



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

DR. ARSENIO ROMERO
SECRETARY OF EDUCATION

December 15, 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

Dr. Arsenio Romero

Rule.Feedback@ped.nm.gov

Regarding Proposed NMAC 6.19.4

Dear Dr. Romero:

Thank you for an opportunity to provide comment on proposed NMAC 6.19.4. We would ask that you consider our comments below. Our overall comment is that we believe that parts of the proposed rule looks to impede the authorizing functions of charter authorizers under the Charter School Act NMSA 22-8B-1 *et. sea.* and looks to assert authority for the Public Education Department (PED) that belongs to charter school authorizers. We propose clarifying language to ensure that the lines between authorizers and your ability to take action as Secretary are clear. We believe that the clarification can be addressed quite easily.

Our comments related to 6.19.4.12 B. Any action that may impact the charter contract between the charter authorizer and a charter school are required by the Charter School Act to be addressed by the charter authorizer, not PED. Specifically, any concern related to charter schools under B.(1), (2) and (6) must be directed to the charter authorizer. The charter authorizer must then ensure that charter school remedies the concern consistent with the charter contract so that the PED can provide accreditation.

We suggest the following revisions of this section:

B. In addition to conferring disapproval accreditation status upon a local school district, non-charter public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) ~~notify~~ the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(5) close the school; or

(6) execute other remedies in the public school code that may be appropriate.

C. If the department confers disapproval accreditation status upon a charter school, the department

(1) may suspend personnel from authority and responsibility pursuant to Section 22-2-14 NMSA 1978;

(2) may execute other remedies in the public school code provided to the department secretary or the department that may be appropriate; and

(3) shall request that the charter school's authorizer ~~for purposes of~~ (a) ensure that the charter school develop a plan to correct the organizational or programmatic deficiencies contributing to disapproval or, if the school fails to provide an adequate plan for the PED to approve accreditation, direct the organizational and educational program planning changes needed for accreditation to be provided by the PED;

(b) if appropriate, consider suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

Thank you for your consideration.

Sincerely,

e/Alan Brauer

Chair, Public Education Commission