

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 [EXPLORE ACADEMY], hereafter "The School", effective [1st] of [July], [2019].
The School was approved for a [FIVE-YEAR TERM] Charter Contract.

NUMBER OF MEMBERS REQUIRED UNDER YOUR SCHOOL'S BYLAWS: 5-9

NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS: 5

☒ **RESIGNATION**

EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER: 6/30/2022
NAME OF INDIVIDUAL RESIGNING: David Kulb and Eva Vigil

☐ **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: 7/12/2022

NAME OF INDIVIDUAL BEING DESIGNATED: Eila Dott ("Dotty") McKinney / Dr. Richard Griffith

HOME ADDRESS: 6824 Kayser Mill Rd ABQ 87114 / 804 Grandview Dr SE ABQ 87108

PHONE NUMBER: 505-250-5409 / 505-884-9251

EMAIL ADDRESS: eiladmck@gmail.com / tginossar@yahoo.com

NAME OF BOARD MEMBER BEING REPLACED: David Kulb / Eva Vigil


☐ **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 [Patrick Molina] on [August 11, 2022], 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.



Charter School Representative Signature

August 11, 2022
Date

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

☐ Approved ☐ Denied

Chair, Public Education Commission

Date

May 17, 2022


To: Chair David Kulb, Mr. Justin Baiardo and Ms. Karen Woerner

I feel fortunate that I have been able to participate on the Explore Academy Governing Board for the last two years. I have learned a great deal about charter schools and their importance for students in our community. Explore Academy provides an exceptional educational opportunity for our students and the staff continuously strives to provide the best academic choices through clear planning and motivating flavors that push our students to succeed.

It is with great regret that I must resign from the board as of the end of June which I think completes my two years. My mother requires additional time due to her health and although she is still somewhat independent, there are many times I need to be with her to complete various tasks.

I will continue to support the amazing opportunities that Explore Academy offers in any way I possibly can.

Thank you for your support during my charter school learning curve. It has been a pleasure working with each of you.

A handwritten signature in cursive script, reading "Eva L. Vigil".

Eva L. Vigil

David A. Kulb
2020 Somervell St. NE
Albuquerque, NM 87112
505-323-2159

Mr. Justin Baiardo
Explore Academy Charter School
6600 Gulton Ct. NE
Albuquerque, NM 87109

June 15, 2022


Dear Justin,

Please use this letter as my official notice of resignation from the Explore Academy Governing Council effective June 30, 2022. Though I signaled my exit months ago, I realized a letter of resignation was required and appropriate for full compliance with the State of New Mexico.

To say it has been an adventure over the last 5 years on the board, is an understatement. We have seen unprecedented growth in so many areas, all for the benefit of the students. I have thoroughly enjoyed this whole time and it seems like yesterday that my daughter was the first ninth grader to start the first year of Explore Academy. We can all laugh about the trials and tribulations of that first year now.

My thoughts and prayers will continue for you and the whole Explore Academy Network. You are a valiant beacon for strong education, justice, and hard work and the board applauds you. Keep up the excellent work and may the expansion of the Explore model continue across the United States.

Kind Regards,



David A. Kulb

CERTIFICATE OF GOVERNING BODY VOTE

This document certifies that on July 12, 2022 at 5:30 pm, a meeting of the Governing Body of Explore Academy, a New Mexico public charter school, was held virtually via Zoom. The meeting and all votes were conducted in compliance with the New Mexico Open Meetings Act.

A quorum of the Governing Body's members being present and voting, it was voted three (3) in favor and zero (0) opposed to designating Dr. Richard Griffith and Elia Dott "Dotty" McKinney to serve on the Governing Board.

The members voting in favor were:

Martha Barrera, John Garletts, and Patrick Molina.

The members voting in opposition were: none

I, the undersigned, certify that this is a true copy.

A handwritten signature in dark ink, appearing to be "Patrick Molina", is written over a horizontal line.

Secretary

AFFIDAVIT OF GOVERNING BODY MEMBER

STATE OF NEW MEXICO)
)
COUNTY OF)

I, EILA DOTT MCKINNEY, after being duly sworn, state:

1. My name is EILA DOTT MCKINNEY and I reside in ALBUQUERQUE NM New Mexico.
2. I am a member of the governing body of the Explore Academy 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 Explore Academy'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.

Eila Dott McKinney
[Signature]

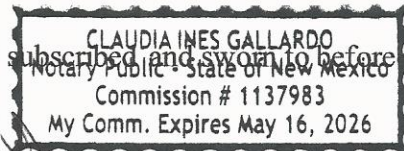
August 12, 2022
Date

EILA DOTT MCKINNEY
[Print]

VERIFICATION

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 12 day of 08, 2022.

[Notary Seal:]



NOTARY PUBLIC

My commission expires: May 16, 2022.

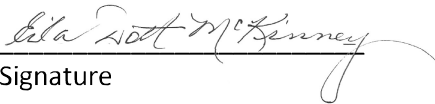
ASSURANCES

My name is Elia Dott McKinney and I reside in Albuquerque, NM. I am a member of the governing body for Explore Academy, a charter school which is located in Albuquerque, New Mexico. 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.

Elia Dott McKinney
Printed Name


Signature

August 10, 2022
Date

AFFIDAVIT OF GOVERNING BODY MEMBER

STATE OF NEW MEXICO)

COUNTY OF)

I, Richard Griffith, after being duly sworn, state:

1. My name is Richard Griffith and I reside in Albuquerque, New Mexico.
2. I am a member of the governing body of the Explore Academy 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 Explore Academy'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]

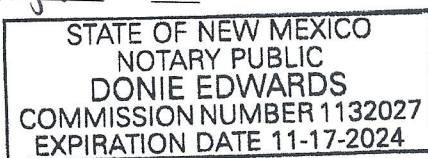
8/12/22
Date

Richard Griffith
[Print]

VERIFICATION

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 12th day of August, 2022.

[Notary Seal:]



[Signature]
NOTARY PUBLIC

My commission expires: November 17, 2024.

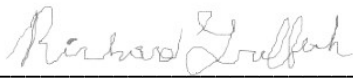
ASSURANCES

My name is Richard Griffith and I reside in Albuquerque, NM. I am a member of the governing body for Explore Academy, a charter school which is located in Albuquerque, New Mexico. 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.
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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.

Richard Griffith
Printed Name


Signature

August 10, 2022
Date

STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the Explore Academy, 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.

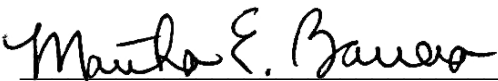
We make this statement as part of [insert name of school]'s application to the Public Education Commission for status as a board of finance under 6.80.4.16 NMAC.


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.

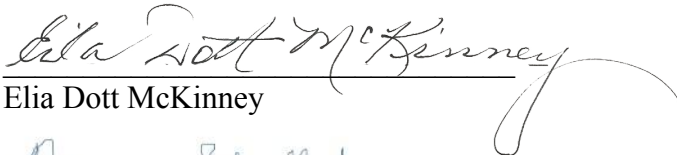
We understand that we must submit an Affidavit of Governing Body Member to the Public Education Commission within 60 days of a change in membership of our governing body.


THE FOLLOWING MEMBERS OF THE EXPLORE ACADEMY GIVE THE FOREGOING STATEMENT THIS 12th DAY OF July, 2022.

1. 
Patrick Molina, Interim Chair/Secretary

2. 
Martha Barrera

3. 
John Garletts

4. 
Elia Dott McKinney

5. 
Richard Griffith

Attach additional pages if membership exceeds five.