

AGENDA ITEM EXECUTIVE SUMMARY

I. Public Education Commission Meeting Date: June 15, 2017

II. Item Title:

DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE AND APPROVAL OF TEMPORARY CONTRACTS FOR RENEWAL SCHOOLS

- A. New America School - Las Cruces
- B. Walatowa Charter School
- C. McCurdy Charter School
- D. La Tierra Montessori Charter School
- E. MAS Academy
- F. Coral Community Charter School
- G. SW Aeronautics, Mathematics, and Science Academy
- H. Southwest Secondary Learning Center
- I. Southwest Preparatory Learning Center

III. Proposed Motion:

- I move to **approve** the temporary contract(s) for _____ (school names) in order to provide the school(s) a requested assurance that they will not be closed because of the technicality of not having a contract. This temporary contract is intended to allow the commission to engage in necessary work to ensure contract templates and performance frameworks are student centered and fair to both the school, families, the PEC, and state taxpayers. As noted in the temporary contract, a final contract and performance framework will be negotiated when the Commission has completed its work.
- I move to **deny** the temporary contract(s) for _____ (school names) because **[Commission to provide reasons for denial]**.

IV. Executive Summary:

In collaboration with the CSD, the Chair of the PEC has offered schools who were granted renewal in December 2016 a temporary contract. The temporary contract provides the schools a requested assurance that they will not be closed because of the technicality of not having an official contract. This is intended to be a temporary solution while the commission engages in necessary work to ensure we have contract templates and performance frameworks that are student centered and fair to both the school, families, the PEC, and state taxpayers.

Several schools, in collaboration with their legal counsel have provided versions of these proposed contracts with substantial changes. Based on a reading by both CSD and the Chair, these changes substantially change the intent and impact of the document. Neither CSD nor the Chair recommends accepting the documents with the changes presented by the schools and their legal counsel.

Accepting the temporary contract, with the changes presented by the schools would bind the Commission into entering into a 5 year (or shorter depending on the renewal term) contract that is insufficient to protect the interests of the public, the schools, and the Commission.

We recommend approving the contract as proposed by the Chair and the CSD. That temporary contract maintains the schools' existence, and allows the commission to complete necessary work to revise the contract and performance framework. Each of these schools would negotiate the required documents after the commission completes its work.

The attached documents include the temporary contract as proposed by the Chair and CSD, the communications with each of the schools, any signed contract we have received, and revised documents that have been proposed by the schools.

TEMPORARY CONTRACT BETWEEN PEC AND CHARTER SCHOOL UNDER NMSA §22-8B-9(A)

The Charter School Act provides each charter school must operate under a contract with the charter school authorizer. Contracts for renewal schools will expire on June 30, 2017. Further, the statute states that “failure to enter into a contract or appear to the secretary pursuant to this section precludes the chartering authority from chartering the school.” NMSA §22-8B-9(A).

The Public Education Commission hereby enters into a contract with (RENEWAL CHARTER SCHOOL NAME) _____ for the operation of the school from July 1, 2017 until such time as a final performance contract can be negotiated, and approved by the school’s governing body and the Public Education Commission. The terms of this temporary contract shall be the terms of the school’s current charter or contract and any terms established as part of the renewal decision. When negotiated, the final performance contract will be for a term that begins on July 1, 2017 and ends as established in the renewal decision previously made in December 2016.

A Performance Framework will be negotiated and voted by the Commission on within 90 days of the date the Commission approves a new Performance Framework template. At that time, the Performance Framework will be incorporated into the performance contract as an appendix.

If the Public Education Commission and the above-named approved charter school fail to agree upon the terms of or enter into a final performance contract by 15 August 2017, either party may appeal to the Secretary of Education to finalize the terms of the contract; provided that such appeal must be provided in writing to the Secretary of Education no later than 20 August 2017. If the Public Education Commission and the above-named approved charter school fail to agree upon the terms of or enter into a performance framework by 15 August 2018, either party may appeal to the Secretary of Education to finalize the terms of the contract; provided that such appeal must be provided in writing to the Secretary of Education no later than 20 August 2018. However, the parties may agree to an extension of this deadline as appropriate.

RENEWAL CHARTER SCHOOL:

By: _____
(Signature)

(Date)

(Print Name) Governing Body President

PUBLIC EDUCATION COMMISSION:

By: _____
(Signature)

(Date)

Patricia Gipson, Commission Chair

Poulos, Katie, PED

From: Poulos, Katie, PED
Sent: Thursday, June 01, 2017 4:47 PM
To: 'john.munoz@sitel.com'; Porter, Margarita
Cc: 'Patricia Gipson'; 'Gmail'
Subject: Charter School Renewal - Temporary Contract
Attachments: Temporary Contract (2) (2).docx

Dear John and Margarita:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

Based on this important, ongoing work, we would like to enter into temporary contract with each of the schools that were renewed in December 2016. Attached, you will find the temporary contract. Please note that this temporary contract does the following:

- The temporary contract retains the relevant terms of the prior contract (or charter) **and** incorporates the terms of the renewal decision (such as a shortened term or specific amendments approved during the renewal consideration) – in the case of conflict the new terms established as part of the renewal decision will govern.
- The temporary contract acknowledges that the final contract will have a term that starts July 1, 2017 and ends on a date as established by the renewal decision.
- The temporary contract establishes that a performance framework will be incorporated at a later date, which is anticipated to be no later than 15 August 2018.
- The temporary contract retains the school's appeal rights both for the terms of the final contract and the final performance framework.

We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar
Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
www.ped.state.nm.us

Driving student success in New Mexico by supporting excellent authorizing practices and charter schools that provide innovative, quality education.

From: [Margarita Porter](#)
To: [Gipson, Patricia](#)
Cc: [Poulos, Katie, PED](#); sfox@matthewsfox.com; [Susie Kimble](#)
Subject: NAS-LC Temporary Contract
Date: Monday, June 05, 2017 2:31:03 PM
Attachments: [image001.png](#)
[NAS-LC Temporary Contract.docx](#)

Dear Ms. Gipson,

New America School-Las Cruces received the document from Ms. Poulos, for a temporary contract for the renewal. We submitted it to our attorney, Susan Fox, and she has made some recommendations. I have attached the revised document. Please review and if you accept this replacement document, we will present it to the board on June 15, 2017.

If you rather NAS-LC revert back to the original document sent to us, we will do so.

Please advise.

Respectfully,

Margarita L. Porter, Ed..S.

The New America School- Las Cruces
207 S. Main St.
Las Cruces, NM 88001
(575)527-9085



CONTRACT BETWEEN PEC AND CHARTER SCHOOL UNDER NMSA §22-8B-9(A)

The New Mexico Charter Schools Act (“Act”), NMSA 1978 §22-8B-9, provides that each charter school must operate under a contract with its charter school authorizer. The current contract for charter schools renewed at the December, 2016 Public Education Commission (“PEC”) meetings will expire on June 30, 2017, unless extended or renegotiated. Further, the Act states that “failure to enter into a contract or appeal to the secretary pursuant to this section precludes the chartering authority from chartering the school.” NMSA §22-8B-9(A). Pursuant to prior agreement between the PEC and the undersigned charter school dated January __, 2017, the PEC and the undersigned agreed to extend the time for negotiation of the renewed charter contract to a date no later than June 30, 2017. However, the PEC currently contemplates revisions to the Performance Framework portion(s) of the proposed contract, which revisions have not been completed or approved by PEC to date. In recognition of the fact that the PEC has voted to renew the undersigned charter school’s charter for an additional five (5) years, and that the parties intend to negotiate and enter into a charter contract containing the revised Performance Framework as soon as possible, the parties hereby agree as follows:

The Public Education Commission hereby enters into a contract with New America School-Las Cruces (“School”) for the operation of the School from July 1, 2017 until such time as a final Performance Framework and charter contract can be negotiated, and approved by the school’s governing body and the Public Education Commission. This Contract shall be in place and shall constitute the Charter Contract contemplated by the Act until such time as the final Performance Framework and contract can be negotiated and approved. The terms of this Contract shall consist of the terms contained in the school’s current charter or contract, and any conditions placed on renewal approval decision by the PEC at its December, 2016 meetings. When negotiated and approved by both parties, the final charter contract and Performance Framework shall supersede and replace this Contract and shall begin on the date it is approved by both parties and shall extend for the remainder of the term established in the December 2016 renewal decision.

A revised Performance Framework and charter contract with the School will be negotiated and voted on by the PEC by no later than 90 days of the date the PEC approves a new Performance Framework template. At that time, the revised Performance Framework will be incorporated into the charter contract. The School shall not be required to demonstrate performance or otherwise be evaluated according to the terms of the revised Performance Framework until such time as the School and PEC have finally agreed to its terms and it is finally executed by both parties. The academic goals as defined by the School in its renewal application approved in December 2016 will be the measure of the School’s academic performance, until and unless the approved goals (indicators and targets) are renegotiated with the PEC as part of the revised Performance Framework.

If the PEC and the School fail to agree upon the terms of, or enter into, a final Performance Framework and charter contract by 15 August 2017, this Contract shall remain in place, and either party may appeal to the Secretary of Education to finalize the terms of the charter contract; provided that such appeal must be provided in writing to the Secretary of Education no later than 20 August 2017. The parties may agree to an extension of these deadlines in writing, as appropriate.

The PEC and the Charter Schools Division of the Public Education Department (“CSD”) represent that they have consulted with the Secretary of Education and have been given assurances by the Secretary that she will waive the deadlines for appeal as stated in NMSA 1978 §22-8B-9(A), as contemplated in the

preceding paragraph. The PEC and CSD acknowledge that the School has been induced to sign this Contract and forego its appeal rights as are currently available to it, based upon this assurance.

RENEWAL CHARTER SCHOOL:

By: _____
(Signature)

(Date)

(Print Name) Governing Body President

PUBLIC EDUCATION COMMISSION:

By: _____
(Signature)

(Date)

Patricia Gipson, Commission Chair

Poulos, Katie, PED

From: Poulos, Katie, PED
Sent: Friday, June 09, 2017 2:27 PM
To: Porter, Margarita; Gipson, Patricia
Cc: Susie Kimble
Subject: RE: NAS-LC Temporary Contract

Margarita and Susie,

Thank you for your email.

We are unable to accept the changes that have been proposed by the school to the temporary contract.

The intent of the proposed contract was to provide the school a requested assurance that they would not be closed because of the technicality of not having an official contract. This is intended to be a temporary solution while the commission engages in necessary work to ensure we have contract templates and performance frameworks that are student centered and fair to both the school, families, the PEC, and state taxpayers.

The changes proposed substantially change the intent and impact of the document.

We have included on the June 15th meeting agenda an item to approve contracts. If your school would like to enter into the temporary contract in the format provided by the Commission, please return the signed document to us no later than June 13th. Alternatively, you can tell us you will be bringing the signed document with you to the meeting on the 15th.

Warm regards,

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar
Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
www.ped.state.nm.us

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From: Margarita Porter [<mailto:MPorter@newamericaschoolnm.org>]
Sent: Monday, June 05, 2017 2:31 PM
To: Gipson, Patricia
Cc: Poulos, Katie, PED; sfox@matthewsfox.com; Susie Kimble
Subject: NAS-LC Temporary Contract

Dear Ms. Gipson,

New America School-Las Cruces received the document from Ms. Poulos, for a temporary contract for the renewal. We submitted it to our attorney, Susan Fox, and she has made some recommendations. I have attached the revised

document. Please review and if you accept this replacement document, we will present it to the board on June 15, 2017.

If you rather NAS-LC revert back to the original document sent to us, we will do so.

Please advise.

Respectfully,

Margarita L. Porter, Ed.S.

The New America School- Las Cruces

207 S. Main St.

Las Cruces, NM 88001

(575)527-9085



Poulos, Katie, PED

From: Margarita Porter <MPorter@newamericaschoolnm.org>
Sent: Friday, June 09, 2017 2:32 PM
To: Poulos, Katie, PED
Cc: Gipson, Patricia; Susie Kimble; sfox@matthewsfox.com
Subject: Re: NAS-LC Temporary Contract

I completely understand.

Our next GC meeting is on the 15th. At that time we will bring the original document you sent to the school board. I will scan the signed document once it is approved by the GC on the 15th approximately 7 PM. However your meeting is the 15th. How shall we proceed?

~Margarita

On Jun 9, 2017, at 2:27 PM, Poulos, Katie, PED <Katie.Poulos@state.nm.us> wrote:

Margarita and Susie,

Thank you for your email.

We are unable to accept the changes that have been proposed by the school to the temporary contract.

The intent of the proposed contract was to provide the school a requested assurance that they would not be closed because of the technicality of not having an official contract. This is intended to be a temporary solution while the commission engages in necessary work to ensure we have contract templates and performance frameworks that are student centered and fair to both the school, families, the PEC, and state taxpayers.

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Warm regards,

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
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o: (505) 827-6532
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From: Margarita Porter [<mailto:MPorter@newamericaschoolnm.org>]
Sent: Monday, June 05, 2017 2:31 PM
To: Gipson, Patricia
Cc: Poulos, Katie, PED; sfox@matthewsfox.com; Susie Kimble
Subject: NAS-LC Temporary Contract

Dear Ms. Gipson,

New America School-Las Cruces received the document from Ms. Poulos, for a temporary contract for the renewal. We submitted it to our attorney, Susan Fox, and she has made some recommendations. I have attached the revised document. Please review and if you accept this replacement document, we will present it to the board on June 15, 2017.

If you rather NAS-LC revert back to the original document sent to us, we will do so.

Please advise.

Respectfully,

Margarita L. Porter, Ed.S.
The New America School- Las Cruces
207 S. Main St.
Las Cruces, NM 88001
(575)527-9085
<image001.png>

From: Poulos, Katie, PED
To: ["Arrow Wilkinson"](#); ["jtoledo1@walatowahcs.org"](mailto:jtoledo1@walatowahcs.org); ["sgachupin1@walatowahcs.org"](mailto:sgachupin1@walatowahcs.org); ["rwasilewski1@walatowahcs.org"](mailto:rwasilewski1@walatowahcs.org); ["djpino1@walatowahcs.org"](mailto:djpino1@walatowahcs.org); ["ksando1@walatowahcs.org"](mailto:ksando1@walatowahcs.org); ["cyepa1@walatowahcs.org"](mailto:cyepa1@walatowahcs.org)
Cc: [Gipson, Patricia](#); ["Gmail"](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:47:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Walatowa Charter High School Governing Body and Arrow:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

Based on this important, ongoing work, we would like to enter into temporary contract with each of the schools that were renewed in December 2016. Attached, you will find the temporary contract. Please note that this temporary contract does the following:

- The temporary contract retains the relevant terms of the prior contract (or charter) **and** incorporates the terms of the renewal decision (such as a shortened term or specific amendments approved during the renewal consideration) – in the case of conflict the new terms established as part of the renewal decision will govern.
- The temporary contract acknowledges that the final contract will have a term that starts July 1, 2017 and ends on a date as established by the renewal decision.
- The temporary contract establishes that a performance framework will be incorporated at a later date, which is anticipated to be no later than 15 August 2018.
- The temporary contract retains the school's appeal rights both for the terms of the final contract and the final performance framework.

We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families

NM Public Education Department
300 Don Gaspar
Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
www.ped.state.nm.us

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From: Poulos, Katie, PED
To: ["dbanderson@mcsk12nm.org"](mailto:dbanderson@mcsk12nm.org); [Archuleta, Janette](#); ["mlucci@mcsk12nm.org"](mailto:mlucci@mcsk12nm.org)
Cc: [Gipson, Patricia](#); ["Gmail"](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:47:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Deborah, Janette, and Michele:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

Based on this important, ongoing work, we would like to enter into temporary contract with each of the schools that were renewed in December 2016. Attached, you will find the temporary contract. Please note that this temporary contract does the following:

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- The temporary contract establishes that a performance framework will be incorporated at a later date, which is anticipated to be no later than 15 August 2018.
- The temporary contract retains the school's appeal rights both for the terms of the final contract and the final performance framework.

We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar

Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
www.ped.state.nm.us

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From: Poulos, Katie, PED
To: ["julieann.hillclapp@montessorilatierra.org"](mailto:julieann.hillclapp@montessorilatierra.org); [Berg, Christie](#)
Cc: [Gipson, Patricia](#); ["Gmail"](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:47:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Julie Ann and Christie:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

Based on this important, ongoing work, we would like to enter into temporary contract with each of the schools that were renewed in December 2016. Attached, you will find the temporary contract. Please note that this temporary contract does the following:

- The temporary contract retains the relevant terms of the prior contract (or charter) **and** incorporates the terms of the renewal decision (such as a shortened term or specific amendments approved during the renewal consideration) – in the case of conflict the new terms established as part of the renewal decision will govern.
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We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar

Santa Fe, NM 87501
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o: (505) 827-6532
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Poulos, Katie, PED

From: Poulos, Katie, PED
Sent: Thursday, June 01, 2017 5:59 PM
To: Myers, JoAnn; 'boardchair@mascharterschool.com'
Cc: Gipson, Patricia; 'Gmail'
Subject: Charter School Renewal - Temporary Contract
Attachments: Temporary Contract (2) (2).docx

Dear Bruce and JoAnn:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

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- The temporary contract acknowledges that the final contract will have a term that starts July 1, 2017 and ends on a date as established by the renewal decision.
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We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
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o: (505) 827-6532
www.ped.state.nm.us

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Poulos, Katie, PED

From: Bruce Langston <boardchair@mascharterschool.com>
Sent: Thursday, June 08, 2017 4:47 PM
To: Poulos, Katie, PED; Gipson, Patricia; pmatthews@matthewsfox.com; Myers, JoAnn
Subject: Mission Achievement and Success Charter School Temporary Contract
Attachments: Charter _Temp.pdf

Greetings:

I have reviewed the proposed temporary charter performance contract. I thank you for expeditious forwarding of the material. After review, we made some small modifications or edits. Nothing that substantially changes the intent of the performance contract, but more clerical and clarifying in nature.

Please review it, and let me know if these modifications or edits are appropriate. I took the liberty of sending it back signed, so that upon your review, approval and return of the document, it can be deemed as in effect.

Thank you for your attention. Please contact me if you have any questions or any comments.

Respectfully,

Bruce E. Langston
Governing Board President
Mission Achievement and Success Charter School
1718 Yale Blvd. SE
Albuquerque, New Mexico 87106
505-242-3118-106 Fax: 505-242-3062

TEMPORARY CONTRACT BETWEEN PEC AND CHARTER SCHOOL UNDER NMSA §22-8B-9(A)

The Charter School Act provides each charter school must operate under a contract with the charter school authorizer (referred to hereafter as "Performance Contract") NMSA 1978, §22-8B-9. The School's current charter contract with the Public Education Commission ("PEC") expires on June 30, 2017. Further, the statute states that "failure to enter into a contract or appeal to the secretary pursuant to this section precludes the chartering authority from chartering the school." NMSA §22-8B-9(A).

The Public Education Commission ("PEC") hereby enters into this Temporary Contract between Mission Achievement and Success Charter School ("School") for the operation of the School from July 1, 2017 until such time as a final Performance Contract can be negotiated, and approved by the School's governing body and the Public Education Commission ("PEC"). The terms of this Temporary Contract shall be the terms of the School's current charter or Performance Contract and any terms established as part of the renewal decision. When negotiated, the Performance Contract will be for a term that begins on the date that it is approved by the Public Education Commission ("PEC") and ends as established in the renewal decision previously made in December 2016.

A School's Performance Framework will be negotiated and voted by the Public Education Commission ("PEC") by no later than 90 days of the date the Public Education Commission ("PEC") approves a new Performance Framework template. At that time, the Performance Framework will be incorporated into the Performance Contract as an appendix. The school shall not be required to demonstrate performance or otherwise be evaluated according to the terms of the Performance Framework until such a time as the School and the Public Education Commission ("PEC") have finally agreed to its terms and it is finally executed by the Public Education Commission ("PEC"). The academic goals as defined by the School in its renewal application, which was approved by the Public Education Commission ("PEC"), will be the measure of the School's academic performance until and unless the approved goals (indicators and targets) are renegotiated with the Public Education Commission ("PEC") as part of the Performance Framework.

If the Public Education Commission ("PEC") and Mission Achievement and Success Charter School fail to agree upon the terms of or enter into a Performance Contract by August 15, 2017, either party may appeal to the Secretary of Education to finalize the terms of the Performance Contract; provided that such appeal must be provided in writing to the Secretary of Education no later than August 25, 2017.

The Public Education Commission ("PEC") and the Charter School Division (Options for Parents and Families) represent that they have consulted with the Secretary of Education and have been given assurances by the Secretary of Education that she will waive the deadlines for appeal as stated in NMSA 1978, §22-8B-9(A) as contemplated in the preceding paragraph. The Public Education Commission ("PEC") and the Charter School Division (Options for Parents and Families) acknowledge that the School has been induced to sign this Temporary Contract and forgo its appeal rights as are currently available it, based on this assurance.

RENEWAL CHARTER SCHOOL:

By: _____

(Signature)

Bruce E. Langston
(Print Name) Governing Body President

06/06/2017
(Date)

PUBLIC EDUCATION COMMISSION:

By: _____

(Signature) Patricia Gipson, Commission Chair

(Date)

From: Poulos, Katie, PED
To: ["Bruce Langston"](#); [Gipson, Patricia](#); [Myers, JoAnn](#)
Subject: RE: Mission Achievement and Success Charter School Temporary Contract
Date: Friday, June 09, 2017 2:30:00 PM

Bruce and JoAnn,

Thank you for your email.

We are unable to accept the changes that have been proposed by the school to the temporary contract.

The intent of the proposed contract was to provide the school a requested assurance that they would not be closed because of the technicality of not having an official contract. This is intended to be a temporary solution while the commission engages in necessary work to ensure we have contract templates and performance frameworks that are student centered and fair to both the school, families, the PEC, and state taxpayers.

The changes proposed substantially change the intent and impact of the document.

We have included on the June 15th meeting agenda an item to approve contracts. If your school would like to enter into the temporary contract in the format provided by the Commission, please return the signed document to us no later than June 13th. Alternatively, you can tell us you will be bringing the signed document with you to the meeting on the 15th.

Warm regards,

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar
Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
www.ped.state.nm.us

Driving student success in New Mexico by supporting excellent authorizing practices and charter schools that provide innovative, quality education.

From: Bruce Langston [mailto:boardchair@mascharterschool.com]
Sent: Thursday, June 08, 2017 4:47 PM
To: Poulos, Katie, PED; Gipson, Patricia; pmatthews@matthewsfox.com; Myers, JoAnn
Subject: Mission Achievement and Success Charter School Temporary Contract

Greetings:

I have reviewed the proposed temporary charter performance contract. I thank you for expeditious forwarding of the material. After review, we made some small modifications or edits. Nothing that substantially changes the intent of the performance contract, but more clerical and clarifying in nature.

Please review it, and let me know if these modifications or edits are appropriate. I took the liberty of sending it back signed, so that upon your review, approval and return of the document, it can be deemed as in effect.

Thank you for your attention. Please contact me if you have any questions or any comments.

Respectfully,

Bruce E. Langston
Governing Board President
Mission Achievement and Success Charter School
1718 Yale Blvd. SE
Albuquerque, New Mexico 87106
505-242-3118-106 Fax: 505-242-3062

Poulos, Katie, PED

From: Bruce Langston <boardchair@mascharterschool.com>
Sent: Sunday, June 11, 2017 2:08 PM
To: Poulos, Katie, PED; Gipson, Patricia; Myers, JoAnn;
rosa.hernandez@mascharterschool.com; pmatthews@matthewsfox.com
Subject: Signed Temporary Contract
Attachments: Signed_Temp_contract.pdf

Thank you for your quick response. Please find the attached signed contract in the original version as submitted to me.

Upon approval and signature, please let us know so that it is in effect.

On a separate note, I was not trying to create more or additional work, but wanted some of the language explicit over implied. I think it is clear that we are both just trying to work through the process and I appreciate your patience.

Respectfully,

Bruce E. Langston
1718 Yale Blvd. SE
Albuquerque, NM 87106
505-242-3118-106
505-242-3062 fax
boardchair@mascharterschool.com

TEMPORARY CONTRACT BETWEEN PEC AND CHARTER SCHOOL UNDER NMSA §22-8B-9(A)

The Charter School Act provides each charter school must operate under a contract with the charter school authorizer. Contracts for renewal schools will expire on June 30, 2017. Further, the statute states that "failure to enter into a contract or appear to the secretary pursuant to this section precludes the chartering authority from chartering the school." NMSA §22-8B-9(A).

The Public Education Commission hereby enters into a contract with (RENEWAL CHARTER SCHOOL NAME) MPS Charter School for the operation of the school from July 1, 2017 until such time as a final performance contract can be negotiated, and approved by the school's governing body and the Public Education Commission. The terms of this temporary contract shall be the terms of the school's current charter or contract and any terms established as part of the renewal decision. When negotiated, the final performance contract will be for a term that begins on July 1, 2017 and ends as established in the renewal decision previously made in December 2016.

A Performance Framework will be negotiated and voted by the Commission on within 90 days of the date the Commission approves a new Performance Framework template. At that time, the Performance Framework will be incorporated into the performance contract as an appendix.

If the Public Education Commission and the above-named approved charter school fail to agree upon the terms of or enter into a final performance contract by 15 August 2017, either party may appeal to the Secretary of Education to finalize the terms of the contract; provided that such appeal must be provided in writing to the Secretary of Education no later than 20 August 2017. If the Public Education Commission and the above-named approved charter school fail to agree upon the terms of or enter into a performance framework by 15 August 2018, either party may appeal to the Secretary of Education to finalize the terms of the contract; provided that such appeal must be provided in writing to the Secretary of Education no later than 20 August 2018. However, the parties may agree to an extension of this deadline as appropriate.

RENEWAL CHARTER SCHOOL:

By: 
(Signature)

Bruce E. Langston
(Print Name) Governing Body President

06-10-2017
(Date)

PUBLIC EDUCATION COMMISSION:

By: _____
(Signature)

Patricia Gipson, Commission Chair

(Date)

From: Poulos, Katie, PED
To: ["keren.fenderson@ymail.com"](mailto:keren.fenderson@ymail.com); [Eldredge, Donna](#); ["L Bachman"](#); ["gcchair@coralcharter.com"](mailto:gcchair@coralcharter.com)
Cc: ["Gmail"](#); [Gipson, Patricia](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:47:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Keren, Donna, and Lori:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

Based on this important, ongoing work, we would like to enter into temporary contract with each of the schools that were renewed in December 2016. Attached, you will find the temporary contract. Please note that this temporary contract does the following:

- The temporary contract retains the relevant terms of the prior contract (or charter) **and** incorporates the terms of the renewal decision (such as a shortened term or specific amendments approved during the renewal consideration) – in the case of conflict the new terms established as part of the renewal decision will govern.
- The temporary contract acknowledges that the final contract will have a term that starts July 1, 2017 and ends on a date as established by the renewal decision.
- The temporary contract establishes that a performance framework will be incorporated at a later date, which is anticipated to be no later than 15 August 2018.
- The temporary contract retains the school's appeal rights both for the terms of the final contract and the final performance framework.

We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar

Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
www.ped.state.nm.us

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From: Poulos, Katie, PED
To: ["lkennedy@samsacademy.com"](mailto:lkennedy@samsacademy.com); [Hartom, Kirk](#); [Carrillo, Coreen](#)
Cc: ["Patricia Gipson"](#); ["Gmail"](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:46:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Larry, Coreen, and Kirk:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

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- The temporary contract retains the school’s appeal rights both for the terms of the final contract and the final performance framework.

We ask that you please complete the temporary contract by filling in your school’s name and having the contract signed by the Governing Body President after a vote by the school’s full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar

Santa Fe, NM 87501
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o: (505) 827-6532
www.ped.state.nm.us

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From: Poulos, Katie, PED
To: ["vfantozzi@sslc-nm.com"](mailto:vfantozzi@sslc-nm.com); [Pasztor, Robert](#); [Hartom, Kirk](#)
Cc: ["Patricia Gipson"](#); ["Gmail"](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:46:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Vic, Robert, and Kirk:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

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We ask that you please complete the temporary contract by filling in your school's name and having the contract signed by the Governing Body President after a vote by the school's full Governing Body to approve the temporary contract.

Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar

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TEMPORARY CONTRACT BETWEEN PEC AND CHARTER SCHOOL UNDER NMSA §22-8B-9(A)

The Charter School Act provides each charter school must operate under a contract with the charter school authorizer. Contracts for renewal schools will expire on June 30, 2017. Further, the statute states that "failure to enter into a contract or appear to the secretary pursuant to this section precludes the chartering authority from chartering the school." NMSA §22-8B-9(A).

The Public Education Commission hereby enters into a contract with **SOUTHWEST SECONDARY LEARNING CENTER** for the operation of the school from July 1, 2017 until such time as a final performance contract can be negotiated, and approved by the school's governing body and the Public Education Commission. The terms of this temporary contract shall be the terms of the school's current charter or contract and any terms established as part of the renewal decision. When negotiated, the final performance contract will be for a term that begins on July 1, 2017 and ends as established in the renewal decision previously made in December 2016.

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SOUTHWEST SECONDARY LEARNING CENTER:

By: _____

(Signature)

Vic Fantozzi, Governing Body President

(Date)

PUBLIC EDUCATION COMMISSION:

By: _____

(Signature)

Patricia Gipson, Commission Chair

(Date)

From: Poulos, Katie, PED
To: ["Leah Graham"; Pasztor, Robert](#)
Cc: ["Patricia Gipson"; "Gmail"](#)
Subject: Charter School Renewal - Temporary Contract
Date: Thursday, June 01, 2017 4:46:00 PM
Attachments: [Temporary Contract \(2\) \(2\).docx](#)

Dear Leah and Robert:

I want to start by thanking you for your patience during the renewal process and apologize for any stress or anxiety you have felt about the contract negotiation process. Both the PEC and the PED believe it is vital that each school operate under a clear, concise, understandable and fair contract. To that end, we have scheduled to work on the contract template at the next PEC work session and hope to have a final, revised contract template in August. In addition, as you are already aware we have begun a process to review and revise the Performance Framework. We anticipate that we will not have a final revised Performance Framework until fall 2018 at the earliest. This is an vitally important document, and we want to ensure –for the students of New Mexico—that we do it well.

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Warm regards,
Katie

Katie Poulos
Director of Options for Parents and Families
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