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**From:** Pelayo, Icela, PED [mailto:Icela.Pelayo@state.nm.us]  
**Sent:** Tuesday, March 6, 2018 4:27 PM  
**To:** Pelayo, Icela, PED <Icela.Pelayo@state.nm.us>  
**Subject:** Notice - On the PEC Agenda for March 16, 2018 - Governing Board Annual Reporting

Dear Charter Leaders and Governing Board Presidents:

Please note that your school will be included in the PEC's upcoming March meeting scheduled for March 16th, 2018 at 9:00am in Mabry Hall, 300 Don Gaspar, Santa Fe, NM.

The specific item is regarding discussion and possible action related to continued non-compliance with the PEC's annual governing board reporting requirements. 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 regarding conducting 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]*.

Charter schools are required to abide by **all** PEC policies and its annual reporting requirement **does not** conflict with adhering to your school bylaws. To be clear, the PEC is asking you to vote on a specific number of governing board members; however, they are not asking you to establish a number that is *outside* of your school's contract or bylaws. As a result, this would not be in conflict with the school's contract or bylaws.

Once the PEC meeting agenda is posted, you can access it at: <http://webnew.ped.state.nm.us/bureaus/public-education-commission/meetingcalendarsmaterials/2018-pec-meeting-calendar/>

The forms are attached for your convenience. Please let me know if you have any questions.

Thank you,

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