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SECRETARY DESIGNATE OF PUBLIC EDUCATION

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GOVERNOR

January 8, 2025

Delivered Via Email

Patricia Gipson, PEC Chair
Email: pec.districtseven@ped.nm.gov

RE: Requests Involving Organizational Changes

Dear Chair Gipson:

This correspondence relates to reorganization requests and the process that needs to be taken when those occur, including state-authorized charter schools. While this correspondence is particularly intended to address the current pending expansion school requests to open a second location (serving the same grade levels) or to expand grade levels served, it also applies to reorganization requests more generally in accordance with Rule 6.29.1.9 NMAC. This is intended for both the New Mexico Public Education Commission (PEC) and the State's charter schools to understand that it is a requirement to move forward with these requests through the New Mexico Public Education Department (PED), that Rule 6.29.1.9 NMAC makes it a requirement, and that there are underlying reasons why it is so important that this part of the process take place.

Under Rule 6.29.1.9 NMAC, school districts and charter schools are required to submit their plans for reorganization to the PED. The rule provides that:

G. Organization of grade levels and establishing/closing schools. Any change in a school district or charter school's organizational pattern, including the establishment or closing of a school, shall have the secretary's approval prior to implementation. Requests for change shall be submitted using the department's *organization of grade levels and establishing/closing school waiver request form*. This form shall include: name of superintendent; district/school; mailing address; phone; fax; email address; name of a secondary contact person including the same information; date of submission; local board policy requirement and approval, if

required; date of board approval; statement of applicable district or charter school policy and rationale for request. The waiver request shall outline the expected educational benefits.

As referenced in the rule, this is to be done on a PED approved form, which may be found on the PED's website here: <https://webnew.ped.state.nm.us/waivers/>. This process is important for reasons which include ensuring that the proposed reorganization is logistically and operationally aligned with the PED's operations and functions through a number of the PED's divisions, many of which are state statutory or federal regulatory requirements.

The divisions that review the operational or organizational changes, includes the PED's School Budget Division, the Transportation Division, the Information Technology Division, the Curriculum and Instruction Division, and other divisions within the agency. The proposals from the schools are reviewed to ensure certain criteria are met, including that there are available resources in terms of funding, as well as that accountability systems and reporting requirements adhere to those imposed by the US Department of Education or State law, all of which the PED works with on a daily basis. This is not intended to take the place of the PEC's chartering authority as it does pursuant to NMSA 1978, 22-8B-9, which provides for the process for revision or amendment to the terms of a charter contract. Nor would it preclude the PED from continuing to review an appeal submitted to it on grounds cited.

The waiver form has generally involved less of a policy determination, and more of a logistical review of the proposal as it relates to the PED's various functions and operations. For this reason, it is important to submit this form early, preferably by July 1 of the prior fiscal year in which the school intends to implement the expansion. This will also help the PEC in its ultimate decision-making, because it would help the PEC know whether the PED's divisions have already reviewed the matter, and whether the proposal meets those fundamental requirements. It is also important to note, respectfully, the PED's position that until such approvals are submitted, the reorganization is not considered approved as required by the rule, and therefore it is a necessary part of the process.

With the Public Charter Schools of New Mexico having recently been awarded over fifty million dollars over a five-year period dedicated towards charter school expansion and replication, the PED recognizes that the PEC has been considering expansion of select charter schools with this funding opportunity. It is very important that the local educational agencies submit the waiver form for approval to better ensure that these multiple charter school expansion efforts align with the PED's functions and programs, and legal requirements, including those that the state educational agencies are responsible for supporting and overseeing.

In the spirit of collaboration, the PED can work with the PEC to help streamline processes. For instance, if the PEC is concerned with timing, the PED would recommend that a school, along with the PEC, work to submit the forms to the PED when beginning to introduce the proposal, which can help ensure review is moving forward accordingly. If it involves other considerations, the PED would be able to hear those and work to resolve those with the PEC.

Sincerely,

Mariana D. Padilla
Secretary Designate of Public Education

cc:

Amanda DeBell, Deputy Secretary of Teaching, Learning, and Innovation

Dr. Channell Segura, Assistant Deputy Secretary of Teaching, Learning, and Innovation

Corina Chavez, Director of the Charter Schools Division