

Public Education Commission Governing Body Member Change Amendment Form

The Charter Contract was entered into by and between the New Mexico Public Education Commission and [Explore Academy], hereafter "The School", effective [01] of [July], [2019].
The School was approved for a [FIVE (5) YEAR TERM] Charter Contract.

NUMBER OF MEMBERS REQUIRED UNDER YOUR SCHOOL'S BYLAWS: 5-9

NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS: 5

☒ **RESIGNATION**

EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER: 8/1/2021

NAME OF INDIVIDUAL RESIGNING: Ray Barton

☐ **REMOVAL**

DATE OF REMOVAL:

NAME OF INDIVIDUAL BEING REMOVED:

REASON FOR REMOVAL:

DESIGNATION OF NEW BOARD MEMBER TO ☒ AN EXISTING POSITION OR ☐ A NEW POSITION

EFFECTIVE DATE OF APPOINTMENT, AS PROVIDED IN WRITTEN NOTICE FROM THE BOARD: 8/10/2021

NAME OF INDIVIDUAL BEING DESIGNATED: Patrick Molina

HOME ADDRESS: 8316 Cherry Hills Road NE ABQ 87111

PHONE NUMBER: 505.259.6392

EMAIL ADDRESS: pmolina@phs.org

NAME OF BOARD MEMBER BEING REPLACED: Ray Barton

☐ **REQUEST FOR EXTENSION:**

☐ **VOTE NOT TO REPLACE MEMBER:**

Submit this form and all supporting documents to charter.schools@state.nm.us

The School's Governing Body Member Change Amendment is hereby submitted by [David Kulb, Chair]
on [September 2, 2021], and affirms the school meets the following eligibility criteria:

- ☒ Amendment must be submitted to the PEC within 30 days of change in membership; and
- ☒ The school's governing board is in compliance with all reporting requirements.



Charter School Representative Signature

9/1/2021

Date

The School's Governing Body Member, or Charter Representative Change Amendment was:

☐ Approved ☐ Denied

Chair, Public Education Commission

Date

From: Ray Barton <rbarton3@aol.com>
Sent: Sunday, June 6, 2021 10:29 PM
To: baiardo@exploreacademy.org; dakookiemonster@msn.com
Subject: Board Term in SY2021-22

Justin and David:

I am writing regarding the upcoming end of the Explore Academy school year (SY2020-21).

With the end of the school year, several board positions are expiring and two things need to happen. Each GC member should review their position and the ability to continue in that position or not. In addition, the Governing Council needs to review its needs and decide which persons best fill those needs in the coming school year (or two).

Accordingly I have been reviewing my current list of significant "to-do" projects, as well as my changing family priorities. These have morphed a great deal in the just the past month or two. Therefore, I wanted to inform both of you, as Chair of the Explore GC and as Executive Director of Explore Academy, that I have come to the conclusion that it would be best for me to not renew my position on the governing council.

I have so enjoyed the past few years, serving with a number of outstanding governance leaders. Also, it has been an enlightening opportunity to rub shoulders and brainstorm with you Justin....an organizational leader, which I consider to be one of the most innovative minds in the entire educational industry.

I wanted to give you this information as soon as I made the decision...and prior to the final GC meeting of the current school year. In this way, the GC can address its future needs and discuss this at the next meeting. My resignation will be effective on or before August 1, 2021.

Thank you both, for the opportunity to serve our great kids. I agree with the prior Secretary of Education for New Mexico....that Explore Academy is the most innovative educational model in the entire state. You have honored me by allowing me to be a part of this great school.

Sincerely,
Ray H. Barton III

Public Education Commission Governing Body Member Change Amendment Form

The Charter Contract was entered into by and between the New Mexico Public Education Commission and [Explore Academy], hereafter "The School", effective [01] of [July], [2019].
The School was approved for a [FIVE (5) YEAR TERM] Charter Contract.

NUMBER OF MEMBERS REQUIRED UNDER YOUR SCHOOL'S BYLAWS: 5-9

NUMBER OF CURRENTLY SEATED GOVERNING BOARD MEMBERS: 5

☒ **RESIGNATION**

EFFECTIVE DATE OF RESIGNATION, AS PROVIDED ON THE WRITTEN NOTICE FROM THE RESIGNING BOARD MEMBER: 8/1/2021

NAME OF INDIVIDUAL RESIGNING: Ray Barton

☐ **REMOVAL**

DATE OF REMOVAL:

NAME OF INDIVIDUAL BEING REMOVED:

REASON FOR REMOVAL:

DESIGNATION OF NEW BOARD MEMBER TO ☒ AN EXISTING POSITION OR ☐ A NEW POSITION

EFFECTIVE DATE OF APPOINTMENT, AS PROVIDED IN WRITTEN NOTICE FROM THE BOARD: 8/10/2021

NAME OF INDIVIDUAL BEING DESIGNATED: Patrick Molina

HOME ADDRESS: 8316 Cherry Hills Road NE ABQ 87111

PHONE NUMBER: 505.259.6392

EMAIL ADDRESS: pmolina@phs.org

NAME OF BOARD MEMBER BEING REPLACED: Ray Barton

☐ **REQUEST FOR EXTENSION:**

☐ **VOTE NOT TO REPLACE MEMBER:**

Submit this form and all supporting documents to charter.schools@state.nm.us

The School's Governing Body Member Change Amendment is hereby submitted by [David Kulb, Chair]
on [September 2, 2021], and affirms the school meets the following eligibility criteria:

- ☒ Amendment must be submitted to the PEC within 30 days of change in membership; and
- ☒ The school's governing board is in compliance with all reporting requirements.



Charter School Representative Signature

9/1/2021

Date

The School's Governing Body Member, or Charter Representative Change Amendment was:

☐ Approved

☐ Denied

Chair, Public Education Commission

Date

CERTIFICATE OF GOVERNING BODY VOTE

This document certifies that on August 10, 2021 at 5:30 pm, a meeting of the Governing Body of Explore Academy, a New Mexico public charter school, was held virtually via Zoom link provided in agenda. The meeting and all votes were conducted in compliance with the New Mexico Open Meetings Act.

A quorum of the Governing Body's members being present and voting, it was voted four (4) in favor and zero (0) opposed to approve the designation of **Patrick Molina** as a board member; Motion made by Martha Barrera and seconded by Eva Vigil

The members voting in favor were:

Chair David Kulb, Vice-Chair Eva Vigil, John Garletts, and Martha Barrera.

The members voting in opposition were:

none

I, the undersigned, certify that this is a true copy.

A handwritten signature in black ink, appearing to read 'David Kulb', is written over a horizontal line.

David Kulb, Governing Council Chair

AFFIDAVIT OF GOVERNING BODY MEMBER

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

I, Patrick L. Molina, after being duly sworn, state:

1. My name is Patrick L. Molina and I reside in Bernalillo County, Albuquerque, New Mexico.
2. I am a member of the governing body of the Explore Academy in Bernalillo County, Albuquerque, 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 Explore Academy'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.



[Signature]

August 26, 2021

Date

Patrick L. Molina

[Print]

VERIFICATION

The forgoing Affidavit of Governing Body Member was subscribed and sworn to before me, this 26 day of August, 2021.

[Notary Seal:]



OFFICIAL SEAL
NATHAN A. WILLIE
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires 11/8/22



NOTARY PUBLIC

My commission expires: November 8, 2022.

ASSURANCES

My name is PATRICK L. MOLINA and I reside in ALBUQUERQUE, NM. I am a member of the governing body for EXPLORE ACADEMY a charter school which is located at 111 ALBUQUERQUE. 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.

PATRICK L. MOLINA

Printed Name



Signature

26 AUG 2021

Date

STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the Explore Academy, located in Albuquerque, 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 Explore Academy's application to the Public Education Commission for status as a board of finance under 6.80.4.16 NMAC.

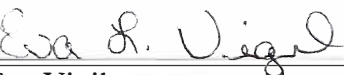
We understand that we must retain or hire a Licensed School Business Manager as soon as financial feasible and, thereafter, notify the New Mexico Public Education Commission within 30 days of hiring and/or changing in a Licensed School Business Manager for the school, and a new, signed "Affidavit of Financial Custodian" must be submitted.

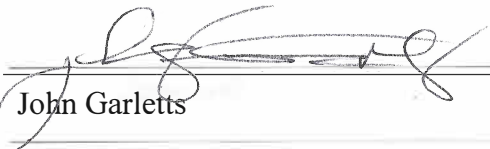
We understand that we must submit an Affidavit of Governing Body Member to the Public Education Commission within 60 days of a change in membership of our governing body.

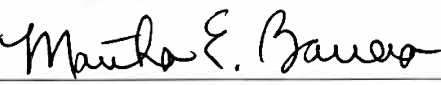
THE FOLLOWING MEMBERS OF THE Explore Academy GIVE THE FOREGOING STATEMENT THIS 26th DAY OF August, 2021.

1. 
Patrick L. Molina

2. 
David Kulb

3. 
Eva Vigil

4. 
John Garletts

5. 
Martha Barrera