products, fertilizer, insecticides, pesticides, liquors, etc.¹⁰

515 Employment Issues

5151 Staff member Contracts

All contracts or employment agreements with staff members shall be in writing and the salary shall be in accordance with Council approved salary schedules. The contract or employment agreement is to be signed by the Executive Director.

Written offer of employment by the Executive Director to the staff member shall constitute a contract, if written acceptance by the staff member is forwarded to the Executive Director within fifteen (15) days of receipt.¹¹

Support staff with less than three years consecutive service for the HPREC are considered “at-will” staff members and will be proffered employment agreements instead of contracts.

¹⁰Legal Reference: New Mexico Occupational Health and Safety Act, Regulation 29 CFR 1910.1200

¹¹ Legal Reference: 22-10-11 NMSA, 1979 Comp.

51510 Acceptance of Employment

Each certified staff member shall deliver to the Council through the Executive Director a written acceptance or rejection of reemployment for the ensuing school year within fifteen days from the following:

- (1) The date written notice of reemployment is served upon the person; or
- (2) The last day of the school year when no written notice of reemployment or termination is served upon the person on or before the last day of the school year.

Delivery of the written acceptance of reemployment by the certified staff member creates a binding contract/agreement until the parties enter into a formal written employment contract/agreement. Written employment contracts/agreement shall be executed not later than ten days before the first day of the school year.

If the certified staff member does not indicate acceptance of reemployment within the fifteen days as outlined above, the Executive Director will consider that he has rejected the offer of reemployment and will declare his position open.

5152 Salary Schedules

On an annual basis, the Executive Director will prepare salary schedules for each staff member classification within the budgetary constraints of anticipated revenues for the review and approval of the Council. These schedules will form the basis for determining the annual salary of staff members.

Each staff member is responsible for verification of applicable training and experience. All verification of experience and training must be in the Executive Director's office by September 15 in order to be counted on current year salary schedules.

Increments for experience may be granted upon the satisfactory completion of a year's work; however, the Council reserves the right to refuse annual increments.

Prior experience in approved settings will be credited on the salary schedule as determined by the Executive Director. A full year's experience will be credited on the salary schedule if approved by the Executive Director; fractional years of experience will be dropped if less than one-half year.

Daily rates are computed on the contract year.

The maintenance and integrity of salary schedules is dependent upon adequate federal and/or state funding.¹²

5153 Recruitment and Applications

The Executive Director, within the limits of its budget and the Council approved salary schedule, is committed to the policy of acquiring and retaining the most qualified personnel. Applications will be accepted on a year round basis. All applicants will become part of the applicant pool and given consideration in filling

¹² Legal Reference: 22-10-7 NMSA, 1978 Comp.

positions within the HPREC. Applicants will be screened based on information submitted and selected applicants will be invited for an interview. All applications are kept on file for one (1) year. Applications may be reactivated for an additional year by notifying the HPREC Executive Director in writing.

Applications, job descriptions and requirements, and salary schedules will be available in the HPREC personnel office.

5154 Hiring

The Executive Director is responsible for making hiring decisions.

The Executive Director may issue such applicant a letter of intent. This letter will state that employment is subject to validation of the applicant's credentials, qualifications, criminal background checks, and other sources of information.

51540 Conditions of Employment

Immigration Reform Act Requirements. All persons employed on or after November 7, 1986, will be required to prove their legal right to work in the United States as required by the United States Immigration and Control Act of 1986.

Certificate of Examination. Personnel employed by the HPREC will be required to have a Certificate of Examination (Mantoux skin test for tuberculosis showing negative results) completed and placed on file in the personnel office at the time of employment. Valid certificates are transferable between HPRECs and public school districts in New Mexico.

Functional Capacity Evaluation – Post Offer. After an offer of employment has been made, any applicant selected for a position may be required to complete a functional capacity evaluation to determine their ability to perform job-related functions and their fitness for duty. The functional capacity evaluation will be conducted by a medical professional selected by the HPREC. The employment contract and commencement of work will be contingent upon the results of the evaluation. The cost for this evaluation will be assumed by the HPREC.

Staff Member's Statement of Health. The HPREC will require all new staff members to complete and file with the HPREC a "Staff member's Statement of Health" to determine pre-existing impairment(s) only after an offer of employment is made. If deemed necessary, the new staff member may be asked to provide a physician's release.

51541 Health Requirements

Communicable Diseases. Any staff member who is infected with any acute communicable disease dangerous to the public health shall absent themselves from employment activities during the prescribed period of recovery.

When a staff member is identified as having a chronic communicable disease such as HIV, AIDS, Hepatitis B Carrier, etc., the HPREC will seek to accommodate the staff member's medical condition while maintaining a

safe and healthy environment for students and other staff members. Decisions in all situations will be made on a case-by-case determination, based on the medical facts of each, and with concern for the best interests of all involved. A team of qualified physicians, including the physician of the staff member, will be impaneled by the HPREC to evaluate each case.

Medical Examination. If at any time there is a question as to the ability of a HPREC staff member to perform job related functions consistent with business necessity, the HPREC will require a complete physical examination by a HPREC-appointed doctor to be paid by the HPREC. The Equal Employment Opportunity Commission has identified four situations under which a medical examination or inquiry will be considered job-related and consistent with business necessity and, therefore, permissible:

- a. When a staff member wishes to return to work following an absence due to illness or injury. An examination may be conducted to determine if the staff member, with reasonable accommodation, can safely and effectively perform the essential functions of the job.
- b. When a staff member requests an accommodation. If a staff member requests an accommodation on the basis on a claimed disability, an examination may be conducted to determine if the staff member is an "individual with a disability" to who a duty of accommodation is owed and, if so, to help identify potential accommodations.
- c. When an examination is required by federal law. Medical examinations or monitoring is required under certain circumstances by regulations issued by the Department of Transportation and the Occupational Safety and Health Administration.
- d. The HPREC may conduct voluntary medical examinations as part of a staff member health or "wellness" program. All information obtained through medical inquiries or examinations must be treated as confidential staff member medical files, separate from other personnel information about the staff member.

5155 Suspension

A staff member may be suspended from duty pending the outcome of a hearing or the investigation of charges, such suspensions to be made by the Executive Director in accordance with the rights of the individual and the due process procedure.

5156 Re-employment/Termination Decisions

Re-Employment Decisions. Re-employment decisions regarding certified and non-certified staff members with three years of consecutive service with the HPREC will be in compliance with state statutes and State Board of Education regulations.

On or before the fourteenth calendar day prior to the last day of the HPREC year, the Executive Director will serve written notice of re-employment or termination on each certified staff member employed.. A notice of re-employment shall be an offer of employment for the ensuing school year. A notice of termination shall be a notice

of intention not to re-employ for the ensuing school year. Failure of the Executive Director to serve a written note of re-employment or termination on a certified staff member shall be construed to mean notice of re-employment has been served upon the person according to the terms of the existing employment contract, but subject to any additional compensation allowed other certified staff member of like qualifications and experience employed by the HPREC.

Termination Procedures.

1. The Executive Director may terminate a staff member with fewer than three years of consecutive service for any reason it deems sufficient. Upon request of the staff member, the Executive Director shall provide written reasons for the decision to terminate. The reasons shall be provided within ten working days of the request. The reasons shall not be publicly disclosed by the Executive Director.. The reasons shall not provide a basis for contesting the decision under the School Personnel Act.¹³
2. Before terminating a non-certified school staff member, the Executive Director will serve the staff member with a written notice of termination.
3. A staff member who has been employed by the HPREC for three consecutive years and who receives a notice of termination pursuant to either Section 22-10-12 NMSA 1978 or 22-10-14 NMSA 1978, may request an opportunity to make a statement to the Council on the decision to terminate him by submitting a written request to the Executive Director within five working days from the date written notice of termination is served upon him. The staff member may also request in writing the reasons for the action to terminate him. The Executive Director shall provide written reasons for the notice of termination to the staff member within five working days from the date the written request for a meeting and the written request for the reasons were received by him. Neither the Executive Director nor the Council shall publicly disclose its reason for termination.
4. The Executive Director may not terminate a staff member who has been employed by the HPREC for three consecutive years without just cause.
5. The staff member's request pursuant to Subsection 3 of this section shall be granted if he responds to the Executive Director's written reasons as provided in Subsection 3 by submitting in writing to the Executive Director a contention that the decision to terminate him was made without just cause. The written contention shall specify the grounds on which it is contended that the decision was without just cause and shall include a statement of the facts that the staff member believes support his contention. This written statement shall be submitted within ten working days from the date the staff member receives the written reasons from the Executive Director. The submission of this statement constitutes representation on the part of the staff member that he can support his contentions and an acknowledgement that the Council may offer the causes for its decision and any relevant data in its possession in rebuttal of his contentions.

¹³ Legal Reference: 22-10-14A NMSA, 1978 Comp.

6. The Council shall meet to hear the staff member's statement in no less than five or more than fifteen working days after the Council receives the statement. The hearing shall be conducted informally in accordance with the provisions of the Open Meetings Act.¹⁴ The staff member and the Executive Director may each be accompanied by a person of his choice. First, the Executive Director shall present the factual basis for his determination that just cause exists for the termination of the staff member, limited to those reasons provided to the staff member pursuant to Subsection 3. Then, the staff member shall present his contentions, limited to those grounds specified in Subsection 5. The Council may offer such rebuttal testimony as it deems relevant. All witnesses may be questioned by the Council, the staff member or his representative and the Executive Director or his representative. The Council may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable. No record shall be made of the proceeding. The Council shall notify the staff member and the Executive Director of its decision in writing within five working days from the conclusion of the meeting.

"At-will" Staff Members

Non-licensed staff with less than three (3) years consecutive service is considered "at-will" staff members; if service becomes unsatisfactory, fifteen (15) days notice will be given before dismissal from employment.

5157 Discharge During Term of Contract – Certified Staff member Definitions.

Discharge. The act of severing the employment relationship with a staff member prior to the expiration of the current employment contract.

Just Cause. A reason that is rationally related to a staff member's competence or turpitude or the proper performance of their duties and that is not in violation of the staff member's civil or constitutional rights.

1. The Executive Director may discharge a certified staff member only for just cause according to the following procedure:
 - a. The Executive Director shall serve written notice of intent to recommend discharge on the certified staff member in accordance with the law for service of process in civil actions; and
 - b. The Executive Director shall state in the notice of intent to recommend discharge the cause for the recommendation and shall advise the certified staff member of his right to a discharge hearing before the Council.
2. A certified staff member who receives a notice of intent to discharge in accordance with Paragraph A may exercise his right to a hearing before the Council by submitting to the Executive Director written notice of that election within five (5) working days of receipt of the notice to recommend discharge.
3. The Council shall hold a discharge hearing no less than twenty (20) and no more than forty (40) working days after the Executive Director receives the written election from the licensed staff member and shall give the certified staff

¹⁴ Legal Reference: Chapter 10, Article 15 NMSA 1978.

member at least ten (10) days written notice of the date, time, and place of the discharge hearing.

4. Each party, the Executive Director and the certified staff member, may be accompanied by a person of his choice.
5. The parties shall complete and respond to discovery by deposition and production of documents prior to the discharge hearing.
6. The Council shall have the authority to issue subpoenas for the attendance of witnesses and to produce books, records, documents, and other evidence at the request of either party and shall have the power to administer oaths.
7. The Executive Director shall have the burden of proving by a preponderance of the evidence that, at the time of the notice to recommend discharge, there was just cause to discharge the certified staff member.
8. The Executive Director shall present evidence first, with the certified staff member presenting evidence thereafter. The Council shall permit either party to call, examine, and cross-examine witnesses and to introduce documentary evidence.
9. An official record shall be made of the hearing. Either party may have one copy of the record at the expense of the Council.
10. The Council shall render its written decision with twenty (20) days of the conclusion of the discharge hearing.

Appeals –When an appeal is filed as provided in 22-10-17.1, the Council will follow the procedures required by the statute in 22-10-17.A-N.¹⁵

5158 Reduction-in-Force (RIF)

1. **Authority** Pursuant to NMSA 1978 § 22-5-14 (2003), the Executive Director has the authority to discharge licensed personnel during the term of their contracts or to terminate licensed and non-licensed staff members with rights created by NMSA 1978, Section 22-10A-24(C) (hereafter “tenured staff members”), after notice and a hearing when a reduction in such personnel is required as a result of circumstances justifying a reduction in force as specified herein. Reduction-in-force (RIF) is “just cause” for discharge of licensed staff members and terminations of tenured staff members, when established pursuant to this policy. This policy is adopted as the procedure by which reductions in personnel who are covered by the policy may be accomplished, within the context of the HPREC’s general personnel policies.
2. **Council Discretion** The Council is vested with the discretion to develop educational policies for HPREC, so long as the state educational standards and statutorily-required standards are met. The Executive Director, in carrying out the educational policies of the Council and administering and supervising the HPREC, shall exercise his/her discretion in accordance with this policy in determining when decreased enrollment, financial exigency or other caused justify a reduction in personnel.
3. **Grounds Justifying Reduction in Force** Situations that justify a RIF shall include, but are not limited to, the following:
 - a. Decrease in district enrollment or reduced district demand for or participation in programs or services;

¹⁵ Legal Reference: 22-10-14, 22-10-17.1(A-N) NMSA, 1978 Comp.

- b. Decrease in revenue:
 - 1. Because decrease of district enrollment;
 - 2. Because of loss or reduction of tax revenues;
 - 3. Because of reduction of state, local, or federal financial support; or
 - 4. Because of inflation reducing the value of revenues received or significantly increasing costs of operation;
 - c. Change in the educational program of the member districts, as determined by the Council, in its good-faith exercise of discretion;
 - d. Consolidation or de-consolidation involving the HPREC;
 - e. Court orders;
 - f. Orders of the Secretary of Education;
 - g. Legislative mandates;
 - h. Unanticipated financial or programmatic exigencies identified by the Executive Director which warrants initiation of a RIF process.
- 4. **Good Faith Determination** The Executive Director shall exercise discretion in good faith, and determinations that a RIF is necessary shall be based on bona fide educational considerations, and shall not be a subterfuge for discharging or terminating licensed personnel without just cause of for impermissible reasons.
- 5. **Timing of Reduction in Force** A RIF may occur at any time during the calendar year when the Executive Director, in his/her discretion, determines that it is justified and the procedures prescribed herein are applicable and are followed. A RIF may be based upon projections of future enrollment, revenues or expenses, and the subsequent receipt of more revenue than expected or a subsequent saving of projected expenses shall not invalidate any actions previously taken in good-faith reliance on such projections, nor shall it require the reemployment of any employees who were release on the basis of such projections.
- 6. **Determination of Need for Reduction in Force** Except as required by legislative mandate or orders of the State Secretary of Education and to the extent that circumstances permit, the Executive Director, with the assistance of the administrative staff, shall report to the Council any circumstances which may ultimately require a RIF and so that consideration be given to means by which a RIF may be avoided. Preparation of RIF plan shall not be necessary if the reductions can be accomplished through attrition (i.e., resignations, retirements, etc.), or by termination of a sufficient number of non-tenured staff.
 - a. **Preparation of RIF Plan** When the Executive Director concludes that a RIF is necessary, a plan for RIF shall be developed for presentation to the Council. The RIF plan shall not identify individuals to be discharged or terminated, but rather shall focus upon the total operations of the HPREC and how it may be modified to reduce costs, programs and personnel while still providing the services required of school districts. Where circumstances warrant, a RIF plan may address particular programs, departments, content areas or activities if the causes for the RIF

predominately impact that aspect of the educational program. Such impact shall be described in the RIF plan. The RIF plan shall include, but need not be limited to the following:

1. A detailed description of the cause or causes requiring a RIF;
2. A description of all adjustments already made by the Executive Director in an attempt to avoid a RIF, if any (e.g., reduction by attrition, cuts in non-licensed staff, abolition of non-essential services or activities, etc.)
3. A designation of the part or parts of the total operation or particular program or activity in which the RIF is proposed and the number of positions proposed to be reduced in each program or activity;
4. A designation of non-essential services or activities which are to be retained, with a justification for retaining such programs; and
5. A discussion of alternatives (if any) considered by the Executive Director with an explanation as to why such alternatives were rejected.

The Executive Director shall include in the RIF plan a listing of all programs or services which may be considered for rating points in the proposed RIF rating sheet and the proposed weight to be given each category of such programs or activities for discussion at the public meeting at which the RIF plan is considered.

- b. Council Considerations** The Council shall consider the recommendations of the Executive Director for the adoption of the RIF plan at a duly-called Council meeting, the public notice of which announces that a RIF will be considered. The discussion and action on the plan shall be in open session; however, nothing herein shall restrict the Council from holding portions of those discussions in closed session, if such discussion would be proper under the New Mexico Open Meetings Act. The Council may allow such review, consultation, and comment by staff members and members of the public, as the Council, in its discretion, deems appropriate, provided that the Executive Director shall be the final decision-maker on the content and scope of the plan after giving due consideration to the Council's proposals.

If a mid-year RIF is proposed which would require the discharge of tenured certified staff, the Executive Director and Council shall adopt a joint determination that as to the projected financial burdens to the HPREC in the future and concluding the HPREC cannot survive financially for the fiscal year already underway, if the RIF is not carried out.

Any final plan for a RIF shall be made available to all staff, by providing copies thereof in the office of the Executive Director's office, within two (2) working days after the final plan has been approved by the Executive Director.

- c. **Adopted Plan** If a RIF plan is adopted, the Council shall not be required to deplete its operational cash balances maintained or carried over as permitted by NMSA 1978 § 22-8-41C and Section 71, Laws 2003, Ch. 153 in order to avoid the RIF, if the Council, in its discretion, determines that the cash balance must be maintained at the level determined by the Council, in order to cover other permitted expenditures or as a contingency for unforeseen expenditures of emergencies.

Based upon the RIF plan approved by the Council, the Executive Director shall perform a study of HPREC's personnel to determine which person or persons must be wholly or partially terminated or discharged in order to implement the plan. The primary concern to be applied in making the RIF selections shall be the Council's interest in maintaining a sound and balanced operation which meets state and federal or regulatory requirements or standards, as well as the educational and extracurricular program established for the HPREC. In performing the study, the Executive Director shall prepare a rating sheet and apply a point scale using the criteria applicable to the affected personnel specified in the following section.

7. Criteria for Selection of Employees for RIF

a. Licensed Personnel

1. Licensing as Qualification/Substandard Licenses

Substandard licensure is inferior to full licensure, and a person who is fully licensed to provide services within the presently assigned content area shall be retained in preference to a person holding a substandard license.

- a. A person holding a "waiver" of licensure requirements approved by the Public Education Department (per NMSA 1978 Section 22-10A-14B) shall be treated as having substandard licensure for the purpose of this policy, and shall receive zero (0) points for licensure in the survey and on the rating sheet.
- b. A licensed person working in the affected service area pursuant to an "assignment waiver" (per NMSA 1978 Section 22-10A-14C), but possessing full licensing in another content area not affected by the RIF shall be allocated five (5) points on the rating sheet.
- c. A person who is fully licensed and teaching in the affected content area shall be allocated ten (10) points on the rating sheet.

2. Endorsements

Licensed personnel possessing endorsements and/or certifications recognized by the Public Education Department beyond those requested or required as qualifications for the individual's current assignment of content area shall receive an additional two (2) points per current valid endorsement, up to a maximum of six (6) points.

3. **Extracurricular Licensing/Experience/Assignment**

The Council shall also possess the discretion to grant up to, but no more than, three(3) points for current co-curricular assignments, requiring specialized knowledge, training, expertise, or significant time commitment, but for which licensing is not available, in programs or services which the Council has determined to retain as an integral part of its overall program.

No employee may receive in excess of ten (10) total points on the rating sheet for co-curricular assignments. The Administration shall include in the proposed RIF Plan a listing of all co-curricular programs or activities which may be considered for rating points in the proposed RIF rating sheet and the proposed weight to be given to each category of such programs or activities for discussion at the Council meeting at which the RIF Plan is considered.

4. **Service in HPREC**

Where cumulative scores on the rating sheet are equal between two or more licensed staff members being considered for termination or discharge, tenured licensed staff members shall be retained in preference to licensed staff members who have been employed by HPREC for less than three consecutive school years of service.

- a. Each licensed individual considered for termination or discharge shall be awarded one (1) point for each year of full time service during the most recent period uninterrupted service with HPREC, prior to the current year, excluding approved extended leaves of absence, up to a maximum of twenty (20) points.

5. **Education**

The amount of credit for education shall be determined based on degree and additional hours:

- | | |
|---------------------|-----------|
| 1. B.A. | 1 point |
| 2. B.A. +15 | 2 points |
| 3. B.A. +45 or M.A. | 4 points |
| 4. M.A.+15 | 6 points |
| 5. M.A.+45 & higher | 8 points |
| 6. Ed.D. & Ph.D. | 10 points |

6. **Performance:** [Optional-The Executive Director shall determine whether this criterion shall be used at the time the RIF Plan is approved.]

The current supervisor of each licensed staff member considered for termination or each licensed person considered for discharge shall rate the relative performance of each such person on a rating form to be

prepared by the Executive Director, or under his/her direction. Such rating form may be based on HPREC's standard evaluation form(s) rating competencies but may include additional competencies identified by the Executive Director which reflect his or her judgment as to the attributes necessary for success in the particular program(s) affected by a RIF. The rating form shall include not more than a total of ten (10) standard and specific competency areas, shall specify the score for each performance category or attribute, and shall allow for a maximum score of twenty (20) points. The supervisor(s) may consult with the Executive Director within the time specified for completion of the evaluations.

If different individuals considered for a RIF have different supervisors, the supervisors may consult with each other and/or with the Executive Director to insure that the rating system is applied uniformly. There shall be no requirement of observation of performance by a supervisor specifically for the purpose of completing the rating form; however, each supervisor shall review prior evaluations of the individuals considered for RIF, if available. If a supervisor lacks familiarity with an individual's performance (e.g. a new supervisor), the Executive Director may assign the evaluation to a supervisor who has greater familiarity with the individual's performance. The Executive Director may devise such other measures as he or she deems necessary to address with situations where implementation of the performance rating cannot occur in the normal manner, so long as such measures are rationally designed to award points to licensed personnel based on the employee's performance.

b. Selection Based on Score

The Executive Director shall total the points allocated based on the criteria specified above. The person with the lowest score shall be the person who is released by termination or discharge unless such action would have a serious and detrimental effect on the total education program. In such event, the Executive Director may select a higher scoring person for termination or discharge but shall prepare a written justification for such action in the best interests of HPREC, along with the rating sheets for such positions. The computations of the Executive Director, plus the rating forms on the persons considered for release, shall be available for review by the person released.

c. Transfer/Reassignment

If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person ("the affected person") is also licensed and qualified for another program(s) within HPREC, the person shall be considered for transfer or reassignment to such program(s). The fact that there are one or more other licensed staff members within the program affected by the RIF who scored higher than the affected person, and that such person(s) may be licensed and qualified

work in other programs in HPREC, shall not require that the higher scoring persons be transferred or reassigned to the other program or programs, even if there is a vacancy in the other program or programs. The transfer/reassignment obligation shall not arise until after the selection of the person or persons to be released from the program affected by the RIF and shall only apply to the person or persons selected for release. Consideration of transfer or reassignment of the affected person shall be governed by the following criteria:

1. Existing Vacancy. If, upon the effective date of the termination or discharge due to a RIF, there is an existing vacancy in another program for which the affected person is licensed and qualified, he or she shall be transferred or reassigned to that vacant position. There shall be no obligation to create a vacancy to accommodate such person.
2. No Existing Vacancy. Where the affected person is licensed and qualified for another program or programs in HPREC, but all such positions are currently filled, the selection criteria described above, subject to the modifications described below, shall be applied to determine whether the affected person will be transferred or reassigned to another program and another person, currently employed in the other program, shall be released.
 - a. If the person fully licensed for a position in another program or an administrative position but has not actually performed services in such program or held such a position during any part of the preceding five (5) years, such person shall not be considered qualified for transfer or reassignment to the other position.
 - b. If the Executive Director has not observed the person being considered for transfer or reassignment performing the duties of the other program, it is impractical for the relative performance of the person being considered for transfer or reassignment and the person or persons currently working in the program to be rated based on direct observation. Under such circumstances, the Executive Director or his/her designee shall make a judgment as to the likely performance of the person being considered for transfer or reassignment and assign the performance score that may be used in the selection process in comparison to the person or persons currently employed in the other program. The Executive Director or Director of Programs shall consider the affected person's performance in other programs and his/her knowledge of all people in the program in question in making the judgment, and may consult with other knowledgeable person in making this determination.

Each licensed staff member discharged and each tenured staff member terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable statutes and regulations of the State Secretary of Education governing discharge of licensed personnel of the termination of tenured staff members. The written decision of the Executive Director, to the extent required by statute and regulation, shall clearly specify that the termination or discharge resulted from a RIF and not from any cause personal to the person released.

d. Non-Licensed Personnel

Seniority shall be the primary criterion in determining which non-certified personnel shall be recommended for complete or partial termination in order to implement the RIF Plan. More senior non-certified personnel ordinarily shall be retained in preference to less senior non-certified personnel within the same job category. However, where multiple positions and programs are affected by the RIF, the Executive Director may prepare a rating sheet which includes the following criteria in making the selection:

1. **Specialized Qualification/Licenses:** Specialized training/certification or licensing directly related to the current job duties of the non-certified employee (e.g. electrician's license held by maintenance employee) may be allocated up to, but no more than, five (5) points.
2. **Service in HPREC:** Each noncertified employee rated shall be awarded one (1) point for each complete year of full-time service during the most recent period of uninterrupted service with HPREC, up to a maximum of twenty (20) points. Periods of extended leave of absence without pay shall not be included. Where cumulative scores are equal, tenured, noncertified individuals (those who have completed three (3) full consecutive years of service in HPREC) shall be retained over non-tenured, noncertified individuals.
3. **Performance: (Optional ~ to be used only if directly by Executive Director).** If two or more individuals have equal ratings on the above criteria, the current supervisor of each person classified as support staff who is considered for termination shall rate the relative performance of such person on a rating form to be prepared by the Executive Director. Such rating form will be designed based on HPREC's performance evaluation form for non-certified employees. The rating form will allow for a maximum score of twenty (20) points. The forms will be returned to the Executive Director for tabulation.
4. **Selection Based on Scores:** The Executive Director shall total the points for service and performance. The person with the lowest score shall be the person who is released. The computations of the Executive Director, plus the rating forms on the persons considered for release, shall be available for review by the person released.

5. **Transfer / Reassignments:** If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person is tenured and qualified for another program within HPREC in which a vacancy exists, that person shall be considered for transfer/reassignment to the other program.
6. **Termination:** Each non-licensed employee terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable New Mexico statutes and regulations governing the termination of non-licensed personnel. The written decision of the Council, to the extent required by statute and regulation, shall clearly specify that the termination resulted from a R.I.F. and not from any cause personal to the person released.

e. Appeal

Appeals to an independent arbitrator from termination or discharge pursuant to this policy are governed by the provisions of NMSA 1978, Section 22-10A-25, NMSA 1978 22-10A-28, respectively, and any applicable regulations of the State Secretary of Education.

f. Recall of Released Staff

For a period of one (1) year after the effective date of the discharge or termination of any employee pursuant to this policy, the Executive Director shall offer to such person any position(s) which become available for which such person is licensed and qualified, provided that such person has complied with the requirements specified below.

- a. Every person discharged or terminated under this policy who wishes to be considered for recall, in the event that an opening occurs, must file with the Executive Director, within thirty (30) days after the effective date of the discharge or termination, a written statement indicating a desire to be considered for recall and providing an address at which the person may be contacted. Such person must notify the Executive Director of any change in address within ten (10) days after changing residences in order to insure proper notification in the event of a recall.
- b. In the event that more than one interested person who was discharged or terminated within the calendar year prior to recall is qualified for the position by experience, training, and/or licensure to which a person will be recalled, the selection criteria of this policy will be applied to determine which person is to be recalled. The points accrued for "Service" and "Performance" shall be the same as when the persons were discharged or terminated, but additional points for any additional education earned after the discharge or termination which is directly related to HPREC's operations shall be credited and considered.

- c. Any person selected for recall hereunder shall receive written notification of the recall, by certified mail, at the address provided. The recalled person must accept the position offered through recall in writing. Such acceptance must be received in the Executive Director's office within fifteen (15) calendar days after mailing of the recall notice to the person. Rejection of the offer, in writing or by failure to timely respond, shall result in forfeiture by the recalled person of any further recall rights under this policy. Thereafter, an offer of recall will be made to the next person qualified to be recalled, or if there is none, the position will be filled by another qualified applicant.
- d. Any person recalled pursuant to this policy shall have all accrued but unused sick leave restored and is given credit for all years of actual service in HPREC for salary purposes.
- e. After the one (1) year recall period has expired, any person discharged or terminated under this policy shall no longer have any right to be recalled. Such persons who wish to be reemployed thereafter shall file applications for employment and will be treated as would any other applicant for a vacant position.

In event legislation is passed which requires the Executive Director to reduce licensed personnel, for any reason, the Executive Director shall follow the legislative procedures, if any, in lieu of this policy.

5159 Resignation

Certified staff members shall file a written notice of resignation with the Executive Director thirty (30) days prior to the effective date of resignation. Failure to do so may result in a complaint being filed against the staff member's license with the New Mexico Public Education Department.

Non-certified staff is required to give fifteen (15) days notice.

The Executive Director may waive the period of time due to extenuating circumstances.

516 Work Requirements

5160 Work Day/Year

Work Year. The work year for twelve month (261-days) staff members will begin on July 1 and end June 30. The work year for related service personnel (172-days) staff members will be documented on the Council approved salary schedule.

The yearly calendar will indicate days to be worked for school year staff members and staff member contracts will reflect the number of days of contract.

Work Day. Length of work day and schedule of hours of work for all staff members shall be determined by the Executive Director.

HPREC staff assigned to school districts will follow the assigned school district's staff hours for reporting time, lunch time and departing time. HPREC staff assigned to the office will follow hours established for that office by the Executive Director.

Time Accountability. Each staff member assigned to school districts must turn in to the payroll office time sheets/accountability sheets (i.e., Task and Travel Logs) signed by either his supervisor or appropriate district personnel, as per HPREC official calendar. Failure to submit completed task and Travel Logs will result in the issuance of manual payroll checks and may result in disciplinary action.

Time sheets for office personnel shall be approved and signed by the Executive Director.

5161 Assignment/Duty Station

Staff members shall be assigned by the Executive Director, in consultation with the Director of Programs, to such duty and location as may be in the best interest of the school districts and students served.

All ancillary staff will have an assigned duty station for the school year.

5162 Overtime

The Fair Labor Standards Act will be followed in regard to overtime payment or compensatory time allowance for support personnel as delineated in administrative regulations.

5163 Extra Duty

The HPREC Director of Programs will inform staff members of after school hours activities which they are expected to attend. The coordinator will make all assignments on an equitable basis.

5164 Supervision and Evaluation

The Executive Director shall be responsible for designing and implementing an effective personnel supervision program in compliance with the New Mexico Staff Accountability Plan and SBE Regulation 89-6.¹⁶ The goal of the staff evaluation plan is the improvement and development of staff.

Staff evaluations (both summative and formative) will be accomplished according to the HPREC Evaluation Handbook.

5165 Staff Meetings

All members of the licensed staff must attend:

1. The pre-opening school workshops and all in-service activities indicated on the HPREC official calendar. Appropriate deductions for non-attendance will be made or the staff member may use sick leave if ill.
2. All staff meetings called by the Executive Director or Director of Programs unless excused by the Executive Director.

517 Professional Organizations

¹⁶ Legal Reference: SBE Regulation 89-6.

Membership in all professional associations is voluntary. Professional association activities shall not interfere with a staff member's accepted responsibilities to the HPREC.

518 Discipline

Progressive discipline shall be used whenever appropriate. Progressive discipline can range from a reminder, to an oral or written reprimand, to a suspension or dismissal. There are instances when a disciplinary action, including dismissal, is appropriate without first having imposed a less severe form of discipline.

Employment at HPREC carries a responsibility for each member of the staff to comply with established policies and ethical behavior at all times. Since rules are of utmost importance, staff members will be expected to familiarize themselves with them and to observe them all.

Rules and regulations have been established to protect the welfare of HPREC, its clients and staff members, and to maintain its professional image to the public. Violation of these rules may result in corrective action, which takes the following points into consideration:

1. All corrective action shall be fair and impartial, and shall conform to all applicable Equal Employment Opportunity laws.
2. Effort will be made to obtain all the facts before any action is taken.
3. The corrective action may be a verbal warning, written warning, suspension, or dismissal - in progressive stages or a single action - depending upon the facts and circumstances in relation to HPREC policy and practices. All corrective actions shall be reviewed and approved by the Executive Director. Copies of all counseling and warnings should bear the staff member's signature indicating that the staff member is aware of the action. Signature does not necessarily signify agreement or admission of the action. If the staff member refuses to sign, the Executive Director and/or Director of Programs should initial the action confirming the employee's verbal refusal.
4. The purpose of any corrective action is to correct the action and/or reinforce adherence to the rules. Should a staff member continue the violation, corrective action will follow depending on the severity of the infraction.

519 Medicaid Supervision Procedures

This procedure (see Appendix C) complies with the New Mexico Medical School-Based Services Provider Licensure and Supervision Requirements and New Mexico Administrative Code (NMAC 8.320.6) in order to assure that all Related Service Providers at High Plains Regional Education Cooperative adheres with Medicaid supervision and billing practices for related service providers who are involved in billable services provided in public schools to children eligible for New Mexico Medicaid.



Fiscal Accountability

HPREC Policy Manual

High Plains Regional Education Cooperative Policies

600 Fiscal Accountability

Adopted: November 2, 2001

Reviewed and/or Revised: September 15, 2009

Reviewed and/or Revised: June 6, 2011

Reviewed and/or Revised: January 14, 2014

600 FISCAL ACCOUNTABILITY

A. **Determination.** The Council serves as its own fiscal agent and shall employ such personnel as necessary to provide required fiscal administration and accountability.

B. **Responsibilities.** Fiscal accountability responsibilities shall include:

1. Preparation of the Consolidated Application for federal IDEA-B funds and other federal flow through funds;
2. Receipt of IDEA-B and other federal funds dispersed pursuant to the consolidated application process, as well as other direct or federal flow through funds, state appropriations, local and other funds;
3. Disbursement of funds at the Executive Director's direction and in compliance with grant applications and federal/state regulations;
4. Compliance with the requirements of 11-1-4 NMSA, 1978 Comp. for fund accountability.
5. Compliance with the *Regional Center Cooperative (REC) Budgeting/Financial Procedures Manual*.
6. Retention of records for five (5) years pursuant to the Joint Powers Agreement and maintenance of financial records for seven (7) years.
7. Assuring compliance with the Procurement Code 13-1-1 to 13-1-199 NMSA, 1978 Comp.
8. Compliance with programmatic and financial audit requirements;
9. Maintenance of required fixed asset inventory controls;
10. Compliance with the Per Diem and Mileage Act;
11. Preparation of required financial and programmatic reports for the Public Education Department, the Department of Finance and Administration, and the State Treasurer's office.
12. Compliance with Joint Powers Agreement(s) and/or Interagency Governmental Agreement(s).
13. Compliance with all state and federal regulations in the processing of Medicaid claims and the disbursement of Medicaid funds back to participating districts.

14. Accounting for all High Plains REC equipment and materials.

601 Program and Budget Development

- A. **The Consolidated Application IDEA-B.** In order to receive payments under IDEA-B, a local education agency (LEA) must submit an application to the New Mexico Public Education Department. LEAs that participate in a regional cooperative must submit a consolidated application for IDEA-B. In addition, member districts may participate in the submission of a consolidated application for Title I, Title II, Title IV, and/or Title V.

Consolidated applications are compilations of all of the participating LEA applications; the Executive Director, Director of Programs, and Business Manager are responsible for combining all LEA applications into a single document for submission to the New Mexico Public Education Department (NMPED) and/or other agencies involved.

LEAs and the REC use budget figures provided by the NMPED for federal flow-through funds (Entitlement, Discretionary and Pre School); and budget figures provided by other programs or agencies such as Title II (High Quality Teachers and Principals) and Title IV (Safe and Drug Free Schools) for program planning and budget development.

The Business Manager will inform the districts of any carryover funds which must be expended or which may be available for rebudgeting.

- 1. Determination of Program/Fund Allocations.** Entitlement and Pre-School funds are allocated for planning and budgeting purposes back to the individual districts generating the funds through identification and service to children. Discretionary monies are used by High Plains REC for joint projects which benefit all districts with the belief that cooperative use of discretionary funding provides students equal access to services; \$70,000 of discretionary funds is allocated back to districts on a proportional basis (the %age of the amount the district generated/by the total fund X \$70,000) for individual district planning and budgeting. An example of cooperative use of discretionary funds is the provision of transition counseling services to all districts through the cooperative purchase of staff. The Council may change the amount of discretionary funding allocated back to the districts by majority vote of the Council.

The Executive Director and Business Manager will provide an annual report on programmatic uses of discretionary funds and will allocate such expenditures back to districts on a percentage basis for purposes of audit requirements. Those districts whose Title II and Title IV level of funding require the submission of a consolidated application jointly determine the percentage of funds to be dedicated for cooperative training and education and the percentage to be utilized for individual district needs.

2. Each LEA develops its share of the consolidated application through:

- a. Needs assessments and district EPSS accountability data,
- b. Local or region-wide advisory groups,
- c. Developing local goals and activities for each application section,

- d. Developing a balanced budget for each activity,
 - e. Submitting planned activities and budget figures to the High Plains REC Business Manager for incorporation into the consolidated application, and
 - f. Providing individual demographic and testing data to the program coordinator for purposes of Title II and IV.
 - 3. **Application Assistance.** The Executive Director, Director of Programs, and Business Manager will provide assistance to districts in the development of their applications by convening any required regional advisory groups and consolidating the applications into single documents and submitting them to the New Mexico Public Education Department or other agencies for approval. If any changes or corrections are necessary in the approval processes, High Plains REC staff will be responsible for completing these. Upon final approval, the Executive Director will insert any corrected pages and distribute to each LEA a copy of the completed application.
 - 4. **Application Approval.** The final applications will be approved by the Council at a regularly scheduled meeting.
 - 5. **Program Amendments.** Changes to approved applications shall be made by action of the Council upon request by the Superintendent of the district requesting such change and a corresponding recommendation of the Executive Director.
- B. Medicaid in the Schools**
- 1. The proposed Medicaid in the Schools budget will be based on the previous year's revenues and estimates of any increases in numbers of Medicaid eligible children.
 - 2. The Executive Director and Business Manager will give each district a proposed budget figure for program planning. Each district will forward to the Business Manager a proposed budget for Medicaid expenditures, which are allowed under the regional collaborative plan.
 - 3. High Plains REC will assist districts in obtaining Medicaid Direct Service and Administrative Time Study reimbursements. The Executive Director and Business Manager will administer the Medicaid budget and be accountable for accurate distribution of individual district monies, as well as assuring that all expenditures are in compliance with Medicaid policies and the regional collaborative plan prior to reimbursement to districts.
 - 4. The Executive Director and/or Director of Programs will keep the Council informed of any changes or new developments regarding Medicaid; will provide technical advice to the Council; and will serve as the official representative at Medicaid meetings with the Department of Health, etc.
- C. Ancillary Services/State Appropriations Funding**
- 1. By May 1st of each year and prior to the reemployment of ancillary staff, each district shall forward to the Director of Programs a list of estimated ancillary FTE services which that district proposes to purchase cooperatively through the High Plains REC during the coming school year.

2. The Council shall determine the percentage of state appropriations for High Plains REC-provided service providers, which each district shall budget for REC purposes (90% of district funds generated by REC provided FTE's has been set aside since 1992).
3. The Business Manager will budget an amount in the High Plains REC ancillary budget equal to total FTE requested by all districts x cost index x unit value x 90% (or %age determined by Council).
4. Each district will budget a proposed reimbursement to the High Plains REC for ancillary FTE purchases equal to FTE requested by the district x cost index x unit value x 90% (or %age determined by Council).
5. Ancillary staff will be employed based on district FTE requests; districts will be billed on a quarterly basis for FTE purchased at the rate of 90% (or %age determined by Council annually) of their state appropriation for those ancillary services provided through the High Plains REC. The first quarter's billing may be based on the previous year's FTEs or on the requested FTEs for the current year; the Executive Director will determine the billing structure based on the needs of the High Plains REC and the affected districts.
6. The Director of Programs and data entry clerk will assist districts on December 1 FTE and caseload calculations for ancillary and program staff and with student data entry requirements.

D. Annual Operating Budget Development

1. Chart of Accounts – the High Plains REC will use the Uniform Chart of Accounts and Manual of Procedures in the development and submission of budgets. High Plains REC will submit individual program budgets, as well as a combined total budget for all funds to be expended.
2. The budget will show an estimate of total anticipated revenue for the ensuing year and will include expenditures itemized according to IDEA-B (Entitlement, Discretionary and Pre-School), Safe & Drug-Free Schools (Title IV), Preparing, Training, and Recruiting Highly Qualified Teachers and Principals (Title II), Medicaid in the Schools, district ancillary services (State appropriations), and revenues and expenditures from any other program adopted by the Council to be administered by REC personnel.

602 Budget Review and Approval

- A. Budget Approval.** Each LEA's portion of the budget/s will be approved by the individual board of education prior to submission.

Each program's budget and High Plains REC total operating budget will be reviewed and approved by the Council before final submission to NMPED. Copies of each program's budget will be entered into the official minutes and will be available to all citizens for inspection.

- B. Budget Submission.** High Plains REC budget will be submitted in accordance with NMPED timelines for RECs in order to be submitted with the NMPED budget.

The NMPED will provide final budget approval..

- C. **Budget Amendments.** The Council may amend any program's budget if deemed necessary to meet unforeseen program requirements or changes in preliminary budget figures. Changes will be made by action of the Council at a regularly scheduled meeting upon submission of such proposed changes by the Business Manager and Executive Director. Each amendment will be recorded in official Council minutes.
- D. All budget adjustment requests (BARs) must be submitted to and approved by the NMPED.

Budget reports must be submitted to NMPED by the fifteenth of the following month.

603 Procurement Requirements

High Plains REC will adhere to all applicable requirements of the Procurement Code (13-1-1 to 13-1-199 NMSA, 1978 Comp.) in its purchasing practices. RECs are excluded from the requirements of procurement through the state purchasing agent, but not from the requirements of the State Procurement Code. Purchasing policies and procedures for grant funding shall comply with requirements of the grant as well as the Procurement Code.

- A. **Procurement Officer.** The Executive Director is designated as the procurement officer for High Plains REC and is authorized to enter into or administer contracts and make written determinations regarding procurement.
- B. **District Purchasing Requirements.** Each district has approved budget amounts in the proposals adopted by the Council, which require separate accounting.
 - 1. Purchases Made Through High Plains REC:
 - a. All purchases made through High Plains REC will have prior approval of the district Superintendent and Executive Director.
 - b. The procurement code should be followed for all purchases. Requisitions from school districts should have the signature of the Superintendent. The fund and function/object code should be designated on the requisition. Procurement documentation should be attached, i.e., quotes or bids, contracts for stipends, travel request forms as required. Shipping and handling costs or an estimate thereof (15%) should be added as necessary.
 - c. Requisitions and/or travel requests are submitted by district Business Managers to High Plains REC Business Manager who will verify that budget money is available to that district in the correct fund and function/object code. A purchase order is then prepared and submitted to the Executive Director who reviews the requisition to assure that it fits within the intent of the program application. If approved, the purchase order is signed and processed.
 - d. When the order is complete, the employee verifying receipt will sign and date the PO acknowledging receipt of the order and return it to the Business Manager for payment. The received goods are forwarded to the district originating the order.

2. Purchases/Payroll Reimbursed by High Plains REC: Districts may request reimbursement for services or purchases approved in program applications up to the limit of their individual pre-approved district budgets.
 - a. Payroll Reimbursements. Reimbursements for payroll expenses for personnel approved in program applications and budgets may be requested by districts on a monthly or quarterly basis. Requests for such reimbursements are to be forwarded by district business managers to the REC business manager accompanied by copies of contracts and by copies of monthly payroll sheets indicating payment of salaries and benefits from appropriate function codes applicable to the approved program. The REC business manager will determine if funds are available in the proper function codes as requested and prepare a purchase order to the district for the Executive Director's approval. The Executive Director is responsible for assuring that such reimbursements meet the intent of the program application. Upon the Executive Director's approval, the district will be reimbursed for program payroll costs.
 - b. Other Purchase Reimbursements. District Business Managers may submit requests on a monthly or quarterly basis to the REC Business Manager for reimbursement of allowable expenses under each district's program and budget approval. Such requests will be accompanied by district purchase documents, i.e., a copy of the warrant showing payment, copies of applicable invoices, copies of appropriate purchase orders or approved travel requests, as well as procurement information (quotes or bids as necessary). High Plains REC Business Manager will determine if funds are available in the proper function/object codes and prepare a purchase order to the district for the Executive Director's approval. The Executive Director is responsible for assuring that such purchases meet approved program requirements. Upon the Executive Director's approval, the district will be reimbursed for reimbursable purchases.
 - c. Each district will keep a running record of requisitions and expenditures in a Budget Register. High Plains REC business manager will submit to each district a bimonthly Budget Report for all funds to reconcile with High Plains REC records.
 - d. High Plains REC Medicaid clerk and Business Manager will report to each district on a monthly basis direct service and time study reimbursements requested on the district's behalf. They will also report monthly on Medicaid cash revenues available to each district for cash request and expenditure.
3. REC Purchases. All purchase procedures will be made in accordance with the State Procurement Code as interpreted in regulations promulgated by the New Mexico Public Education Department's *Financial Procedures Manual*.
 - a. Contracts. The Executive Director may enter into employment contracts or contract with a school district, institution, or independent contractor for the procurement of professional services. All contracts shall be subject to the non-supplanting requirements of 34 CFT 300.230 and certification requirements of Section 22-10-3 NMSA, 1978 Comp. and the regulations

promulgated thereto. Contracts for the professional services of independent contractors shall be obtained consistent with the Procurement Code 13-1-125(B) and 13-1-117.1 NMSA, 1978 Comp. and with procurement regulations adopted by the Council and will meet the IRS definitions for independent contractor status.

b. Procurement Policies.

1) Pursuant to 13-1-105 (Competitive Sealed Bids).

Criteria which will affect the bid price specified in competitive sealed bids will be objectively measurable, defined by regulation, and shall be set forth in the invitation for bids. Such criteria might include trade and quantity discounts, transportation costs, total or life cycle costs, and evaluation for energy efficiency. Samples of items may be required in the invitation to bid and must be furnished free of expense to High Plains REC purchasing officer and prior to the time set for the opening of bids. Nothing in this regulation shall be deemed to permit contract award to a bidder submitting a higher quality item than that designated in the invitation for bids if such a bidder is not also the lowest bidder.

2) Pursuant to 13-1-125, 13-1-117.1 NMSA, 1978 Comp. (Small Purchases).

Section 13-1-102 of the Procurement Code requires sealed bids for all purchases, except for the following: small purchases, sole source procurement, emergency procurement, existing contracts and purchases from antipoverty program businesses. Small purchases are defined as purchases of less than \$10,000 and as such do not require written or oral quotations. Nonprofessional service purchases, construction, or items of tangible personal property of more than \$10,000 but less than \$20,000, and professional services less than \$50,000 require three written or oral quotations but do not require competitive sealed bids or proposals.

Purchases of professional services exceeding \$50,000 will be effected by request for sealed proposals with awards according to evaluation factors set forth in the call for proposals.

3) Pursuant to 13-1-129 NMSA, 1978 Comp. (Existing Contracts).

The purchasing officer may elect to "piggy-back" on an existing contract with another governmental entity or local public body without going through the request for bids or proposal process if the conditions listed in 13-1-129 are met and if the provider and contracting agency agree to do so. In such case, the purchase documents would specify the contract relied upon. (GSA or SPA or other governmental entity contracts)

c. Purchase Order Requirement. Purchase orders are required for all purchases other than employee contracts for services, employee authorized deductions from payroll and federal/state required payments, i.e., educational retirement, FICA, insurance program payments, etc. Upon approval of the Business Manager, blanket purchase orders may be used for items purchased on a recurring basis from the same vendor

within a specified time frame including purchases under SPA or GSA agreements.

C. Non-procurement Suspension & Debarment

Prior to expenditure of Federal funds, High Plains REC will verify if any vendor and/or contractor has been suspended or debarred and should be excluded from Federal contracts, sub-contracts or any other receipt of Federal funds. Verification will be made through the Excluded Parties List System at <http://www.epls.gov>.

604 Cash Disbursement Accounting

Cash disbursements shall be for the following transactions:

1. Invoices for goods and services received,
 2. Disbursement for employment of casual or other labor not under contract,
 3. Disbursements for contracts (other than payroll),
 4. Contracted payroll disbursements, and
 5. Requests for reimbursements or advances.
- A. **Approval of Vouchers.** In order to assure timely payment of High Plains REC obligations and in fairness to vendors, the Executive Director is authorized to approve vouchers for payment prior to a Council meeting. A summary listing of the vouchers shall be presented to the Council at its next regular meeting for formal approval and entry in the minutes.
- B. **Cash Reconciliation.** All bank accounts shall be reconciled monthly by High Plains REC Business Manager and shall be reviewed by the Executive Director or a designee other than the Business Manager.
- C. **Separation of Duties.** The Executive Director will establish procedures, which assure segregation of duties in payroll processing as well as the processing of other payments/vouchers. In no case shall the same employee be assigned responsibilities for both the preparation and authorization of payroll or vouchers as well as actual check distribution.

Copies of bank statements and bank reconciliations must be submitted to the State NMPED Fiscal Accountability Unit by the tenth of the following month.

- D. **Security of Checks.** All warrants shall be stored in fireproof locking vaults or cabinets.

All check numbers processed will be logged in a logbook and will be initialed by the staff members.

605 Travel and Training

High Plains REC will comply with the Per Diem and Mileage Act and all DFA rules governing travel and per diem.

Reimbursement for actual expenses for travel and training may be reimbursed within the limitations established by DFA if approved in advance by the Executive Director.

Staff members may request travel advances of 80% of the cost of the travel with required documentation to be submitted upon return.

606 Fixed Assets Inventory

High Plains REC will maintain a fixed assets inventory of items over \$5,000 in a format, which meets GSD requirements; any additional inventory information required under EDGAR for federal grant purchases will be maintained.

A separate inventory of all supply assets valued under \$5,000 will be maintained for accountability purposes.

Equipment/property disposition procedures will be according to statute and applicable regulation.

607 Financial and Compliance Audits

The State Auditor requires that state agencies maintain adequate accounting records, prepare financial statements in accordance with generally acceptable accounting principles, and cooperate with an Independent Public Accountant by providing to the IPA in a timely manner the information the IPA requires to express an opinion on the agency's financial statements.

High Plains REC will annually contract with an IPA to perform a financial compliance audit as required by the State Auditor. **The audit report will be formally accepted by the Council at a regular meeting and a copy of the approved audit shall be forwarded to the NMPED Agency Support Division by the due date in the State Auditor rule.**

607.01 Internal Control Policy

Internal control is a management process for keeping HPREC on course in achieving its organizational objectives. A management control system, including comprehensive internal controls, should provide reasonable assurance that entity objectives are being met. Entity objectives may fall into the following three separate but related categories:

1. Effectiveness and efficiency of operations,
2. Reliability of financial reporting,
3. Compliance with applicable laws and regulations.

Safeguarding of assets is an example of a control objective, when in place and effective, aids in the achievement of all three of the above objective categories.

The Executive Director is responsible for establishing and maintaining an effective system of internal control throughout the agency. An internal control system should provide reasonable assurance that an organization will accomplish its objectives.

The Executive Director must identify and analyze the risks to achieving entity objectives and then determine how those risks should be managed. The Executive Director defines the level of risk that the organization is willing to accept and strives to maintain risks within those levels.

The Executive Director should make it clear that HPREC staff have explicit or implicit control activity duties including delivery of services to the public; producing information for the management control system; maintaining financial information; and inspecting or maintaining physical assets.

Risk Assessment

A risk assessment is an ongoing process to identify, analyze, and manage risk. Risk identification can often be integrated with an organization's planning activities.

Internal Control Components

The five components of internal controls HPREC uses for control system are as follows:

1. Control Environment – Control environment factors include the integrity, ethical values, and competence of the entity's staff; management's philosophy and operating style.
2. Risk Assessment – Risk assessment is the identification and analysis of relevant risks to achieving the objectives and forms a basis for determining how the risks should be managed.
3. Control Activities – Control activities occur throughout the organization, at all levels and in all functions. They include a range of activities as diverse as approvals, authorizations, verifications, reconciliation, review of operating performance, security of assets, and segregation of duties.
4. Information and Communication - Effective communication must occur in a broader sense, flowing down, across, and throughout HPREC. All personnel must receive from top management a clear message that control responsibilities must be taken seriously. Also, all staff members must understand their own role in the management control system, as well as how individual activities relate to the work of others.
5. Monitoring - Management systems and internal activities need to be monitored to assess the quality of their performance over time. Assessment is accomplished through ongoing monitoring activities and separate evaluations. Ongoing monitoring occurs in the course of operations, including regular management and supervisory activities and other action personnel take in performing their duties. The scope and frequency of separate evaluations will depend primarily on an assessment of risks and the effectiveness of ongoing monitoring procedures. Deficiencies will be reported to the Executive Director, with serious matters reported to the Council.

Control Activities

Control activities are the policies and procedures that help ensure management directives are carried out. Control activities are actions taken to minimize risk. The need for a control activity is established in the risk assessment process. When the assessment has identified a significant risk to the achievement of an objective, a corresponding control activity should be determined.

These activities and procedures may be categorized into one of the following areas and completed by personnel at various levels:

Administrative Controls

1. Top-level performance reviews - Performance reviews should be made of actual performance versus budgets, forecasts, and performance in prior periods.

2. Direct functional or activity management reviews – Performance reviews should be made of specific functions or activities. The reviews may focus on compliance, financial, or operational issues.

Accounting Controls

1. Information processing - A variety of control activities should be performed to check the accuracy and completeness of information, as well as the authorization of transactions.
2. Physical controls - Equipment, inventories, securities, cash, and other assets should be secured physically, and periodically counted and compared with amounts shown on control records.
3. Performance indicators - Certain operating results can be anticipated. By investigating unexpected results or unusual trends, circumstances that jeopardize the achievement of objectives can be identified.
4. Segregation of duties - Duties are divided, or segregated, among different people to reduce the risk of error or inappropriate actions.
5. Internal Auditing/Risk Assessments
6. Internal audits may be performed during or after a fiscal period. In either case, an audit is not part of any control activity; however, it serves as an important component of the management control system.
7. The activities of an internal audit, whether performed during or after a fiscal period, may include:
8. Consultation and education sessions to familiarize agency staff with control activity responsibilities;
9. Assisting agency staff in preparing for new processes or requirements;
10. A review of agency activities to serve as a basis for recommending improvements as necessary to aid in the accomplishment of agency identified goals and objectives.

Procedures

Protection of public trust is paramount in all decision making. To achieve this trust, HPREC must have policies & procedures to link its vision and the day to day operations. It is important that all staff members understand their roles and responsibilities within predefined limits and in turn allows management to guide operations without constant management intervention. The ultimate goal of every procedure is to provide the reader with a clear and easily understood plan of action required to carry out or implement a policy.

A well written procedure will also help eliminate common misunderstandings by identifying job responsibilities and establishing boundaries or controls for the job holders. Good procedures actually allow managers to control events in advance and prevent the organization (and staff members) from making costly mistakes. Procedures can:

1. Identify specific actions
2. Explain when/what to take actions
3. Describe alternatives
4. Give examples
5. Show how to complete forms or processes
6. Gives examples

In order to complete HPREC transactions, all activity cycles will have a procedures manual defining specific tasks to complete defined transactions. Procedure manuals will be maintained on site and will establish authorization of and recording of all transactions.

608 Records Retention and Disposition

The NMPED and the State Records Center and Archives Rules state that, as a minimum, the following current and prior year items are to be stored in fireproof/theft security daily:

1. All blank warrants/checks;
2. Board minutes;
3. Employees' earning records;
4. Insurance policies and statements of value;
5. Motor vehicle titles;
6. Deeds and abstracts;
7. Audits;
8. Bank statements;
9. Paid vouchers (bids, quotations, purchase orders, invoices, etc.);
10. Software/databases

The Executive Director is responsible for assuring that all permanent financial and programmatic documents are protected from fire and theft.

Records will be retained and disposed of as directed by EDGAR and the State Records Center.

609 Loss Prevention And Control Plan

1. Purpose:

This plan complies with the State Loss Prevention and Control Program rule (1.6.4 NMAC) in order to assure that loss prevention and control are an integral part of the job and the required training of each agency worker, a line management responsibility of high priority evaluated on the execution of this responsibility, an agency commitment demonstrated by the appointment of knowledgeable and experienced loss control personnel, and that compliance with workplace safety and employment-related civil rights rules and regulations is a priority. All departments within High Plains Regional Education Cooperative #3 are covered by the plan.

2. Definitions:

All definitions contained in the State Loss Prevention and Control Program rule (1.6.4 NMAC) are adopted and hereby incorporated by reference.

3. Effective Date:

4. Policies and Procedures:

This loss prevention and control plan includes the following:

- A. Appointment and duties of the loss prevention and control coordinator.
 1. A loss prevention and control coordinator shall be appointed by the Executive Director of the High Plains Regional Education Cooperative #3.
 2. The name(s) of the appointed coordinator(s) shall be noted and regularly updated in a separate exhibit to this plan (Appendix D: Name(s) of Loss Prevention and Control Coordinator(s)), and shall be submitted to the State Loss Control manager.
 3. The coordinator shall have specific responsibilities as detailed in the job description, and as may be amended (Appendix D: Loss Prevention and Control Coordinator Duties).
- B. Self-Inspection and Audit Procedures.
 1. Self-inspections and audits shall be implemented and executed.
 2. Self-inspections and audits shall be at the agency level and shall extend to all agency operations.
 3. Self-inspections and audits of each agency operation will be conducted quarterly.
 4. High Plains Regional Education Cooperative #3 shall develop and use appropriate checklists for self-inspection and audit purposes (Appendix D: Self-Inspection and Audit Checklists).
 5. A written self-inspection or audit report shall be made of all unsatisfactory conditions and copied to the Loss Prevention and Control coordinator. Repeat deficiencies shall be identified and brought to the attention of the Executive Director.
 6. For each noted unsatisfactory condition, a written response and corrective action shall be taken or initiated (no later than thirty (30) days after notice) by the supervisory person most immediately responsible for the related operation. Corrective action documentation shall be attached to the report, and a copy shall be retained the Loss Prevention and Control coordinator.
- C. Incident and Loss Investigation
 1. High Plains Regional Education Cooperative #3 shall establish and implement loss investigation procedures (Appendix : Investigation Analysis and Evaluation of Incidents and Losses Procedure).
 2. Copies of investigation reports shall be distributed as appropriate, and care shall be exercised in the handling of confidential material.
 3. Investigations and all documentation pertinent to a job-related injury or illness shall become a part of the injury or illness claim record.
 4. The duty to investigate may be delegated, with the Executive Director's approval; investigation must be reviewed by the Executive Director.
 5. The Loss Prevention and Control coordinator shall evaluate the adequacy of the action taken within thirty (30) days of receipt of report.
 6. Findings and corrective actions shall be communicated to an implemented in all other activities or programs of that agency.
 7. Any investigations and reports prepared pursuant to this plan are supplementary to and do not replace other required reports.
- D. Loss Prevention and Control Training
 1. Safety, loss prevention and control, and employment-related civil rights training (including conflict resolution) shall be provided to all employees on at least an annual basis in a variety of ways. Formal training shall be documented and made a part of the employee's training file.

2. The Executive Director shall discuss relevant loss prevention and control policies, procedures, and strategies with employees.
 3. Training in the safe and correct way to do every job must be fully covered in initial employee orientations and continued training.
 4. Training on the New Mexico Occupational Health and Safety Act and other applicable laws and regulations shall be included in training on a continuing basis.
 5. Training in employment-related civil rights (including conflict resolution) shall be included in training on a continuing basis.
 6. A summary and analysis of High Plains Regional Education Cooperative #3's losses shall be used to supplement training whenever possible, and shall be distributed to management and supervisors at least annually.
- E. Job Related Illness or Injury Claims Management Procedures
1. A Workers' Compensation claims management policy shall be established and programs implemented, including, but not limited to, the following (Appendix D: Workers' Compensation Claims Management Policy):
 - a. Workers' Compensation claims management procedures;
 - b. Early return to work procedures for workers with job-related injuries or illnesses; and
 - c. New employee orientation programs to include job safety, workers' compensation, and employment-related civil rights.
 2. A job-related injury or illness claims policy shall be established and programs implemented, including, but not limited to, the following (Appendix D: Workers' Compensation Claims Management Policy):
 - a. Establishment of written "safety" and "loss prevention and control" responsibilities and standards, including performance evaluation methods, at the highest levels.
 - b. Appropriate training on each supervisor's role and responsibilities.
 - c. High Plains Regional Education Cooperative #3 shall assign an individual at the agency level, responsible for maintaining claim records. The names of this individual shall be submitted to the state loss control manager, and shall be HPREC contact for RMD workers' compensation bureau
 3. Claims records shall contain mandatory documents, and may contain additional documents, as appropriate (Appendix F: Workers' Compensation Claims Forms and Documents).
- F. Audits Conducted by RMD
1. High Plains Regional Education Cooperative #3 shall cooperate and assist RMD in audits of HPREC's plan.
 2. High Plains Regional Education Cooperative #3 shall respond to RMD audit within thirty (30) days.
 3. As appropriate, High Plains Regional Education Cooperative #3 shall utilize assistance and resources provided by RMD.
 4. As appropriate, High Plains Regional Education Cooperative #3 shall participate in programs, policies and procedures developed by RMD to further enhance the on-going state loss prevention and control program effort.

**Alternative Dispute Resolution (ADR) means a voluntary process (other than litigation), used to prevent or resolve disputes, as defined in the New Mexico Governmental Dispute Prevention and Resolution Act of 2007 [NMSA 1978, § 12-8A]. ADR encompasses a broad range of problem-solving processes, the most common of which are mediation,*

facilitation, and arbitration. These processes are most effective when offered early, in a confidential and neutral manner. The Act requires that state agencies provide access to ADR, which may be achieved through an internal process, by contracting for professional services, or through external programs. The Act also establishes a state Office (the RMD ADR Bureau). This office can help state agencies identify resources and coordinate no-cost services (e.g., through access to trained and certified workplace mediators), and can assist in the development of ADR programs, strategies, and staff training.

Pursuant to the Act, an agency head may designate an ADR Coordinator. If designated, the Act then defines certain duties and responsibilities. Formal inclusion of the ADR Coordinator in the agency's Loss Prevention and Control Committee can greatly assist the agency's combined cost-avoidance efforts (particularly in employment-related civil rights liability), and may satisfy the requirement set forth in the rule [1.6.4.8.B.(9) NMAC]



Facilities

HPREC Policy Manual

High Plains Regional Education Cooperative Polices

700 Facilities

Adopted: September 16, 2008

700 FACILITIES

701 Monthly Fire Extinguisher Inspection

The purpose of this policy is to provide direction for the monthly inspection of fire extinguishers to insure all are in place and are in operable condition. In addition to the monthly inspection, all extinguishers will be recharged annually by a licensed fire extinguisher contractor. Procedure:

- Confirm the pressure gauge reading or indicator is in the operable range or position;
- Confirm safety seals and tamper indicators are not broken or missing;
- Confirm hose does not have cracks or breaks;
- Confirm fire extinguisher is clean from any dirt or dust;
- Confirm there is no obstruction to access or visibility of the fire extinguisher;
- Remove extinguisher from bracket and tip to distribute contents;
- Sign tag attached to the extinguisher and checklist after completion of each extinguisher inspected;
- Remove any fire extinguisher that is defective and notify the Executive Director for an immediate replacement.



Job Descriptions

Appendix A:
HPREC Policy Manual

High Plains Regional Education Cooperative Policies

2000 job Descriptions

Adopted: February 19, 2008

JOB DESCRIPTION**TITLE:** Occupational Therapist**REPORTS TO:** Director of Programs**JOB GOAL:** Plan and provide direct occupational therapy to students with disabilities and/or delays. Assess students and provide therapeutic intervention to eliminate or reduce problems or impairments that interfere with student's ability to derive full benefit from educational program.**PERFORMANCE RESPONSIBILITIES:****Program Management**

1. Assess students with occupational therapy disorders and determine eligibility for services.
2. Plan and provide appropriate individual and group therapy to students consistent with occupational therapy goals contained in Individual Education Plans (IEP) or other educational plan (i.e., SAT Intervention Plan, Academic Improvement Plan, Section 504).
3. Participate in the multidisciplinary team and Individual Education Program (IEP) team meetings regarding interpretation of assessment data, appropriate eligibility, and goal setting for students with speech and/or language disorders according to district and agency procedures.
4. Evaluate student progress and determine readiness for termination of therapy services.
5. Counsel and involve parents in the therapy and intervention process.
6. Collaborate with classroom teachers to plan and implement classroom-based activities to improve oral and written language skills of students.
7. Provide consultation and/or staff development training in assigned schools to assist school personnel in the identification and understanding of students with communication deficits, as requested and approved by the Director of Programs.
8. Participate in Medicaid Time Studies and billing procedures. Assure compliance with Medicaid requirements.
9. Create, document, and finalize all reports, records, and other documents in TIEnet, as required.
10. Assist with Child Find activities.
11. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.
12. Provide supervision to Certified Occupational Therapy Assistant(s).

School Climate

1. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
2. Maintain a positive and effective relationship with supervisors.
3. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
4. Collaborate with other professionals to most effectively meet the needs of the student.

5. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.
6. Maintain confidentiality according to FERPA, HIPPA, and professional ethics.

School Improvement

1. Assess and respond to needs related to job responsibilities.
2. Develop and coordinate a continuing evaluation of your service/therapy and implement changes based on the findings.
3. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

1. Create an environment conducive to learning and appropriate to the maturity and interest of students.
2. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

1. Develop needed professional skills appropriate to job assignment.
2. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

1. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
2. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

1. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

1. Mental Demands:
 - . Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
2. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____

JOB DESCRIPTION

TITLE: Certified Occupational Therapy Assistant

REPORTS TO: Director of Programs

JOB GOAL: Plan and provide direct occupational therapy to students with disabilities and/or delays. Assess students and provide therapeutic intervention to eliminate or reduce problems or impairments that interfere with student's ability to derive full benefit from educational program under the direction of the supervising Occupational Therapist.

PERFORMANCE RESPONSIBILITIES:

Program Management

1. Assess students with occupational therapy disorders and determine eligibility for services, under the direction of the supervising Occupational Therapist.
2. Plan and provide appropriate individual and group therapy to students consistent with occupational therapy goals contained in Individual Education Plans (IEP) or other educational plan (i.e., SAT Intervention Plan, Academic Improvement Plan, Section 504).
3. Participate in the multidisciplinary team and Individual Education Program (IEP) team meetings, as requested by supervising Occupational Therapist.
4. Evaluate student progress and consult with supervising Occupational Therapist to determine readiness for termination of therapy services.
5. Counsel and involve parents in the therapy and intervention process.
6. Collaborate with classroom teachers to plan and implement classroom-based activities to improve oral and written language skills of students.
7. Provide consultation in assigned schools to assist school personnel in the identification and understanding of students with communication deficits, as requested and approved by the Director of Programs.
13. Participate in Medicaid Time Studies and billing procedures. Assure compliance with Medicaid requirements.
14. Create, document, and finalize all reports, records, and other documents in TIEnet after approval of supervising Occupational Therapist.
15. Assist with Child Find activities.
16. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.
17. Participant in and document all supervision activities.

School Climate

7. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
8. Maintain a positive and effective relationship with supervisors.
9. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
10. Collaborate with other professionals to most effectively meet the needs of the student.

11. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.
12. Maintain confidentiality according to FERPA, HIPPA, and professional ethics.

School Improvement

4. Assess and respond to needs related to job responsibilities.
5. Develop and coordinate a continuing evaluation of your service/therapy and implement changes based on the findings.
6. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

3. Create an environment conducive to learning and appropriate to the maturity and interest of students.
4. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

3. Develop needed professional skills appropriate to job assignment.
4. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

3. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
4. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

2. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

3. Mental Demands:
 - . Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
4. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____

JOB DESCRIPTION

TITLE: Physical Therapist

REPORTS TO: Director of Programs

JOB GOAL: Plan and provide direct physical therapy to students with disabilities and/or delays. Assess students and provide therapeutic intervention to eliminate or reduce problems or impairments that interfere with student's ability to derive full benefit from educational program.

PERFORMANCE RESPONSIBILITIES:

Program Management

1. Assess students with physical therapy disorders and determine eligibility for services.
2. Plan and provide appropriate individual and group therapy to students consistent with physical therapy goals contained in Individual Education Plans (IEP) or other educational plan (i.e., SAT Intervention Plan, Academic Improvement Plan, Section 504).
3. Participate in the multidisciplinary team and Individual Education Program (IEP) team meetings regarding interpretation of assessment data, appropriate eligibility, and goal setting for students with speech and/or language disorders according to district and agency procedures.
4. Evaluate student progress and determine readiness for termination of therapy services.
5. Counsel and involve parents in the therapy and intervention process.
6. Collaborate with classroom teachers to plan and implement classroom-based activities to improve oral and written language skills of students.
7. Provide consultation and/or staff development training in assigned schools to assist school personnel in the identification and understanding of students with communication deficits, as requested and approved by the Director of Programs.
18. Participate in Medicaid Time Studies and billing procedures. Assure compliance with Medicaid requirements.
19. Create, document, and finalize all reports, records, and other documents in TIEnet, as required.
20. Assist with Child Find activities.
21. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.

School Climate

13. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
14. Maintain a positive and effective relationship with supervisors.
15. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
16. Collaborate with other professionals to most effectively meet the needs of the student.
17. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.
18. Maintain confidently according to FERPA, HIPPA, and professional ethics.

School Improvement

7. Assess and respond to needs related to job responsibilities.

8. Develop and coordinate a continuing evaluation of your service/therapy and implement changes based on the findings.
9. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

5. Create an environment conducive to learning and appropriate to the maturity and interest of students.
6. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

5. Develop needed professional skills appropriate to job assignment.
6. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

5. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
6. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

3. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

5. Mental Demands:
 - . Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
6. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____

JOB DESCRIPTION

TITLE: School Psychologist

REPORTS TO: Director of Programs

JOB GOAL: Assist children and youth succeed academically, socially, and emotionally. Collaborate with educators, parents, and other professionals to create safe, healthy, and supportive learning environments for all students. Assess students to determine eligibility for services and provide therapeutic intervention to eliminate or reduce problems or impairments that interfere with student's ability to derive full benefit from educational program.

PERFORMANCE RESPONSIBILITIES:

Program Management

1. Assess students and determine eligibility for services.
2. Assess academic skills and aptitude for learning.
3. Determine social-emotional development and mental health status.
4. Plan and provide appropriate individual and group therapy to students consistent with Behaviors/socio-emotional goals contained in Individual Education Plans (IEP) or other educational plan (i.e., SAT Intervention Plan, Academic Improvement Plan, Section 504).
3. Participate in the multidisciplinary team and Individual Education Program (IEP) team meetings regarding interpretation of assessment data, appropriate eligibility, and goal setting for students with disorders according to district and agency procedures.
4. Evaluate student progress and determine readiness for termination of therapy services.
5. Provide consultation with parents on appropriate interventions and other support.
6. Collaborate with classroom teachers to plan and implement classroom-based activities to improve academic, behavioral, and social skills of students.
7. Provide consultation and/or staff development training in assigned schools to assist school personnel in the identification and understanding of students with disabilities, as requested and approved by the Director of Programs.
22. Participate in Medicaid Time Studies and billing procedures. Assure compliance with Medicaid requirements for those students receiving direct, billable services.
23. Create, document, and finalize all reports, records, and other documents in TIEnet, as required.
24. Assist with Child Find activities.
11. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.

School Climate

19. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
20. Maintain a positive and effective relationship with supervisors.
21. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
22. Collaborate with other professionals to effectively meet the needs of students.
23. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.

24. Maintain confidently according to FERPA, HIPPA, and professional ethics.

School Improvement

10. Assess and respond to needs related to job responsibilities.
11. Develop and coordinate a continuing evaluation of your services/therapy and implement changes based on the findings.
12. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

7. Create an environment conducive to learning and appropriate to the maturity and interest of students.
8. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

7. Develop needed professional skills appropriate to job assignment.
8. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

7. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
8. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

4. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

7. Mental Demands:
 - a. Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
8. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____

JOB DESCRIPTION

TITLE: School Social Worker

REPORTS TO: Director of Programs

JOB GOAL: Plan and provide direct social work therapy to students with disabilities and/or delays. Assess students and provide therapeutic intervention to eliminate or reduce problems or impairments that interfere with student's ability to derive full benefit from educational program.

PERFORMANCE RESPONSIBILITIES:

Program Management

1. Assess students with social, emotional, and/or behavioral difficulties as part of eligibility for services determination process, as requested and appropriate.
2. Plan and provide appropriate individual and group therapy to students consistent with social work goals contained in Individual Education Plans (IEP) or other educational plan (i.e., SAT Intervention Plan, Academic Improvement Plan, Section 504).
3. Participate in the multidisciplinary team and Individual Education Program (IEP) team meetings regarding interpretation of assessment data, appropriate eligibility, and goal setting for students with social, emotional, and/or behavioral difficulties according to district and agency procedures.
4. Evaluate student progress and determine readiness for termination of social work services.
5. Counsel and involve parents in the therapy and intervention process including the Functional Behavioral Assessment and Behavioral Intervention Plan.
6. Collaborate with classroom teachers to plan and implement classroom-based and school-wide behavioral interventions and strategies for meet the individual student's needs.
7. Provide consultation and/or staff development training in assigned schools to assist school personnel in the identification and understanding of students with social, emotional, and/or behavioral difficulties, as requested and approved by the Director of Programs.
25. Participate in Medicaid Time Studies and billing procedures. Assure compliance with Medicaid requirements.
26. Create, document, and finalize all reports, records, and other documents in TIEnet, as required.
27. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.

School Climate

25. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
26. Maintain a positive and effective relationship with supervisors.
27. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
28. Collaborate with other professionals to effectively meet the needs of students.

29. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.
30. Maintain confidentiality according to FERPA, HIPPA, and professional ethics.

School Improvement

13. Assess and respond to needs related to job responsibilities.
14. Develop and coordinate a continuing evaluation of your service/therapy and implement changes based on the findings.
15. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

9. Create an environment conducive to learning and appropriate to the maturity and interest of students.
10. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

9. Develop needed professional skills appropriate to job assignment.
10. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

9. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
10. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

5. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

9. Mental Demands:
 - . Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
10. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____

JOB DESCRIPTION

TITLE: Speech Language Pathologist

REPORTS TO: Director of Programs

JOB GOAL: Plan and provide direct therapy to students with speech, voice, or language disorders. Assess students and provide therapeutic intervention to eliminate or reduce problems or impairments that interfere with student's ability to derive full benefit from educational program.

PERFORMANCE RESPONSIBILITIES:

Program Management

1. Assess students with speech or language disorders and determine eligibility for services.
2. Plan and provide appropriate individual and group therapy to students consistent with speech/language goals contained in Individual Education Plans (IEP) or other educational plan (i.e., SAT Intervention Plan, Academic Improvement Plan, Section 504).
3. Participate in the multidisciplinary team and Individual Education Program (IEP) team meetings regarding interpretation of assessment data, appropriate eligibility, and goal setting for students with speech and/or language disorders according to district and agency procedures.
4. Evaluate student progress and determine readiness for termination of therapy services.
5. Counsel and involve parents in the therapy and intervention process.
6. Collaborate with classroom teachers to plan and implement classroom-based activities to improve oral and written language skills of students.
7. Provide consultation and/or staff development training in assigned schools to assist school personnel in the identification and understanding of students with communication deficits, as requested and approved by the Director of Programs.
28. Participate in Medicaid Time Studies and billing procedures. Assure compliance with Medicaid requirements.
29. Create, document, and finalize all reports, records, and other documents in TIEnet, as required.
30. Assist with Child Find activities.
11. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.

School Climate

31. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
32. Maintain a positive and effective relationship with supervisors.
33. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
34. Collaborate with other professionals to most effectively meet the needs of the student.
35. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.
36. Maintain confidently according to FERPA, HIPPA, and professional ethics.

School Improvement

- 16. Assess and respond to needs related to job responsibilities.
- 17. Develop and coordinate a continuing evaluation of your service/therapy and implement changes based on the findings.
- 18. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

- 11. Create an environment conducive to learning and appropriate to the maturity and interest of students.
- 12. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

- 11. Develop needed professional skills appropriate to job assignment.
- 12. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

- 11. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
- 12. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

- 6. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

- 11. Mental Demands:
 - a. Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
- 12. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____

JOB DESCRIPTION

TITLE: Transition Counselor/Vocational Specialist

REPORTS TO: Director of Programs

JOB GOAL: Consult with school staff, parents, and students, as well as provide support to students with disabilities who are 14 to 21 years of age regarding transition planning. Provide students, staff, and families with career awareness in vocational and/or occupational subjects.

PERFORMANCE RESPONSIBILITIES:

Program Management

1. Assist in the assessment of students on career awareness in vocational and/or occupational subjects as part of the transition planning process.
2. Assist school personnel in developing transition plans for students with disabilities as required by state regulations.
3. Participate in Individual Education Program (IEP) team meetings regarding interpretation of transition assessment data, developing a plan, and goal setting according to district and agency procedures.
4. Work with school personnel to evaluate student progress toward the completion of tasks/goals detailed in the IEP.
5. Counsel and involve parents in the transition planning process.
6. Collaborate with classroom teachers to plan and implement career awareness-based activities to improve post-high school outcomes of students.
7. Provide consultation in assigned schools to assist school personnel in understanding the transition planning process, as requested and approved by the Director of Programs.
31. Complete service logs as required by HPREC policy.
32. Create, document, and finalize all reports, records, and other documents in TIENet, as required.
11. Comply with policies and procedures established by federal and state law, New Mexico Public Education Department, High Plains Regional Education Cooperative, and the local districts' board policy.

School Climate

37. Present a positive role model for students that support the mission of the school district and High Plains Regional Education Cooperative.
38. Maintain a positive and effective relationship with supervisors.
39. Comply with all High Plains Regional Education Cooperative, district, and local campus routines and regulations.
40. Collaborate with other professionals to effectively meet the needs of students.
41. Effectively communicate with colleagues, students, and parents regarding the accomplishment of therapy goals and needs of the student.
42. Maintain confidentiality according to FERPA, HIPPA, and professional ethics.

School Improvement

19. Assess and respond to needs related to job responsibilities.
20. Develop and coordinate a continuing evaluation of your service/therapy and implement changes based on the findings.

21. Select and use materials, equipment, and other instructional materials that are evidence-based.

Student Management

13. Create an environment conducive to learning and appropriate to the maturity and interest of students.
14. Use behavior management strategies according to board policies and administrative regulations.

Professional Growth and Development

13. Develop needed professional skills appropriate to job assignment.
14. Demonstrate behavior that is professional, ethical, and responsible.

School or Community Relations

13. Support, follow, and articulate High Plains Regional Education Cooperative mission and vision to the community and school served.
14. Demonstrate the use of appropriate and effective techniques for community and parent involvement.

Other Duties

7. Other duties as assigned by the Executive Director or Director of Programs of HPREC #3.

Working Conditions:

13. Mental Demands:
 - . Ability to communicate (verbal and written); ability to instruct; maintain emotional control under stress.
14. Physical Demands /Strength Rating (Strength):
 - L-Light Work - Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work.

RECEIVED AND UNDERSTOOD BY: _____

DATE: _____



Fiscal Agent Agreement

Appendix B:
HPREC Policy Manual

**FISCAL AGENT AGREEMENT BETWEEN
CIMARRON MUNICIPAL SCHOOLS, CLAYTON PUBLIC SCHOOLS, DES MOINES
MUNICIPAL SCHOOLS, MAXWELL MUNICIPAL SCHOOLS, MOSQUERO
MUNICIPAL SCHOOLS, RATON PUBLIC SCHOOLS, ROY MUNICIPAL SCHOOLS,
AND SPRINGER MUNICIPAL SCHOOLS and
HIGH PLAINS REGIONAL EDUCATIONAL COOPERATIVE #3**

CIMARRON MUNICIPAL SCHOOLS, CLAYTON PUBLIC SCHOOLS, DES MOINES MUNICIPAL SCHOOLS, MAXWELL MUNICIPAL SCHOOLS, MOSQUERO MUNICIPAL SCHOOLS, RATON PUBLIC SCHOOLS, ROY MUNICIPAL SCHOOLS, AND SPRINGER MUNICIPAL SCHOOLS ("Member Districts" and/or "LEAs") and HIGH PLAINS REGIONAL EDUCATIONAL COOPERATIVE #3 ("HPREC" and/or "Fiscal Agent"), collectively "Parties," hereby agree that HPREC shall serve as the Fiscal Agent for the Member Districts. The Parties further agree as follows:

1. General Covenants and Provisions

1.1 Pursuant to NMSA 1978, §22-2B-3, cooperatives may be formed to provide education-related services.

1.2 Pursuant to the New Mexico Public Education Department Fiscal Agent Policy, and consistent with NMSA 1978, §22-2B-1, *et seq.*, a Regional Educational Cooperative may function as fiscal agent on behalf of a local educational agency ("LEA") with respect to programs administered pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 *et seq.* ("IDEA") and funded by the New Mexico Public Education Department ("NMPED").

1.3 The purpose of this Agreement is to create a cooperative arrangement whereby the Member District may provide for the efficient delivery of education-related services provided from funding under Part B of the IDEA and/or any other funding source through a fiscal agent relationship.

1.4 The purpose of this Agreement is to identify and clarify the responsibilities of the Member Districts and the REC that is providing fiscal management, accounting and reporting services on behalf of the LEAs named herein receiving funding under a grant or other award provided from funding under Part B of the IDEA and/or any other funding source.

1.5 The HPREC's administrative offices will be located in Ruidoso, New Mexico.

1.6 The special education and related services referenced in paragraph 1.2 above will be operated in compliance with federal and state law, including the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 *et seq.*; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; Title 6, Chapter 31, Part 2 of

the New Mexico Administrative Code; implementing regulations for all applicable statutes; and the HPREC Coordinating Council Policy Manual.

1.7 Any HPREC or Member District board policy or operating guideline inconsistent with the provisions contained herein shall be deemed null and void.

2. Program Management and Budget Control

2.1 The Fiscal Agent will be governed by a management board (the "HPREC Coordinating Council") composed of the superintendent of each of the Member Districts as the representatives of the boards of trustees of the Member Districts. Each superintendent or the superintendent's designee shall attend the regularly scheduled HPREC Coordinating Council meetings pursuant to the requirements set forth in the HPREC Coordinating Council Policy Manual.

2.2 The Fiscal Agent, through its HPREC Coordinating Council or Director, may purchase goods and services necessary to administer and operate the REC.

2.3 Additional powers and duties of the HPREC Coordinating Council shall be determined by the HPREC Coordinating Council Policy Manual or operating guidelines.

2.4 Services which may be provided by HPREC include supervision of pupil appraisal services; in-service training; staff development; child find; technology support; lending library; special education consulting; and representation at IEP Committee meetings, as deemed appropriate by the Director; and administrative and fiscal management of HPREC programs and other services as recommended by the Director.

2.5 The services listed in paragraph 2.4 above are subject to the HPREC Coordinating Council's budget approval.

2.6 HPREC Coordinating Council policy will determine the extent of the administrative authority and contractual power of the HPREC Director.

2.7 The Director and/or designee shall serve as the Fiscal Agent's officer for public records for purposes of the New Mexico Inspection of Public Records Act.

2.8 HPREC personnel, which may include the Director, diagnosticians, psychologists, speech therapists ("SLPs"), curriculum coordinators, occupational therapists ("OTs"), physical therapists ("PTs"), teachers of visually impaired ("VI") students, teachers of auditorily impaired ("AI") students, family-school liaison, transition coordinator and any other personnel recommended by the HPREC Director and approved by the HPREC Coordinating Council, are employed by HPREC and are subject to the personnel policies of the HPREC Coordinating Council, including

limited to all policies governing contracts, at-will employment, standards of conduct, leave and other benefits.

3. Responsibilities of HPREC as Fiscal Agent

3.1 HPREC will serve as the Fiscal Agent for the Member Districts. The Member Districts acknowledge that each is a public school located within a public school district as those terms are defined, contemplated, and used in the New Mexico Public School Code [NMSA 1978, §22-1-1, *et seq.*].

3.2 Except as otherwise provided herein, the Fiscal Agent is responsible for applying for, receiving, collecting, expending, and distributing all funds, regardless of source, in accordance with the budget adopted by the HPREC Coordinating Council. The Fiscal Agent shall provide accounting services, reports, HPREC records, suitable facilities for special education administrative and support staff, and shall perform any other responsibilities required by HPREC Coordinating Council policies. It is agreed and understood that the Fiscal Agent assumes no responsibility for a Member District's failure to maintain its obligations.

3.3 The Fiscal Agent will account for salaries and expenses of HPREC personnel and office staff as set forth in the HPREC Coordinating Council Policy Manual; HPREC operating expenses; IDEA, Part B funds; and/or any other funding source.

3.4 The Fiscal Agent will prepare and submit, on behalf of HPREC and the Member Districts, any reports or applications required by federal or State law or HPREC Coordinating Council policy with regard to IDEA funds and/or any other funds for which HPREC serves as the fiscal agent.

3.5 The Fiscal Agent may negotiate contracts with outside service providers for special education and related services for students with disabilities in accordance with law and HPREC Coordinating Council policies.

3.6 A Member District must notify HPREC of any intention to withdraw its agreement to have HPREC serve as its fiscal agent on or before February 1st preceding the end of the last fiscal year it intends to have HPREC serve as its fiscal agent. It is agreed and understood that the Member District will notify the NMPED of its intent to withdraw its agreement to have HPREC serve as its fiscal agent on or before February 1st preceding the end of the last fiscal year it intends to have HPREC serve as its fiscal agent. After a satisfactory independent audit of HPREC's accounts, the transfer of Fiscal Agent status will become effective July 1.

3.7 The Fiscal Agent must notify a Member District of any intention to withdraw as Fiscal Agent for that Member District on or before February 1st preceding the end of the last fiscal year it intends to serve as its Fiscal Agent. It is agreed and understood that HPREC will notify the

NMPED of its intent to withdraw as Fiscal Agent of a Member District on or before February 1st preceding the end of the last fiscal year it intends to serve as Fiscal Agent. After a satisfactory independent audit of HPREC's accounts, the transfer of Fiscal Agent status will become effective July 1.

3.8 The Fiscal Agent agrees to provide each Member District, upon request, with an accounting of the prior year's budget and the amount of state and local funds that were expended on behalf of that Member District.

4. Member Districts' General Obligations

4.1 Each Member District acknowledges that federal funds received from the State flow directly to the Fiscal Agent.

4.2 Each Member District agrees to cooperate with the Fiscal Agent in maintaining the proper fiscal, personnel, and student records for HPREC operations.

4.3 Unless otherwise provided herein, title to and ownership of all property of whatever type or nature, both real and personal, acquired, purchased, encumbered, or committed to or by HPREC with HPREC funds, whether through purchase, lease, time payment, or any other acquisition agreement, regardless of whether the source of such HPREC funds was from local, state, federal, or private sources, are the property of HPREC, and not that of individual Member Districts. All property of whatever nature, both personal and real, individually purchased with Member District funds or otherwise acquired by individual Member Districts from local resources shall remain that Member District's property, regardless of its use by HPREC for HPREC educational services.

4.4 HPREC and a Member District(s) may transfer ownership of personal property pursuant to NMSA 1978, §13-6-2. The transfer of such personal property ownership shall be reflected in the respective inventory of HPREC and the Member District, said inventories to be maintained by the Fiscal Agent.

4.5 Repayments by HPREC due to a violation of federal law(s) and/or regulation(s) by any Member District shall be the responsibility of the Member District that violated the law(s) and/or regulation(s). The Member District agrees to submit payment to the HPREC in the amount equal to the repayment due by HPREC. Upon receipt of the payment, HPREC will submit the amount of repayment due from IDEA-Part B funds and/or any other funding source.

5. Fiscal Agent's General Obligations

5.1 The Fiscal Agent shall record all grant receipts and disbursements.

5.2 Where appropriate, the Fiscal Agent shall maintain budgets for total program activity and the individual activity for Member Districts participating in the grant program.

5.3 The Fiscal Agent shall establish a separate project account for each grant project, and the Fiscal Agent shall record all project receipts and disbursements in this account.

5.4 The Fiscal Agent shall submit all required reports to the funding organization. Each participating Member District is responsible for providing the required program and other information to the Fiscal Agent in a timely manner to allow preparation of the required reports.

5.5 The Fiscal Agent shall clearly define each project, establish an account for each project, and make all disbursements for each project.

5.6 The Fiscal Agent shall not disburse grant funds to a participating Member District prior to receiving supporting documentation for the disbursement of grant funds.

5.7 The Fiscal Agent shall maintain sufficient documentation to allow the Fiscal Agent's external auditor to perform the fiscal and compliance audit of any grant award. To that end, the Fiscal Agent shall maintain supporting documentation in one of the following levels permitted under the NMPED Fiscal Agent Policy:

- a. Level One Documentation: The Fiscal Agent shall maintain requisitions, purchase orders, invoices, receiving reports and payment vouchers. Under this option, the Fiscal Agent is generally making all purchases for the participating Member Districts.
- b. Level Two Documentation: The Fiscal Agent shall maintain requisitions, purchase orders, invoices, receiving reports and payment vouchers for direct expenditures made by the Fiscal Agent and will request and maintain from the participating Member Districts copies of the above expenditure documentation. Under this option the Fiscal Agent is making some purchases on behalf of the participating Member Districts and maintaining level-one documentation for such purchases. Each participating Member District is also making purchases and submitting copies of all supporting documentation to the Fiscal Agent.
- c. Level Three Documentation: The Fiscal Agent shall maintain original requisitions, purchase orders, invoices, receiving reports and payment vouchers for direct expenditures made by the Fiscal Agent. The Fiscal Agent shall reimburse expenditures made directly by the Member District(s) only after receipt of a detailed report of expenditures by the participating Member District(s). The detailed report must include all detail information on the

expenditures, such as purchase order number, vendor name, invoice number, payment voucher number, date and designated purpose for the purchased commodity.

5.8 The Fiscal Agent will periodically request documentation delineated in the preceding paragraph and its subparts in order to satisfy the Fiscal Agent's reporting obligations to and/or requests from the Fiscal Agent's auditor.

5.9 The Fiscal Agent shall maintain fixed asset records for any items exceeding the capitalization level of the Fiscal Agent.

5.10 The Fiscal Agent shall maintain inventory records for any items as required by the grant agreement.

5.11 The Fiscal Agent shall identify on the inventory record the location of grant assets that are located at a participating Member District.

5.12 The Fiscal Agent shall establish and implement periodic inventory procedures to verify the accuracy of the fixed asset and grant asset inventory, such as location of such assets, including those assets acquired as Fiscal Agent.

6. Dissolution

6.1 Dissolution of this Agreement between HPREC and any Member District shall be achieved pursuant to and consistent with the notice requirements set forth in paragraphs 3.6 and/or 3.7, and the dissolution of this Agreement shall affect the relationship between HPREC and the Member District(s) only to the extent HPREC serves as the Fiscal Agent under this Agreement. The dissolution of this Agreement between HPREC and any Member District shall not serve to impact any other relationship, contractual or otherwise, that exists between HPREC and that Member District.

6.2 Agreements pertaining to purchase of real property shall supersede any provisions herein.

7. Risk of

7.1 Except as otherwise provided herein, each Member District bears its own risk of loss. "Loss" includes, but is not limited to, damage to or loss of personal or real property, costs of administrative hearings, litigation expenses, awards of actual damages, court costs, attorney's fees, and settlement costs.

7.2 Each Member District will ensure that its vehicles, owned or leased, used to transport students with disabilities are insured for the statutory maximum limits of school district liability for motor vehicle accidents.

8. Transportation

8.1 Each Member District bears responsibility for providing or contracting for the transportation of each of its transportation-eligible students to each facility at which services are provided.

9. Legal Responsibilities

9.1 The Member District wherein the student resides shall be solely responsible for the provision of a free appropriate public education (FAPE).

9.2 The Member District wherein the student resides is responsible for legal costs, court costs and attorney's fees resulting from a complaint or litigation directly involving that student.

9.3 If HPREC is a named party in a legal action, the Member District wherein the student is enrolled remains responsible for legal costs, court costs and attorney's fees resulting from litigation directly involving such student, including reimbursement to HPREC for any legal costs incurred by HPREC.

9.4 The legal responsibilities stated herein shall survive the expiration of this contract should litigation arise from events that occurred during the term of the contract.

9.5 The Fiscal Agent and Member Districts of this Fiscal Agent Agreement agree to negotiate in good faith in an effort to resolve any dispute related to the Agreement that may arise from, among and/or between the Member Districts and/or between any Member District(s) and the Fiscal Agent. If the dispute cannot be resolved by negotiations, the dispute shall be submitted to mediation before resorting to litigation. If the need for mediation arises, a mutually acceptable mediator shall be chosen by the parties who shall share the cost of mediation services based upon an equal split among the HPREC and the Member Districts. Mediation is a voluntary dispute resolution process in which the parties to the dispute meet with an impartial person, called a mediator, who will help to resolve the dispute informally and confidentially. Mediators facilitate the resolution of disputes but cannot impose binding decisions. The parties to the dispute must agree before any settlement is binding.

10. The Agreement

10.1 This Agreement will be automatically renewed by each Member District annually unless notice of withdrawal is given pursuant to paragraph(s) 3.6 and/or 3.7 of this Agreement.

10.2 This Agreement will supersede all previous agreements and responsibilities under any prior agreements among the parties in relation to the operation of HPREC as the fiscal agent or steward of Member District IDEA funds.

10.3 This Agreement will apply to and bind the representatives and successors in interest of the parties to this Agreement.

10.4 This Agreement is governed by the laws of the State of New Mexico.

10.5 If any provision of this Agreement becomes or is held violative of any law or is otherwise unenforceable, then the invalidity of that provision will not invalidate the remaining provisions. The Member Districts and Fiscal Agent agree that all remaining provisions of this Agreement will remain in effect.

10.6 Citations of and references to any specific federal or State statute or administrative regulation in this Agreement include any amendment or successor to that statute or regulation.

10.7 It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

10.8 It is agreed and understood that the terms of this Agreement shall not be modified absent written agreement of all parties.

Executed this ____ day of _____, 2007.

HPREC

Executive Director

Date of Approval

HPREC COORDINATING COUNCIL

Coordinating Council President Signature

Date of Approval

CIMARRON MUNICIPAL SCHOOLS

Superintendent Signature

Date of Approval

CLAYTON PUBLIC SCHOOLS

Superintendent Signature

Date of Approval

DES MOINES MUNICIPAL SCHOOLS

Superintendent Signature

Date of Approval

MAXWELL MUNICIPAL SCHOOLS

Superintendent Signature

Date of Approval

MOSQUERO MUNICIPAL SCHOOLS

Superintendent Signature

Date of Approval

RATON PUBLIC SCHOOLS

Superintendent Signature

Date of Approval

ROY MUNICIPAL SCHOOLS

Superintendent Signature

Date of Approval

SPRINGER MUNICIPAL SCHOOLS

Superintendent Signature

Date of Approval



Medicaid Supervision Procedures

Appendix C:
HPREC Policy Manual

High Plains Regional Education Cooperative Policies

6000 Medicaid Supervision Procedures

Adopted: January 14, 2014

Medicaid Supervision Procedures

This document details the policies and procedures for related service providers who are involved in billing Medicaid for services provided in public schools to children eligible for special education.

All social workers, school psychologists, speech-therapists, physical therapy assistants, and certified occupational therapist assistants who require supervision according to New Mexico regulation and licensing department or corresponding boards and Medical School-Based Services shall receive: (a) face-to-face supervision, (b) technical assistance and support, and (c) coaching, mentoring, and modeling. The supervising provider will be responsible for documenting all supervision activities on the Supervision Verification Log, ensuring that the log is signed by both providers and submitting the log annually to HPREC Medicaid Manager.

It is essential that all related service providers and supervisors have sound background knowledge and skills in evidence-based practices to meet each student's needs, as well as be current in their knowledge of IDEA 2004 and Medicaid requirements. Thus, it is essential that HPREC Related Service Providers and Supervisors have the following content knowledge and skills, as appropriate.

Knowledge and Skills Regarding Medicaid

1. Related service providers need a thorough understanding of the Medicaid policies and procedures regarding by New Mexico's Medicaid School-Based Services (MSBS) Program and the interface between these and education requirements. The specialized knowledge base is as follows:
 - a. Overlap between the concepts of "medical necessity" and "educationally relevant".
 - b. State qualifications of related service providers, as required by MSBS.
 - c. Codes (CPT/ICD-9) required by New Mexico's MSBS.
 - d. Federal and state documentation requirements for documentation of services provided.

Knowledge and Skills Regarding Supervision

1. The focus of supervision for Medicaid reimbursement is to ethically apply the supervisory process, to ensure Medicaid-eligible students are "receiving services in a safe and efficient manner in accordance with accepted standards of practice" (U.S. DHHS, 2004), and to determine and implement levels of supervision appropriate for each supervisee (See *Provider Licensure and Supervision Requirements* below).

Supervisors have the knowledge and skills to:

1. Determine the appropriateness of evaluation and individualized education programs (IEPs) for the Medicaid-eligible students they supervise.
 - a. Understand evidence-based interventions and progress monitoring techniques.
 - b. Understand the school's curriculum and the Common Core State Standards and how related service interventions can improve a student's learning outcomes.
 - c. Understand the range of possible service delivery models (e.g., classroom based, consultation, team teaching, pull-out, group) and determine which model(s) best meets a student's needs.
 - d. Develop a meaningful and appropriate IEP to meet the student's individual needs.
 - e. Assess the IEP to determine if it is appropriate. Convene the appropriate school-based team to revise the IEP, if changes are needed.
2. Assure that assessment and intervention services provided to Medicaid-eligible students meet accepted standards of practice given identified concerns.
 - a. Understand culturally, linguistically, and educationally appropriate assessment and intervention practices for school settings.
 - b. Understand clinician skills needed to effectively conduct assessments and implement intervention plans (i.e., IEPs).
3. Understand how to objectively assess appropriateness of services provided.
 - a. Instruct, demonstrate, and/or consult with the supervisee regarding best practices in assessment and intervention for Medicaid-eligible students.
 - b. Utilize objective observation strategies to analyze and assess supervisee skills.
 - c. Determine when supervisory contacts must be increased beyond minimum levels to assure that services meet accepted standards of practice.
 - d. If supervisee does not provide services consistent with acceptable standards of practice, follow district-developed procedures for targeting improvement of supervisee skills with specified consequences if goals are not achieved (see HPREC Official Policies or District's Policies, as appropriate).
 - e. Provide supervision appropriate to the needs of individual supervisees.
 - f. Understand the continuum model of supervision and appropriate supervisor style for each supervisee stage.
 - g. Understand credentials and educational and clinical background of each supervisee to determine his or her supervisory needs.
 - h. Determine supervisee needs given educational/clinical background, Medicaid-eligible students to be served, and other relevant issues.
 - i. Utilize appropriate supervisory style to meet supervisee needs, such as modeling, demonstration, direct teaching, collaborative problem-solving, and consulting to affirm student goals and treatment approach.
 - j. Assist supervisee in developing self-analysis skills to facilitate personal growth and development of clinical ability.

4. Build and maintain an effective working relationship with supervisees.
 - a. Understand the components of effective working relationships and variations in learning and communication styles.
 - b. Establish a clear understanding of roles and responsibilities.
 - c. Utilize clear and effective interpersonal communication.
 - d. Validate and build on skills of the supervisee.
 - e. Establish and maintain a climate of mutual respect.
 - f. Effectively use supervisory contacts, including conference calls with supervisee, to review student progress, clinical reports, records, and data, to determine the appropriateness of the supervisee's performance.
 - g. Understand recommended frequency and focus of indirect supervisory contacts for Medicaid reimbursement in the schools.
 - h. Understand indicators of student growth in meeting established objectives.
 - i. Understand standards for written reports and records in educational settings.
 - j. Understand indicators of supervisee skill in providing effective clinical services.
 - k. Together with supervisee, establish agenda for supervisory conference.
 - l. Discuss student progress and identify any needed modifications in goals, intervention approach, and/or techniques used.
 - m. Provide objective feedback to supervisee about skills, identifying both positive aspects of performance and areas where skills should be improved.
5. Maintain appropriate records of direct and indirect supervisory contacts.
 - a. Understand frequency and focus of direct and indirect supervision recommended when supervising Medicaid-eligible students in the schools.
 - b. Understand documentation requirements.
 - c. Use the HPREC Supervision Verification Log for record-keeping of direct and indirect supervisory contacts for each Medicaid-eligible student (See *Supervision Verification Log* below).
 - d. School-based related service providers who agree to assume the role of supervisor must possess the knowledge and skills necessary to make the provision of services in both a legal and an ethical manner. Further, the supervising related service provider needs to understand how and when to communicate information about ethical responsibilities to administrators and/or employers.
6. Apply the supervisory process consistent with legal mandates.
 - a. Understand federal and New Mexico's statutes and their respective rules/regulations, as well as agency-specific guidelines that govern supervision of professional services as outlined in this document.
 - b. Understand New Mexico's MSBS requirements governing supervision.

7. Apply the supervisory process consistent with ethical practices.
 - a. Understand the professional Code of Ethics.
 - b. Maintain ethical conduct and decision making that holds paramount the welfare of the students served as required by the professional Code of Ethics.
 - c. Discuss the roles and responsibilities of both supervisors and supervisees for Medicaid reimbursement purposes with HPREC administrators prior to the assumption of the supervisory role.
 - d. Communicate ethical responsibilities to HPREC administrators at onset of perceived conflict.
 - e. Resolve ethical dilemmas through advocacy of the Medicaid requirement to ensure that services are provided in a “safe and efficient manner in accordance with accepted standards of practice” in concert with the accepted ethical standards of practice mandated by the profession's Code of Ethics.
 - f. Resolve ethical dilemmas by advocating for the prevention of financial liability on the part of the school district where services provided do not comply with, nor satisfy, the Medicaid rule that mandates quality services in accordance with accepted standards of practice.

Adapted from: ASHA's Medicaid Guidance for School-Based Speech-Language Pathology Services: Addressing the “Under the Direction of” Rule, 2005

Provider Licensure and Supervision Requirements (MSBS, 2013)

Medicaid School-Based Services

Provider Type Information

Physical Therapy (procedure codes: 97001, 97002, 97110, and 97150)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Physical Therapists Licensed by the Physical Therapy Board under the State of NM Regulation and Licensing Dept.	Yes	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Physical Therapy Assistants Licensed by the Physical Therapy Board under the State of NM Regulation and Licensing Dept.	No	Must be supervised by a physical therapist, and claims must be submitted using the supervisor's rendering provider number.	Yes, must be supervised by a Physical Therapist that meets the licensure requirements above.	No

Occupational Therapy (procedure codes: 97003, 97004, 97110, and 97150)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Occupational Therapists Licensed by the Occupational Therapy Board under the State of NM Regulation and Licensing Dept.	Yes	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Certified Occupational Therapy Assistants Licensed by the Occupational Therapy Board under the State of NM Regulation and Licensing Dept.	No	Must be supervised by an occupational therapist, and claims must be submitted using the supervisor's rendering provider number.	Yes, must be supervised by an Occupational Therapist that meets the licensure requirements above.	No

Nursing Services (procedure codes: G0154, T1001, and T1502)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Licensed Registered Nurses Licensed by the NM Board of Nursing.	Yes	No rendering provider number is required on the claim. The school should submit the claim using its group number.	No	No
Licensed Practical Nurses Licensed by the NM Board of Nursing.	Yes	No rendering provider number is required on the claim. The school should submit the claim using its group number.	Yes, must be supervised by a Registered Nurse that meets the licensure requirements above.	No
Speech and Audiology (procedure codes: 92506, 92507, 92508, and V5010)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Speech Pathologists Licensed by the Speech Language Pathology, Audiology, and Hearing Aid Dispensers Practice Board under the State of NM Regulation and Licensing Dept.	Yes	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Speech Language Pathology clinical fellows licensed by the Speech Language Pathology, Audiology, and Hearing Aid Dispensers Practice Board under the State of NM Regulation and Licensing Dept.	No	Board license will reflect the fellowship status of this provider, and the provider will submit a provider participation agreement to Xerox. The school must submit claims using the Medicaid rendering provider number issued by Xerox.	Yes, must be supervised by a Speech Pathologist that meets the licensure requirements above.	Yes

Speech Language Pathology apprentices Licensed by the Speech Language Pathology, Audiology, and Hearing Aid Dispensers Practice Board under the State of NM Regulation and Licensing Dept.	No	Must be supervised by an Speech Pathologist, and claims must be submitted using the supervisor's rendering provider number.	Yes, must be supervised by a Speech Pathologist that meets the licensure requirements above.	No
Audiologists Licensed by the Speech Language Pathology, Audiology, and Hearing Aid Dispensers Practice Board under the State of NM Regulation and Licensing Dept.	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes

Nutritional Counseling (procedure codes: 97802 and 97803)

Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Licensed Nutritionists Licensed by the NM Nutrition and Dietetics Practice Board under the State of NM Regulation and Licensing Dept.	No	No rendering provider number is required on the claim. The school should submit the claim using its group number.	No	No
Licensed Dieticians Licensed by the NM Nutrition and Dietetics Practice Board under the State of NM Regulation and Licensing Dept.	No	No rendering provider number is required on the claim. The school should submit the claim using its group number.	No	No

Transportation (procedure code: A0110)

Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Billable transportation is provided by the school district and not by the child's parent(s) or guardian.	No	No rendering provider number is required on the claim. The school should submit the claim using its group number.	No	No

Case Management (procedure code: T1017)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Bachelor's Degree in Social Work, Counseling, Psychology, Nursing, or a related health or social services field from an accredited institution and one year of experience serving medically-at-risk children or adolescents	No	Must submit Provider Participation Agreement to Xerox specific to case management, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Licensed, Registered, or Practical Nurse	No	Must submit Provider Participation Agreement to Xerox specific to case management, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Individuals with a bachelor's degree in another field and two years of direct experience in serving medically-at-risk children or adolescents.	No	Must submit Provider Participation Agreement to Xerox specific to case management, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes

Behavioral Health Services (procedure codes: G0155, T1017, 90791, 90792, 90832, 90834, 90837, 90846, 90847, 90849, and 90853)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?
Licensed Master's Level Independent Social Worker (LISW) licensed by the Social Worker's Examiner's Board under the State of NM Regulation and Licensing Dept.	Yes	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes

Licensed Master's Level Social Worker (LMSW) licensed by the Social Worker's Examiner's Board under the State of NM Regulation and Licensing Dept.	Yes	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	Yes, must be supervised by a Ph.D., Psy.D., Ed.D., or LISW	Yes
Licensed Bachelor's Level Social Worker (LBSW) licensed by the Social Worker's Examiner's Board under the State of NM Regulation and Licensing Dept.	Yes	Must be supervised by a Ph.D., Psy.D., Ed.D., or LISW, and claims must be submitted using their supervisor's rendering provider number.	Yes, must be supervised by a Ph.D., Psy.D., Ed.D., or LISW	No
Psychologist: Ph.D., Psy.D., or Ed.D licensed by the NM Psychologist Examiner's Board under the State of NM Regulation and Licensing Dept.	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Psychologist: Master's level practitioners licensed by the NM Psychologist Examiners Board as Psychologist Associates , or licensed by the NM Public Education Department as School Psychologists .	Yes for School Psychologists	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox. School Psychologists must submit the PED license with application.	Yes for Level 1 School Psychologists. Must be supervised by a Ph.D., Psy.D., or Ed.D who is licensed by the NM Psychologist Examiner's Board or a Level 3 School Psychologist. No for Level 2 and 3 School Psychologists.	Yes
Licensed Professional Clinical Counselors (LPCC) licensed by the NM Counseling and Therapy Practice Board under the State of NM Regulation and Licensing Dept.	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Behavioral Health Services (procedure codes: G0155, T1017, 90801, 90802, 90804, 90806, 90808, 90810, 90812, 90814, 90846, 90847, 90849, and 90853)				
Description of Provider	PED License Requirement	How to Submit Claim for Provider	Supervision Requirement	NPI Required?

Licensed Mental Health Counselors (LMHC) formerly known as Licensed Professional Counselors (LPC).	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	Yes, must be supervised by a Ph.D., Psy.D., Ed.D., LISW, or LPCC	Yes
Licensed Marriage and Family Therapists (LMFT) licensed by the NM Counseling and Therapy Practice Board under the State of NM Regulation and Licensing Dept.	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Licensed Psychiatric Clinical Nurse Specialists (CNS) licensed by the NM Board of Nursing.	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes
Physicians and Psychiatrists licensed by the Board of Medical Examiners.	No	Must submit Provider Participation Agreement to Xerox, and must submit claims using the Medicaid rendering provider number issued by Xerox.	No	Yes

Supervision Summary According to NMAC

Type	Requirement	NMAC
Social Work (LMSW)	Supervision at least once for every 12 hours of service hours or more frequently as indicated.	8.320.6.13
Social Work (LMSW)	Professionals aspiring to obtain LISW, 90 hours of supervision during a 3,600-hour social work experience. That is, one hour of supervision must be documented for every 40 hours worked. No more than 25% of the 90 hours of supervision may be non face-to-face. No more than 60% of the 90 hours may be group supervision. Group supervision means supervision rendered to no more than 4 individuals at a time.	16.63.1.7
Occupational Therapy/COTA	"Direct supervision" means a minimum of daily direct contact at the site of work with the licensed supervisor physically present within the facility when the supervisee renders care and requires the supervisor to co-sign all documentation that is completed by the supervisee. The occupational therapist (OT) or an intermediate-level or advanced-level occupational therapy assistant (OTA) shall provide direct supervision for persons practicing on a provisional permit pending certification as an occupational therapy assistant. The occupational therapist (OT) and the occupational therapy assistant (OTA) shall provide direct	16.15.3.9

	<p>supervision to all occupational therapy aides/technicians.</p> <p>“Close supervision” means a minimum of daily communication by means of direct contact, telephone, fax, or e-mail. In a single work setting or when involving multiple sites, supervision shall occur at one or more of the sites or offices, but not necessarily at all sites or offices. At a minimum, twenty percent (20%) of close supervision contacts shall be face-to-face clinical observation. Required for entry-level occupational therapy assistants (OTA).</p> <p>“Routine supervision” means a minimum of direct contact at least every two (2) weeks at the site of work, with interim supervision occurring by other methods such as telephone, fax or e-mail. At a minimum, twenty percent (20%) of routine contacts shall be face-to-face clinical observation. Required for intermediate-level occupational therapy assistants (OTA).</p> <p>“General supervision” means a minimum of monthly direct contact, with supervision available as needed by other methods such as telephone, fax or e-mail. At a minimum, twenty percent (20%) of general contacts shall be face-to-face clinical observation. Required for advanced-level occupational therapy assistants (OTA).</p>	
Speech Therapy/Clinical Fellow	Clinical fellow supervision must be based on no less than 36 occasions of monitoring. These can include on site monitoring activities such as conferences with the clinical fellow, evaluation of written reports, evaluation by professional colleagues or may be executed by correspondence	16.26.2.17
Speech Therapy/ASL	<p>Work of the apprentice in speech-language must be supervised by a speech-language pathologist licensed by this act and who has a minimum of two years experience in the field.</p> <p>Minimum of ten (10) percent of contact time of the apprentice in speech-language must be direct supervision.</p> <p>Minimum of ten (10) percent of contact time of the apprentice in speech-language must be indirect supervision.</p>	16.26.2.18
School Psychology	Level 1 school psychologists requires a minimum of one hour per week of individual supervision with a level 3 supervising school psychologist.	6.63.5.7



High Plains Regional Education Cooperative
Related Service Providers
Supervision Verification Log

Date	Time	Supervision Code	Activity Code	Description of Activities	Supervisee Initials	Supervisor Initials
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			
		Choose an item.	Choose an item.			

Signature of Supervisee: _____ License No: _____ Date: _____
Signature of Supervisor: _____ License No: _____ Date: _____

New Mexico Regulations Regarding Medicaid School-Based Services – Social Services

TITLE 8 SOCIAL SERVICES **CHAPTER 320 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT (EPSDT) SERVICES:**

PART 6 SCHOOL-BASED SERVICES FOR RECIPIENTS UNDER TWENTY-ONE YEARS OF AGE

8.320.6.1 ISSUING AGENCY: New Mexico Human Services Department
[1/1/95; 8.320.6.1 NMAC - Rn, 8 NMAC 4.MAD.000.1, 11-1-02]

8.320.6.2 SCOPE: The rule applies to the general public.
[1/1/95; 8.320.6.2 NMAC - Rn, 8 NMAC 4.MAD.000.2, 11-1-02]

8.320.6.3 STATUTORY AUTHORITY: The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act, as amended and by the state human services department pursuant to state statute. See NMSA 1978, section 27-2-12 et. seq. (Repl. Pamp. 1991).
[1/1/95; 8.320.6.3 NMAC - Rn, 8 NMAC 4.MAD.000.3, 11-1-02]

8.320.6.4 DURATION: Permanent.
[1/1/95; 8.320.6.4 NMAC - Rn, 8 NMAC 4.MAD.000.4, 11-1-02]

8.320.6.5 EFFECTIVE DATE: January 1, 1994.
[8.320.6.5 NMAC - Rn, 8 NMAC 4.MAD.000.5, 11-1-02]

8.320.6.6 OBJECTIVE: The objective of these regulations is to provide policies for the service portion of the New Mexico medicaid program. These policies describe eligible providers, covered services, noncovered services, utilization review, and provider reimbursement.
[1/1/95, 2/1/95; 8.302.6.6 NMAC - Rn, 8 NMAC 4.MAD.000.6, 11-1-02]

8.320.6.7 DEFINITIONS: [RESERVED]

8.320.6.8 MISSION STATEMENT: The mission of the New Mexico medical assistance division (MAD) is to maximize the health status of medicaid-eligible individuals by furnishing payment for quality health services at levels comparable to private health plans.
[2/1/95; 8.302.6.8 NMAC - Rn, 8 NMAC 4.MAD.002, 11-1-02]

8.320.6.9 SCHOOL-BASED SERVICES FOR RECIPIENTS UNDER TWENTY-ONE YEARS OF AGE: The New Mexico medicaid program (medicaid) pays for medically necessary services furnished to medicaid recipients under twenty-one years of age when the services are part of the recipient's individualized education plan (IEP) or individualized family service plan (IFSP) for treatment (correction, amelioration, or prevention of deterioration) of an identified medical condition. This section describes eligible providers, provider responsibilities, covered services, service limitations, and general reimbursement methodology for school-based services.
[1/1/94; 8.320.6.9 NMAC - Rn, MAD.747 & A, 11-1-02]

8.320.6.10 ELIGIBLE PROVIDERS:

A. Upon approval of New Mexico medical assistance provider participation applications by MAD, local education agencies (LEAs), regional educational cooperatives (RECs), and other state-funded educational agencies (SFEAs) that meet specified requirements are eligible to be reimbursed for furnishing services to medicaid recipients. The LEA, REC, or other SFEA must develop a collaborative plan with the community. Requirements for such plans will be described in written guidelines by MAD. The LEAs, RECs, and other SFEAs that have school nurses are under the oversight of the department of health's district health officer, as provided by state statute (NMSA 1978, Section 24-1-4).

B. The following individual service providers must be employed by, or under contract to, the LEA, REC, or other SFEA when furnishing treatment, and meet other specified qualification criteria:

(1) Physical therapists licensed by the physical therapy board under the state of New Mexico regulation and licensing department and meeting licensure requirements of the department of education, and physical therapy assistants licensed by the physical therapy board under the state of New Mexico regulation and licensing department, meeting licensure requirements of the department of education and working under the supervision of a licensed physical therapist.

(2) Occupational therapists licensed by the occupational therapy board under the state of New Mexico regulation and licensing department and meeting licensure requirements of the department of education, and occupational therapy assistants licensed by the occupational therapy board under the state of New Mexico regulation and licensing department, meeting licensure requirements of the department of education and working under the supervision of a licensed occupational therapist.

(3) Speech pathologists licensed by the board of speech-language pathology and audiology under the New Mexico regulation and licensing department and meeting licensure requirements of the department of education, and speech language pathology apprentices, clinical fellows, and paraprofessionals licensed by the board of speech-language pathology and audiology under the New Mexico regulation and licensing department therapy board, meeting licensure requirements of the department of education and working under the supervision of a licensed speech pathologist.

(4) Audiologists licensed by the board of speech-language pathology and audiology under the regulation and licensing department and meeting licensure requirements of the department of education.

(5) Social work practitioners who meet one of the following requirements:

(a) licensed by the social work examiners board as a licensed master's level independent social work practitioner; or

(b) licensed by the social work examiners board and supervised by a licensed Ph.D., Psy.D., Ed.D. or LISW; and

(c) meeting licensure requirements of the department of education.

(6) Psychologists meeting one of the following requirements:

(a) psychologists (Ph.D., Psy.D., or Ed.D.) licensed by the New Mexico psychologist examiners board and meeting licensure requirements of the department of education; or

(b) master's level practitioners licensed by the New Mexico psychologist examiners board as psychologist associates or licensed by the state department of education as school psychologists and supervised by a psychiatrist or a Ph.D., Psy.D., or Ed.D., who is licensed as a psychologist by the New Mexico psychologist examiners board, and meeting licensure requirements of the department of education.

(7) Physicians and psychiatrists licensed by the board of medical examiners and meeting licensure requirements of the department of education.

(8) Case managers who meet one of the following requirements:

(a) bachelor's degree in social work, counseling, psychology, nursing, or a related health or social services field from an accredited institution and having one year experience serving medically-at-risk children or adolescents.

(b) licensed registered or practical nurse.

(c) individuals with a bachelor's degree in another field and two years of direct experience in serving medically-at-risk children or adolescents.

(9) Licensed professional clinical counselors (LPCC) and licensed professional counselors (LPC), licensed by the New Mexico counseling and therapy practice board and meeting licensure requirements of the department of education.

(10) Licensed marriage and family therapists (LMFT), licensed by the New Mexico counseling and therapy practice board and meeting licensure requirements of the department of education.

(11) Licensed psychiatric clinical nurse specialists (CNS), licensed by the New Mexico board of nursing and meeting licensure requirements of the department of education.

(12) Licensed nutritionists or registered dietitians, licensed by the New Mexico nutrition and dietetics practice board and meeting licensure requirements of the department of education.

(13) Licensed registered and practical nurses, licensed by the New Mexico board of nursing and meeting licensure requirements of the department of education.

[1/1/94; 8.320.6.10 NMAC - Rn, MAD.747.1 & A, 11-1-02; A, 11-1-04]

8.320.6.11 PROVIDER RESPONSIBILITIES:

A. General responsibilities:

(1) Providers who furnish services to medicaid recipients must comply with all specified medicaid participation requirements. See Section 8.302.1 NMAC, *General Provider Policies*.

(2) Providers must verify that individuals are eligible for medicaid at the time services are furnished.

(3) Providers must appoint a program liaison and backup alternate for each LEA, REC or other SFEA, who will be responsible for receiving and disbursing all communication, information and guidelines from HSD regarding the medicaid school-based services program, including information on, but not limited to, direct services and administrative claiming.

B. Documentation requirements:

(1) Providers must maintain all records necessary to fully disclose the nature, quality, amount and medical necessity of services furnished to recipients who are currently receiving medical services or have received medical services in the past. Payment for services billed to MAD that are not substantiated in the recipient's records are subject to recoupment. Documentation must be retained for at least six (6) years from the date of creation or until ongoing audit issues are resolved, whichever is longer. See Section 8.302.1, *General Provider Policies*.

(2) For services covered under this policy, complete copies of the IEPs or IFSPs, with the ITP portions of the IEPs or IFSPs signed by the primary care provider (PCP), must be maintained as part of the required records.

C. Record availability: The provider must, on request, promptly furnish to the human services department, the secretary of health and human services, or the state medicaid fraud control unit any information under documentation requirements, stated above, including patient and employee records and any information regarding payments claimed by the provider furnishing services. Failure to provide records on request may result in a denial of claims.

[1/1/94; 8.320.6.11 NMAC - Rn, MAD.747.2 & A, 11-1-02; A, 11-1-04]

8.320.6.12 ELIGIBLE RECIPIENTS: Medicaid covers medically necessary treatment furnished to recipients under twenty-one (21) years of age who have a medicaid-reimbursable service identified in their IEP or IFSP.

[1/1/94; 8.320.6.12 NMAC - Rn, MAD.747.3 & A, 11-1-02]

8.320.6.13 COVERED SERVICES: Medicaid covers the following services when medically necessary and furnished by specified providers in school settings:

A. Therapy services: Medicaid covers physical, occupational, audiological and speech evaluations, and therapy required for treatment of an identified medical condition.

(1) Services must be medically necessary, must be ordered or authorized by the child's primary care provider (PCP), and must meet the needs specified in the individualized education plan (IEP) or individualized family service plan (IFSP). The services must be necessary for the treatment of the recipient's specific identified condition.

(2) The individualized treatment plan (ITP) portion of the IEP or IFSP must be signed by the child's PCP and be developed in conjunction with qualified physical therapists, occupational therapists, speech therapists, audiologists, nurses or behavioral health providers.

(3) Services require prior authorization by the PCP. The requirement for prior authorization is met when the PCP signs the ITP portion of the IEP or IFSP. For medicaid reimbursement, services must be performed in accordance with the IEP or IFSP that has been signed by the PCP. Frequency and duration of services furnished may not exceed those specified in the IEP or IFSP. Reimbursement is made directly to the LEA, REC, or other SFEA when therapy providers furnish services under contract to the LEA, REC, or other SFEA.

(4) If all the requirements of this section are not met, the services will require prior authorization from MAD or its designee.

B. Mental health services: Medicaid covers counseling, evaluation, and therapy required for treatment of an identified medical condition when furnished by a licensed independent social worker (LISW), licensed marriage and family therapist (LMFT), licensed professional clinical counselor (LPCC), psychiatric clinical nurse specialist (CNS), psychiatrist, psychologist or psychologist associate; or licensed bachelor's level social worker (LBSW), licensed master's level social worker (LMSW), or licensed professional counselor (LPC) supervised by a Ph.D., Psy.D., Ed.D. or a LISW. Services provided by LBSWs, LMSWs, and LPCs must be within the scope of their practice respectively and supervised and periodically evaluated. Supervision must adhere to requirements of the practitioner's applicable licensing board. Periodic evaluation must be conducted at least once every twelve (12) service hours or more frequently if indicated by the recipient's condition or applicable state/federal regulation, and must be documented in the recipient record, with signature of the supervisor. Based on periodic evaluation, in consultation with the practitioner providing the services, and review of medical records, evaluations must determine and document the extent to which treatment goals are being met and whether changes in direction or emphasis of the treatment are needed. Recipients receiving services from LBSWs, LMSWs and LPCs must be diagnosed by the supervisor. The diagnosis must be documented in the recipient's record with the signature of the supervisor. Mental health services include regularly scheduled, structured counseling or therapy sessions for recipients under twenty-one (21) years of age, recipients and their parents, or multi-family groups.

(1) Services must be medically necessary, must be ordered or authorized by the child's primary care provider (PCP), and must meet the needs specified in the individualized education plan (IEP) or the individualized family service plan (IFSP).

(2) The individualized treatment plan (ITP) portion of the IEP or IFSP must be signed by the child's primary care provider (PCP) and be developed in conjunction with a qualified therapist. The services must be necessary for the treatment of the recipient's specific identified condition. Facilitation of the development of age-appropriate social skills may be part of the treatment plan.

(3) Services require prior authorization by the PCP. The requirement for prior authorization is met when the PCP signs the ITP portion of the IEP or IFSP. For medicaid reimbursement, services must be performed in accordance with the IEP or the IFSP that has been signed by the PCP. Frequency and duration of services furnished

may not exceed those specified in the IEP or IFSP. Reimbursement is made directly to the LEA, REC or other SFEA when mental health providers furnish services under contract to the LEA, REC or other SFEA.

(4) If all the requirements of this section are not met, the services will require prior authorization from MAD or its designee.

C. **Nutritional assessment and counseling:** Medicaid covers nutritional assessment and counseling when furnished by licensed nutritionists or dietitians for recipients who have been referred for a nutritional need. A nutritional assessment consists of an evaluation of the nutritional needs of individuals based upon appropriate biochemical, anthropometric, physical, and dietary data, including a recommendation for appropriate nutritional intake.

(1) Services must be medically necessary, must be ordered or authorized by the child's primary care provider (PCP) and must meet the needs specified in the individualized education plan (IEP) or individualized family service plan (IFSP).

(2) The individualized treatment plan (ITP) portion of the IEP or IFSP must be signed by the child's primary care provider (PCP) and developed in conjunction with licensed nutritionists or registered dietitians.

(3) Services require prior authorization by the PCP. The requirement for prior authorization is met when the PCP signs the ITP portion of the IEP or IFSP. For Medicaid reimbursement, services must be performed in accordance with the IEP or IFSP that has been signed by the PCP. Frequency and duration of services furnished may not exceed those specified in the IEP or IFSP. Reimbursement is made directly to the LEA, REC or other SFEA when licensed nutritionists or registered dietitians furnish services under contract to the LEA, REC or other SFEA.

(4) If all the requirements of this section are not met, the services will require prior authorization from MAD or its designee.

D. **Transportation services:** Medicaid covers transportation services for recipients who must travel from the school to receive a covered service from a Medicaid provider, when the service is unavailable in the school setting and when the service is medically necessary and is identified in the recipient's individualized education plan (IEP) or individualized family service plan (IFSP). Medicaid covers transportation to and from the school on the date a medically necessary service is furnished in the school setting for recipients who have disabilities, if all of the following conditions are met:

(1) Services must be medically necessary, must be ordered or authorized by the child's primary care provider (PCP), and must meet the needs specified in the IEP or the IFSP.

(2) The individualized treatment plan (ITP) portion of the IEP or IFSP must be signed by the child's primary care provider (PCP).

(3) Services require prior authorization by the primary care provider (PCP). For Medicaid reimbursement, services must be performed in accordance with the IEP or IFSP that has been signed by the PCP. The requirement for prior authorization is met when the PCP signs the ITP portion of the IEP or IFSP. Frequency and duration of services furnished may not exceed those specified in the IEP or IFSP. Reimbursement is made directly to the LEA, REC or other SFEA when transportation services are furnished under contract to the LEA, REC or other SFEA.

(4) Medical services are furnished on the specific day on which transportation is furnished.

(5) Medical services furnished on that date are specified in the ITP portion of the IEP or IFSP.

(6) The recipient requires transportation in a vehicle adapted to serve the needs of the recipient.

(7) If all the requirements of this section are not met, the services will require prior authorization from MAD or its designee.

E. **Case management:** Medicaid covers case management services furnished in school settings to recipients who are medically at risk. Medicaid pays for services furnished by a single case management service provider during a given time period. "Medically at risk" refers to individuals who have a diagnosed physical or mental health condition which has high probability of impairing cognitive, emotional, neurological, social, or physical development.

(1) Services must be medically necessary, must be ordered or authorized by the child's primary care provider (PCP) and must meet specified needs identified in the individualized education plan (IEP) or individualized family service plan (IFSP).

(2) The individualized treatment plan (ITP) portion of the IEP or IFSP must be signed by the child's primary care provider (PCP) and developed in conjunction with a qualified case manager.

(3) Services require prior authorization by the PCP. For Medicaid reimbursement, services must be performed in accordance with the IEP or IFSP that has been signed by the PCP. The requirement for prior authorization is met when the PCP signs the ITP portion of the IEP or IFSP. Frequency and duration of services furnished may not exceed those specified in the IEP or IFSP. Reimbursement is made directly to the LEA, REC or other SFEA when case management providers furnish services under contract to the LEA, REC or other SFEA.

(4) Services must be coordinated with the child's Medicaid managed care organization (MCO) if the child is enrolled in managed care.

(5) Medicaid covers the following case management services:

(a) Assessment of the recipient's medical, social and functional abilities at least every six (6) months, unless more frequent reassessment is indicated by the recipient's condition.

(b) Development and implementation of a comprehensive plan of care that helps the recipient retain or achieve the maximum degree of independence.

(c) Mobilization of the use of “natural helping” networks, such as family members, church members, community organizations, support groups, friends, and the school, if the recipient is able to attend.

(d) Coordination and monitoring of the delivery of services, evaluation of the effectiveness and quality of the services, and revision of the plan of care as necessary.

(e) All services must be delivered to be eligible for medicaid reimbursement.

(6) If all the requirements of this section are not met, the services will require prior authorization from MAD or its designee.

(7) Recipients have the freedom to choose a case management service provider. Medicaid pays for only *one* case management provider to furnish services during a given time period. If a recipient has a case manager or chooses to use a case manager who is not employed or under contract to the LEA, REC or other SFEA, the LEA, REC or other SFEA must coordinate with the case manager in the development of the individualized treatment plan (ITP).

F. **Nursing:** Medicaid covers nursing services required for treatment of an identified medical condition that qualifies a child for an individualized education plan (IEP) or individualized family service plan (IFSP) when provided by a licensed registered or practical nurse.

(1) Services must be medically necessary, must be ordered or authorized by the child's primary care provider (PCP), and must meet the needs specified in the individualized education plan (IEP) or individualized family service plan (IFSP).

(2) The individualized treatment plan (ITP) portion of the IEP or IFSP must be signed by the child's PCP and developed in conjunction with a registered nurse. The services must be necessary for the treatment of the recipient's specific identified condition.

(3) Services require prior authorization by the PCP. The requirement for prior authorization is met when the PCP signs the ITP portion of the IEP or IFSP. For medicaid reimbursement, services must be performed in accordance with the IEP or IFSP that has been signed by the PCP. Frequency and duration of services furnished may not exceed those specified in the IEP or IFSP. Reimbursement is made directly to the LEA, REC or other SFEA when registered or licensed practical nurses furnish services under contract to the LEA, REC or other SFEA.

(4) Nursing services require professional nursing expertise and are provided by a licensed registered nurse (RN) or licensed practical nurse (LPN), and must be provided in accordance with the New Mexico Nursing Practice Act . Only those skilled nursing tasks that are approved by the medical assistance division (MAD) may be eligible for reimbursement.

(5) If all the requirements of this section are not met, the services will require prior authorization from MAD or its designee.

G. **Administrative activities:** Medicaid covers the cost of certain administrative activities that directly support efforts to provide health-related services to medicaid-eligible children and youth with special education and health care needs. These administrative activities include, but are not limited to, providing information about medicaid programs and how to access them, facilitating the eligibility determination process, assisting in obtaining transportation and translation services when necessary to receive health care services, making referrals for medicaid-reimbursable services, and coordinating and monitoring medical services that are covered by medicaid.

(1) Payment for these allowable administrative activities is contingent upon the following:

(a) the LEA, REC or other SFEA must complete a provider participation agreement (PPA) and be approved by the human services department as a medicaid provider of school-based health services;

(b) the LEA, REC or other SFEA must enter into a joint powers agreement (JPA) with the human services department and agree to abide by the terms and conditions of the JPA; and

(c) the LEA, REC or other SFEA must submit claims for allowable administrative activities in accordance with federal and state medicaid regulations, policies and guidelines; the centers for medicare and medicaid services (CMS) *Medicaid School-Based Administrative Claiming Guide*, May 2003, and any revisions thereto; and the *New Mexico Medicaid Guide for School-Based Services*, November 2004, and any revisions thereto.

(2) Administrative claiming is subject to compliance reviews and audits conducted by HSD and/or CMS. In signing the medicaid provider participation agreement, the LEA, REC or other SFEA, as a medicaid provider, agrees to cooperate fully with HSD and/or CMS in the performance of all reviews and audits and agrees to comply with all review and audit requirements.

[1/1/94; 8.320.6.13 NMAC - Rn, MAD.747.4 & A, 11-1-02; A, 11-1-04]

8.320.6.14 INDIVIDUALIZED TREATMENT PLAN:

A. The objectives, duration, and providers of medical treatment furnished to all medicaid recipients in school settings must be specified in an individualized treatment plan (ITP). The plan is developed by the LEA REC or other SFEA in conjunction with recipients, recipients' families, and applicable service providers. The ITP portion of the IEP or IFSP must be reviewed and signed at least annually by the PCP to meet requirements for prior authorization of services provided to the recipient. If this review and PCP signature are not performed annually, the service will require prior authorization by MAD or its designee.

B. The ITP utilizes the recipient's health history, medical and educational evaluations and recommendations by the PCP and other medical providers, as applicable. The ITP is a plan of care agreed upon by the parents or legal guardians, evaluating therapists, the IEP or IFSP committee, and the recipient's teacher, all of whom are included in the IEP or IFSP. If medical needs are identified in the IEP or IFSP, the medical portion of the IEP or IFSP is the recipient's individualized treatment plan. The ITP must be incorporated into the IEP or IFSP. [1/1/94; 8.320.6.14 NMAC - Rn, MAD.747.7 & A, 11-1-02; A, 11-1-04]

8.320.6.15 NONCOVERED SERVICES: Services furnished in school settings are subject to the limitations and coverage restrictions that exist for other medicaid services. See 8.301.3 NMAC [MAD-602], *General Noncovered Services*. Medicaid does not cover the following specific services:

- A. services classified as educational;
 - B. services to non-medicare eligible individuals;
 - C. services furnished by practitioners outside their area of expertise;
 - D. vocational training that is related solely to specific employment opportunities, work skills or work settings;
 - E. services that duplicate services furnished outside the school setting, unless determined to be medically necessary, and given prior authorization by the medical assistance division or its designee;
 - F. services not identified in the recipient's IEP or IFSP, and not authorized by the recipient's PCP;
 - G. transportation that a recipient would otherwise receive in the course of attending school; and
 - H. transportation for a recipient with special education needs under the Individuals with Disabilities Education Act (IDEA), who rides the regular school bus to and from school with other non-disabled children.
- [1/1/94; 8.320.6.15 NMAC - Rn, MAD.747.5 & A, 11-1-02; A, 11-1-04]

8.320.6.16 PRIOR AUTHORIZATION AND UTILIZATION REVIEW: All medicaid services are subject to utilization review for medical necessity and program compliance. Reviews may be performed before services are furnished, after services are furnished and before payment is made, or after payment is made. See 8.302.5 NMAC [MAD-705], *Prior Authorization And Utilization Review*. Once enrolled, providers receive instructions and documentation forms necessary for prior authorization and claims processing.

A. **Prior authorization:** Certain procedures or services identified in the utilization review instructions may require prior authorization from MAD or its designee. See specific requirements specified in 8.320.6.13 NMAC, *Covered Services*. Services for which prior authorization was obtained remain subject to utilization review at any point in the payment process.

B. **Eligibility determination:** Providers must verify that individuals are eligible for medicaid at the time services are furnished.

C. **Reconsideration:** Providers who disagree with denials of prior authorization requests or other review decisions can request a re-review and a reconsideration. See 8.350.2 NMAC [MAD-953], *Reconsideration Of Utilization Review Decisions*.

[1/1/94; 8.320.6.16 NMAC - Rn, MAD.747.6, 11-1-02; A, 11-1-04]

8.320.6.17 REIMBURSEMENT:

A. The LEA, REC, or other SFEA must submit claims for reimbursement on the HCFA 1500 or its successor form. See 8.302.2 NMAC [MAD-702], *Billing For Medicaid Services*. Once enrolled, providers receive instructions on documentation, billing, and claims processing.

B. Reimbursement to the LEA, REC or other SFEA for covered services furnished by individual practitioners is made at the lesser of the following:

- (1) the specific practitioner's billed charge; or
- (2) the MAD fee schedule for the specific service.

(a) The practitioner's billed charge must be his or her usual and customary charge for the service.

(b) "Usual and customary" charge refers to the amount which an individual practitioner charges the general public in the majority of cases for a specific procedure or service.

C. Reimbursement to the LEA, REC or other SFEA is not contingent upon billing a third party payor first, when the client has other insurance. The medicaid program is generally the payor of last resort. However, if medical services are included in a disabled child's IEP, an exception is created under 42 USC 1396b(c), 20 USC 1412(a)(12) and 34 CFR 300.142. Therefore, if medical services are contained in a child's IEP and the child is eligible for medicaid and the services are covered by medicaid, then medicaid is permitted to pay for such services.

[1/1/94; 8.320.6.17 NMAC - Rn, MAD.747.8 & A, 11-1-02; A, 11-1-04]

New Mexico Regulations Regarding Social Workers Supervision

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING **CHAPTER 63 SOCIAL WORKERS** **PART 1 GENERAL PROVISIONS**

16.63.1.1 ISSUING AGENCY: Regulation and Licensing Department - Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.1.1 NMAC - Rn, 16 NMAC 63.1.1, 06/19/02]

16.63.1.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.1.2 NMAC - Rn, 16 NMAC 63.1.2, 06/19/02]

16.63.1.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.1.3 NMAC - Rn, 16 NMAC 63.1.3, 06/19/02]

16.63.1.4 DURATION: Permanent.
[9/8/96; 16.63.1.4 NMAC - Rn, 16 NMAC 63.1.4, 06/19/02]

16.63.1.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.1.5 NMAC - Rn & A, 16 NMAC 63.1.5, 06/19/02]

16.63.1.6 OBJECTIVE: To define terms relevant to social work licensing, public versus non-public records, license display, gender clause, and requirements for board members to attend meetings.
[9/8/96; 16.63.1.6 NMAC - Rn, 16 NMAC 63.1.6, 06/19/02]

16.63.1.7 DEFINITIONS:

A. Appropriate supervision:

(1) Supervision, for the purposes of licensure, shall be provided by an individual qualified by the board of social work examiners. For licensed masters social workers aspiring to achieve licensure at an independent level (LISW), supervision shall be provided by a licensed independent social worker (LISW). For those licensed independent social workers aspiring to add a specialty to their license, supervision shall be provided by a licensed independent social worker licensed in that specialty. The relationship between the supervisor and supervisee must be designed to promote the development of professional social work skills for the delivery of social work services. These skills include the integration of theory and practice, the development and application of intervention techniques, the development and constant improvement of social work standards and ethics, and the continued acquisition of professional knowledge.

(2) Supervision for master level social workers practicing clinical social work not aspiring to achieve licensure at the independent level (LISW), supervision shall be provided by a licensed independent social worker or other supervision approved by the board.

(3) Supervisors shall evaluate and oversee the manner in which the above skills development is reflected in the supervisee's practice. The supervisor's responsibility insures that the supervisee acquires the necessary skills required for advanced and professional social work practice.

(4) Applicant for licensure at the independent level must document 3,600 hours of licensed masters level social work experience which has been accumulated over no more than a 60 month period. Applicants for licensure must document 90 hours of supervision during this 3,600 hour period. One (1) hour of supervision must be documented for every 40 hours worked. No more than 60% of the 90 hours of supervision may be group supervision. No more than 25% of the 90 hours of supervision may be non face-to-face. The supervised contact may include live video-teleconferencing which would be equal to face-face supervision. Teleconferencing can be included as supervision. Individual or group supervision will be accepted. Group supervision means supervision rendered to not more than four (4) individuals at one time. Applicants and supervisors will engage the process of supervision in accordance with the guidelines established by the board of social work examiners.

B. Licensed clinical social worker: an independent social worker with a clinical specialty is equivalent to a licensed clinical social worker (LCSW).

C. Qualified applicants:

(1) Means those programs having received accreditation by CSWE and those programs having candidacy status, conditional status, or under review status with CSWE.

(2) For those applicants who graduated from a institution of higher education before CSWE began to accredit programs (prior to 1974), the New Mexico board of social work examiners will require:

- (a) a letter from the university's registrars office stating that the applicant's course of study culminated in a degree which was the equivalent of an emphasis or major in social work;
- (b) demonstrated social work experience;
- (c) documentation of social work licensure in a previous state; and
- (d) concurrence among the majority of professional members of the board that the transcripts reflect sufficient coursework in social work.

D. CSWE (council on social work education) accreditation: means those programs having received accreditation by CSWE and those programs having candidacy status or under review status with CSWE. [1/1/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.1.7 NMAC - Rn, 16 NMAC 63.1.7, 06/19/02; A, 04/24/06; A, 01/17/08; A, 12/31/08]

New Mexico Regulations Regarding Occupational Therapists Supervision

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 15 OCCUPATIONAL THERAPISTS PART 3 SUPERVISION

16.15.3.1 ISSUING AGENCY: Board of Examiners for Occupational Therapy
[06-14-97; 16.15.3.1 NMAC - Rn & A, 16 NMAC 15.3.1, 06-29-00]

16.15.3.2 SCOPE: All those individuals who wish to practice occupational therapy in the State of New Mexico.
[06-14-97; 16.15.3.2 NMAC - Rn, 16 NMAC 15.3.2, 06-29-00]

16.15.3.3 STATUTORY AUTHORITY: Section 61-12A-5.
[06-14-97; 16.15.3.3 NMAC - Rn, 16 NMAC 15.3.3, 06-29-00]

16.15.3.4 DURATION: Permanent.
[06-14-97; 16.15.3.4 NMAC - Rn, 16 NMAC 15.3.4, 06-29-00]

16.15.3.5 EFFECTIVE DATE: June 14, 1997, unless a later date is cited at the end of a section.
[06-14-97; 16.15.3.5 NMAC - Rn, 16 NMAC 15.3.5, 06-29-00]

16.15.3.6 OBJECTIVE: To outline minimum supervision definitions and requirements.
[06-14-97; 16.15.3.6 NMAC - Rn, 16 NMAC 15.3.6, 06-29-00]

16.15.3.7 DEFINITIONS:

A. "Supervision" means the typical oversight required for individuals at the various levels of role performance. Supervision is a shared responsibility. The supervising occupational therapist (OT) has a responsibility to provide supervision to occupational therapy assistants (OTAs), persons practicing on a provisional permit, and occupational therapy aides/technicians. The supervisee has a responsibility to obtain supervision.

B. "On-site supervision" means a minimum of daily direct contact at the site of work with the licensed supervisor physically present within the facility with the supervisee renders care.

C. "Entry-level occupational therapy assistant" (OTA) means a new graduate with less than 960 hours of experience who has passed the national board for certification in occupational therapy (NBCOT) examination, or is new to an area of practice or new to a facility. 960 hours begins on the date of employment with full (non-provisional) licensure. An occupational therapy assistant (OTA) shall also be considered entry-level when moving to a new area of practice. In this case, the occupational therapy assistant (OTA) shall move to intermediate-level status after completing the facility's probationary period. An entry-level occupational therapy assistant (OTA) must demonstrate competency by meeting work performance evaluation criteria in a satisfactory manner.

D. "Intermediate-level occupational therapy assistant (OTA)" means an occupational therapy assistant (OTA) that has advanced to this level with up to three (3) years of experience, or a more experienced occupational therapy assistant (OTA) who has recently passed the probationary period in a new area of practice. An intermediate-level occupational therapy assistant (OTA) must demonstrate competency by meeting work performance evaluation criteria in a satisfactory manner.

E. "Advanced-level occupational therapy assistant (OTA)" means an occupational therapy assistant (OTA) with a minimum of three years experience in a particular area of practice. An advanced-level occupational therapy assistant (OTA) must demonstrate competency by meeting work performance evaluation criteria in a satisfactory manner.

F. "Twenty percent (20%) face-to-face clinical observation" means a minimum of every fifth (5th) contact or 1 out of every 5 shall be direct observation of treatment.

G. "Supervision contact" means any form of supervision that is of sufficient length of time to ethically provide guidance.

[06-14-97; 16.15.3.7 NMAC - Rn & A, 16 NMAC 15.3.7, 06-29-00; A, 04-03-03; A, 08-29-05]

16.15.3.8 SUPERVISION:

A. Occupational therapy assistants (OTA) and persons practicing on a provisional permit shall file with the board a signed current statement of supervision by the occupational therapist or occupational therapists (OT or OTs) who will be responsible for the supervision of the occupational therapy assistant or person practicing on a limited permit. The statement of supervision must be filed with the board within ten (10) work days of employment

and a new statement of supervision must be filed with the board within ten (10) work days of any change in employment or supervisor.

B. Supervision of persons pending certification as an occupational therapy assistant (OTA) shall consist of specific documentation as detailed in the “supervision log”. The original of the “supervision log” should be kept by the supervisee with a copy kept by the employer and supervisor. A copy of the “supervision log” must be submitted to the board prior to issuance of full licensure.

C. Supervision is an interactive process, more than a paper review or a co-signature, and requires direct in-person contact.

D. Supervision by the occupational therapist (OT) is related to the ability of the occupational therapy assistant (OTA) to safely and effectively provide those interventions delegated by an occupational therapist (OT).

E. An intermediate-level or advanced-level occupational therapy assistant (OTA) may supervise an entry-level occupational therapy assistant (OTA) when his/her job competencies have been assured by the supervising occupational therapist (OT).

F. The occupational therapist (OT) has ultimate overall responsibility for service performance by the occupational therapy assistant (OTA), and for the health and safety of each client in the provision of occupational therapy services.

G. Supervision of the occupational therapy assistant (OTA) shall consist of specific documentation as detailed in the “supervision log”, Subsection D of 16.15.3.10 NMAC. The original of the “supervision log” should be kept by the supervisee with a copy kept by the employer and supervisor. A copy of the “supervision log” must be submitted to the board with each renewal application. For periods of unemployment, a written statement of the time period of unemployment should be attached to the “supervision log” and submitted with the renewal form.

H. The board or its designee has the authority to request a copy of the “supervision log” at any time, without prior notice to the supervising therapist or supervisee.

I. The occupational therapist (OT) and the occupational therapy assistant (OTA) shall provide direct supervision to all occupational therapy aides/technicians.

J. Persons practicing on a provisional permit pending certification as an occupational therapy assistant (OTA) or an occupational therapist (OT) are not eligible to supervise.

[06-14-97; 02-14-98; 16.15.3.8 NMAC - Rn & A, 16 NMAC 15.3.8, 06-29-00; A, 04-03-03]

16.15.3.9 FOUR LEVELS OF SUPERVISION FOR OTA's ARE IDENTIFIED:

A. “Direct supervision” means a minimum of daily direct contact at the site of work with the licensed supervisor physically present within the facility when the supervisee renders care and requires the supervisor to co-sign all documentation that is completed by the supervisee. The occupational therapist (OT) or an intermediate-level or advanced-level occupational therapy assistant (OTA) shall provide direct supervision for persons practicing on a provisional permit pending certification as an occupational therapy assistant. The occupational therapist (OT) and the occupational therapy assistant (OTA) shall provide direct supervision to all occupational therapy aides/technicians.

B. “Close supervision” means a minimum of daily communication by means of direct contact, telephone, fax, or e-mail. In a single work setting or when involving multiple sites, supervision shall occur at one or more of the sites or offices, but not necessarily at all sites or offices. At a minimum, twenty percent (20%) of close supervision contacts shall be face-to-face clinical observation. Required for entry-level occupational therapy assistants (OTA).

C. “Routine supervision” means a minimum of direct contact at least every two (2) weeks at the site of work, with interim supervision occurring by other methods such as telephone, fax or e-mail. At a minimum, twenty percent (20%) of routine contacts shall be face-to-face clinical observation. Required for intermediate-level occupational therapy assistants (OTA).

D. “General supervision” means a minimum of monthly direct contact, with supervision available as needed by other methods such as telephone, fax or e-mail. At a minimum, twenty percent (20%) of general contacts shall be face-to-face clinical observation. Required for advanced-level occupational therapy assistants (OTA).

[06-14-97; 16.15.3.9 NMAC - Rn & A, 16 NMAC 15.3.9, 06-29-00; A, 04-03-03; A, 08-29-05]

16.15.3.10 SUPERVISION REQUIRED FOR PERSONS PRACTICING ON A PROVISIONAL PERMIT PENDING CERTIFICATION AS AN OCCUPATIONAL THERAPIST (OT):

A. Supervision for persons practicing on a provisional permit pending certification as an occupational therapist shall be provided by the occupational therapist (OT).

B. Supervision of persons practicing on a provisional permit pending certification as an occupational therapist shall occur on-site. In a work setting involving multiple sites of work, and/or offices, supervision shall occur at one or more of the sites or offices, but not necessarily all sites or offices.

C. Supervision of persons practicing on a provisional permit pending certification as an occupational therapist shall occur a minimum of three (3) or more times per week for persons working five (5) days per week, a minimum of two (2) or more times per week for persons working four (4) days per week, and a minimum of one (1) or more times per week for persons working three (3) or less days per week.

D. Supervision of persons practicing on a provisional permit pending certification as an occupational therapist shall consist of specific documentation as detailed in the "supervision log". The original of the "supervision log" should be kept by the supervisee with a copy kept by the employer and supervisor. A copy of the "supervision log" must be submitted to the Board prior to issuance of full licensure. The "supervision log" should be submitted ten (10) work days prior to the expiration date of the provisional permit or upon receipt of confirmation of passing the certification exam.

E. The board or its designee has the authority to request a copy of the "supervision log" at any time, without prior notice to the supervising therapist or supervisee.

F. The supervising occupational therapist shall co-sign any and all patient treatment notes while the supervisee is practicing on a provisional permit.

[06-14-97; 02-14-98; 16.15.3.10 NMAC - Rn & A, 16 NMAC 15.3.10, 06-29-00; A, 04-03-03]

16.15.3.11 TASK DELEGATION:

A. As pertains to the occupational therapy assistant (OTA): the occupational therapist (OT) shall evaluate each patient/client before direct care tasks are assigned to the occupational therapy assistant (OTA). The occupational therapist (OT) shall determine and assign only those tasks that can be safely and effectively done by an occupational therapy assistant (OTA). Direct care tasks may include, but are not limited to:

- (1) completing data collection procedures such as record review, interviews, general observations, and behavioral checklists;
- (2) administering standardized and criterion-referenced tests after service competency has been established;
- (3) reporting changes in status that might warrant reassessment or referral;
- (4) contributing to treatment plan as developed by the occupational therapist (OT);
- (5) providing direct intervention by engaging patient/client in activities related to occupational performance areas;
- (6) adjusting and modifying treatment plans subject to final approval by an occupational therapist (OT); and
- (7) reporting the factors that warrant discontinuation of intervention orally and in writing.

B. The occupational therapist (OT) must sign the evaluation, the original treatment plan, any change of the treatment plan, and discharge of services.

C. Duties and functions which the occupational therapy assistant (OTA) shall not perform include, but are not limited to:

- (1) interpreting referrals or prescriptions for occupational therapy service;
- (2) interpreting and analyzing evaluation data;
- (3) developing or planning treatment plans independently; and
- (4) acting independently without supervision of an occupational therapist (OT);

D. In extenuating circumstances, when the occupational therapy assistant (OTA) is without supervision, the occupational therapy assistant (OTA) may continue carrying out established programs for no longer than thirty (30) calendar days under agency supervision while appropriate occupational therapy supervision is sought. It is the responsibility of the board to interpret what establishes "extenuating circumstances".

(1) The agency and the supervisee must notify the board office, in writing, of the name of the agency supervisor within twenty-four (24) hours of approval for extenuating circumstances. This notification may be by means of fax or e-mail.

(2) The agency supervisor must sign the supervision log for each day of supervision.

E. As pertains to the occupational therapy aide/technician: the occupational therapist (OT) shall evaluate each patient/client before direct care tasks are assigned to the occupational therapy aide/technician. Only the occupational therapist (OT) shall determine, assign and modify those tasks that can be safely and effectively performed by the occupational therapy aide/technician.

(1) The occupational therapist (OT) or occupational therapy assistant (OTA) shall not document services rendered by an aide or technician as occupational therapy services provided by a licensed practitioner.

(2) The occupational therapist (OT) or occupational therapy assistant (OTA) shall supervise those delegated, established routine activities which are performed by the occupational therapy aide/technician.

(3) The occupational therapist (OT) and the occupational therapy assistant (OTA) shall not assign or permit occupational therapy aides/technicians to:

- (a) interpret referrals or prescriptions for occupational therapy services;
- (b) interpret or analyze evaluation data;
- (c) develop, plan, adjust, or modify treatment plans;
- (d) act on behalf of the occupational therapist (OT) or the occupational therapy assistant (OTA)

in any matter related to direct patient/client care which requires judgment or decision making;

(e) act independently without the supervision of an occupational therapist (OT) or an occupational therapy assistant (OTA);

- (f) document services provided by an aide or technician as occupational therapy provided by a licensed practitioner; and
 - (g) represent themselves as an occupational therapist (OT) or occupational therapy assistant (OTA).
- [06-14-97; 16.15.3.11 NMAC - Rn & A, 16 NMAC 15.3.11, 06-29-00; A, 04-03-03]

New Mexico Regulations Regarding Hearing, Speech, and Audiologist Practitioners Supervision

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS PART 2 LICENSURE REQUIREMENTS

16.26.2.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.

[16.26.2.1 NMAC - Rp, 16 NMAC 26.2.1, 2/3/06]

16.26.2.2 SCOPE: All individuals wishing to practice as a speech-language pathologist, audiologist, hearing aid dispenser or individuals working as a clinical fellow, persons working under a hearing aid dispensing training permit and temporary professional license holders who will be offering adjunct services in speech-language pathology or audiology.

[16.26.2.2 NMAC - Rp, 16 NMAC 26.2.2, 2/3/06]

16.26.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978.

[16.26.2.3 NMAC - Rp, 16 NMAC 26.2.3, 2/3/06]

16.26.2.4 DURATION: Permanent.

[16.26.2.4 NMAC - Rp, 16 NMAC 26.2.4, 2/3/06]

16.26.2.5 EFFECTIVE DATE: February 3, 2006, unless a later date is cited at the end of a section.

[16.26.2.5 NMAC - Rp, 16 NMAC 26.2.5, 2/3/06]

16.26.2.6 OBJECTIVE: The objective of Part 2 is to state and establish that licensure is mandated by statute to practice as a speech-language pathologist, audiologist, clinical fellow and hearing aid dispenser and to outline requirements. Persons and practices not affected are defined.

[16.26.2.6 NMAC - Rp, 16 NMAC 26.2.6, 2/3/06]

16.26.2.17 QUALIFICATION FOR LICENSURE FOR CLINICAL FELLOWS:

A. Clinical fellow (CF) has met all academic course work and practicum requirements for a master's degree in speech-language pathology, speech pathology, communication disorders or audiology or both or equivalent degree(s) regardless of degree name that would enable the individual to successfully be granted certification from a nationally recognized speech-language and or hearing association after completion of the clinical fellowship if the individual chooses to apply national certification.

B. Procedure for applying for licensure as a clinical fellow.

(1) An individual will complete application including appropriate fee and clinical fellow plan and submit to the board office at the initiation of the clinical fellow period. The individual shall also submit:

(a) official transcripts verifying at least a master's degree in speech-language pathology, audiology, speech-language and hearing science, communication disorders or equivalent degree regardless of degree name; or

(b) a certification bearing an official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution; and

(c) certify that he/she has received no reprimands of unprofessional conduct or incompetency; and

(d) file a clinical fellow plan that meets with board approval that designates a clinical fellow supervisor who is licensed in accordance of this act and is practicing in the same field as the clinical fellow.

(e) CFY means no less than 9 months full time employment defined as a minimum of 32 clock hours of work per week. This requirement also may be fulfilled by part time employment as follows:

(i) work of 15 - 19 hours per week over 18 months;

(ii) work of 20 - 24 hours per week over 15 months; or

(iii) work of 25 - 31 hours per week over 12 months.

(iv) In the event that part time employment is used to fulfill a part of the CFY, 100% of the minimum hours of part time work per week requirements must be spent in direct professional experience as defined above. Professional employment of less than 15 hours per week will not fulfill any part of this requirement.

(f) a clinical fellow in audiology is not required to have a temporary hearing aid training permit.

(g) the clinical fellow must understand and abide by the code of ethics adopted by the board.

(2) Speech-language pathologist's supervision requirements for CFYs:

(a) Duties of clinical fellow supervisor: Clinical fellow supervision must be based on no less than 36 occasions of monitoring. These can include on site monitoring activities such as conferences with the clinical fellow, evaluation of written reports, evaluation by professional colleagues or may be executed by correspondence.

(b) Should the clinical fellow supervisor suspect at anytime during the clinical fellow plan that the clinical fellow under her/his supervision will not meet regulations, the clinical fellow supervisor must counsel the clinical fellow both orally and in writing and maintain careful written records of all contacts, contracts and conferences in the ensuing months.

(c) It is the responsibility of the clinical fellow to request feedback from their supervisor when the clinical fellow requires such feedback.

C. Completion of clinical fellowship: Upon completion of CFY, the CF is required to submit application for licensure as a speech-language pathologist or audiologist or both.
[16.26.2.17 NMAC - Rp, 16 NMAC 26.3.14, 2/3/06]

16.26.2.18 TEMPORARY PARAPROFESSIONAL LICENSURE AS AN APPRENTICE IN SPEECH-LANGUAGE (ASL):

A. Prerequisite requirements:

(1) Acceptance of a temporary paraprofessional licensee as an apprentice in speech-language is subject to board approval. Such licensees shall:

(a) be working towards a license pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(b) certify that he/she is not guilty of any activities listed in Section 61-14B-21 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; and

(c) provide proof of having met educational, supervision, and employment requirements.

(2) It is the responsibility of the apprentice in speech-language and the supervising speech-language pathologist to insure the distinction between the roles of the apprentice in speech-language and the graduate student.

B. Educational requirements:

(1) a baccalaureate degree in communication disorders or baccalaureate degree in another field with thirty (30) semester hours of credit in communication disorders;

(2) enrolled in a master's degree program in speech-language pathology or communication disorders and completes a minimum rate of nine (9) semester hours per year of graduate courses in communication disorders per year; or

(a) if not accepted into a master's degree program in speech-language pathology or communication disorders completes nine (9) semester hours of graduate courses per year with at least three (3) hours in communication disorders, six (6) hours may be taken in a related field;

(b) if the educational institution does not permit students who are not matriculated into a graduate program to take graduate courses in communication disorders, the student may substitute three (3) hours in a related field for the three (3) hours in communication disorders, in addition to the other six (6) hours in a related field;

(c) acceptance in a master's degree program must take place within two (2) years of initial license; and

(3) maintains a minimum of a 3.0 GPA in communication disorders course work and/or master's degree program.

C. Supervision requirements:

(1) Work of the apprentice in speech-language must be supervised by a speech-language pathologist licensed by this act and who has a minimum of two years experience in the field.

(a) Minimum of ten (10) percent of contact time of the apprentice in speech-language must be direct supervision.

(b) Minimum of ten (10) percent of contact time of the apprentice in speech-language must be indirect supervision.

(2) It is recommended that the speech-language pathologist's and audiologist's direct caseload size be limited to no more than 40 clients.

(a) A speech-language pathologist may supervise a maximum of three apprentices at one time.

(b) The supervising speech-language pathologist is expected to appropriately reduce their direct caseload for each apprentice they supervise, ensuring the maintenance of high professional standards as stated in the code of ethics.

(c) It is the responsibility of the supervising speech-language pathologist and the apprentice in speech-language to ensure the distinction between the roles of the apprentice in speech-language and the graduate student.

D. Employment requirements:

(1) Terms of employment must require at least a temporary paraprofessional license as an apprentice in speech-language. The role of the apprentice in speech-language shall be determined in collaboration with the supervising speech-language pathologist (SLP) and the employer.

- (2) Employment duties must be limited to the following:
- (a) conduct speech-language and/or hearing screenings;
 - (b) conduct treatment programs and procedures that are planned, selected and/or designed by the supervising SLP;
 - (c) prepare written daily plans based on the overall intervention plan designed by the supervising SLP;
 - (d) record, chart, graph, or otherwise display data relative to the client performance and report performance changes to the supervising SLP;
 - (e) maintain daily service/delivery treatment notes and complete daily charges as requested;
 - (f) report but not interpret data relative to client performance to teachers, family, or other professionals;
 - (g) assist the speech-language pathologists during assessment of clients, such as those who are difficult to test;
 - (h) perform clerical duties, including maintenance or therapy/diagnostic material/equipment, client files, as directed by the SLP supervisor;
 - (i) participate with the speech-language pathologist in research projects, in-service training, and public relations programs.
- E. Employment duties must not include any of the following:
- (1) administer diagnostic tests;
 - (2) interpret data into diagnostic statements or clinical management strategies or procedures;
 - (3) select or discharge clients for services;
 - (4) interpret clinical information including data or impressions relative to client performance;
 - (5) treat clients without following the individualized treatment plan;
 - (6) independently compose clinical reports except for progress notes to be held in the client's file;
 - (7) refer a client to other professionals or agencies;
 - (8) provide client or family counseling;
 - (9) develop or modify a client's individual treatment plan: IEP/IFSP/ clinical report or plan of care in anyway without the approval of the SLP supervisor;
 - (10) disclose clinical or confidential information;
 - (11) sign any formal documents without the supervising SLP co-signature;
 - (12) represent himself/herself as a speech-language pathologist.
- F. Documentation required: All applicants for temporary paraprofessional license as an apprentice in speech-language are required to provide the following documentation to the board each year:
- (1) a completed board approved license application form, signed in the presence of a notary public;
 - (2) the required license application fee; and
 - (3) a completed board approved verification of employment form verifying:
 - (a) applicant's employment;
 - (b) performance responsibilities of the apprentice in speech-language;
 - (c) limitations on employment practices of the apprentice in speech-language license holder (apprentice in speech-language);
 - (d) provision for supervision by an SLP licensed according to this act;
 - (4) a completed board approved verification of education form verifying:
 - (a) course work completed in communication disorders or other courses as outlined in the degree plan with a minimum GPA of 3.0;
 - (b) current degree plan once the applicant is admitted to a master's degree program; and
 - (c) official copy of transcripts from college or university.
- [16.26.2.18 NMAC - Rp, 16 NMAC 26.2.15, 2/3/06; A, 11/29/08; A, 06/07/10]

New Mexico Regulations Regarding School Psychologists Supervision

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 63 SCHOOL PERSONNEL - LICENSURE REQUIREMENTS FOR ANCILLARY AND
SUPPORT PERSONNEL
PART 5 LICENSURE FOR SCHOOL PSYCHOLOGISTS, PRE K-12

6.63.5.1 ISSUING AGENCY: Public Education Department (PED)
[6.63.5.1 NMAC - Rp 6 NMAC 4.2.3.11.1, 07-01-03; A, 06-30-06; A, 01-29-10]

6.63.5.2 SCOPE: Chapter 63, Part 5 governs licensure for school psychologists, pre k-12, for those persons seeking such licensure.
[6.63.5.2 NMAC - Rp 6 NMAC 4.2.3.11.2, 07-01-03; A, 06-30-06]

6.63.5.3 STATUTORY AUTHORITY: Sections 22-2-1, NMSA 1978, 22-2-2, NMSA 1978, and 22-10A-17 NMSA 1978.
[6.63.5.3 NMAC - Rp 6 NMAC 4.2.3.11.3, 07-01-03; A, 06-30-06]

6.63.5.4 DURATION: Permanent
[6.63.5.4 NMAC - Rp 6 NMAC 4.2.3.11.4, 07-01-03]

6.63.5.5 EFFECTIVE DATE: July 1, 2003, unless a later date is cited in the history note at the end of a section.
[6.63.5.5 NMAC - Rp 6 NMAC 4.2.3.11.5, 07-01-03]

6.63.5.6 OBJECTIVE: This rule establishes the requirements for three levels of school psychologist, pre k-12 licensure for persons seeking licensure as a level 1, entry level school psychologist, and a level 2, independent school psychologist, or a level 3, supervising school psychologist practicing in a school-related setting. These licenses cannot be used to provide service outside a school-related setting. They cannot be used in a public setting.
[6.63.5.6 NMAC - Rp 6 NMAC 4.2.3.11.6, 07-01-03; A, 06-30-06]

6.63.5.7 DEFINITIONS:

A. "School psychologist" means a person who is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions which attempt to improve the learning, adjustment and behavior of students, including assessment and psychological pre-referral/intervention procedures in a school-related setting.

B. "School-related setting" means limited to a public school, state institution, or public education department ("PED") accredited nonpublic school. These are settings in which the primary goal is the education of students of diverse backgrounds, characteristics, abilities, disabilities, and needs. The school setting has available an internal or external student services unit that includes at least one licensed school psychologist and provides student services according to state and federal law.

C. "Supervision for an entry level school psychologist" means an entry level school psychologist will be required to have a minimum of one-hour per week individual supervision with a level 3 supervising school psychologist.

D. "Term of licensure for an entry-level school psychologist" means the entry - level school psychologist license is issued for a three-year period and is non-renewable. The licensee must acquire the competencies and requirements to achieve an independent school psychologist license within the three-year period. supervised experience means the individual has:

(1) satisfactorily carried out the duties and responsibilities of the position as verified by the superintendent or by the governing authority of a private school or state institution; and

(2) satisfactorily met the quality of the practice of school psychology and professional responsibilities as reported by the supervising school psychologist.

F. "Independent school psychologist (level 2)" means a school psychologist who is employed by the local education agency or nonpublic school, or is under contract by these entities. These services are provided in a school-related setting. The independent school psychologist does not require supervision as described for the entry-level school psychologist.

G. Psychological interventions and practices means the inclusion, but not limitation of, consultation, behavioral assessment/intervention, psychological evaluation, psycho-educational evaluation, counseling, family therapy, individual or group therapy, workshops in self-understanding, human relations, communication, and tutorial programs, and organizational development, parent counseling, vocational development, parent education programs, program planning and evaluation, crisis intervention, specific behavior management, skill training, and transition

planning and evaluation. All psychological interventions and practices are to be provided within the scope of the psychologist's training and practice.

[6.63.5.7 NMAC - N, 07-01-03; A, 06-30-06]

6.63.5.8 REQUIREMENTS FOR PERSONS SEEKING LEVEL 1, ENTRY LEVEL SCHOOL PSYCHOLOGIST LICENSURE: Level 1 entry level school psychologists shall have documentation in their personnel file with the school district, local education agency, or school-related setting of a level 3 supervising school psychologist who holds pre k-12 licensure pursuant to the provisions of this rule, and shall meet the requirements of Subsections A, B, and C:

A. a bachelor's and master's degree or educational specialist degree from a regionally accredited college or university; and

B. qualifications meeting Paragraph (1), (2), or (3):

(1) 60 graduate hours incorporating the PED approved competencies in school psychology (which may be completed as part of a master's or educational specialist degree program or in addition to the master's degree) meeting the applicable program requirements as follows:

(a) the 60 graduate hours awarded by a New Mexico college or university must include a 1200-hour internship supervised by an appropriately licensed psychologist, 600 hours of which must be in a school-related setting; psychological assessment, counseling, and other psychological interventions with students with emotional disturbances shall comprise a minimum of 300 hours of the internship; or

(b) the 60 graduate hours awarded by a college or university outside New Mexico must be for a school psychology or equivalent program approved by the PED and include an internship in a school setting as described in Paragraph (1) of Subsection B of 6.63.5.8; or

(c) the 60 graduate hours as described in Paragraph (1) of Subsection B of 6.63.5.8 or Paragraph (2) of Subsection B of 6.63.5.8 above, with documentation of 1200 hours within a two (2) year period of successful supervised experience in one of the following areas: school psychology; psychological assessment and counseling, or other psychological interventions with at least 600 hours in a school-related setting;

(2) a doctoral degree in psychology, that includes 12 semester hours of child-focused course work in development, assessment, and intervention and 600 hours of supervised experience in a school-related setting; or

(3) a valid psychologist or psychologist associate license issued by the New Mexico board of psychologist examiners; and that includes 12 semester hours of child-focused course work in development, assessment, and intervention and 600 hours of supervised experience in a school-related setting;

C. fulfill the requirements of Paragraph (1) or (2):

(1) passing with at least a score of 156 the specialty area examination of the Praxis series exam in school psychology; or

(2) current school psychologist certification by the national association of school psychologists.

[6.63.5.8 NMAC - R p 6 NMAC 4.2.3.11.8.1, 07-01-03; A, 06-30-06; A, 01-29-10]

6.63.5.9 REQUIREMENTS FOR PERSONS SEEKING LEVEL 2, INDEPENDENT SCHOOL PSYCHOLOGIST LICENSURE: Persons seeking level 2, independent school psychologist, pre k-12 licensure pursuant to the provisions of this rule shall meet the following requirements:

A. a valid level 1 license; and

B. successful completion or demonstration of competencies for an entry level school psychologist, and:

C. satisfactory completion of 2400 hours of supervised experience (i.e., minimum of 600 internship hours and 1200 post internship supervised hours in a school-related setting); and

D. one of the following valid and current certifications or licenses:

(1) a license as a psychologist issued by the New Mexico board of psychology examiners; or

(2) a license as a psychologist associate issued by the New Mexico board of psychology examiners;

or

(3) a license as a licensed professional clinical mental health counselor issued by the New Mexico counseling and therapy practice board; or

(4) current school psychologist certification by the national association of school psychologist.

[6.63.5.9 NMAC - R p 6 NMAC 4.2.3.11.8.2, 07-01-03; A, 06-30-06]

6.63.5.10 REQUIREMENTS FOR PERSONS SEEKING LEVEL 3, INDEPENDENT SCHOOL PSYCHOLOGIST LICENSURE: Persons seeking level 3, clinical supervising school psychologist, pre k-12 licensure pursuant to the provisions of this rule shall meet the following requirements:

A. a valid level 2 license; and

B. doctoral degree in psychology from a regionally accredited college or university; the doctoral program shall include at least one academic year of pre-doctoral supervised internship experience, consisting of a minimum of 1500 hours at least 750 hours of which must be in a school-related setting, or post-doctoral supervised

experience consisting of a minimum of 1500 hours of which at least 750 hours of which must be in a school-related setting; and successful completion or demonstration of competencies for an entry level school psychologist; and

C. successful completion or demonstration of competencies for the independent school psychologist license, and

D. a valid psychologist license/certificate issued by the New Mexico board of psychologist examiners, or current school psychologist certification issued by the national association of school psychologists; and

E. two academic years of full-time satisfactory post-graduate work experience in a school-related setting(s) including 750 hours of satisfactory experience in diagnosing and treating children with emotional disturbances and/or behavior disorders in a school-related setting as reported by a supervising school psychologist.

[6.63.5.10 NMAC - Rp 6 NMAC 4.2.3.11.8.3, 07-01-03; A, 06-30-06]

6.63.5.11 IMPLEMENTATION: All persons holding a valid New Mexico license in psychological counseling on June 30, 2002 shall be entitled to licensure in school psychology at level 1, 2 or 3. Such licensure may be continued pursuant to rule as established by the PED.

[6.63.5.11 NMAC - Rp 6 NMAC 4.2.3.11.9, 07-01-03; A, 06-30-06]

6.63.5.12 COMPETENCIES FOR ENTRY LEVEL SCHOOL PSYCHOLOGISTS REQUIRING SUPERVISION BY A LEVEL 3 SUPERVISING SCHOOL PSYCHOLOGIST

A. Personal characteristics: The school psychologist shall provide evidence that his/her professional work or demeanor is characterized by the following behaviors and developed and evaluated through courses, course content, practica, internships, work experience, or other appropriate means:

- (1) flexibility
- (2) communication skills
- (3) conscientiousness
- (4) cooperation
- (5) motivation
- (6) personal stability
- (7) productivity
- (8) professional ethics
- (9) respect for and valuing of individual and cultural diversity

B. Psychological foundations: The school psychologist shall demonstrate knowledge of basic psychological principles including:

- (1) the relationship between biological principles (e.g. courses in biological bases of development, neuropsychology, psychopharmacology) and psychological functioning in normal and abnormal development;
- (2) the manner in which concepts of social and cultural diversity (e.g. courses in cross cultural studies, social development, social and cultural diversity; social psychology) relate to an understanding of individuality;
- (3) using developmental principles to identify potential exceptionalities in students (e.g., applying understanding of human development and developmental abnormalities, as these relate to possible exceptionalities);
- (4) methods and models for identifying and diagnosing conditions of exceptionality;
- (5) principles, concepts and processes related to human learning;
- (6) basic research methodology as applicable to school related problems; and
- (7) the relationship between social setting and the psychological functioning of students.

C. Educational foundations: The school psychologist shall demonstrate knowledge of educational foundations including:

- (1) organization and operation of schools (e.g. courses in education of exceptional learners, school and community-based resources, alternative service delivery systems);
- (2) the organization and administration of school psychological services, including record keeping; the social, philosophical, historical, and cultural issues in education; state standards and benchmarks; school curriculum, intervention programs and strategies;
- (3) the current identification, referral, evaluation, and placement procedures for students with exceptionalities based upon state and federal regulations.

D. The school psychologist shall possess the knowledge and professional expertise to collaborate with families and school and community-based professionals in designing, implementing, and evaluating interventions that effectively respond to the educational and mental health needs of students. The school psychologist shall demonstrate knowledge of ability to:

- (1) conduct multi-method psychological and psycho-educational assessments of students as appropriate;
- (2) conduct psychological and educational assessments to include fair and non-discriminatory evaluation of the areas of: personality, emotional status, social skills and adjustment, intelligence and cognitive functioning, scholastic aptitude, functional and adaptive behavior, language and communication skills, academic

knowledge and achievement, sensory and perceptual-motor functioning, family/environmental /cultural influences, level of acculturation, career and vocational development, aptitude, and interests.

(3) utilize formal assessment instruments, procedures, and techniques such as interviews, observations, and behavioral evaluations;

(4) have particular regard for the context and setting in which their assessments take place and will be used; and

(5) adhere to the regulations and standards of state and national professional organizations regarding assessment techniques, non-biased assessment, and programming for all students.

E. Interventions, direct and indirect: The school psychologist shall demonstrate the ability to implement direct (e.g., including counseling and behavior management) and indirect (e.g., including consultation, systems and organization change) intervention using educational and psychological principles when participating as a member of a team of school, school related, and community professional personnel, as outlined in the following:

F. Learning/cognitive setting: The school psychologist shall demonstrate the ability to:

(1) plan and implement procedures for assessing the needs of students and recommending strategies for increasing learning and efficiency;

(2) consult with appropriate personnel in the development of instructional programs, including vocational programs;

(3) assist schools in working with parents to foster positive approaches to student's learning;

(4) assist school personnel in developing, monitoring, and evaluating appropriate and measurable instructional/vocational/transitional objectives; and

(5) consult with school personnel about the classroom environment.

G. Social/affective setting: The school psychologist shall demonstrate the ability to:

(1) plan, develop, and implement district-wide procedures for assessing the social/emotional needs of students and for recommending strategies for increasing social/emotional growth;

(2) assist schools in working with parents to foster positive emotional growth in their children;

(3) assist school personnel in developing, monitoring, and evaluating objectives for social/emotional growth; and

(4) consult with school personnel about fostering healthy a healthy social/emotional environment in the school.

H. Intervention techniques: The school psychologist shall demonstrate the ability to plan, implement, monitor, and evaluate intervention strategies which may include the following:

(1) individual and group counseling with students;

(2) remediation, including the provision of direct assistance to students receiving special education;

(3) consultation with individuals and groups which may include parents, school personnel, and community agencies;

(4) risk and threat assessment; and

(5) behavioral management.

I. Prevention, crisis intervention and mental health: The school psychologist shall have knowledge of human development and psychopathology and of associated biological, cultural, and social influences on human behavior. The school psychologist shall provide or contribute to prevention and intervention programs that promote the mental health and physical well being of students.

J. Family and community interventions: The school psychologist shall demonstrate the ability to:

(1) describe community resources available to families;

(2) describe issues and problems faced by families or students with exceptionalities;

(3) describe a continuum of services available to students and their families;

(4) explain state and federal regulations and due process rights to families, school personnel and community professionals; and

(5) communicate information regarding state mental health and children's codes and the Mandatory Reporting Child Abuse and Neglect Act.

K. Statistics and research methodologies: The school psychologist is a competent consumer of research and new knowledge, and is able to use diverse methodologies (e.g., ethnographic, single subject designs, quantitative methods) to evaluate professional practices (e.g., interventions) and/or programs. That knowledge base shall include research and evaluation methods, statistics, and measurement.

L. Professional school psychology: The school psychologist shall demonstrate the ability to:

(1) practice school psychology in accordance with the ethics of the profession;

(2) practice the profession of school psychology within the laws and regulations of the local, state, and federal governments;

(3) continue education for the promotion of professional growth;

(4) demonstrate knowledge of different models, concepts, and current issues concerning the practice of school psychology; and

(5) examine interactions between systems and individuals within the schools and between schools and outside agencies to determine strengths, weaknesses, and problem areas and aid in maximizing effective functioning.

M. An entry level (level 1) school psychologist will be required to have a minimum of one hour per week individual supervision with the level 3 supervising school psychologist. At least one session per month must be in person with the level 3 supervising school psychologist. Supervision will not be provided to level 1 school psychologists who have not reached the level 2 requirements in the time period established by PED.

[6.63.5.12 NMAC - Rp 6 NMAC 4.2.3.11.10, 07-01-03; A, 06-30-06]

6.63.5.13 COMPETENCIES FOR LEVEL 2 INDEPENDENT SCHOOL PSYCHOLOGISTS: The independent school psychologist shall meet all competencies required for the level 1 entry level school psychologist in Subsections A through L of Section 6.63.5.12. In addition, the independent school psychologist shall have knowledge and ability to:

A. conduct risk/threat assessments, interventions, and referrals as necessary;

B. cooperate with institutions of higher education in the training of students in school psychology.

[6.63.5.13 NMAC - Rp 6 NMAC 4.2.3.11.10.7, 07-01-03]

6.63.5.14 COMPETENCIES FOR LEVEL 3A CLINICAL SUPERVISING SCHOOL PSYCHOLOGISTS: The supervising school psychologist shall meet all competencies required for the level 1 entry level school psychologist in Subsections A through L of Section 6.63.5.12 and for the independent school psychologist section 6.63.5.12. In addition, the supervising school psychologist shall demonstrate:

A. knowledge of models of consultation and supervision;

B. ability to utilize appropriate models of consultation and supervision in various school-related situations;

C. ability to form a collaborative relationship with school administrators, professional supervisees and consultees and other school personnel;

D. ability to form a collaborative relationship with school administration and other personnel regarding the assessment of the supervisee and ability to make recommendations as to whether the supervisee has demonstrated proficiency in required areas of competencies;

E. ability to formulate a plan of supervision and consultation to assist supervisees and consultees in attaining professional goals and remediating areas of difficulty; and

F. ability to cooperate with the institutions of higher education while providing supervision to school psychologists in training;

G. ability to pursue monthly guidance from a more experienced supervising school psychologist for the first year of being a supervisor.

[6.63.5.14 NMAC - Rp 6 NMAC 4.2.3.11.10.2.8, 07-01-03]

New Mexico Regulations Regarding Licensure Requirements for Ancillary Personnel

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 63 SCHOOL PERSONNEL - LICENSURE REQUIREMENTS FOR ANCILLARY AND
SUPPORT PERSONNEL
PART 3 LICENSURE FOR INSTRUCTIONAL SUPPORT PROVIDERS PRE K-12 NOT
COVERED IN OTHER RULES

6.63.3.1 ISSUING AGENCY: Public Education Department (PED)
 [11-14-98; 07-30-99; 6.63.3.1 NMAC - Rn, 6 NMAC 4.2.3.8.1, 03-31-01; A, 08-31-04; A, 10-31-07]

6.63.3.2 SCOPE: All persons seeking related service licensure on or after July 1, 1989.
 [11-14-98; 6.63.3.2 NMAC - Rn, 6 NMAC 4.2.3.8.2 & A, 03-31-01]

6.63.3.3 STATUTORY AUTHORITY: Sections 22-1-2(F), NMSA 1978, 22-2-2, NMSA 1978, and 22-10A-17, NMSA 1978 (being Laws 2003, Chapter 153, Section 48, as amended).
 [11-14-98; 6.63.3.3 NMAC - Rn, 6 NMAC 4.2.3.8.3, 03-31-01; A, 08-31-04]

6.63.3.4 DURATION: Permanent
 [11-14-98; 6.63.3.4 NMAC - Rn, 6 NMAC 4.2.3.8.4, 03-31-01]

6.63.3.5 EFFECTIVE DATE: November 14, 1998, unless a later date is cited in the history note at the end of a section.
 [11-14-98; 6.63.3.5 NMAC - Rn, 6 NMAC 4.2.3.8.5 & A, 03-31-01]

6.63.3.6 OBJECTIVE: This rule governs licensure of instructional support providers for those persons seeking such licensure on or after July 1, 1989.
 [11-14-98; 6.63.3.6 NMAC - Rn, 6 NMAC 4.2.3.8.6 & A, 03-31-01; A, 08-31-04; A, 06-30-06]

6.63.3.7 DEFINITIONS:

A. "Instructional support providers" formerly referred to as related service or ancillary providers, shall mean anyone who provides services for a public school or state institution as an educational assistant, school counselor, school social worker, school nurse, speech-language pathologist, psychologist, physical therapist, physical therapy assistant, occupational therapist, marriage and family therapist, occupational therapy assistant, recreational therapist, signed language interpreter, educational, alcohol and drug abuse counselor, substance abuse associate and other service providers who are employed to support the instructional program of a school district or charter school.

B. "Full school year" in this rule means a minimum of 160 service days in a school year or 480 service days or equivalent number of days in schools or school districts on alternative schedules over multiple school years of full-time or part-time service while holding a standard instructional support provider license in the provider's service area. An equivalent number of service hours may be accepted for those providers who do not work every day. Service days may include working in summer school or similar educational settings.

[6.63.3.7 NMAC - N, 08-31-04; A, 06-30-06; A, 10-31-07; A, 06-15-09; A, 01-29-10]

6.63.3.8 REQUIREMENTS: All persons who perform any duties as instructional support provider identified in Subsections A through H of this section in public schools, including charter schools, or in those special state-supported schools within state agencies, must hold valid licensure issued by the PED. A person seeking an initial, instructional support provider license shall file a completed application for an initial license with the professional licensure bureau ("PLB") of the PED, and shall provide a copy of their current license from their respective licensing authority or a copy of any optional certification listed below, and an official transcript of their coursework. A person seeking instructional support provider licensure shall hold the licensure or certification issued by the named authority as follows:

A. Interpreter for the deaf: Obtain community signed language interpreter license, educational signed language interpreter license, or provisional signed language interpreter license from signed language interpreting practices board.

B. Orientation and mobility specialists:
 (1) obtain certification from the association for education and rehabilitation of the blind and visually impaired, or
 (2) obtain certification from the academy for certification of vision rehabilitation and education professionals.

C. Physical therapist: Obtain licensure from the New Mexico physical therapy licensing board.

D. Occupational therapist:

- (1) obtain licensure from the New Mexico occupational therapy licensing board; or
 - (2) obtain certification from the American occupational therapy certification board.
 - E. Certified occupational therapy assistant:
 - (1) obtain licensure from the New Mexico occupational therapy licensing board; or
 - (2) obtain certification from the American occupational therapy certification board.
 - F. Physical therapy assistant: obtain licensure from the New Mexico physical therapists licensing board.
 - G. Recreational therapist: obtain national council for therapeutic recreation certification.
 - H. Marriage and family therapist: obtain licensure from the New Mexico counseling and therapy practices board.
 - I. Speech language pathologist: obtain licensure from the New Mexico speech language pathology and audiology board.
 - J. Alcohol abuse counselor: obtain licensure from the New Mexico counseling and therapy practices board.
 - K. Drug abuse counselor: obtain licensure from the New Mexico counseling and therapy practices board.
 - L. Alcohol and drug abuse counselor: obtain licensure from the New Mexico counseling and therapy practices board.
 - M. Substance abuse associate: obtain licensure from the New Mexico counseling and therapy practices board.
- [11-14-98; 6.63.3.8 NMAC - Rn, 6 NMAC 4.2.3.8.8 & A, 03-31-01; A, 08-15-03; A, 08-31-04; A, 06-30-06; A, 10-31-07; A, 06-15-09; A, 01-29-10]

6.63.3.9 IMPLEMENTATION: Endorsements in bilingual education and teaching English to speakers of other languages may be added to the speech language pathologist license if the candidate meets the requirements for those endorsements.

[11-14-98; 6.63.3.9 NMAC - Rn, 6 NMAC 4.2.3.8.9 & A, 03-31-01; A, 08-31-04; A, 06-30-06; A, 06-15-09]

6.63.3.10 LEVELS AND DURATION OF LICENSURE:

- A. Licensure levels for instructional support provider applicants covered by this rule shall be issued as follows:
 - (1) level 1, three-year provisional licensure for those providers with fewer than three full school years of school experience in the service area of the license;
 - (2) level 2, nine-year professional licensure for those providers with three to five full school years of school experience in the service area of the license; and
 - (3) level 3, nine-year instructional support leader, for those providers with six or more full years of school experience in the service area of the license.
 - B. All renewed licenses shall be level 2 or 3 licenses and shall be valid for nine (9) years.
 - C. Regardless of their level, all instructional support provider licenses shall commence on July 1st in the year of issuance and expire June 30th in the year of their expiration.
- [6.63.3.10 NMAC - N, 03-31-01; A, 08-31-04; A, 06-15-09]

6.63.3.11 NOTIFICATION REQUIREMENT: All persons issued an instructional support provider license by the secretary who are also required to hold a valid license or certificate issued by their respective licensing or certifying authority, shall continuously hold such underlying licensure or certification for so long as they hold licensure issued by the secretary.

- A. Should this underlying professional license or certificate expire, be suspended, or revoked, or its renewed or initial issuance denied, a person seeking or holding instructional service provider licensure from the secretary shall notify the local school superintendent and PLB in writing within fourteen (14) calendar days of such suspension, revocation, denial, or expiration.
 - B. Suspension, revocation, denial or expiration of an underlying professional license or certificate shall constitute just cause for discharge or termination from employment, and for suspension, revocation or denial of renewed or initial issuance of an instructional support provider license.
- [6.63.3.11 NMAC - N, 08-31-04; A, 06-15-09]



Loss Prevention & Control Plan

Appendix D:
HPREC Policy Manual

High Plains Regional Education Cooperative Polices

8000 Loss Prevention & Control Plan

Adopted: January 14, 2014

Loss Prevention and Control Plan**Name(s) of Loss Prevention and Control Coordinator(s)**

Human Resource Manager
Business Manager

Loss Prevention and Control Coordinator Job Description

Position Title: Loss Prevention and Control Coordinator (Human Resources)

Primary Objective of Position: To establish and promote safe working conditions and practices, to develop accident prevention and loss prevention and control programs, and to design procedures for evaluation of these programs.

Essential Functions of Position:

1. Conduct and coordinate the agency's loss prevention and control program.
2. Report to the Executive Director on matters pertaining to management of the loss prevention and control program, safety, employment-related civil rights issues, or any other matters of potential or actual liability within the agency.
3. Assist the Executive Director with coordination of safety issues.
4. Act as liaison with the state loss control manager and other loss prevention and control coordinators, both within and outside the agency, on loss prevention and control matters.
5. Establish or interpret and apply policies and procedures to guide the agency in loss prevention and control.
6. Review agency loss claims and make recommendations to prevent future losses.
7. Organize, supervise and assist the agency and departments in self-inspection and audit procedures.
8. Develop, use and make available appropriate checklists for self-inspection and audit procedures.
9. Monitor and where appropriate, aid in the investigation and reporting of incidents and losses, including receiving, recording and analyzing loss information for statistical purposes (loss prevention and control coordinators may conduct their own investigations and analysis of any incident or loss where necessary to determine the cause and prevent recurrence).

10. Make loss prevention and control presentation to agency personnel; presentations shall address statistical data records and analysis, training, incident and loss prevention and control, and other relevant matters.
11. Provide technical information to employees and agency management concerning the New Mexico Occupational Health and Safety Act requirements, as well as Risk Management Division policies, procedures and rules.
12. Conduct loss prevention and control training and assess the adequacy of such training.
13. Conduct new employee orientation training to address agency loss prevention and control goals, policies and procedures.
14. Report all required information to the state loss control manager, including, at a minimum, updated loss prevention and control plans (within 30 days of occurrence).
15. Perform other duties, as required.

Self-Inspection and Audit Checklists

Facility Wide Safety Survey

Facility _____ Department _____
 Location _____ Facility Representative _____
 Surveyor _____ Date _____

Does electrical equipment have grounded connections (three-prong plugs)? Yes____ No____
 Are electrical cords in good condition? Yes____ No____
 Is adequate ventilation provided in areas where hazardous materials are being used? Yes____ No____
 Are unused materials, equipment, and supplies stored away? Yes____ No____
 Is storage arranged to allow adequate:
 Workspace? Yes____ No____
 Ease of access? Yes____ No____
 Room for employees to bend at knees for proper lifting technique? Yes____ No____
 Are cabinets provided in each department for:
 Small tools? Yes____ No____
 Buckets? Yes____ No____
 Brooms and mops? Yes____ No____
 Other - Yes____ No____
 Other - _____ Yes____ No____
 Other - _____ Yes____ No____
 Other - _____ Yes____ No____
 Other - _____ Yes____ No____
 Other - _____ Yes____ No____
 Are all items being stored off the floor? Yes____ No____
 Is there no storage done on:
 Ledges? Yes____ No____
 Cabinet tops? Yes____ No____
 Radiators? Yes____ No____
 Tops of lockers? Yes____ No____
 Other - _____ Yes____ No____
 Other - _____ Yes____ No____
 Other - _____ Yes____ No____

Are fire alarm boxes easily accessible?	Yes_____ No_____
Are evacuation routes posted in each area?	Yes_____ No_____
Are fire extinguishers	
Easily accessible?	Yes_____ No_____
Charged?	Yes_____ No_____
Inspection current?	Yes_____ No_____
Is all storage at least 18 inches below sprinkler heads?	Yes_____ No_____
Are the following clear for fire access and egress:	
Fire doors?	Yes_____ No_____
Aisles?	Yes_____ No_____
Exits?	Yes_____ No_____
Exit signs?	Yes_____ No_____
Are exit signs illuminated?	Yes_____ No_____
Do exit doors:	
Swing outward?	Yes_____ No_____
Have working panic/fire exit hardware?	Yes_____ No_____
Unlock from the inside?	Yes_____ No_____
Are electrical switches located to prevent leaning against metal equipment to access?	Yes_____ No_____
On heavy equipment are electrical switches:	
Recessed or guarded?	Yes_____ No_____
Located to enable rapid emergency shut-off?	Yes_____ No_____
Located to prevent leaning over metal equipment to access?	Yes_____ No_____
Are there guards to prevent:	
Electrical shock?	Yes_____ No_____
Rotating blades?	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Are portable ladders:	
Unpainted?	Yes_____ No_____
Nonslip bases?	Yes_____ No_____

Sturdy for the job used?	Yes_____ No_____
In good repair?	Yes_____ No_____
If freestanding, equipped with a metal spreader/locking device?	Yes_____ No_____
Are fixed ladders anchored securely?	Yes_____ No_____
Are broken ladders	
Destroyed?	Yes_____ No_____
Tagged?	Yes_____ No_____
Removed from service?	
Do stairs/ramps:	Yes_____ No_____
Have handrails?	Yes_____ No_____
Have nonslip treads?	Yes_____ No_____
Have uniformly spaced risers/treads?	Yes_____ No_____
Are no-smoking restrictions observed?	Yes_____ No_____
Are the following stored in closed containers:	
Cleaning solutions?	Yes_____ No_____
Hazardous chemicals?	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Are material safety data sheets readily available?	Yes_____ No_____
Are the following available for cleaning up spills:	
Spill kits?	Yes_____ No_____
Mops?	Yes_____ No_____
Protective gear?	Yes_____ No_____
Disposal gear?	Yes_____ No_____
Clear directions for handling?	Yes_____ No_____
Are the following removed from containers before handling:	
Protruding nails?	Yes_____ No_____
Metal strapping?	Yes_____ No_____
Wires?	Yes_____ No_____
Is protective clothing/equipment available to all employees exposed to:	
Dangerous chemicals?	Yes_____ No_____
Vapors?	Yes_____ No_____
Noise?	Yes_____ No_____

Light?	Yes_____ No_____
Infectious materials?	Yes_____ No_____
Lasers?	Yes_____ No_____
X-rays?	Yes_____ No_____
Unlabeled waste?	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Other - _____	Yes_____ No_____
Do all employees wear:	
Sturdy, low-heeled closed-toe shoes?	Yes_____ No_____
Steel-toe shoes or foot shields if moving heavy materials?	Yes_____ No_____

Investigation Analysis and Evaluation of Incidents and Losses Procedure

Risk Management Plan

Philosophy

The risk management program of High Plains Regional Education Cooperative #3 is an integrated comprehensive proactive program designed to oversee all aspects of risk identification, risk evaluation and coordination of corrective action implementation. The Board of Directors supports the development of the risk management process and has designated risk management functions to the agency's Executive Director. Thus it is the responsibility of all employees to work together continuously to promote safe work practices.

The plan provides for the coordination of collecting internal and external data on potential risk and report the analysis and investigational findings of HPREC actual and potential risk to the Executive Director. The reporting mechanism is reviewed by all key members of the organization in a timely manner. The process establishes and monitors methods to avoid, eliminate or reduce risks. The process incorporates the resources of the internal organization, insurance claims management, legal counsel, external agencies and databases.

Purpose

The purpose of the Risk Management Plan is to document an organized, coordinated and clear manner of identifying risk factors to HPREC, to promote and support development of practices aimed at minimizing the adverse effects of loss, and to reduce, modify, eliminate and control conditions that may cause loss. All risk management activities can be clearly tracked to provide trending data, accountability, program evaluation and establish limits to standards. The Risk Management Plan also establishes the level of authority and responsibility for decision-making processes and interaction through hospital wide communication.

Immunity

No individual or institution reporting, providing information, opinion, counsel or services shall be liable in a suit for damages based on such reporting, providing information, opinion, counsel or services provided that such individual or institution acted in good faith and with reasonable belief that said actions were warranted in connection with or in furtherance of the functions of the internal risk management program.

Confidentiality

Any and all documents and records that are part of the internal risk management program as well as the proceedings, reports and records from any of the above committees shall be confidential and not subject to subpoena or discovery or introduced into evidence in any judicial or administrative proceedings except for proceedings by the department responsible for disciplinary and/or review action of any professional.

Objectives

Identify factors that present the potential for injury to visitors or staff, other risk of agency liability or damage to property.

Minimize the occurrence of situations that can lead to injuries and liability claims.

Reduce risk through proactive loss control programs.

Control the severity of loss or potential liability when loss occurs.

The risk management process is part of HPREC's goals for providing the best possible service to its clients and a safe workplace for staff. Because factors that may present potential liability problems and may be present in any component of the agency, the Risk Manager maintains communication with the Executive Director.

Integration Of Risk Management And Education

Accountability and corrective measures for incidents most often involve educational functions. Once the exposure to loss has been identified and priorities set or new policies developed, the Risk Manager may request that an effective educational program with training and retraining be implemented.

The Risk Manager will coordinate, plan and implement educational programs to minimize the risk of harm to patients and others through the general orientation handbook, risk management educational sessions as indicated, and coordinate an annual presentation hospital wide by the Risk Manager, insurance carrier and/or legal counsel.

Integration of Risk Management and Legal Counsel

The agency's legal counsel and the Executive Director work closely in coordinating and resolving associated problems as a result of an incident prior to it becoming a significant claim. Legal counsel and the Executive Director will coordinate a defensible representation through staff interview, preservation of evidence, estimating probable damages and expenses, assessing the degree of agency responsibility and developing a case file for settlement and/or litigation purposes.

Root Cause Analysis (RCA)

1. Purpose: To provide a structured process in order to help assist in the identification of the root cause(s) of a particular event.
2. Applicability: All staff members
3. Effective Date: Immediately
4. Policy: Incidents and losses will be thoroughly investigated by the supervisory person most immediately responsible for the department in which the loss/incident occurred or by an individual who has been trained to perform this type of investigation or both.
5. References: 1.6.4.12 NMAC – Rp, 1.6.4.12 NMAC, 7/1/2007
6. Procedure: an investigation needs to be a structured process in order to help assist in the identification of the root cause(s) of a particular event. Key steps for a successful root cause analysis are:
 - A. Collecting the evidence
 - B. Assembling and considering the information
 - C. Establishing causation
 - D. Reducing Risks to staff members and the organization
 - E. Deciding on, implementing and assessing an improvement strategy

- 6.1 The investigation shall be initiated as soon as possible, but within two workdays.
- 6.2 The investigation will be documented into a written format which will describe or provide incident data relevant to the following minimum phases:
 - 6.2.1 Investigative facts
 - 6.2.2 Investigator's analysis, based upon investigative findings, as to the immediate and root causes of the loss
 - 6.2.3 Investigator's recommendations for correcting the problem or preventing further loss of the same kind
 - 6.2.4 All supplemental investigative data such as statements, other reports, photos, sketches, etc.
- 6.3 A copy of the report shall be furnished to the Executive Director. Care must be exercised in the handling of confidential investigative material.

Workers' Compensation Claims Management Policy

1. Purpose: To meet Workers' Compensation Administration (WCA) and State of New Mexico Risk Management Division (RMD) regulations for management of workers' compensation claims.
2. Applicability: All High Plains Regional Education Cooperative #3 employees
3. Effective Date: Upon approval
4. Policy: WCA and RMD rules and regulations will be followed in managing all workers' compensation claims. Claims will also be managed according to the Loss Prevention and Control Plan.
5. Reference: WCA Rules and Regulations (11 NMAC 4); State Loss Prevention and Control Program rule (1.6.4 NMAC); State Personnel Administration Rules and Regulations (1.7.10 NMAC).
6. Procedure:
 - 6.1 Employee must notify his/her supervisor of work related illness/injury ASAP but no later than 15 days after illness/injury and prior to receiving any medical care beyond initial/first aid. Employee must submit completed workers' compensation documentation packet to supervisor or HPREC workers' compensation agent ASAP but no later than 15 days after illness/injury.
 - 6.2 HPREC workers' compensation agent will check for completeness of documentation and obtain more information if needed. HPREC workers' compensation agent will investigate as needed to obtain information regarding specifics of illness/injury. HPREC workers' Compensation agent will submit completed documentation to RMD within 3 days of notification of work related illness/injury.
 - 6.3 The employee must submit a completed Doctor Visit/Modified Work Assignment (or comparable documentation) to HPREC workers' compensation agent after each doctor visit. The completed form should be submitted no later than the next business day after the doctor visit.
 - 6.4 All working restrictions documented on the Doctor Visit/Modified Work assignment (or comparable) form will be reviewed with HPREC workers' compensation agent, employee, and if necessary, HPREC Executive Director.

- 6.5 The Executive Director and Program Director shall collaborate to identify and offer temporary modified duty/return to work opportunities that accommodate the working restrictions specified by the managing health care provider, if possible. The employee may be assigned to his or her current classification with modified duties or to a temporary assignment comprised of a combination of duties from a variety of positions. Employees on modified duty shall maintain their salary and status for the duration of the temporary assignment. The employee can work in a modified duty assignment for up to 6 months and the assignment may be extended for an additional 6 months if substantial progress in the recovery of the injured or ill employee has been demonstrated and return to full duty within the timeframe of the extension is expected.
- 6.6 A letter of understanding, specifying the work restrictions and the modified duty, will be signed by the employee and HPREC Executive Director. A copy of the letter will be given to the employee and the RMD claims adjuster assigned to the case and kept in the HPREC workers' compensation file. The original shall be kept in the employee's personnel file.
- 6.7 If work restrictions cannot be accommodated and employee is off work at least seven days employee will be paid total temporary disability (TTD) at 5.3 hours per day according to RMD rules and regulations. The remaining 2.7 hours per day shall be paid from the employee's sick or annual leave. If the employee does not have adequate leave balance for 2.7 hours per day the employee will be responsible for paying the employer portion of his or her health insurance premiums per RMD benefit rates.
- 6.8 Employee shall return to full, unmodified duty upon receipt of documentation from the health care provider managing the case that employee may return to work without restrictions.
- 6.9 If the managing health care provider places the employee at maximum medical improvement (MMI) with restrictions or the employee has been on modified duty status for 12 months, the Executive Director and Program Director will determine whether the restrictions will allow the employee to perform the essential functions of the employee's pre-illness/injury job with or without reasonable accommodation.
- 6.10 If the restrictions do allow for essential job function performance with or without reasonable accommodation the employee shall return to his or her pre-injury/illness job.
- 6.11 If the restrictions do not allow for essential job function performance with or without reasonable accommodation the employee shall be notified and the employee must submit a resume to the Executive Director.
- 6.12 Upon receipt of employee's resume the HR department shall search for vacant positions within the agency at the same or lower midpoint for which the employee meets the established requirements and can perform the essential function of, either with or without reasonable accommodation and the employee holds

qualifications and abilities necessary for successful job performance, either with or without reasonable accommodation.

- 6.13 If no appropriate job vacancies within the agency are identified and the employee cannot return to his or her pre-injury/illness position with or without reasonable accommodation, the employee will be separated without prejudice in accordance with Personnel rules and regulations.
- 6.14 HPREC workers' compensation agent will notify RMD of all changes in injured/ill employee's status and all documentation will be submitted to RMD in a timely manner.

Workers' Compensation Claims Forms and Documents

Mandatory Documents:

- Notice of Accident (WCA Form NOA-1);
- Employer's First Report of Injury or Illness (WCA Form E1.2);
- Authorization to Release Medical Information (WCA Mandatory Forms 11 NMA/4.4.9.18.2.C).

Other Documentation (if appropriate or applicable to the injury or illness incident):

- Doctor's visit form (or similar record of information);
- Injured employee and witness statements;
- Investigation report;
- Follow-up action documents;
- Adjuster's and medical provider's documents; and
- Photographs and sketches.

Training Matrix

WC-Worker's Compensation, PAC-Property & Casualty

RT-Refresher Training CR-Classroom, OL-On-Line

JOB CLASS	TRAINING (Required)	FREQ	DELIVERY METHOD
ALL EMPLOYEES	WC & PAC Hazardous Communications Injury/Illness Reporting Ergonomics Active Shooter Office Safety Back Safety Potable Fire Extinguishers Civil Rights Alternative Dispute Resolution	Once Once Once Once Once Once Once Once Once Once	CR CR CR CR CR CR CR CR CR CR
RECEPTION (Customers/Public)	Suspicious Packages/Bomb Threats	Once	CR
STORAGE	Personal Protective Equipment/PPE	Once	CR
BLDG/EQUIP MAINTENANCE SERVICE	Personal Protective Equipment/PPE Ladder Safety	Once Once	CR CR
STATE VEHICLE OPERATOR	Defensive Driving Course	Once	CR

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Instructions:

Loss Prevention and Control Coordinator shall contact the Office of Alternative Dispute Prevention and Resolution at the Risk Management Division should a dispute resolution be warranted.

Loss Prevention and Control Coordinator shall submit quarterly reports to the Office of Alternative Dispute Prevention and Resolution at the Risk Management Division.



High Plains Regional Education Cooperative #3

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