

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 [ACES Tech Charter School], hereafter "The School", effective [1st] of [July], [2020]. The School was approved for a [5 year] Charter Contract.

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

NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS: 7

RESIGNATION

EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER:

NAME OF INDIVIDUAL RESIGNING:

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: February 8, 2023

NAME OF INDIVIDUAL BEING DESIGNATED: Judy Labovitz

HOME ADDRESS: 44 Desert Mountain Rd., Placitas NM 87043

PHONE NUMBER: 505-217-0576

EMAIL ADDRESS: Labovitzj6@gmail.com

NAME OF BOARD MEMBER BEING REPLACED: N/A - new member

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 [Dr. Warren Wihelm] on [2/9/2023], 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

2/9/2023
Date

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

Approved

Denied

Chair, Public Education Commission

Date

AFFIDAVIT OF GOVERNING BODY MEMBER

STATE OF NEW MEXICO)
)
COUNTY OF)

I, JUDY LABOVITZ, after being duly sworn, state:

1. My name is JUDY LABOVITZ and I reside in Placitas, New Mexico.
2. I am a member of the governing body of the [insert name of school] in Acos Tech Charter School, 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 [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.

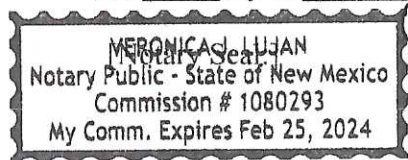
Judy Labovitz
[Signature]

2/14/23
Date

JUDY LABOVITZ
[Print]

VERIFICATION

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 14 day of February, 2023.



Veronica Lujan
NOTARY PUBLIC

My commission expires: 02/25, 2024

ASSURANCES

My name is JUDY LABOVITZ and I reside in PLOUCITAS, NM. I am a member of the governing body for ACES TECHNICAL CHARTER a charter school which is located at 9160 SONGER. 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.

JUDY LABOVITZ

Printed Name

Judy Labovitz
Signature

2/10/23
Date

STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the ^{ACES Tech} [insert name of school], 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 ^{ACES Tech} [INSERT NAME OF SCHOOL] GIVE THE FOREGOING STATEMENT THIS 10 DAY OF Feb, 2011.2023

1. Judy Laboy
[signature]
JUDY LABOITE
[print]
2. _____
[signature]

[print]
3. _____
[signature]

[print]
4. _____
[signature]

[print]
5. _____
[signature]

[print]

Attach additional pages if membership exceeds five.

Public Education Commission Governing Body Member Change Amendment Form

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

NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS: 7

RESIGNATION

EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER:

NAME OF INDIVIDUAL RESIGNING:

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: February 8, 2023

NAME OF INDIVIDUAL BEING DESIGNATED: Jeffrey S. Blair

HOME ADDRESS: 8701 New Hampton Rd. NE, Albuquerque NM 87111

PHONE NUMBER: 505-453-3030

EMAIL ADDRESS: jeff_blair@comcast.net

NAME OF BOARD MEMBER BEING REPLACED: N/A - new member

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 [Dr. Warren Wihelm] on [2/9/2023], 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

2/9/2023

Date

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

Approved

Denied

Chair, Public Education Commission

Date

AFFIDAVIT OF GOVERNING BODY MEMBER

STATE OF NEW MEXICO)
)
COUNTY OF BERNALLILO)

I, Jeffrey S. Blair, after being duly sworn, state:

1. My name is Jeffrey S. Blair and I reside in Albuquerque, New Mexico.
2. I am a member of the governing body of the ACES Technical Charter School; 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 ACES Technical Charter 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.

Jeffrey S Blair

[Signature]

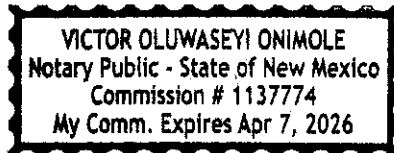
3 / 16 / 2023
Date

Jeffrey S. Blair
[Print]

VERIFICATION

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 16 day of March, 2023.

[Notary Seal:]



[Signature]

NOTARY PUBLIC

My commission expires: April 7, 2026.

STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the ACES Technical Charter School, 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 ACES Technical Charter 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 financially 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 ACES TECHNICAL CHARTER SCHOOL GIVE THE FOREGOING STATEMENT THIS 16th DAY OF MARCH, 2023

1. Jeffrey S Blair
[signature]

Jeffrey S. Blair

2. _____
[print]
[signature]

3. _____
[signature]

4. _____
[signature]

5. _____
[signature]

[print]

Attach additional pages if membership exceeds five.

ASSURANCES

My name is Jeffrey S. BLAIR and I reside in Albuquerque, NM. I am a member of the governing body for ACES Charter School a charter school which is located at 4501 Montgomery. 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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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.
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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.

Jeffrey S. BLAIR

Printed Name

J S Blair

Signature

MARCH 16 2023

Date

Governing Board Meeting

Wednesday, February 8, 2023 @ 5:30pm

- I. **Call to Order**—W. Wilhelm called the meeting to order at 5:31pm
 - A. **Roll Call**—Attending: Ruth Bouldes, Warren Wilhelm, Vic Berniklau, Theresa Carson, Jeff Blair (joined later). Absent: Alex Horton, Judy Labovitz Guests: Dr. Jeron Campbell, Attorney Dan Hill, Nate Rios of Vigil Group, teacher Amanada Greeves
 - B. **Adoption of the February 8, 2023 Governing Board Meeting Agenda** – Unanimously approved
 - C. **Approval of January 11, 2023 minutes**—V. Bernaklau moved to approve, it was seconded and approved; abstained by T. Carson who was not present and the R. Bouldes as secretary could not vote per Roberts Rules.
- II. **Recognition of Students, Staff, and Community**—Ms. Amanada Greeves, teacher was in attendance.
- III. **Public Forum (2 minutes per speaker)**—Ms. Greeves expressed various grievances about the school.
- IV. **New Board Member Introduction and Vote**
 - A. **Jeff Blair**—V. Berniklau and W. Wilhelm offered support for the nomination; V. Berniklau motioned to approve the nomination, it was seconded and unanimously approved.
 - B. **Judy Labovitz**—R. Bouldes offered support for the nomination; R. Bouldes motioned to approve the nomination, it was seconded an unanimously approved.
- V. **Action Items**
 - A. **Approval of update to Board Policy 9230 – Volunteer Policy**—T. Carson moved to approve the updated policy 9230 with the noted modification for legal reference, it was seconded and unanimously approved.
- VI. **Foundation Discussion**—N/A
- VII. **Financials (J. Campbell and N. Rios)**
 - A. **Budget Update**—see attached financials. V. Berniklau advised that there are no PED requirements for the treasurer role; the bank balance is thin and the void will be filled by funds due from PED; PED will pay directly for some equipment purchased from authorized capital funds.
 - B. **BARS Approval vote**—N/A
- VIII. **Principal’s Report**
 - A. **Operations/Facility Update**



Governing Board Meeting

Wednesday, February 8, 2023 @ 5:30pm

- i. New internal procedures: Personal Materials, Personal Leave**
 - ii. Staff and Student Recruiting**—Dr. Campbell advised of ongoing student and staff interview for the Fall; 20,000 recruitment **postcards** to be sent and an ad in NM Kids magazine; a new facilities lease has been sent to attorney D. Hill.
 - B. Academics Update** – Interim Testing and School Supports—State tests are being conducted and Success Maker is starting at the school to provide needed engineering and math support. The PED will visit the school on Friday Feb. 10; board members invited between 11 and 11:45.
 - IX. Board President Report and Discussion**—Required board training was discussed.
 - X. Announcement of Upcoming Board Meetings**
 - A. The next meeting will be held on Wednesday, March 8, 2023 at 5:30pm
 - XI. Adjournment at 6:36pm.**
- Submitted by: Ruth Bouldes, Secretary**