



STATE OF NEW MEXICO
PUBLIC EDUCATION COMMISSION
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-6661
www.ped.state.nm.us

ALAN BRAUER, CHAIR
PUBLIC EDUCATION COMMISSION

MARINA D. PADILLA
INTERIM SECRETARY OF EDUCATION

March 5, 2023

Alan Brauer, Chair
District 3, Albuquerque

Rebekka Burt, Vice Chair
District 4, Rio Rancho

Melissa Armijo, Secretary
District 1, Albuquerque

Timothy E. Beck, Member
District 2, Albuquerque

Sharon Clahchischillage, Member
District 5, Aztec

Stewart Ingham, Member
District 6, Deming

Patricia Gipson, Member
District 7, Las Cruces

Michael M. Taylor, Member
District 8, Roswell

K.T. Manis, Member
District 9, Hobbs

Steven J. Carrillo, Member
District 10, Santa Fe

Isaac Casados
Brenda Atencio
Governing Board Chair
La Tierra Montessori School for the Arts and Science
Via email: Isaac.Casados@montessorilatierra.org

Patricia Herrera
Head Administrator
La Tierra Montessori School for the Arts and Science
Via email: patricia.herrera@montessorilatierra.org

RE: Notice of Intent to Revoke the Charter

Dear Mr. Casados, Ms. Atencio and Ms. Herrera:

Thank you for your email from Friday. Please note that the school was placed on notice that the PEC might issue a Notice of Intent to Revoke the Charter on December 20, 2022 (for the January PEC meeting) and then again on February 6, 2023 (for the February PEC meeting) as a possible outcome to a discussion on the corrective action plan.

While we believe that there was adequate notice for the PEC actions taken in February under the contract and the open meetings act, attached please find notice of a special meeting of the Public Education Commission that will be held via Zoom on March 16, 2023 with an agenda item related to discussion and possible action on Notice of Intent to Revoke the Charter of La Tierra Montessori School for the Arts and Sciences for breach of contract and failure to make substantial progress towards achievement of the department's standard of excellence or student performance standards identified in the contract.

This letter, and the attached “LTMS Concern Documentation,” and special meeting notice will serve as a third notice that the PEC may issue a Notice of Intent to Revoke the Charter of La Tierra Montessori School for the Arts and Sciences regarding the following urgent issues requiring immediate PEC consideration regarding concerns that have taken place over the past years:

URGENT SAFETY AND SPECIAL EDUCATION CONCERNS		
Section 4.6, Operation, ii., iii and viii.	Comply with all federal and state laws relating to the education of children with disabilities, comply with all laws related to safety, notify the Commission of allegations or inappropriate contact with a student	<p>POMs and CSD have identified numerous safety concerns at the school, and the school is being placed on a Corrective Action Plan by the Public Education Department.</p> <p>The new Head Administrator is a part term position with that same staff person also providing special education services. There have been numerous complaints that this person is not able to adequately do both jobs in a manner that results in adequate supervision of the school and staff and adequately do the work of the special education instructor students.</p> <p>Further, there are reports of two incidents where a student was involved in an altercation with a teacher. There have been numerous other complaints that the school has been an unsafe environment.</p>
ACADEMIC CONCERNS RELATING BOTH TO THE CONTRACT AND STATE STANDARDS OF EXCELLENCE		
Section, 5.2, i., ii. and iv.	Participate in State-required assessment and meet State’s standards of excellence	Student results on the 2021-22 statewide assessments indicate 38% of the students scored proficient or above in ELA (slightly higher than the state average of 34%); 27% proficient in Science (below the state average of 33%); Math proficiency is less than 20%; Early Literacy proficiency is 5%.

		La Tierra’s 2021-22 assessment participation rate was low with not more than 69% of eligible students taking the state-required assessments
OTHER CONTRACT VIOLATIONS		
Section 2, Scope, paragraph 2,i. and ii.,	Designated charter representative in its contract negotiations with the PEC or failure to comply with the contract by the present board signed by its designated charter representative.	<p>The school representation to PEC that the Charter Contract was negotiated by a person with authority and approved by the Board when the present board now represents they did not have such authority, or, if done appropriately, then the present board has failed to comply with the signed contract and implement it.</p> <p>Further, if there was an issue with authority to enter into Charter Contract, the School failed to remedy any possible issues related to the contract from the time period May – July, 2022 even after being directed to correct these issues by the PEC on August 19, 2022</p>
Section 4, Section 5	<p>1, Purpose 2, Mission 4, i. Comprehensive Educational Program of the School</p> <p>Performance Framework</p>	<p>The school failed “to institute a Montessori program with trained Montessori staff”; to provide documentation to CSD regarding how the mission-specific goals are being implemented, and to fully implement the mission and educational program as negotiated.</p> <p>The school failed to set up the mission-specific goals and set up a scoring sheet for the implementation of the mission-specific goals.</p> <p>On December 12, 2022 and in January, 2023, the school submitted incomplete information to revised the mission-specific goals after the request to correct any errors was made on August 19, 2022 and CSD met with numerous staff members about the need to implement the mission-specific goals.</p>

<p>Section 4.5, vi., viii. and ix.</p>	<p>Comply with all provisions of the Contract and law, hiring and overseeing the Head Administrator</p>	<p>The new Head Administrator is a part-time position with that same staff person also providing special education services. There have been numerous complaints that this person is not able to adequately do both jobs in a manner that results in adequate supervision of the school and staff and adequately do the work of the special education instructor students creating a chaotic and unsafe environment for children and staff.</p>
--	---	---

Finally, we understand that there may be fiscal irregularities that have recently been identified that led to a complaint to the PED licensure bureau. PEC will be looking into the fiscal irregularities as well because fiscal compliance has been identified as an issue of concern since August, 2022.

The Executive Committee of the PEC has identified April 20, 2023 as a day that could be utilized for a revocation hearing at Mabry Hall. However, if a Notice of Intent to Revoke is issued, the notice will set the exact date and time of the hearing. In addition, the PEC will provide this letter and attachments to the Ohkay Owingeh Pueblo to begin the consultation process and notify them of a possible revocation hearing.

Thank you.

Sincerely,

el/Alan Brauer

Chair, Public Education Commission

cc: Ohkay Owingeh Pueblo leadership