

NEW MEXICO PUBLIC EDUCATION DEPARTMENT BEFORE THE
NEW MEXICO SECRETARY OF EDUCATION

IN THE MATTER OF
THE GREAT ACADEMY AND ITS GOVERNING BODY,

Appellants,

vs.

NEW MEXICO PUBLIC EDUCATION COMMISSION,

Appellee.

DECISION AND ORDER

This matter comes before the Secretary of Education following the *Order Reversing March 19, 2021 Decision and Order of the Secretary of the New Mexico Public Education Department*, filed February 15, 2022, and the Secretary having reviewed the matter, finds and concludes as follows:

1. On March 19, 2021, the Secretary of the New Mexico Public Education Department (PED) issued a Decision and Order affirming the decision of the New Mexico Public Education Commission to not renew the charter of the GREAT Academy Charter School.
2. On April 6, 2021, the GREAT Academy and its Governing Body, filed a Notice of Appeal in the above-captioned cause.
3. On April 28, 2021, Appellants filed an Expedited Motion for Stay Pending Appeal, seeking the Court stay the decision of the Secretary of Education. A Response to Expedited Motion for Stay Pending Appeal was filed on May 13, 2021 and a Reply on Expedited Motion for Stay Pending Appeal was filed on May 21, 2021.
4. On June 4, 2021, Appellants filed their Appellants' Statement of Appellate Issues

briefing the issues and authorities of the appeal. On July 6, 2021, a response to the Statement of Appellate Issues was filed and on July 21, 2021 a reply brief was filed.

5. On June 17, 2021, following oral argument held on June 10, 2021 on the Motion for Stay, the Court entered an Order Granting Stay Pending Rule 1-074 Appeal.

6. On August 25, 2021, the Court heard oral argument on the merits of the appeal, and rendered its decision on February 15, 2022 reversing the Order of the Secretary of the New Mexico Public Education Department. In its decision, the Court concluded that, although its order reverses the Secretary's decision, the order shall not be construed as prohibiting the New Mexico Public Education Commission from initiating suspension or revocation proceedings in accordance with NMSA 1978, Section 22-8B-12 (2019). However, the Court ultimately determined that the March 19, 2021 Decision and Order of the Secretary of the New Mexico Public Education Department is reversed, that the Secretary shall order the reversal of the decision of the New Mexico Public Education Commission and order the approval of the Appellants' charter with any condition(s) the Secretary deems appropriate and otherwise permitted.

7. Because the Secretary of Education has determined it is not in the best interests to appeal the decision of the Court, the Secretary is proceeding with ordering the approval of the renewal application without such an appeal.

IT IS THEREFORE ORDERED that the Decision and Order issued on March 19, 2021 is reversed and that the decision of the New Mexico Public Education Commission denying the charter renewal application of the Great Academy is hereby reversed.

IT IS FURTHER ORDERED that the New Mexico Public Education Commission shall enter into a contract with the GREAT Academy within thirty days of this Order for a

