

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.

ORDER ON REQUEST FOR
CLARIFICATION OF DECISION AND ORDER

This matter comes before the Secretary of Education following the *Request for Clarification of Decision and Order* submitted on May 5, 2022, and having reviewed the matter, finds and concludes as follows:

1. On March 19, 2021, the Order of the Secretary of the New Mexico Public Education Department (PED) was issued affirming the decision of the New Mexico Public Education Commission (PEC) to not renew the charter 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 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.
4. In its February 15, 2022, decision, the Court 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 PEC, and that the Secretary order the approval of the Appellants' charter with any condition(s) the Secretary

deems appropriate and otherwise permitted. The Court further concluded that the order shall not be construed as prohibiting the PEC from initiating suspension or revocation proceedings in accordance with NMSA 1978, § 22-8B-12 (2019).

5. On April 4, 2022, the Secretary of Education, pursuant to the Court's decision, ordered the reversal of the March 19, 2021 decision of the PEC denying the charter renewal application, and that the PEC and the GREAT Academy enter into a contract within thirty days of the Order for a term to begin July 1, 2022.

6. The April 4, 2022, Decision and Order further ordered that the contract between the PEC and the GREAT Academy have conditions to include, but not be limited to, those pertaining to the GREAT Academy Foundation operations, the GREAT Academy Foundation financial conditions, the GREAT Academy's instructional spending, the GREAT Academy Personnel and Payroll, and conditions involving the GREAT Academy Governing Board training and board operations consistent with the training.

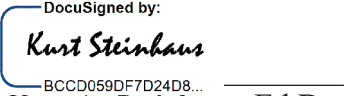
7. On May 5, 2022, the PEC submitted its *Request for Clarification of Decision and Order*, requesting clarification of the Decision and Order of the Secretary. The request being made by the PEC was for clarification as to whether the Secretary has determined that the term of the contract is to be for a five-year term; whether NMSA 1978, § 22-8B-12, applies; or whether the PEC may modify the term of the contract as part of the conditions identified by the Secretary.

8. On May 16, 2022, the GREAT Academy submitted its *Response to the Commission's Request for Clarification of the Secretary's April 4, 2022 Decision and Order* requesting that the Secretary confirm the School's position that the School is entitled to a five-year charter term.

9. As both parties have noted, the Decision of the Secretary was issued pursuant to the Court's decision issued on February 15, 2022. Both parties have cited to § 1978, Section 22-8B-12, which states that "[a] charter school may be approved for an initial term of six years; provided that the first year shall be used exclusively for planning and not for completing the application. A charter may be renewed for successive periods of five years each. Approvals of less than five years may be agreed to between the charter school and the chartering authority." The parties are not in agreement to a charter term of less than five years, and both parties have noted that the Court Order was silent as to the number of years.

10. The Secretary interprets the decision of the District Court to intend for there to be a renewal of a charter term for five years as is provided to other charter schools. As interpreted by the Secretary, the conditions that the Court was referencing, are more in line with those addressed in the decision and order issued, as opposed to the term of the charter. Those conditions were those pertaining to the GREAT Academy Foundation operations, the GREAT Academy Foundation financial conditions, the GREAT Academy's instructional spending, the GREAT Academy Personnel and Payroll, and conditions involving the GREAT Academy Governing Board training and board operations consistent with the training.

IT IS THEREFORE ORDERED that the Decision and Order of the Secretary should be construed as being for a charter for a five-year term in accordance with the decision of the District Court.

BY: 
Kurt A. Steinhaus, Ed.D.
Secretary of Education
New Mexico Public Education Department

DATED: 5/26/2022 _____