



## New Mexico Public Education Commission (PEC)

### Governing Body Member Change Notification Instructions

**Purpose:**

To notify the Public Education Commission (PEC) of a change in a member of the school's governing body.

**Submission Deadline:**

Changes to the governing body do not require prior approval of the PEC; however, notice must be received within 30 calendar days of the change.

Notifications completed 14 days prior to the next PEC meeting will be placed on the next agenda. Notifications of this type are typically placed on the consent agenda; however, any notification may be removed from the consent agenda and moved to the regular agenda for full discussion and possible action by the PEC.

Meeting minutes of the governing board of the school and the PEC will serve as an amendment to, or compliance with, the charter contract regarding this membership change. The documentation will be added to the board of finance documentation on file with CSD.

**Information provided by the School:**

- Fully completed form
- Approved board minutes or certification of the vote taken by the board accepting the new member
- Resignation Letter or board meeting minutes removing the previous member
- Statement of Governing Body Member to Consult with PED
- Affidavit of Governing Body Member
- Assurances of Governing Body Member

Contact [charter.schools@ped.nm.gov](mailto:charter.schools@ped.nm.gov) if you have questions about completing or submitting documents.



# New Mexico Public Education Commission (PEC)

## Governing Body Change Notification Request FORM

Submit this form and all supporting documents to [charter.schools@ped.nm.gov](mailto:charter.schools@ped.nm.gov)

The Charter Contract was entered into by and between the New Mexico Public Education Commission (PEC) and The ASK Academy, hereafter "the School," effective on 7/1/2020

**Current Governing Body Officers:**

Chair/President: Michael R. Smith

Vice Chair/Vice President: Dr. Jeanne Forrester

Secretary: Gary K. Feger

**Current Governing Body members (non-officers):** Dr. Denise Gonzales (Director), Lindsey Bomke (Director) and Tonya Ross (Director)

**New Governing Body member(s) and position(s), please include contact information such as phone number(s) and email(s):** Alex Price (Director) – (505) 659-9291 - badger\_sideways@yahoo.com

**Number of personnel changes and governing body changes submitted to PEC in the last 12 months:** 3 (1 GB, 1 HA, 1 BM)

**The School's Governing Body notification is hereby submitted by:**

*L. Garcia*  
Charter School Representative

3/28/23  
Date

**School Amendment Approval (electronic signature governing board chair):**

*[Signature]*  
Governing Board Chair/President

Date 3.28.23

\_\_\_\_\_ **For PEC/CSD use only** \_\_\_\_\_

**PEC Meeting Date:**

**Agenda:**

- Regular
- Consent

**Notification Number:**

**Number of personnel changes in last 12 months:**

**The Governing Body Notification was:**

Approved

Denied (see transcript)

**Electronic signature of PEC Chair:**

*PEC Chair*

*Date*



A New Mexico Public Charter School

# The ASK Academy

21<sup>st</sup> Century Design Thinking

## The ASK Academy Governing Council Virtual Meeting

4550 Sundt Road NE, Rio Rancho, NM

Open Session  
March 15, 2023  
6:00pm

### Minutes

<i>Attendance:</i>		
Present	Board Members	Title
X	Michael Smith	Chair
X	Dr. Jeanne Forrester	Vice Chair
X	Dr. Denise Gonzales	Director
X	Lindsey Bomke	Director
	Tonya Ross	Director
	Gary Feger	Secretary
ASK Academy Members		
	Ed Garcia	Chief Executive Officer
X	Patrick Kelly	Chief Financial Officer
	Stephany Munoz	Business Administrative Assistant
	Cheryl Kemnitz	Parent Support Committee

- I. **Call to Order** **Michael Smith, Chair**  
Chair Smith calls meeting to order at 6:00pm. Does roll call and introductions of Governing Council.
- II. **Establishment of Quorum** Established in the introductions.
- III. **Pledge of Allegiance**
- IV. **Public Comment-** None.

**V. Discussion and Possible Action**

**a. Introduction and Nomination of Alex Smith**

- Chair Smith introduces Alex Smith and says he was recruited by Director Bomke and former Vice Chair Bartkus. He works at the Sandoval Regional Medical Center. Chair Smith shared his resume with the Governing Council last month. Chair Smith asks Mr. Smith what he can bring to the Board of Directors to The ASK Academy.
- Mr. Smith says he has a lot of different experiences from most of the people on the board. He attended a private British boarding school and has his child in the Albuquerque Public School system at Taylor Middle School. Mr. Smith currently has a bachelor's degree in nursing with biology as his specialty and was educated at a British University. He has 10 years of medical experience working at Presbyterian Hospital and 9 years of experience in the Sandoval Regional emergency room. He loves the emergency room and loves what he does. He hopes to bring a big involvement in community action and an alternative view and perspective to help balance everything out. He is big on community involvement and all things volunteer. Mr. Smith has some experience with international charter schools but is hoping to learn more from the current Governing Council.
- Director Gonzales shares when she first joined the Governing Council she was not familiar with all the processes. She reassures Mr. Smith that he will go through board training and be educated on many things and to keep an open mind. She believes Mr. Smith will be a good fit for the board. Vice Chair Forrester agrees.

(Director Bomke joins the meeting)

**b. Possible Action on New Board Member**

- Director Bomke motions to bring Mr. Smith on The ASK Academy Governing Council. Director Gonzales seconds. Roll call vote is unanimous. Chair Smith welcomes Director Smith to the board. Chair Smith says he will be in touch with Director Smith to get him started on board training.

**VI. Announcements**

**a. Next Governing Council Meeting is April 20, 2023**

**VII. Adjournment** – Chair Smith adjourns the meeting at 6:10pm.



A New Mexico Public Charter School

**The ASK Academy**

*21<sup>st</sup> Century Design Thinking*

**The ASK Academy  
Governing Council Virtual Meeting**  
4550 Sundt Road NE, Rio Rancho, NM

Open Session  
March 9, 2023  
6:30pm

**Minutes**

<i>Attendance:</i>		
<b>Present</b>	<b>Board Members</b>	<b>Title</b>
X	Michael Smith	Chair
	Andrew Bartkus	Vice Chair
X	Dr. Jeanne Forrester	Secretary
X	Dr. Denise Gonzales	Director
X	Lindsey Bomke	Director
	Tonya Ross	Director
X	Gary Feger	Director
<b>ASK Academy Members</b>		
X	Ed Garcia	Chief Executive Officer
X	Patrick Kelly	Chief Financial Officer
X	John Keelin	Middle School Principal
X	Stephany Munoz	Business Administrative Assistant
X	Cheryl Kemnitz	Parent Support Committee
X	Jessica Gallegos	Project Manager

- I. **Call to Order** **Michael Smith, Chair**  
Chair Smith calls meeting to order at 6:31 pm. Does roll call and introductions of Governing Council.
- II. **Establishment of Quorum** Established in the introductions.
- III. **Pledge of Allegiance**
- IV. **Meet the Project Manager, Ms. Gallegos** **John Keelin, MS Principal**
  - Principal Keelin greets everyone and is excited to introduce project manager Jessica Gallegos. She is the 7<sup>th</sup> grade New Mexico History teacher and is amazing working in the PBL environment. Principal Keelin says she will be sharing a huge project tonight and turns it over to Ms. Gallegos.
  - Project manager Jessica Gallegos says she is in her second year at the Academy and loves it. Her big PBL project is a NM living map. It is 90x100 foot walkable living map located on the northwest

corner of the campus. The map started last school year and has continued. It has had great turnout and engagement from scholars and families. What Ms. Gallegos loves is that it is exactly what The ASK Academy stands for which is project based learning. Scholars get to choose what they want to build. Ms. Gallegos shares pictures of the project. She states it is an organic way of learning and amazing to see our scholars engage in real world application. Project includes time management, team work, problem solving, and lots of creative thinking. Students are working currently on wind farms to add to the living map. Ms. Gallegos shares work in progress photos that will be added soon. Also shows the Sandia Tramway that was 3D printed by a scholar. There will be a community showcase on May 12<sup>th</sup> and invitations will go out as the date comes closer. Ms. Gallegos asks if there are any questions.

- Chair Smith states it is great to see a continuation of a project.
- Director Feger asks how many students are involved in the project. Ms. Gallegos says about 120 scholars are involved. It is all her classes in different groups and they work on the map on Mondays. It is great because all the students look forward to working outside on Mondays.

**V. Public Comment – None.**

**VI. Consent Agenda-** Chair Smith calls for motion to approve consent agenda. Director Bomke motions and Director Feger seconds. Roll call vote is unanimous. No discussions.

- Approve Minutes of February 9, 2023**
- Monthly Financial Report**
- State SEG Increase BAR 520-000-2223-0016-I**
- State Junior Bill BAR 520-000-2223-0017-IB**
- State Capital Outlay BAR 520-000-2223-0018-I**
- SB-9 Local Carryover BAR 520-000-2223-0019-I**
- SB-9 State Carryover BAR 520-000-2223-0020-I**
- ESSER II Carryover BAR 520-000-2223-0021-IB**
- ESSER III Carryover BAR 520-000-2223-0022-D**
- Account Summary Reports**

**VII. Reports, Discussion and Possible Action**

**a. Chair Update**

**Michael Smith, Chair**

- **Recognition of Andrew Bartkus-** Director Bartkus has now officially resigned his position on the Governing Council and is no longer a board member. Chair Smith thanks Director Bartkus for his time and will make sure he receives his recognition plaque.
- **Approval to move April-June Council Meetings to 3<sup>rd</sup> Thursday of month:** Possible new board member has other obligations on the second Thursday of each month. Chair Smith suggests to move board meetings for April through June to the third Thursday. Chair Smith calls for motion to approve this. Director Bomke motions and Director Gonzales seconds. Roll call vote is unanimous and starting in April through June board meetings will be held on the third Thursday of each month.
- **Approval of Special Council Meeting week of March 13<sup>th</sup> for new nomination and possible action of Alex Price (prospective council member):** Alex Price was highly recommended by Director Bartkus. Alex Price's resume was sent out to board members last week. On 3/15/23 Alex will be available for any questions at 6pm. Director Feger, Bomke, and Gonzales state they can attend the special meeting. Chair Smith calls for motion to approve the special meeting. Director Bomke motions and Director Gonzales seconds. Roll call vote is unanimous.
- **Approval to appoint Dr. Forrester as Vice Chair for remainder of the year:** No objections from board members.
- **Approval of new Secretary for remainder of the year:** Chair smith asks if anyone would like to volunteer for this roll. Director Feger volunteers. Chair Smith does roll call vote and it is unanimous. Chair Smith thanks Director Feger and will contact him tomorrow.

- **Strategic planning:** Chair Smith thanks CEO Garcia and his team for their dedication to the planning meetings. There will soon be information to report on the future of The ASK Academy.
- **Meeting next week for Radio Club:** Next Tuesday at 4pm there will be a meeting in CEO Garcia's office to look through the memorandum and discuss school sponsorship for the radio club. Dr. Dove and other retired engineers will be helping with the club as well. Chair Smith is excited to get this club going as it involves STEM learning.

## b. CEO Update

Edward Garcia, CEO

### CELEBRATIONS:

- Aidan Jennings-Quattropani has been named as a National Merit Finalist. Emma Clayton has been named a finalist in the US Presidential Scholars Program. This is the second year in a row that the Academy has had scholars as finalists in both categories. Winners will be announced in the Spring.
- Corrales Art Center will have multiple artist on campus next week participating in Ms. Nobles middle school Art Class, judging projects and giving feedback.
- HP was on campus last week kicking off the second semester in our middle school. This is a partnership continuing from last semester.
- HP will be meeting with high school seniors in the first week in April to assist scholars with resume writing, interviewing skills, and to select a summer intern. CEO Garcia says this is a great opportunity to expand our internship program.
- Wellness Week will be 3/27/23-3/30/23. The focus for all scholars will be stress management and coping skills. Outside therapist will be contributing to this new initiative.
- The Lottery will be held on Friday, 3/10/23, at 10 A.M. at The ASK Academy. We have 264 students in the Lottery.

### OPERATIONS:

- The ASK Academy is fully staffed.

### FINANCE:

- Audit/Finance Committee meeting was held today at 5:30pm. CEO Garcia thanks Chair Smith and Director Bomke for attending. The meeting discussed current financial situations and legislation things that can impact the Academy in the next school year. CEO Garcia reviews the budget forecast that is included in the board packet. Seven bars on the budget forecast were approved in the consent agenda.
  - Bar 1: Increase to Academy budget SEG funds for \$499,310 due to increase of enrollment.
  - Bar 2: \$240,000 received from Junior Capital Outlay money for the PLTW program.
  - Bar 3: Capital Outlay money \$270,250. Money was not included in original budget.
  - Bar 4: SB9 money for \$103,848 property tax revenue carry over.
  - Bar 5: \$22,263 also for SB9 money for state matching funds.
  - Bar 6: SR2 funds aka covid funds that are left over \$31,009. Funds must be used by June 30, 2023 and will be used for deep cleaning campus and other covid related things.
  - Bar 7: SR3 funds also used for covid related things like paying substitute teachers. This fund was over spent by \$3,935 but was not transferred in at the beginning of the year correctly. This will be moved and is not truly in the negative.
- Director Gonzales asks if CEO Garcia can elaborate on how the money can be spent and if there are any restrictions.
  - CEO Garcia says SEG funding is based on enrollment numbers and there are no restrictions. The Junior Capital Outlay money is highly restricted and can only be used for what it was approved for. That money is for our PLTW program and needs to be used by July 1<sup>st</sup>. We are currently in the process for updated and modernizing PLTW learning spaces and project manager trainings. 2022 Capital Outlay money in general was not



included in the initial budget but has been added now. CFO Kelly has been cleaning up budget allocations and inserted this. There is no immediate timeline on spending this.

- Financial summary report shows a cash carryover of about 1 million dollars. Financially the Academy is very healthy right now. The Academy will be using its resources to hire additional positions. We added a new English teacher this year and are looking into adding an additional social emotional health and counseling position next year.

#### **ACADEMIC:**

- Our professional development over the last 6 weeks has focused on project based learning. It is our umbrella theme for professional development for the school year and we were able to find very good stretch of continuity for teachers to practice and enhance their skills.

#### **LEGISLATIVE UPDATE:**

- House Bill H36 is proposing 5% raise for all state employees. CEO Garcia believes this bill pass.
- Graduation requirements did pass and removed algebra 2 and foreign language as a state graduation requirement.
- Educational Assistant salary increase is waiting for a larger house vote. CEO Garcia also believes this bill will pass.
- H130 Extended learning time has passed through the house appropriations and finance. CEO Garcia believes this will pass as well and increase school day seat time from 1,080 hours to 1,140 hours.
- SB4 is going through negotiations and if passed will offer free breakfast and lunch to all students in New Mexico public schools.
- Charter school cap was defeated. Charter schools can open wherever they would like.
- A new bill was proposed this week that would restructure the special education department. The Governor would like the power to appoint the Director of Special Education of the State. This has created a lot of controversy. There is also a bill at the same time that would remove the position of Secretary of Education and create a statewide superintendent. There are questions of who this person would report to.
- CEO Garcia thanks the Governing Council for taking time to speak with him regarding school issues. CEO Garcia was thankful to meet with each of them one on one. He is always learning from each of them and appreciates their support and commitment to the Academy.

#### **c.) Action Item: Approval of Capital Expenditure for New Construction Plans Patrick Kelly, CFO**

- CFO Kelly shares screen to show quote of project design fee for a new building from Architect David Pacheco for board consideration.
- Director Gonzales asks if this has to go out for open bids for the design phase and construction. CFO Kelly states that if the construction goes through the school, as opposed to the Foundation, it would have to go through the proper procurement processes. The Foundation is not necessary bound by all the procurement laws the school is bound to.
- Director Feger notices the quote reads "n/a" under mechanical plumbing and electrical. He asks if the plans include this or if the design is strictly architectural. CFO Kelly is not completely sure, but imagines that those services go out for bid afterward and the construction company that does the main build will contract out those services.
- Chair Smith asks why we are not putting out a bid for architectural services. Chair Smith asks what the procurement process is. CFO Kelly explains that the school can use state approved vendors via established state contracts, from a purchasing cooperative (ACES, CES) which has done the bidding for us or the school can advertise the work and get a minimum of three different bids for it. Chair Smith says he would like to keep the process as transparent as possible and would like to get more than 1 bid on the building construction. Director Gonzales agrees that having more of a competitive bidding process on the building would be the best approach. Director Bomke also agrees that having transparency with each phase of construction, including getting bids is the best way to go. CFO Kelly agrees with Chair Smith,

Director Gonzales, and Director Bomke. CEO Garcia also agrees with all board members and feels getting multiple bids for construction and presenting them to the governing council is the best practice. He is also in agreement for the governing council to give consent and input as to which bid is selected. Director Feger states that in the bidding process it is not always about the lowest price but which bid has the best value.

- CEO Garcia asks in the last building construction if there was a bidding process and a level of transparency for the governing council. Chair Smith states that the governing council was told that the school was following the process set forth by the state but felt like he was prodding for more information and was hard to get transparency. Chair Smith says this is a great way to move forward in showing transparency and communication with the Executive Council and Governing Council.
- Director Gonzales motions to see 3 competitive bids for construction plans and after receiving them to present them to the Governing Council for discussion at a future meeting. Director Feger seconds. Roll call vote is unanimous.

**VIII. Announcements**

- a. Next Governing Council Meeting is April 20, 2023**
- b. Special meeting next week for potential new board member**
- c. Governing Council Annual Training Update:** Chair Smith will email each board member individually to see how we can get training done for the year.

**XI. Adjournment:** Chair Smith adjourns the meeting at 7:31pm.

## ASSURANCES

My name is Alexander Price and I reside in Corrales, NM. I

am a member of the governing body for the ASK Academy, a charter school which is located at 4550 Sundt Rd. NE Rio Rancho, NM 87124, 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.

<u>Alex Price</u>	<u><i>Alexander Price</i></u>	<u>Apr 17, 2023</u>
Printed Name	Signature	Date

**AFFIDAVIT OF GOVERNING BODY MEMBER**

STATE OF NEW MEXICO )  
 )  
COUNTY OF )

I, ALEXANDER PRICE, after being duly sworn, state:

1. My name is ALEXANDER PRICE and I reside in CORRALES, New Mexico.
2. I am a member of the governing body of the ASK Academy in Rio Rancho, 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.

AP  
[Signature]

4/27/2023  
Date

ALEXANDER PRICE  
[Print]

**VERIFICATION**

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 27 day of April, 2023.

[Notary Seal:]

[Signature]  
NOTARY PUBLIC

My commission expires: Feb. 03, 2025.

STEPHANY K. MUNOZ  
Notary Public - State of New Mexico  
Commission No. 1116541  
My Comm. Expires Feb. 03, 2025

**STATEMENT OF GOVERNING BODY TO CONSULT WITH PED**

We, the undersigned, make up the governing body of the ASK Academy, located in Rio Rancho, 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 the ASK Academy’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 ASK ACADEMY GIVE THE FOREGOING STATEMENT THIS 14th DAY OF April, 2023.

1.   
Alexander Price (Apr 17, 2023 15:11 MDT)  
\_\_\_\_\_  
[signature]  
Alex Price  
\_\_\_\_\_  
[print]
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Attach additional pages if membership exceeds five.