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Via Email Only: alan.brauer@ped.nm.gov

Alan Brauer, Chair
Public Education Commission
300 Don Gaspar
Santa Fe, NM 87501-2786

Re: Albuquerque Institute of Math & Sciences

Dear Chairman Brauer,

As you know, I am General Counsel for the Albuquerque Institute of Math & Sciences (AIMS@UNM). This letter was requested by your legal counsel, Ms. Julia Barnes, at the end of our meeting on Monday, September 11, 2023 in lieu of attending the next meeting of the Public Education Commission (PEC). We were provided the options of responding in writing or presenting at the next meeting. AIMS has chosen the former because of the important need of having Dr. Sandoval-Snider present at school which is vital to operations.

As demonstrated during our recent meeting, Mr. Jerry Delmore explained the process for the AIMS lottery application which comports with requests for only basic information on students and makes no reference to inclusion of any enrollment documents. These changes are viewable on the website. Lottery dates for the 2024-2025 school year will be published on the school website (<https://www.aims-unm.org/>) on or about November 1, 2023. There was no objection to the online lottery application which is also consistent with at least eight other charter schools authorized by the PEC.

Other web sites I reviewed include Amy Biehl, 21st Century Public Academy, Albuquerque School of Excellence, The ASK Academy, South Valley Preparatory Academy, and North Valley Academy. None of these schools have enrollment forms posted on their website. It should be noted that both The ASK Academy and North Valley Academy do have instructions from the last school year that parents are required to submit enrollment documents five (5) days after they are notified that their student has been accepted into the school via the lottery.

I raise this because Ms. Barnes seemed to make the time between lottery notification and enrollment a point of contention during our meeting, which was the first time it was ever mentioned as a concern. You may recall that she raised the point that this timeframe was a matter required by the charter contract. I responded with a question about what amount of time was *actually* required. Notably, she could not or refused to answer that question. Alas, it is clear that at least two schools authorized by the PEC (*and* site visited by Corrina Chavez and the Charter School Division)

operate on a five-day window between the acceptance of lottery notification and required enrollment information.

In addition, there does not appear to be any statute or rule stating when the lottery application and subsequent enrollment packages need to be available for parents and students. This is left to each individual school to decide in accordance with rights and responsibilities provided under the New Mexico Charter School Act.

AIMS has withdrawn any reference to an enrollment package on its website, just like the other eight schools referenced above. It previously offered to create a system where the submission of a letter of recommendation and essay were voluntary and non-mandatory as part of an online enrollment procedure, after notification of a student's admission into the school. Even after that offer, Ms. Barnes and Commissioner Burt still did not appear to be satisfied with that procedure. We can all agree that the voluntary submission of a letter of recommendation and an essay come AFTER parents and students have been notified that they have been accepted into the school.

At this time, the school is no longer enrolling students for the 2023-2024 school year and prior enrollment forms are irrelevant moving forward to the 2024-2025 school year. As stated, AIMS removed any reference to an enrollment package on the website at this time. AIMS will provide a sufficient timeframe between notification of acceptance into the school and completion of enrollment, up to a fourteen-day period – well beyond what other charter schools are presently doing. Given Ms. Barnes' recent inquiry about this matter at the September 11, 2023 meeting, a matter never before raised with AIMS, I believe she has ulterior motives and is not treating the school in a fair and impartial manner. Rather, it seems Ms. Barnes continues to move the goal post.


In the next three months, AIMS, like other charter schools authorized by the PEC or other school districts, will design and prepare an enrollment package which complies with the law. It will not be rushed into doing so or treated differently than any other school authorized by the PEC.

Over the last three months, AIMS has also raised serious concerns about the unfair manner in which it has been treated by the Public Education Department's Charter School Division. Those concerns have never been taken seriously and the information I have discovered with the aforementioned charter schools further supports the unfair treatment of AIMS.

AIMS is willing to continue any reasonable conversations with you and your Executive Committee. However, it will not be intimidated into prematurely taking action on an enrollment package under the threat of any adverse action.

Sincerely,

Esquivel & Howington, LLC

By: 
Martin R. Esquivel, Esq.

MRE:se

cc: Kathy Sandoval-Snider
Bob Walton
Julia Barnes