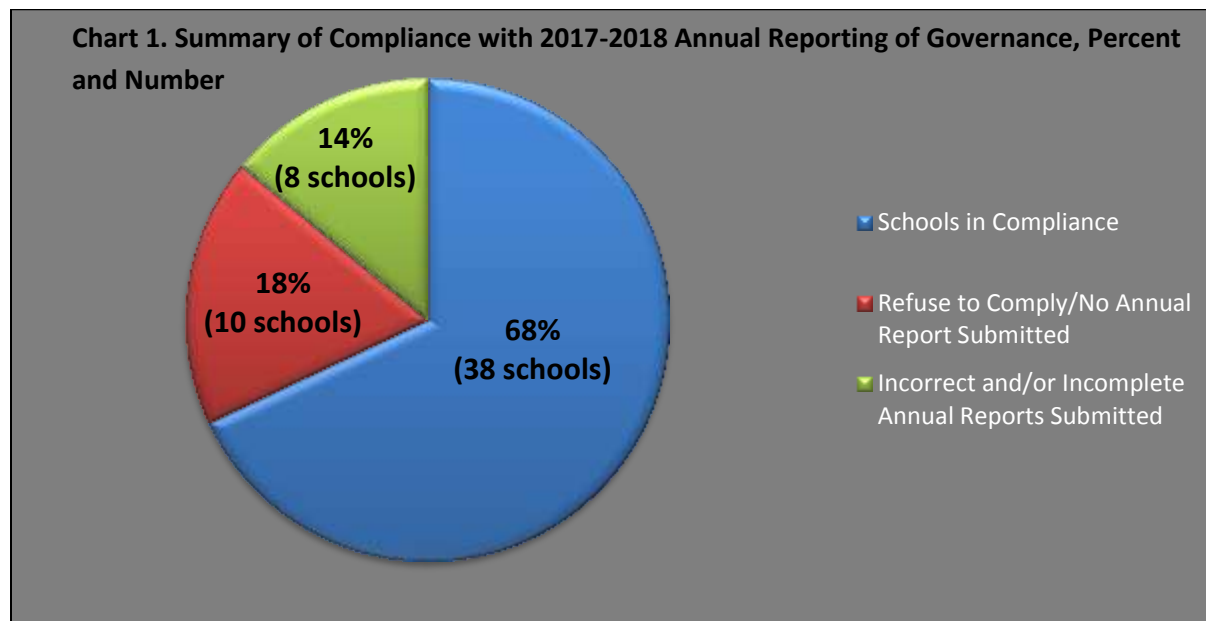


Governance Reporting – Summary of Governing Board Annual Reports  
As of February 2, 2018

The following report is a summary of charter school compliance with the Public Education Commission’s policy of annual reporting regarding governance changes, as established in February 2017. Fifty-six schools are represented in the report summary below in Chart 1. The figure illustrates the level of compliance with PEC reporting requirements.



SOURCE: PED

#### **School In Compliance**

As of February 2, 2018, there are 38 schools in compliance with PEC policy with respect to annual reporting of charter board members. These schools submitted annual reports with appropriate supporting documentation. This number of schools represents approximately two-thirds of the state-authorized charter schools. A full list of schools with notes is attached as *Appendix A*.

#### **Refuse to Comply/No Annual Report Submitted**

To date, there are 10 state-authorized charter schools that have not submitted the required annual reporting.

**Cottonwood Classical Preparatory School.** The school refused to comply with PEC policy. In the latest follow-up communication with the school on November 28, 2017 to request additional information that the school indicated would be forthcoming, the school leader wrote *“As for the additionally burdensome reporting requirements, we will continue to operate our GC according to our by-laws and will continue to provide the PED with documentation of our membership changes.”* There has been no further communication. See attached documentation.

**ACE Leadership High School.** On November 27, 2018, in response to a CSD request, the head administrator at ACE Leadership High School replied via email, copied the school’s legal counsel, and indicated the school was in compliance with the charter contract and had no need to follow the PEC policy implemented in February 2017. There has been no further communication. See attached documentation.

Governance Reporting – Summary of Governing Board Annual Reports  
As of February 2, 2018

**North Valley Academy.** The school was contacted to request revisions to submitted forms and on October 27, 2017, the head administrator at North Valley Academy replied with a response, including a third party (potentially legal counsel), stating the school would abide by its contract and not by the PEC policy adopted in February 2017. There has been no further communication. See attached documentation.

**Annual Report Submitted – Incorrect and/or Incomplete**

To date, there are eight (8) schools whose records are incomplete and/or incorrect. Several attempts have been made by the CSD staff to retrieve the required reporting and supporting documentation. The following schools have not made requested corrections and/or provide the required documentation:

- Alma D’Arte Charter School
- La Academia Dolores Huerta
- McCurdy Charter School
- Roots and Wings Charter School
- Six Directions Indigenous School
- South Valley Preparatory School
- Southwest Secondary Learning Center
- Turquoise Trail Charter School.

**Requirements to Comply with PEC Policy**

According to the signed charter contracts with schools, *Article III, General Governing Principles, Section 3.01 Public Charter School*, states the following:

The School is authorized by the Authorizer to operate as a public school, but is a separate legal entity from the Authorizer. Notwithstanding its existence as a separate legal entity, **the School is subject to all applicable** state and federal laws, regulations, rules, and **policies** unless waived by the Secretary or by law **[emphasis added]**.

Furthermore, Section 9.04 Conduct oversight of the charter contract states the following:

**Conduct and/or require oversight activities according to its policies and procedures to allow the Authorizer to fulfill its responsibilities** under the Act, including conducting appropriate inquiries and investigations, when warranted **[emphasis added]**.

Thus, charter schools are required to abide by all PEC policies and the annual reporting requirement does not conflict with adhering to school bylaws.

**Conclusion**

In sum, 18 state-authorized charter schools (one-third) have not complied with the PEC policy regarding annual reporting of governing body members. This does not indicate a high level of compliance. At this time, the CSD requests direction from the PEC with respect to further reporting and/or data collection from its schools. In order to ensure updated and accurate record-keeping and provide the PEC with meaningful reporting on compliance with its policies, schools must be responsive to the PEC via the CSD.

Schools by Issue	# of Schools	% of Total	Notes as of February 2, 2018
<b>Refuse to Comply</b>	<b>3</b>	<b>5%</b>	
<b>Cottonwood Classical Preparatory School</b>			An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17. Having received no reply from Sam Obenshain, the request was repeated on 10/26/17. Mr. Obenshain responded stating it would be put to a vote at the next meeting and that he would send in the documentation requested. Nothing was received. In reply to a governing board member change, a further request was repeated regarding the Annual Report on 11/27/17. On 11/28/17, Mr. Obenshain included a response regarding the annual report stating, "As for the additionally burdensome reporting requirements, we will continue to operate our GC according to our by-laws and will continue to provide the PED with documentation of our membership changes." To date, no Annual Report has been received.
<b>ACE Leadership High School</b>			The Annual Report was received, but indicated a vote on a range of members. The school was contacted and an amended form was requested on 9/12/17. On 11/20/18, Ms. Stephens-Shauger was contacted again to request this information. On 11/27/18, Ms. Stephens-Shauger replied via email, copying her legal counsel, stating she was complying with her charter contract and had no need to follow the PEC policy implemented in February 2017.
<b>North Valley Academy</b>			The Annual Report was received, but indicated a vote on a range of members. The school was contacted and an amended form was requested on 10/26/17. On 10/27/17, Mr. Ed Woodd replied with a response vetted by the school's legal counsel, stating they would abide by their contract and not by the PEC policy adopted in February 2017.
<b>No Annual Report Submitted - No Reply to Request(s)</b>	<b>7</b>	<b>13%</b>	
<b>Academy of Trades and Technology</b>			On 8/9/17, an email reminder was sent to all charter school leaders to submit the annual report. An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17.
<b>Explore Academy</b>			On 8/9/17, an email reminder was sent to all charter school leaders to submit the annual report. An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17.
<b>Health Leadership High School</b>			On 8/9/17, an email reminder was sent to all charter school leaders to submit the annual report. An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17.
<b>School of Dreams Academy</b>			On 8/9/17, an email reminder was sent to all charter school leaders to submit the annual report. An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17.
<b>Technology Leadership High School</b>			On 8/9/17, an email reminder was sent to all charter school leaders to submit the annual report. An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17.
<b>The Albuquerque Sign Language Academy</b>			On 8/9/17, an email reminder was sent to all charter school leaders to submit the annual report. An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17.
<b>Walatowa High Charter School</b>			An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17. On 1/23/18, Mr. Wilkinson responded to an email requesting governing board member contact information. Another request was made for the Annual Report. Mr. Wilkinson acknowledged that it would be sent in along with the other document requested. To date, no Report has been received.
<b>Total</b>			
<b>Refuse to Comply/Did Not Submit:</b>	<b>10</b>	<b>18%</b>	
<b>Incomplete or Incorrect Submission - Corrections Not Made</b>	<b>8</b>	<b>14%</b>	
<b>La Academia Dolores Huerta</b>			When the annual report was submitted along with the supporting minutes, the minutes matching the date on the report made reference to their bylaws being accepted, but no reference to a vote on the annual report. On 9/12/17, Ms. Melissa Miranda was contacted for further clarification. Ms. Miranda was contacted again on 9/18/17 that we needed the minutes wherein the vote was taken, or the vote needed to be placed on the next agenda as an action item. She indicated that she would send the minutes of the July 11th meeting as soon as they were forwarded from the new board president. The minutes were not received. The school's website was checked for the July 11th minutes; the minutes do not reflect a vote record on this item. All subsequent minutes through October were checked for a vote; none was found. Minutes available on the website go through October 2017 only.
<b>McCurdy Charter School</b>			On 9/5/17, Ms. Michele Lucci emailed the annual report and minutes. The minutes only showed a vote on the annual resolution. The date listed on the Annual Report was 1/5/17, prior to the enacting of the annual report requirement. On 9/12/17, clarification was requested as to whether the board actually voted on the Annual Report, or if the vote was only for the bylaws and resolution. On 10/6/17, bylaws were sent indicating a range of members. On 10/13/17, a request was made to clarify if a vote was taken on the Annual Report. A reply has not been received.
<b>Roots and Wings Community School</b>			An email reminder was sent to charter schools that failed to submit the annual report on 9/18/17. Mr. Randall Green submitted the Annual Report on 9/21/17 but no minutes were submitted. Minutes were requested on 9/21/17. On 9/29/17, minutes were sent that indicated a change in the bylaws, but the minutes did not include a vote on the Annual Report. Mr. Green was emailed on 9/29/17 with a request for the correct date of the vote, correct minutes, or for the vote to be added to the next agenda as an action item. There has been no further communication.
<b>Turquoise Trail Charter School</b>			On 9/12/17 an email was sent to Dr. Ray Griffin noting there was no vote taken on the annual report, only on the annual OMA resolution. Clarification was requested and if a vote was not taken, Dr. Griffin was asked to put the vote on the next agenda as an action item. He said he would get it taken care of right away. No further communication has occurred.
<b>Alma d'Arte Charter School</b>			On 8/9/18, Mr. Mark Hartshorne responded to the initial reminder in a hostile manner. The school's governing board president, Mr. Gene Elliott, mailed in the requested forms, but the form listed they would have 6 members with 1 vacancy. Clarification was requested of Mr. Elliott on 9/5/17. A phone call ensued, wherein Mr. Elliott received further clarification and instruction on what needed to be decided and submitted to complete the annual report. On 10/21/17, Mr. Elliott sent an email that declared the number of board members in the body of the email and a vote on the matter occurred in October. He indicated he would send the minutes. While the minutes were not received, they were available on the school's website and were downloaded. A revised Annual Report has not been received. Another request was made at the school's annual site visit conducted on 1/22/18 and in the evening at the governing board's meeting. A follow-up email sent on January 29, 2018 again requested the Annual Report among other items. To date, no annual report has been received.

<p><b>Six Directions Indigenous School</b></p>	<p>On 8/25/17, an email was received from Ms. Stephanie Vicenti expressing concerns on her ability to submit an Annual Report in time for a PEC meeting and that the school's governing board was meeting in September. Ms. Vicenti was notified that the PEC meeting was for the school's governing body changes, not the Annual Report. Although a Report was submitted, meeting minutes were never received. Minutes were not available on the school website for September since viewing documents required a password. On 11/1/17, Ms. Susan Estrada, of the governing board, requested information on potentially changing the number of board members on the Annual Report. On 11/7/17, she was notified the school could do a one-time change for this year, and minutes were again requested. On 11/16/17, this information was requested again from Ms. Estrada as well as clarification on the number of members the governing board planned to seat. No minutes have been received. Minutes are not accessible (without passwords) on the website.</p>	
<p><b>South Valley Preparatory School</b></p>	<p>On 9/17/17, an annual report was submitted indicating a range of members had been voted on, not a specific number. An email reminder was sent to all charter schools that failed to submit the annual report on 9/18/17. On 9/26/17, the matter was discussed at the school's CSD site visit. A new Annual Report was requested and minutes wherein a vote was taken. Ms. Alderete-Trujillo said it would be on the October agenda. No Annual Report or minutes have been submitted. The school's website has minutes listed, however, minutes for the October 4th meeting are absent.</p>	
<p><b>Southwest Secondary Learning Center</b></p>	<p>An annual report and the minutes were submitted. At the time, the discrepancy between the two was not noticed. While preparing documentation of governing board change of membership, it was noted that the annual report listed the board would have 6 members, the minutes showed a vote for 7 members, and the school currently only planned to seat 5 members. An amended form was requested. On that date, the CSD was also in email contact with Ms. Cheryl Brody, the governing board president, and asked if she would like to be copied on my correspondence. She said yes, and I forwarded my email to her. On 1/24/18, Ms. Lopez replied to my email, stating they had received legal counsel and did not have to alter the form. This information was passed to Ms. Brody, who assured the CSD that the matter would be corrected. To date, no further documentation has been received.</p>	
<p><b>Correct Submission and Documentation</b></p>	<p><b>38</b></p>	<p><b>68%</b></p>

- Albuquerque Institute for Math and Science
- Albuquerque School of Excellence
- Aldo Leopold Charter School
- Amy Biehl Charter High School
- Anthony Charter School
- Cariños de los Niños Charter School
- Cesar Chavez Community School
- Coral Community Charter School
- Dream Diné Charter School
- Dzit Dit'Looi School of Empowerment Action and Perseverance
- Estancia Valley Classical Academy
- Gilbert L. Sena Charter High School
- Horizon Academy West
- J Paul Taylor Academy Charter School
- La Promesa Early Learning Center Charter School
- La Tierra Montessori School for the Arts and Sciences
- Las Montañas Charter High School
- McCurdy Charter School
- Media Arts Collaborative Charter School
- Mission Achievement & Success Charter School
- Monte del Sol Charter School
- New Mexico Connections Academy
- New Mexico School for the Arts
- Red River Valley Charter School
- Sandoval Academy of Bilingual Education
- Southwest Aeronautics, Mathematics, & Science Academy
- Southwest Preparatory Learning Center
- Student Athlete Headquarters (SAHQ)
- Taos Academy Charter School
- Taos Integrated School of the Arts
- Taos International School
- Tierra Adentro of New Mexico: The School of Academics, Arts, and
- The ASK Academy
- The GREAT Academy
- The MASTERS Program Early College Charter School
- The Montessori Elementary & Middle School
- The New America School-Las Cruces
- The New America School-New Mexico
- Tierra Encantada Charter School

<p><b>Total - All Schools</b></p>	<p><b>56</b></p>	<p><b>100%</b></p>
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**From:** Sam Obenshain  
**To:** [Pierce, Laurel, PED](#)  
**Cc:** [Poulos, Katie, PED](#); [Pelayo, Icela, PED](#); [sfox@matthewsfox.com](mailto:sfox@matthewsfox.com); [Darrell Garcia CCPS](#)  
**Subject:** RE: Board of Finance Documents  
**Date:** Tuesday, November 28, 2017 9:15:36 AM

---

Ms. Pierce,

Thank you for the information. I do need to let you know that I find it interesting that we would be brought up to the PEC for potential corrective action.

In spite of the fact that the CSD has failed to complete its reporting requirements either in writing or through the WebEPSS for Cottonwood over the past several years, it is the school that potentially needs corrective action?

We feel confident that we are meeting the requirements of the law and continue to provide the highest quality education available in the state.

As for the additionally burdensome reporting requirements, we will continue to operate our GC according to our by-laws and will continue to provide the PED with documentation of our membership changes.

Respectfully,

Sam Obenshain  
Executive Director  
Cottonwood Classical Preparatory School  
[Sam.obenshain@cottonwoodclassical.org](mailto:Sam.obenshain@cottonwoodclassical.org)  
(505) 998-1021

-----Original Message-----

From: Pierce, Laurel, PED [<mailto:Laurel.Pierce@state.nm.us>]  
Sent: Monday, November 27, 2017 3:56 PM  
To: Obenshain, Sam <[sam.obenshain@cottonwoodclassical.org](mailto:sam.obenshain@cottonwoodclassical.org)>  
Cc: Poulos, Katie, PED <[Katie.Poulos@state.nm.us](mailto:Katie.Poulos@state.nm.us)>; Pelayo, Icela, PED <[Icela.Pelayo@state.nm.us](mailto:Icela.Pelayo@state.nm.us)>  
Subject: RE: Board of Finance Documents

Hello Mr. Obenshain,

Please see the attached letter for further information regarding your governing board changes. I have attached the Governing Board Membership Change form for your convenience.

I have also attached an Annual Report form, as we have not yet received one from your school. This should be accompanied by the governing board minutes wherein the number of members you have chosen to seat was approved by your governing board. If you have any questions, please let me know.

Thank you,

Laurel Pierce

Technical Assistance, Training and Support Program Coordinator Charter  
Schools Division  
505-827-4527  
Charter School Website

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practices and charter schools that provide innovative, quality education.

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Santa Fe, NM 87501  
www.ped.state.nm.us

-----Original Message-----

From: Sam Obenshain [<mailto:sam.obenshain@cottonwoodclassical.org>]  
Sent: Monday, November 27, 2017 2:59 PM  
To: Pierce, Laurel, PED  
Subject: FW:

Ms. Pierce,

Please find attached the most recent documents for our Board of Finance  
designation.

Thanks,

Sam Obenshain  
Executive Director  
Cottonwood Classical Preparatory School  
Sam.obenshain@cottonwoodclassical.org  
(505) 998-1021

-----Original Message-----

From: Sam Obenshain [<mailto:sam.obenshain@cottonwoodclassical.org>]  
Sent: Monday, November 27, 2017 10:31 AM  
To: Sam Obenshain <[sam.obenshain@cottonwoodclassical.org](mailto:sam.obenshain@cottonwoodclassical.org)>  
Subject:

This E-mail was sent from "RNPF7ED0D" (Aficio MP 5000).

Scan Date: 11.27.2017 12:30:47 (-0500)

**From:** [Pierce, Laurel, PED](#)  
**To:** [Obenshain, Sam](#)  
**Cc:** [Poulos, Katie, PED](#); [Pelayo, Icela, PED](#)  
**Subject:** RE: Board of Finance Documents  
**Date:** Monday, November 27, 2017 3:56:00 PM  
**Attachments:** [Incomplete Documentation.pdf](#)  
[Governing Board Membership Changes FORM.docx](#)  
[Annual Report Form.pdf](#)

---

Hello Mr. Obenshain,

Please see the attached letter for further information regarding your governing board changes. I have attached the Governing Board Membership Change form for your convenience.

I have also attached an Annual Report form, as we have not yet received one from your school. This should be accompanied by the governing board minutes wherein the number of members you have chosen to seat was approved by your governing board. If you have any questions, please let me know.

Thank you,

Laurel Pierce  
Technical Assistance, Training and Support Program Coordinator  
Charter Schools Division  
505-827-4527  
Charter School Website

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Santa Fe, NM 87501  
[www.ped.state.nm.us](http://www.ped.state.nm.us)

-----Original Message-----

From: Sam Obenshain [<mailto:sam.obenshain@cottonwoodclassical.org>]  
Sent: Monday, November 27, 2017 2:59 PM  
To: Pierce, Laurel, PED  
Subject: FW:

Ms. Pierce,

Please find attached the most recent documents for our Board of Finance designation.

Thanks,

Sam Obenshain  
Executive Director  
Cottonwood Classical Preparatory School  
[Sam.obenshain@cottonwoodclassical.org](mailto:Sam.obenshain@cottonwoodclassical.org)  
(505) 998-1021

-----Original Message-----

From: Sam Obenshain [<mailto:sam.obenshain@cottonwoodclassical.org>]  
Sent: Monday, November 27, 2017 10:31 AM

To: Sam Obenshain <sam.obenshain@cottonwoodclassical.org>  
Subject:

This E-mail was sent from "RNPF7ED0D" (Aficio MP 5000).

Scan Date: 11.27.2017 12:30:47 (-0500)



**From:** [Pierce, Laurel, PED](#)  
**To:** [Obenshain, Sam](#)  
**Subject:** Governing Board Information  
**Date:** Thursday, October 26, 2017 12:30:00 PM  
**Attachments:** [Annual Report Form.pdf](#)

---

Hello Mr. Obenshain,

We have not yet received the Annual Report stating the number of board members that Cottonwood Classical Academy will be seating for the 2017-2018 school year. The deadline for submission of this report and accompanying documentation was September 1, 2017. I have attached a copy of this form for your convenience. If your governing board has not yet put this matter to a public vote, it will need to be put on the agenda for the next board meeting.

Additionally, one of your new board members has registered for the Introductory training course. Please remember to submit the Governing Body Change Form with appropriate documentation within 30 days of the new member's designation as per your charter contract. If you have any questions, please let me know.

Laurel Pierce  
Technical Assistance, Training and Support Program Coordinator  
Charter Schools Division  
505-827-4527  
Charter School [Website](#)

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**From:** Tori Stephens-Shauger  
**To:** [Pierce, Laurel, PED](#); [Abby M. Lewis](#)  
**Subject:** Re: Governing Board Changes and Annual Report  
**Date:** Monday, November 27, 2017 2:22:33 PM  
**Attachments:** [09-19-2017 ACE Board Minutes.docx](#)  
[10-17-2017 ACE Board Minutes.docx](#)  
[new board member documentation SY18.pdf](#)  
[board change sheet.pdf](#)

---

Hello,

I appreciate your follow up. I have included my attorney for any clarification that may be needed. I have provided the documentation you needed in the beginning of the year for the annual report. I will not do another one of those until the next one is due. Pursuant to section 8.10 3a section 8.01 a, vii of our contract with the Public Education Commission our Governing Council shall maintain 5-9 members as stated in the bi-laws. Therefore a range of members is in full compliance with this contract.

I have completed the change form as we have had board members change in the last two months. See attached. Here is the documentation for that. Ms. Juvera replaced Mr. Cagle and Mr. Franco replaced Mr. Chacon. Our Board of Finance paperwork was updated to include their information and affidavit. See attached.

Thanks so much,  
Tori

Tori Stephens-Shauger  
Executive Director/Principal  
ACE Leadership High School  
1240 Bellamah NW  
Albuquerque, NM 87104  
[\(505\) 242-4733](tel:(505)242-4733) school  
[\(505\) 573-6869](tel:(505)573-6869) cell (preferred number)  
[tori@aceleadership.org](mailto:tori@aceleadership.org)  
[www.aceleadership.org](http://www.aceleadership.org)

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On Mon, Nov 20, 2017 at 9:28 AM, Pierce, Laurel, PED <[Laurel.Pierce@state.nm.us](mailto:Laurel.Pierce@state.nm.us)> wrote:

Hello Tori,

I was just checking in regarding your governing board changes. On September 1, 2017 Mr. Chacon notified our department that he was no longer serving on your board, however, we have received no information regarding this change. As per your charter contract, Section 8.10.B:

*“The School will notify the Authorizer within 30 (thirty) days of a member’s resignation or designation of a new member and shall sign the appropriate forms to ensure that the governing body continues to qualify as a board of finance. The School shall fill any vacancy on its governing body no later than 45 days from the vacancy or shall seek an extension for such appointment from the Authorizer in writing. The new member must execute the required statements for Board of Finance designation [\[i\]](#) to the NMPED.”*

You are currently out of compliance with your charter contract. Please submit the required forms for the resignation of Mr. Chacon. According to your minutes, another governing board member has left or will be leaving. Documentation will be required for this change as well. If you have difficulty accessing the appropriate forms, please let me know, and I will assist you.

You have also been contacted regarding the Annual Report submitted this year. Your report lists the range of governing board members listed in your bylaws. In February 2017, the PEC enacted a policy that required schools to submit a report identifying the number of positions the school would seat on their governing board for the school year. The school will be required to maintain this number throughout the year. Please amend your Annual Report to reflect the number of seats being maintained, not the range permitted by your bylaws. The minutes from your governing board meeting wherein the number was approved also need to be submitted. If the board has not yet voted on this matter, please be sure it is put on the next agenda. I have attached a new form for your convenience.

If you have any questions, please let me know.

Thank you,

Laurel Pierce

Technical Assistance, Training and Support Program Coordinator

Charter Schools Division

[505-827-4527](tel:505-827-4527)

Charter School [Website](#)

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[www.ped.state.nm.us](http://www.ped.state.nm.us)

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**From:** Pierce, Laurel, PED  
**Sent:** Tuesday, September 05, 2017 4:51 PM  
**To:** Stephens-Shauger, Tori  
**Subject:** Governing Board Changes

Hello Ms. Stephens-Shauger,

We received notification from Stefan Chacon that he is no longer on the governing board for ACE. Please fill out the attached form for Governing Body Changes and submit all documentation requested on the form. If his position has been filled, we will also need the information for the incoming designee.

Thank you,

Laurel Pierce

Options for Parents and Families Division

Public Education Department

300 Don Gaspar Ave.

Santa Fe, NM 87501

[505-827-4527](tel:505-827-4527)

[Laurel.Pierce@state.nm.us](mailto:Laurel.Pierce@state.nm.us)

[i](#) 6.80.4.16 NMAC [6/30/2008].

**From:** [Pierce, Laurel, PED](#)  
**To:** [Stephens-Shauger, Tori](#)  
**Subject:** Governing Board Changes and Annual Report  
**Date:** Monday, November 20, 2017 9:28:00 AM  
**Attachments:** [Annual Report Form.pdf](#)

---

Hello Tori,

I was just checking in regarding your governing board changes. On September 1, 2017 Mr. Chacon notified our department that he was no longer serving on your board, however, we have received no information regarding this change. As per your charter contract, Section 8.10.B:

*“The School will notify the Authorizer within 30 (thirty) days of a member’s resignation or designation of a new member and shall sign the appropriate forms to ensure that the governing body continues to qualify as a board of finance. The School shall fill any vacancy on its governing body no later than 45 days from the vacancy or shall seek an extension for such appointment from the Authorizer in writing. The new member must execute the required statements for Board of Finance designation <sup>[i]</sup> to the NMPED.”*

You are currently out of compliance with your charter contract. Please submit the required forms for the resignation of Mr. Chacon. According to your minutes, another governing board member has left or will be leaving. Documentation will be required for this change as well. If you have difficulty accessing the appropriate forms, please let me know, and I will assist you.

You have also been contacted regarding the Annual Report submitted this year. Your report lists the range of governing board members listed in your bylaws. In February 2017, the PEC enacted a policy that required schools to submit a report identifying the number of positions the school would seat on their governing board for the school year. The school will be required to maintain this number throughout the year. Please amend your Annual Report to reflect the number of seats being maintained, not the range permitted by your bylaws. The minutes from your governing board meeting wherein the number was approved also need to be submitted. If the board has not yet voted on this matter, please be sure it is put on the next agenda. I have attached a new form for your convenience.

If you have any questions, please let me know.

Thank you,

Laurel Pierce  
Technical Assistance, Training and Support Program Coordinator  
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---

**From:** Pierce, Laurel, PED  
**Sent:** Tuesday, September 05, 2017 4:51 PM  
**To:** Stephens-Shauger, Tori  
**Subject:** Governing Board Changes

Hello Ms. Stephens-Shauger,

We received notification from Stefan Chacon that he is no longer on the governing board for ACE. Please fill out the attached form for Governing Body Changes and submit all documentation requested on the form. If his position has been filled, we will also need the information for the incoming designee.

Thank you,

Laurel Pierce  
Options for Parents and Families Division  
Public Education Department  
300 Don Gaspar Ave.  
Santa Fe, NM 87501  
505-827-4527  
[Laurel.Pierce@state.nm.us](mailto:Laurel.Pierce@state.nm.us)



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[\[i\]](#) 6.80.4.16 NMAC [6/30/2008].

**From:** [Pierce, Laurel, PED](#)  
**To:** [Stephens-Shauger, Tori](#)  
**Subject:** RE: Annual Report  
**Date:** Tuesday, September 12, 2017 4:42:00 PM

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Hi Tori,

My apologies. The year in question is FY18. Next year, FY19, the board will again revisit the number of members they wish to seat. Sorry for any confusion.

Thank you,

Laurel

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**From:** Pierce, Laurel, PED  
**Sent:** Tuesday, September 12, 2017 3:34 PM  
**To:** Stephens-Shauger, Tori  
**Subject:** Annual Report

Hi Tori,

In reviewing your annual report submission, I noticed you had selected a range of members. The PEC has asked that every school specify the number of members that will be seated on the board for FY17 (not a range) and have the governing board vote to approve that number. This number of positions is to be maintained throughout the year. At the first governing board meeting of FY18, the board will again select how many positions will be designated for the next year and submit the annual report and governing board minutes ratifying the decision.

Please submit a new Annual Report specifying the number of positions the board would like to have for FY17, and the board minutes wherein it was approved. If you have any questions, please let me know.

Thank you,

Laurel Pierce  
Options for Parents and Families Division  
Public Education Department  
300 Don Gaspar Ave.  
Santa Fe, NM 87501  
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**From:** Ed Woodd  
**To:** [Pierce, Laurel, PED](#)  
**Subject:** Re: Governing Body Information  
**Date:** Friday, October 27, 2017 11:23:34 AM

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Laurel,

Pursuant to sections 8.08-2(b) and 8.10-3(a) of our contract with the Public Education Commission, our Governing Council shall have a minimum of 5 members. Therefore a range of members is in full compliance with this contract.

**NVA GC Bylaws: Section 3.1 Number and Composition of GC Members:** The Governing Council (GC) shall consist of no less than five (5) and no more than seven (7) voting GC Members ("Members").

We have no control or ability to unilaterally change this contract and will continue to comply with it by not voting to have a fixed number of Governing Council Members.

Kind regards,

Ed Woodd, COO  
North Valley Academy

On Fri, Oct 27, 2017 at 11:09 AM, Ed Woodd <[ewoodd@nvanm.org](mailto:ewoodd@nvanm.org)> wrote:

Abby - how's this??

Laurel,

Pursuant to our 5 year contract with the PEC dated July 1, 2016 and running through June 30, 2021, Section 8.08-2(b) states: "The school shall provide the following reports to the Authorizer. No other documentation other than otherwise set forth in this Contract." Section 8.10.3(a) states: "The school's Governing Body shall have at least 5 members."

Our approved bylaws state: "**Section 3.1 Number and Composition of GC Members:** The Governing Council (GC) shall consist of no less than five (5) and no more than seven (7) voting GC Members ("Members"). The GC shall have representation from at least (but not limited to) the two stakeholder groups of parents and the general community-at-large.

It is our intention to continue to abide by the terms of our contract and bylaws.

On Thu, Oct 26, 2017 at 11:49 AM, Pierce, Laurel, PED <[Laurel.Pierce@state.nm.us](mailto:Laurel.Pierce@state.nm.us)> wrote:

Hello Mr. Woodd,

I would like to remind you about the minutes submitted for the Annual Report. Although the Annual Report specified six members would be seated for the 2017-2018 school year, the board voted to uphold the governing board bylaws that indicated a range of members (between 5-7) would be seated this year. I want to be sure the board understands that they will need to maintain the six listed on the annual report—they cannot add another member, or drop to five members. The PEC has requested the board vote reflect the number submitted on the Annual Report. If the board has not yet voted for the six

members, it will need to be put on the agenda as soon as possible and corrected minutes submitted.

Additionally, one of your new board members has registered for the Introductory training course. Please remember to submit the Governing Body Change Form with appropriate documentation within 30 days of the new member's designation. If you have any questions, please let me know.

Thank you,

Laurel Pierce

Technical Assistance, Training and Support Program Coordinator

Charter Schools Division

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Charter School [Website](#)

*Driving student success in New Mexico by supporting excellent authorizing practices and charter schools that provide innovative, quality education.*



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