

Public Education Commission Governing Body Member Change Amendment Form

The Charter Contract was entered into by and between the New Mexico Public Education Commission and [], hereafter "The School", effective [] of [], [].
The School was approved for a [] Charter Contract.

NUMBER OF MEMBERS REQUIRED UNDER YOUR SCHOOL'S BYLAWS:

NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS:

RESIGNATION

EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER:

NAME OF INDIVIDUAL RESIGNING:

REMOVAL

DATE OF REMOVAL:

NAME OF INDIVIDUAL BEING REMOVED:

REASON FOR REMOVAL:

DESIGNATION OF NEW BOARD MEMBER TO AN EXISTING POSITION OR A NEW POSITION

EFFECTIVE DATE OF APPOINTMENT, AS PROVIDED IN WRITTEN NOTICE FROM THE BOARD:

NAME OF INDIVIDUAL BEING DESIGNATED:

HOME ADDRESS:

PHONE NUMBER:

EMAIL ADDRESS:

NAME OF BOARD MEMBER BEING REPLACED:

REQUEST FOR EXTENSION:

VOTE NOT TO REPLACE MEMBER:

Submit this form and all supporting documents to charter.schools@state.nm.us

The School's Governing Body Member Change Amendment is hereby submitted by []
on [], and affirms the school meets the following eligibility criteria:

- Amendment must be submitted to the PEC within 30 days of change in membership; and
- The school's governing board is in compliance with all reporting requirements.

Jeron T. Campbell

Charter School Representative Signature

Date

The School's Governing Body Member, or Charter Representative Change Amendment was:

Approved

Denied

Chair, Public Education Commission

Date

AFFIDAVIT OF GOVERNING BODY MEMBER

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

I, Alex Horton, after being duly sworn, state:

1. My name is Alex Horton and I reside in 423 Sawtooth^{ptse}, New Mexico.
2. I am a member of the governing body of the ACES Technical Charter School in Albuquerque, New Mexico.
3. I attest that I am currently not a current governing body member of any other charter school authorized in the state of New Mexico.
4. I have never been a governing body member of a charter school that was suspended or failed to receive or maintain their board of finance designation.
5. I understand that as a member of the [insert name of school]'s governing body, I am entrusted with oversight of expenditure of public funds in accordance with all applicable laws, regulations and rules, including but without limitation any laws or rules pertaining to conflicts of interest, public school finance, and procurement.

[Signature]
[Signature]

2/3/22
Date

Alex Horton
[Print]

VERIFICATION

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 3rd day of February, 2022.

[Notary Seal:]

[Signature]
NOTARY PUBLIC

My commission expires: 06-02, 2024.

JOSHUA MARTINEZ
Notary Public - State of New Mexico
Commission # 1128822
My Comm. Expires Jun 2, 2024

JOSHUA MARTINEZ
Notary Public - State of New Mexico
Commission # 112822
My Comm. Expires Jun 2, 2024

STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the ACES TECHNICAL CHARTER SCHOOL, located in ALBUQUERQUE, New Mexico.


In accordance with 6.80.4.16 NMAC, we agree to consult with the New Mexico Public Education Department on any matter not covered by the manual of accounting and budgeting before taking any action related to funds held as a board of finance.

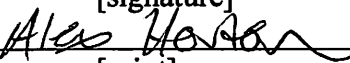
We make this statement as part of ACES TECHNICAL CHARTER SCHOOL's application to the Public Education Commission for status as a board of finance under 6.80.4.16 NMAC.

We understand that we must retain or hire a Licensed School Business Manager as soon as financial feasible and, thereafter, notify the New Mexico Public Education Commission within 30 days of hiring and/or changing in a Licensed School Business Manager for the school, and a new, signed "Affidavit of Financial Custodian" must be submitted.

We understand that we must submit an Affidavit of Governing Body Member to the Public Education Commission within 60 days of a change in membership of our governing body.

THE FOLLOWING MEMBERS OF THE ACES TECHNICAL CHARTER SCHOOL GIVE THE FOREGOING STATEMENT THIS 3rd DAY OF February, 2022.

1. 

[signature]


[print]
2. _____
[signature]

[print]
3. _____
[signature]

[print]
4. _____
[signature]

[print]
5. _____
[signature]

[print]

Attach additional pages if membership exceeds five.

ASSURANCES

My name is Alex Horton and I reside in Albuquerque. I am a member of the governing body for ACES Learning Center a charter school which is located at 4501 Montgomery. I assure that in my capacity as a member of the governing body, the CHARTER SCHOOL complies with all applicable federal and state laws governing the organizational, programmatic, and financial requirements applicable to charter schools, including:

1. The CHARTER SCHOOL'S admission processes are in compliance with Sections 22-2-4(A)-(D) and 22-8B-4.1 NMSA 1978.
2. The CHARTER SCHOOL'S admission process do not discriminate against anyone regarding race, color, age, religion, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental disability, or serious medical condition.
3. The CHARTER SCHOOL is a nonsectarian and non-religious public school.
4. Except as otherwise provided in Section 22-12-5(C) NMSA 1978 the Public School Code, the CHARTER SCHOOL does not charge tuition or have admission requirements.
5. The CHARTER SCHOOL complies with all state and federal health and safety requirements applicable to public schools, complies with Sections 22-8B-4.2(A), (C), and (D) NMSA 1978, and must produce an E-Occupancy certificate for all school facilities.
6. The governing body does not and will not contract with a for-profit entity for the management of the CHARTER SCHOOL.
7. The CHARTER SCHOOL complies with all applicable state and federal laws and rules related to identifying and providing special education services.
8. The CHARTER SCHOOL complies with provisions regarding public property identified in the Public School Code, the New Mexico Procurement Code, and the New Mexico Prohibited Sales Act, the Internal Revenue Code, and other applicable federal and state regulations.
9. The CHARTER SCHOOL ensures that criminal background checks are conducted on all employees and applicable reporting is completed in accordance with Section 22-10A-5 NMSA 1978.
10. The CHARTER SCHOOL ensures that it complies with state regulations regarding the use of volunteers set out in Section 6. 50.18 NMAC.
11. The CHARTER SCHOOL complies with the Age Discrimination Act of 1975, Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act.
12. The CHARTER SCHOOL provides equitable access to and participation in its federally assisted program for students, teachers, and other program beneficiaries with special needs.
13. Meetings of the CHARTER SCHOOL Governing Body comply with the New Mexico Open Meetings Act, Sections 10-15-1 et seq., NMSA 1978 and the Inspection of Public Records Act, Section 14-2-1 et seq., NMSA 1978.

14. The CHARTER SCHOOL complies with all requirements of The Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; 34 CFR Part 99.
15. The CHARTER SCHOOL has and will adopt all policies and procedures required by the Public School Code, the New Mexico Administrative Code, and the Public Education Commission.
16. The Governing Body or head administrator of the CHARTER SCHOOL recognizes and works with employee labor representatives, if any.
17. The CHARTER SCHOOL has and will develop personnel policies that comply with all applicable federal and state labor laws, regulations and rules implementing them.
18. The CHARTER SCHOOL had and will develop a curriculum that is aligned to the New Mexico State Standards found in Title 6 Chapter 29 of the New Mexico Administrative Code, as amended.

Alex Horan
Printed Name

[Signature]
Signature

2/3/12
Date



Governing Board Meeting Minutes
Wednesday, August 11, 2021

I. Call to Order

A. Roll Call - 5:38 p.m.

Dr. Stephanie McIver- present

Leon Howard, Esq. - present

Cassandra Sims- present

B. Adoption of the August 11, 2021 Governing Board Meeting Agenda

- minutes adopted

C. Approval of July 28, 2021 Minutes

II. Recognition of Students, Staff, and Community

Robert Torrez- Math Educator

Nelson Gabay- Humanities Educator

Creighton Edgington- STEM Educator

Theresa A. Carson- Potential Board Member

Alex Horton- Potential Board Member

III. Public Forum (2 minutes per speaker)

N/A

IV. New Board Member Introduction and Vote -

Theresa A. Carson

Sandia National Laboratory - Hands on Mind Technology program manager (STEM enthusiast)

Long Time standing board member for Albuquerque Academy

- Theresa A. Carson was inducted and approved by the board.
 - Dr. Stephanie McIver- approved
 - Leon Howard, Esq. - approved
 - Cassandra Sims- approved

Alex Horton

Entrepreneurial management, Broker in Risk Management, Economic Development in the International District, Previous board member of Siempre Charter School.

- Alex Horton was inducted and approved by the board.
 - Dr. Stephanie McIver- approved
 - Leon Howard, Esq. - approved
 - Cassandra Sims- approved
 - Theresa A. Carson- approved

V. Financials (J. Campbell and A. Wolfel)

A. Budget Update - The budget is based on 145, with 71 students currently attending ACES. Depending on the 40 day count, the budget will be adjusted. The CSP grant and Charter School Growth Fund have allotted carry over funding for this academic school year. All other funding sources were explained by Ashley Wolfel of The Vigil Group.

Student Library Growth Fund- Quotes for literary materials/learning platforms will be sent to PED for approval. Dr. Campbell will be communicating with NMPED to check for allowable proposal items prior to submission.

Accounts Payable Liability Report ending July 31, 2021 was approved.

- Dr. Stephanie McIver- approved
- Leon Howard, Esq. - approved
- Cassandra Sims- approved
- Theresa A. Carson- approved

B. BARS Approval vote - No bars were discussed nor approved at this meeting.

VI. Principal's Report

A. Operations Update

- The building is warm due to a swamp cooler system. The building is functional minus a few lightbulbs. All social distancing protocols are being followed, including a strict no visitor policy. Additionally, all of the faculty members have been vaccinated.
- The signage is being discussed with the landlord. A refusal of the landlord to remove added religious signage is in violation of the contractual agreement and violates the U.S. constitution. On July 30, 2021, communication was made with the landlord regarding the lease. A meeting with the landlord is being requested to remedy this situation as soon as possible. The landlord has requested this concern in writing for a review by his legal team. The issue was addressed via email. A formal written correspondence will be provided if the email is not sufficient.
- The students required two buses due to the distance between the students. Herrerra is the bus company with 14 on the north bus and 11 on the south bus, complying with COVID regulations as well. All boarding and exiting locations are being tracked by Dr. Campbell in conjunction with the route bus drivers.
- Food services are going well, despite several students bringing home lunches. For 21-22 the government is paying the full cost of all school lunches. Per governmental requirements, all surplus meals must be discarded. In order to combat this mandate, all students are allowed additional servings and can take additional servings home.
- There is currently a technology shortage, but ACES is fully prepared should the governor mandate at home learning.
- All IEPs have been provided to teachers, with special education reporting and progress on track.
- Mentor teachers are in place for new teachers.
- A bill for budget auditing has been received, despite ACES's smaller school enrollment. It is the understanding that all charter schools pay the same fee, but Dr. Campbell has communicated with Rosemary Whitegeese (NM Ped) to inquire about costs and to see if there is assistance for smaller school populations. Charter schools with student enrollments over 1000 students are paying the same cost as smaller schools, despite large differences in funding allocations. Due to a component unit status, the NM Ped has a contract in place requiring this standard cost. While the audit company decreased costs for the opening year, there has been no response to the deduction request based on population size.
- Theresa A. Carson is currently the board chair for ACES Foundation. She is transitioning; however the auditor is requiring an audit of both entities. Dr. Campbell is communicating with the auditor as the foundation is a separate entity and is not part of ACES district. The auditing company is threatening to place a negative audit on the school should we refuse to include the foundation. Due to GASB and the threshold of the transactions between the foundation and the school in an effort to financially support the institution, the audit company is including the foundation as a component. The foundation was created, not as a subsidiary, but as

a 501-c3 to accept grant money. This limits the ability to fund alternate ACES locations should we expand school sites. A negative audit report could lead to authorizer scrutiny and a negative audit report. Per GASB, “Generally, a legally separate, tax-exempt, fundraising organization whose primary purpose is to raise or hold significant resources for the benefit of a specific governmental unit should be included as a component unit of that governmental unit’s financial reporting entity.” ([Source](#)) There are only transactions between the foundation and the school. ACES will comply, as both the foundation and the school are run with integrity. Further evidence supporting this request is being requested to challenge this precedent.

- ACES has been randomly selected for TNE and TCI audits regarding hiring vetting. The meeting is tomorrow, August 12, 2021.

B. Recruiting Update for Fall 2021

- ACES is fully staffed at this point.

VII. Board President Report and Discussion

A. Re-entry Discussion – COVID-19/Delta

As of now, there are 161 per 100,000 cases, and NM is ranked at 11. The UNM kids’ campus closed today for 10 days due to an increase in cases. NM is a state in which leadership is continuing to require COVID safe measures. However, the governor’s executive orders regarding school reentry are expiring soon. The board is watching future governor press releases regarding any possible changes to reentry requirements. As of now, despite the state’s allowance to exempt vaccinated individuals from masking, all individuals at ACES (staff and students) are required to mask. Dr. Campbell has a full plan should we be required to transition to remote learning. The board will continue to discuss the potential of students attending school in person despite positive test results. A hearing committee is needed if this occurs.

B. Long-Term Recruitment Plan – Discussion

We are still open to potential board members and want to reach 7 members. Goals for future members are finance/CPA backgrounds, fundraising experience, Hispanic representation, STEM experience and expertise, and networking potential. The aim of the board is to interview candidates by November 2021.

VIII. Announcement of Upcoming Board Meetings

A. The next meeting will be held on Wednesday, September 8, 2021 at 5:30pm

IX. Adjournment: 7:58 p.m.