

AGENDA ITEM EXECUTIVE SUMMARY

- I. Public Education Commission Meeting Date: April 13, 2018
- II. Item Title: Discussion and Possible Action on Site Visit Notification Letter Regarding Background Check Requirements under Section 22-10A-5 NMSA 1978
- III. Executive Summary and Proposed Motions:

The staff of the Charter Schools Division of the Public Education Department annually conducts site visits at charter schools authorized by the PEC for the purposes of “provid[ing] technical assistance to the charter school and determin[ing] the status of the charter school and the progress of the charter school toward the performance framework goals in its charter contract.”

Pursuant to the contract, the CSD has 45 days from the site visit to release its findings and report. The CSD team tries to release the reports in a more timely manner, but often finds it is unable to do so. The team always shares its findings with the schools during an exit interview.

The team is concerned about communicating two important matters to schools in an official and written form: 1) background check issues and 2) licensure issues.

In the attached materials you will find a proposed letter the team would like to provide to school to notify them of compliance concerns in these areas and to establish compliance requirements. The materials also included statutory references.

Date: _____

_____, _____

RE: Notification of noncompliance with background check requirements under Section 22-10A-5
NMSA 1978

HAND DELIVERED TO SCHOOL

Dear _____:

On _____, staff of the New Mexico Public Education Department (PED) conducted a site visit to _____. During this visit, staff reviewed the school's compliance with background check requirements as prescribed in Section 22-10A-5 NMSA 1978.

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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