

School board skips agenda item

Written by By Cody Begaye Sun Correspondent
Friday, 06 November 2020 07:11



Missing from the Oct. 26 Gallup-McKinley County Schools Board of Education meeting agenda was an item about a joint lawsuit GMCS and 16 other state school and one charter school district filed against the New Mexico Public Education Department, calling the actions of the department secretary “unlawful.”

Superintendent Mike Hyatt explained the suit to the *Sun* Oct. 27.

“The lawsuit is about the secretary of education overreaching his authority and marginalizing citizens and their elected board members across the state,” Hyatt said. “The suit also contains action against the state for taking dollars from schools that were supposed to be for COVID-related expenses.”

According to the suit, while the governor and the secretary of health have legal authority to take action in a public health emergency, no such legal authority exists for the secretary of education to supersede the roles of local school boards or local superintendents.

There are no public health orders issued by the governor or the secretary of health declaring public schools to be unsafe as of Oct. 23. In the absence of any such declaration, the local authorities retain the right to determine the best method to deliver educational services, so long as they are delivered in accordance with properly-issued public health orders.

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Schools were closed on March 13 by an order from the governor. This order was followed by “countless directives” from the PED secretary. The lawsuit alleges that these directives amount to unpublished PED regulations in accordance with the State Rules Act, thus having no legal effect.

The suit further alleges other PED directives mandate school leaders take actions which violate state law and the state constitution, including a requirement that schools pay employees and contractors for services not rendered during school closures and turn over cleaning supplies and paper goods to private child-care centers, both of which are violations of the constitution’s Anti-Donation Clause.

By implementing these directives, the suit also alleges the PED amended the General Appropriations Act adopted in this summer’s special legislative session, which reduced state funding to schools by taking a portion of this direct federal funding in violation of federal law.

Ultimately, the districts filing the suit are asking the court void any PED directives not backed by statutory or constitutional authority.

The court is also asked to recognize and reaffirm the local authority that rests with local school boards and superintendents, including the power to design and implement a safe and efficient educational system that addresses community expectations.

Lastly, the court is asked to require that PED restore funding that was unlawfully diverted from schools.

The item about the suit against NMPED was removed from the meeting agenda because GMCS school district’s attorney was unavailable.

“As far as I know, there have not been any updates [or progress made] on the suit,” Dist. 1 Board Member Kevin Mitchell told the *Sun* Oct. 29. “Right now, we’re just hoping to hear about a court date.”

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Other items on the agenda included an increase in enrollment, and credits earned by McKinley Academy students.

Hyatt told those in attendance that there is a 19 percent increase in the online studies program, “It was great to see enrollment in this program increase from 360 students last spring to 429 students this fall.”

Hyatt said 180 of the enrolled students requested Wi-fi hotspots, which the district was able to provide. There are currently no open requests for hotspots.

Another highlight was the number of credits earned by McKinley Academy students. In the spring, there were 2,130 credits earned, whereas this fall there is potential for up to 3,746 credits to be earned.

“What that number shows is students are likely taking more online courses, maybe because they have the time and capacity to now,” Hyatt said. “That is a significant increase in credits, given only the 19 percent increase in students.”

Hyatt said this is the first year students will be able to graduate with an associate’s degree. Fourteen students will receive two associate’s degrees, which is the result of students being enrolled for three years.

Mitchell shared his excitement for the graduating students.

“This is something that’s been a long time coming, and I’m ecstatic that we’re finally going to get some graduates their high school diplomas along with their associate’s, and a couple with double degrees,” he said.

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The enthusiasm was shared by Dist. 3 Board Member Priscilla Manuelito.

“With this program, we’re covering a vast number of students and reaching more of them in the rural areas,” she said. “I want to continue to support them as much as we can and provide the resources they need to make this program a success.”

Hyatt also shared other statistics about growth across GMCS. Namely, the district, for the first time in years, exceeded enrollment of 13,000 students in the district, making GMCS the fifth largest district in the state in terms of student population.

“Some of that number came from students coming back to the district, and then because of New Mexico Destinations Career Academy that attracted 1,400 more students to our district,” he pointed out.

He also mentioned the district is providing between 10-to-11,000 meals a day for students, which are being delivered to bus stops along with a weekend food program. The meals are for students who are learning from home or who are able to take a meal home for the weekend.

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