

Memo regarding tribal consultation, November 12, 2024  
NMSA 22-8B-12.2 D  
ACES Technical Charter School

The Public Education Commission is considering the renewal application of ACES Technical Charter School where one of the possible outcomes is non-renewal. As the school is recommended by the Charter Schools Division to be renewed with conditions, it is unlikely that the school will not be renewed by the PEC. However, the statute requires that the following information be provided.

In addition to tribal outreach conducted by the Chair of the PEC to the Navajo Nation, the PEC provides the following information outlined by statute as part of the tribal consultation:

NMSA 22-8B-12.2.D

D. Consultation shall include, among other actions, open meetings in which the charter school authorizer and the head administrator of the charter school explain:

(1) the reasons for closing the charter school;

*The PEC has not yet voted on the renewal application of the school and will do so on November 12, 2024. However, the questions and concerns regarding the school were outlined to the school in a letter of October 9, 2023 that is posted here: [2024 Renewal applications](#) .*

(2) the reasons why the charter school has not or cannot provide additional resources to keep the charter school open;

*If the school is non-renewed, it will not be based on whether or not additional resources are available to keep the school open. The school, if it remains open, will continue to receive the funding that is provided under the State Equalization Guarantee just as all other New Mexico public schools receive.*

*The legal grounds for non-renewal are:*

*NMSA 22-8B-12-K. A charter may be suspended, revoked or not renewed by the chartering authority if the chartering authority determines that the charter school did any of the following:*

*(1) committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;*

*(2) failed to meet or make substantial progress toward achievement of the department's standards of excellence or student performance standards identified in the charter contract;*

*(3) failed to meet generally accepted standards of fiscal management;*

*(4) for a charter school located on tribal land, failed to comply with ongoing consultations pursuant to the Indian Education Act; or*

*(5) violated any provision of law from which the charter school was not specifically exempted.*

(3) locations of other public schools in the vicinity to which students will be sent and the plan to transport students to those schools;

*Charter schools are schools of choice. The families of the students will make the decision as to where their child may go to school. If this school is closed, no student will be “sent” to any particular school.*

*Each student will be allowed to attend his/her local school in their neighborhood. More information on Albuquerque schools is set forth below in question 5.*

*Local options within the district are listed here:*  
[https://nmvistas.org/Albuquerque Public Schools](https://nmvistas.org/Albuquerque_Public_Schools)

*In addition, other charter schools (which the student may enroll in if the student is accepted through a lottery process) in the area not associated with the district are listed here: [New Mexico Charter School Directory](#)*

*Whether or not transportation is provided for students will depend on the school selected by the family. The family should ask each school of interest about transportation.*

(4) how the public school receiving new students will consult with tribal leaders and members and families of students attending the public school related to:

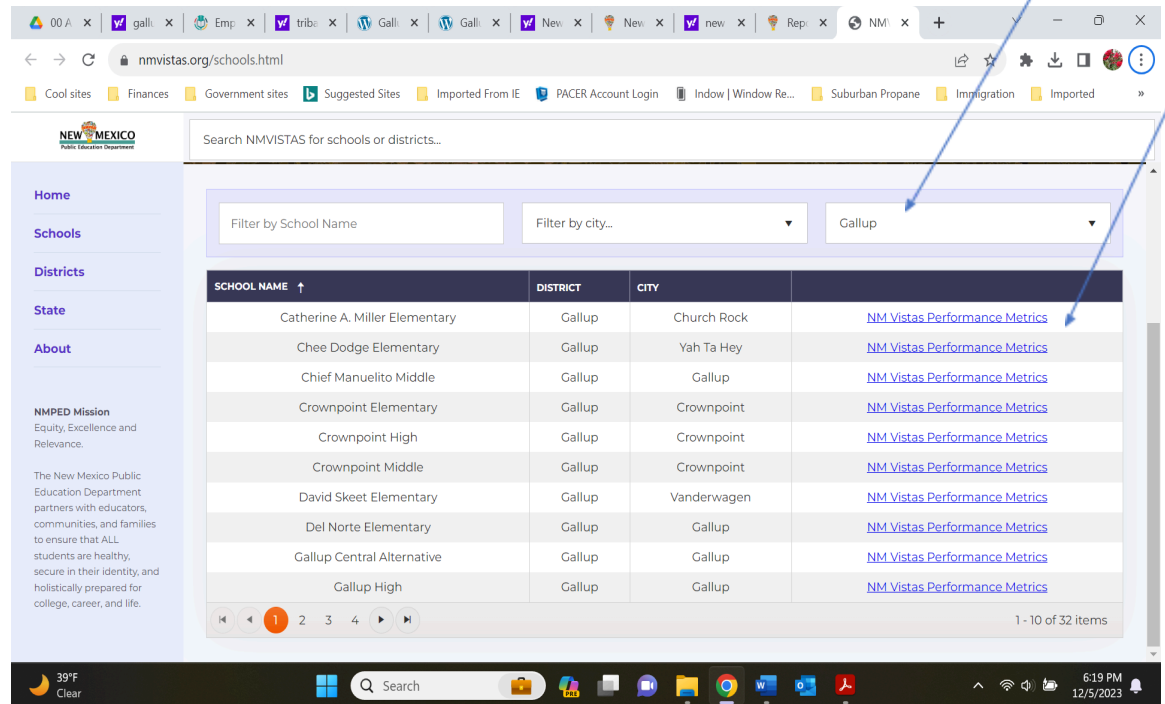
- (a) culturally and linguistically responsive school policies;
- (b) rigorous and culturally meaningful curricula and instructional materials;
- (c) sensitivity to the tribe's calendar of religious and other tribal obligations when making the school calendar; and
- (d) professional development for school personnel at the public school to ensure that the best practices used in teaching, mentoring, counseling and administration are culturally and linguistically responsive to students;

*Tribal education status reports are found here:*  
<https://webnew.ped.state.nm.us/bureaus/indian-education/reports/>  
*The [Albuquerque Public Schools TESR report](#) for 2021 is also available.*

(5) how the educational outcomes for the Indian students will be improved by attending another public school;

*Charter schools are schools of choice. The families of the students will make the decision as to where their child may go to school and which school will provide the educational outcome for that child. If this school is closed, no student will be “sent” to any particular school. The family will be able to identify the best choice for the student.*

*The educational outcomes for students in other schools are listed here:*  
<https://nmvistas.org/schools.html>, and search by district and then click on any Vista Performance report



(6) plans for the public school buildings that will be left empty by the closure; and

*It is not known what the plans are for the building occupied by the school. This would be determined during the closure process if the school closed.*

(7) any other matters the charter school governing body and head administrator believe provide an adequate explanation of the reasons for closing the charter school.

*None. The PEC hearing on renewal is open to the public. The link to attend the hearing is found here: [PEC Meeting agendas](#)*