

**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 [DEAP Charter ], hereafter "The School", effective [ 19 ] of [ August ], [ 2022 ].  
The School was approved for a [ FIVE YEAR ] Charter Contract.

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

**NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS:** 5

☒ **RESIGNATION**

**EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER:** 8/1/2022

**NAME OF INDIVIDUAL RESIGNING:** Michaela Shirley

☐ **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:** 8/18/2022

**NAME OF INDIVIDUAL BEING DESIGNATED:** Zachariah Ben

**HOME ADDRESS:** 3624 Zia Dr. Gallup, NM 87301

**PHONE NUMBER:** 505-860-6426

**EMAIL ADDRESS:** zachben0110@gmail.com

**NAME OF BOARD MEMBER BEING REPLACED:** Michaela Shirley

☐ **REQUEST FOR EXTENSION:**

☐ **VOTE NOT TO REPLACE MEMBER:**

**Submit this form and all supporting documents to [charter.schools@state.nm.us](mailto:charter.schools@state.nm.us)**

The School's Governing Body Member Change Amendment is hereby submitted by [Kayla D. Begay ]  
on [ 8-19-22 ], 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.



8-19-22

Charter School Representative Signature

Date

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

☐ Approved

☐ Denied

Chair, Public Education Commission

Date



*As a result of a DEAP education, students will be able to use their cultural, vocational, and academic skills to analyze their surroundings in order to plan the transformation of their community and their world, live a healthy life and use the tools they were taught to achieve holistic wellness, use their understanding of identity, and its impact on local and global communities to promote the restoration and perpetuation of Diné culture, and honor the history and the legacy of the Dził Dítł'ooí area by consciously balancing the needs of the land with the needs of the people.*

**Governing Council Meeting  
August 18, 2022- 6 PM  
Location: Zoom / Telecommunication**

Join Zoom Meeting  
<https://us02web.zoom.us/j/84693057636?pwd=Z296Ny9EcUNNMFNfTVkb29xOTRKUT09>

**Meeting Agenda**

- A. Meeting Call to Order at 6:04pm
- B. Roll Call
  - Rebecca Jones, President/Chair - Present
  - Aaron Billie, Vice-Chair - Present
  - Amberia Tolino, Secretary - Present
  - Gavin Sosa, Treasurer - Absent
  - Member - Vacant
  - Guests: Kylee G., Kayla B., Zach Ben (Bidii Baby Foods, LLC), and Charlotte A.
- C. Review and Approval of the Agenda
  - a. Motion made by Aaron B., Second by Amberia T. Vote: 3-0-0
- D. Review and Approval of meeting minutes
  - a. July 14, 2022
    - 1. Motion made by Aaron B., Second by Amberia T. Vote: 3-0-0
- F. Discussion & Action Items
  - A. GC Membership - Zachariah Ben and Mary Ben (Bidii Baby Foods, LLC). Kayla reached out for GC membership potentials.
    - 1. Introductions - from Zach B., GC members, and meeting attendees.
    - 2. Resumes for Zach B. and Mary B. as well as the letter of interest for Zach B. were shared via email with GC members.
    - 3. Action made to vote in Zachariah Ben as a GC member. Motion made by Rebecca J., Second by Aaron B. Vote: 3-0-0. There is potential for MB to serve as an advisory consultant of grant writing for DEAP.
      - a. As a part of adding in new GC members the affidavit will need to be submitted to the PEC and Kayla will prepare and send via HelloSign, the document should be ready by Tuesday next week.
  - B. Student Cap - presented by Kayla B.
    - 1. First week of school.
    - 2. 45 fully enrolled students, budget for 48.5 students
      - a. Building space has become a concern.

- i. 10th, 11th, and 12th grade is the majority of enrollment count. The school is out of computers and chairs. Take into consideration building space, funding, and resources.
- ii. Kayla B. inquired about putting a cap at 40? There would be a trade off in terms of funding. There are 6 lottery applications pending, which would mean adding six more students.
  - 1. Charlotte A. informed that with the reduction of the enrollment count we'd lose \$36,000 and this could be more or could be less. This would depend on the sped count. Charlotte A. reassured that it could be afforded to do that this year.
- iii. Amberia T. brought up the concern of possible safety concerns when considering the cap as well and the potential of enrolling more students.
- iv. Aaron B. asked if there is a timeline or idea of when space can be expanded? There is no clear timeline, but a big focus area going forward. No pressure for a building by December, but the plans to have a building by June of next year. The timeline to work out and work with.
- v. DEAP needs a kitchen and classroom. These are the two highest needs.
  - 1. If classroom space were to be extended then this can assist with raising the cap on enrollment; some numbers to consider would be 60, 65, or 80 even.
- b. Food program - GC help and email was sent by Kayla B.
  - i. Not a part of the USDA national school lunch food program; there are challenges with compliances with the program, food preparing and storage, and complying and handling the compliance and requirements needed.
  - ii. Step back from the USDA food program.
    - 1. In stepping away from the program the hope is to explore the possibilities. There are limitations with USDA. Reimbursement consideration within the program for items like mutton stew through the program, but it wasn't an approved food. It may have changed and the question is can exploration happen with adding traditional foods to the program database to allow reimbursement. If this can happen then maybe the program will be doable. It would need to be built to meet the needs for DEAP.
  - iii. Explore food opportunities that are more aligned with DEAP values.
    - 1. Family involvement
    - 2. Self sufficiency through student involvement, teaching skills, preparations, etc.
    - 3. Learning from this there is potential plans for building up some school days out of the week and embedding a culinary class from it. This can be potentially funded from an NISEN, college and career, or CTE grant. As well as learning how to connect to a learning kitchen.
    - 4. Food dehydration suggestion by Zach B. as well as grants for procuring storage and resources for food services.
    - 5. Funding for a green house has been established for this year. Growing foods would they get certified.
      - a. Bidii can assist in the certification process and invest in local producers; Bidii is registered in a local cooperative and this can help get producers involved and become certified.
    - 6. Amberia T. is willing to help and volunteer if need be. Rebecca J. is also willing to help out as well. Bidii is happy to contribute produce.
      - a. A food handlers permit is required to prepare the foods and the training for it can be accessible online.

#### G. Reports

- 1. Business Manager - Charlotte A.

- a. Bank reconciliation, clearance for July 2022. \$73,305.14 in revenue, what has been expended is \$99,9468. The outstanding checks is \$29,786.52. Reports and listings were shared.
  - b. Cash summary report (new report). Beginning balance by funds, the funds that we use, the revenue, the expenditures, the ending balance, payroll liability for the month, the available cash balance.
  - c. BAR 001-I (NISN Grants) for approval. For \$25 hundred dollars, which will be used for school supplies for the students. Motion made by Aaron B, Second by Rebecca J. Vote: 3-0-0
- 2. Head Administrator - Kayla B. Report was shared with GC members with the importance of FERPA protocols.
  - a. Student enrollment count report for the 22-23 school year
    - i. 45 students
    - ii. 8th grade at 11 is the biggest class, followed by 9th grade. 6 new 6th graders, new students there are a total of 9 and the rest are returning. Male are more dominant in regards to enrollment.
    - iii. Community break down
      - 1. Mostly from Navajo, 4 from Crystal, 3 within the Red Lake chapter but more rural, 2 from Roanhorse Canyon, and 1 from Asayii road. 4 Commute from Arizona (Affidavit established). Considering this transportation is needed.
    - iv. IEPS - 2 in 7th, 2 in 8th, 1 to be recommended for gifted in 8th grade, and in 9th grade we have one gifted and 2 for recommendation for 504; one is expecting a baby and the other is the father of the child. There was a medical incident with the individual, which is the reason for the recommendation of the individual.
  - b. Events calendar report for August 2022 and part of September 2022 (First five weeks of school).
  - c. World Indigenous People's Educators Conference, the end of September.
  - d. Handbook updates
    - i. Meals
    - ii. Student Driver clauses.
    - iii. Skateboarding and bike riding safety protocols.
  - e. Tech - Starlink wifi equipment
    - i. Virtual learning resource.
    - ii. One per family, ALL families.
  - f. Operations
    - i. Land lease still in progress.
    - ii. Food program
    - iii. Finances - \$2,000 Indigenous Education Initiative Grant, waiting on the award letter. The NISN Ace Grant ends on the 30th and is expected for renewal.
    - iv. One teacher is in quarantine until Wednesday, so Kayla is covering his classes for now.
  - g. Aaron B. asked about the documentation of incidents that occur. Kayle informed that they have a form and a log that gets documented into, but there is room for improvement within this area.
  - h. Kayla had the concern of the safety of the students due to the fast driving of drivers during the school hours. So there is some planning around getting signs and such to utilize during school hours when students are in school sessions.
- 3. Director of Learning - Kylee G.
  - a. Kylee shared teacher highlights.
  - b. Five teachers this year
    - i. Wider variety of classes. Examples: Art, music production, photography, psychology, methodology, or public speaking.
    - ii. Teacher course reports.

H. Public Comment - No public comment.

I. The next GC meetings for DEAP will be September 15, 2022 at 6pm.

J. Adjournment at 7:20pm

SIGNATURE OF APPROVAL: *Amberia S. Tolino*

Amberia S. Tolino, GC SECRETARY OF DEAP

## ASSURANCES

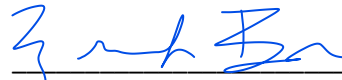
My name is Zachariah Ben and I reside in Gadi'ahii / Gallup , NM. I am a member of the governing body for Dzi Dit'ooi School of Empowerment, Action & Perseverance (DEAP) a charter school which is located at Navajo, NM, I assure that in my capacity as a member of the governing body, the CHARTER SCHOOL 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.

Zachariah Ben

Printed Name

  
Signature

9/11/22

Date

**AFFIDAVIT OF GOVERNING BODY MEMBER**

STATE OF NEW MEXICO )  
 )  
COUNTY OF McKinley )

I, Zachariah Ben, after being duly sworn, state:

1. My name is Zachariah Ben and I reside in Gallup, New Mexico.
2. I am a member of the governing body of the [insert name of school] in Dzi Dii'ooi School of Empowerment, Action & Perseverance (DEAP)'s Navajo, 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]  
Zachariah Ben

9/11/22  
Date

[Print]

**VERIFICATION**

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 15<sup>th</sup> day of September, 2022.

[Notary Seal:]

  
NOTARY PUBLIC

My commission expires: April 05, 2025.





## STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the **Dzil Diti'ooí School of Empowerment, Action & Perseverance (DEAP)**, located in **Navajo**, 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 **Dzil Diti'ooí School of Empowerment, Action & Perseverance (DEAP)**'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 **Dzil Diti'ooí School of Empowerment, Action & Perseverance (DEAP)** GIVE THE FOREGOING STATEMENT THIS **7th** DAY OF **September** 2022.

1. 

Zachariah Ben, Member

2. 

Gavin Sosa, Member

3. 

Rebecca Jones, Chair

4. 

Amberia Tolino, Secretary

5. 

Aaron Billie, Vice Chair