

Memorandum of Understanding regarding Renewal in December 2021

This Memorandum of Understanding (“MOU”) is entered into between the Public Education Commission (“PEC”) and the governing body of [name of school] (“School”) on _____, 2021.

WHEREAS the PEC and School entered into a charter contract (“Contract”) as the term is defined in NMSA 1978, §22-8B-9(A), on or about May 2018. The PEC originally voted to approve the School’s renewal application in or about December 2016, but because the PEC wanted to revise its charter contract template, a temporary contract was entered for school year 2017-2018, which failed to clearly identify the performance goals applicable to the School’s first year of its five-year charter term.

WHEREAS the PEC identified information obtained by the Public Education Department’s assessment and accountability system, known as “A-F School Grading System” as the basis for its academic performance indicator beginning with the first year of the Contract signed in 2018, i.e., 2018-2019 school year. However, the A-F School Grading System was subsequently repealed in January 2019. Thus, the only academic performance goal(s) clearly articulated in the School’s Contract is for one academic school year using data from the A-F School Grading System.

WHEREAS assessment data was made available through New Mexico Vistas following the repeal of the A-F School Grading System.

WHEREAS New Mexico public schools were closed in March 2020 due to COVID 19 and the state assessment was not administered. In 2021 the state assessment was optional because of the lingering pandemic. In addition, because of the extraordinary measures that schools were required to take, schools were challenged and/or precluded from acquiring other data that could have assisted in assessing the School’s Contract performance.

WHEREAS the School has completed the PEC’s February 12, 2021 “State Charter Renewal Application” (“Renewal Kit”) template in good faith by presenting its available data to illustrate its progress as best it can under the circumstances described herein.

WHEREAS the parties agree that due to the confusion related to Contract terms applicable to academic performance goals and other evaluation standards, the Contract as signed by the parties in 2018 cannot be assessed according to the incorporated performance framework for all years for all measures.

WHEREAS the parties acknowledge that the pandemic-related interruptions to all public schools’ operations during 2020 and ongoing have caused extraordinary circumstances and that the requirements of the School during this health crisis were not contemplated as assessment criteria in the Contract.

WHEREAS the PEC, at its meeting on August 27, 2021, welcomed renewing schools to provide information on how the schools addressed the needs of its students during the COVID-19 crises as part of the renewal process, including at the December 2021 renewal hearing. In addition, information from the School’s efforts has been provided in the 2020-2021 site visit report.

WHEREAS the parties desire to enter this MOU to memorialize the difficulty the PEC will have in evaluating the term of the School’s performance as well as the School’s difficulty in presenting a full and complete report of its charter progress.

NOW THEREFORE the parties present the following statement of understanding between them:

1) The School's information presented in the Renewal Kit is based on its available data for measuring the School's academic, financial, and operational performance during the Contract term given the extraordinary circumstances.

2) The completed Renewal Kit, adopted by the PEC in February 2021, has been timely submitted by the School and will be assessed by CSD within the time frame provided by CSD in the Renewal Kit. CSD will apply protocols for evaluation of the School's renewal application where data is or should be available, but the School will not be penalized for data that is unavailable due to the circumstances caused by the global pandemic.

3) This Memorandum of Understanding is entered into to clarify NMSA 22-8B-12 J. given the circumstances described herein. Nothing in this Memorandum of Understanding modifies NMSA 22-8B-12 K – O or other applicable provisions of law nor is intended to amend the Contract terms and conditions.

AGREED:

Pattie Gipson, Chair of the Public Education Commission
Confirming a majority vote by the Commission

_____, Board Chair
Confirming a majority vote by the Board of the School
taken on _____