REGULAR MEETING OF THE BOARD OF EDUCATION - HYBRID MODE
CLOVIS MUNICIPAL SCHOOLS
1009 Main Street
September 28, 2021

A regular meeting of the Board of Education was held in hybrid mode (in-person & via Zoom), on Tuesday, September 28, 2021. School Board members present (in-person) were: Paul Cordova, President; Shawn Hamilton, Vice President; Terry Martin, Secretary; Cindy Osburn, Member; and Kyle Snider, Member. School personnel present (in-person) were Renee Russ, Superintendent; Mitzi Estes, Deputy Superintendent of Academic Services & Leadership; Joe Strickland, Deputy Superintendent of Employee Services; Shawna Russell, Deputy Superintendent of Finance; and John King, Deputy Director of Operations. Additional individuals present (in-person) were: Jelayne Curtis, Executive Legal Administrative Assistant to the Superintendent, staff, *Eastern New Mexico News* representative, Cannon AFB representative, and members of the public.

If attending virtually, participants are required to display their screen name and start the video for the Zoom meeting.

Join Zoom Meeting
https://us02web.zoom.us/j/82993324833?pwd=YTErMnpJdmRhMWhsZndsMDd0bWo1dz09

Meeting ID: 829 9332 4833
Passcode: 855218
One tap mobile
+16699006833,,82993324833#,,,,*855218# US (San Jose)
+12532158782,,82993324833#,,,,*855218# US (Tacoma)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 408 638 0968 US (San Jose)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
Meeting ID: 829 9332 4833
Passcode: 855218
Find your local number: https://us02web.zoom.us/u/kc2eKnfGkf

Opportunities to speak during the Open Forum or to a specific agenda item will be made available to individuals attending in-person and online. Speaker's Registration Cards will be available at the G.C Ross Administration Building prior to the meeting. For online speakers, Registration Forms must be submitted no later than 30 minutes prior to the start of the meeting by accessing the form at the following link: Speaker registration form

I. CALL TO ORDER/ROLL CALL
Mr. Cordova called the meeting to order at 5:30 PM. A quorum of the Board was present.

II. PLEDGE AND SALUTE – Cindy Osburn
Ms. Osburn led those present in the pledge and flag salute.

III. *CONSIDER APPROVAL OF MINUTES - August 13 & August 24, 2021 Meetings
Mr. Snider made a motion to approve the August 13 & August 24, 2021 meeting minutes as presented. Ms. Osburn seconded the motion. A roll call vote was taken as follows: Member Snider, yes; Member Osburn, yes; Secretary Martin, yes; Vice President Hamilton, yes; and President Cordova, yes. The motion carried unanimously.

IV. *CONSIDER APPROVAL OF AGENDA
Mr. Hamilton made a motion to approve the agenda as presented. Mr. Martin seconded the motion. A roll call vote was taken as follows: Member Snider, yes; Member Osburn, yes; Secretary Martin, yes; Vice President Hamilton, yes; and President Cordova, yes. The motion carried unanimously.

V. OPEN FORUM
One speaker registration card was submitted for the Open Forum. The following individual requested to speak: Josh Parkin. Mr. Parkin spoke regarding the mask mandate. He expressed concern that the mandate was a compliance issue and not about health or safety.

VI. *CONSENT AGENDA
Items are placed on the agenda so the Board, by unanimous consent, can designate those routine agenda items they wish to be approved or acknowledged by one motion. If any item does not meet with the approval of all Board members, that item will be heard when reached under the regular agenda.

A. Consider Accounts Payable Check Listing/Voided Check Listing/Bank of America Purchasing Card Charges - August
B. Consider Activity Report - August
C. Consider Student Nutrition Report - August
D. Consider Investment Report - August
E. Consider Budget & Expenditure Report - August
F. Consider Budget & Revenue Report - August
G. Consider Budget Adjustments

012-000-2122-0008-I	GOB Library	27107	$ 1,703.00
012-000-2122-0005-M	IDEA-B	24106	$ -
012-000-2122-0006-M	IDEA-B	24106	
012-000-2122-0007-M	Preschool IDEA-B	24109	

Mr. Martin made a motion to approve the Consent Agenda as presented. Ms. Osburn seconded the motion. A roll call vote was taken as follows: Member Snider, yes; Member Osburn, yes; Secretary Martin, yes; Vice President Hamilton, yes; and President Cordova, yes. The motion carried unanimously.

VII. SUPERINTENDENT'S REPORT – Renee Russ
A. Cannon Air Force Base Update – Sara Williams
Ms. Williams did not have an update, but wanted to thank the staff for continuing to answer questions and expressed appreciation for inviting Cannon leadership to the table for discussions.

B. Discussion of the Invitation to Join the Lawsuit; Gallup-McKinley County Schools v. Ryan Stewart/NMPED

Ms. Russ prepared talking points regarding the Gallup-McKinley lawsuit to review with the Board. The lawsuit was originally filed in October 2020, defendants are the former Secretary of Education, Ryan Stewart, and the New Mexico Public Education Department (PED), and plaintiffs as of September 23, 2021 were 19 school districts in the state. In her presentation, Ms. Russ highlighted the key claims in the lawsuit to include School Governance Authority, PED Overreach, Right to a Free and Appropriate Education, Supplanting of Federal Funds, Role of Local School Boards, and the Failure to Follow State Rules Act, Powers of the Governor and Secretary of Education during a Public Health Emergency and Public Health Emergency Response Act.

Ms. Russ also highlighted the goals of the lawsuit, such as the PED Secretary and PED must:

- be enjoined from acting contrary to law;
- act in compliance with State Statutes where exclusive authority is granted local school districts, and in situations in which statutory authority is shared on the same matter, . . . must act in cooperation with local school boards and superintendents;
- not act outside the Public School Finance Act or use CARES Act federal funding to address state funding deficits

PED Secretary and PED may:

- not require local procurements of goods and services outside of statutory authority to do so; may;
- not promulgate directives or guidance having the force and effect of law outside the formal rule-making requirements of the State Rules Act

Every school-age student in New Mexico must:

- be provided a free and appropriate public education even during time of public emergencies

Ms. Russ also addressed some negative consequences that could result from joining the lawsuit such as:

- damaged relationship with the newly appointed Secretary of Education, who has expressed his desire and intention to honor local control
- local constituents who are in favor of and support NMPED directives contained in the Reentry Guidance documents may be opposed to the use of tax dollars or District funds to pursue a legal case against the state
- unnecessary expenditure of District funds if desired outcomes can be accomplished through other methods (Resolution, Legislative Session, etc.)

It was noted that operational and federal funds may not be used to pursue a legal case against the state. Possible financial options, such as activity or Payment in Lieu of Taxes (PILT) funds, were being reviewed by District administration.

Another area discussed by Ms. Russ included data or input received from community members, families, and staff to support a decision to join the lawsuit and if the goals of the lawsuit could be accomplished in any other manner. Individuals have expressed opinions and issues contained in the lawsuit at recent Board meetings, individually to Board members, and a petition was presented to the Board requesting that joining the lawsuit be added to the September 2021 agenda. The development of a community survey has been created to gather more specific input from families and staff regarding their level of concern around state-mandated guidance for the management and mitigation of COVID in our area and the assessment of other COVID-related concerns.

As to whether the goals of the lawsuit could be accomplished in any other manner, it was noted the newly appointed Secretary of Education has expressed his belief in local control for New Mexico School Boards, support to review and ultimately abandoned mandatory closures for public schools as a result of the "4 Rapid Responses in 14 Days, implemented COVID Enhanced Safety Plans with increased local control, Legislative platforms (expansion of local authority for school boards and local control in general) for the upcoming 2022 Legislative Session, and submission of commentary from Superintendent Russ and local community members on the "COVID School Guidelines" currently in the formal rule-making process.

The Board discussed some of the negative consequences that could result from joining the lawsuit, whether participation would benefit the District at this time, common ground with PED and new Secretary of Education, and what is best for our kids and the need to figure that out. The Board continues to be in support of more local control.

Josh Parkin, public speaker, expressed support of the Board for placing the item on the agenda for discussion. He felt as though this was a step in the right direction and for standing behind those who have expressed concerns and protecting our children.

VIII. ACADEMIC SERVICES - Mitzi Estes

A. 90-Day Plan Focus Areas – Carrie Nigreville

Ms. Nigreville updated the Board on the 90-Day Plan Focus Areas and stated, "As you know, each semester our schools develop a 90-day plan for improvement based upon the priorities indicated in the data analysis they complete for their sites. I have for you a brief summary of the focus areas with desired outcomes that our schools are working on this fall. A couple of things to note are that the PED now requires that all K-8 schools include one plan that address math and one that address English Language Arts. All high schools are required to write a plan addressing graduation. So, this means that if schools have an additional priority, such as School Culture or School Leadership and Systems, they must write an additional plan. This explains why you might see some additional plans for some schools. Many of these plans stem from the extensive data analysis that our schools did last spring in preparation for the development of Accelerated Learning plans for the PED. Many of our schools found similarities in their student data which resulted in some similar desired outcomes. At the elementary level, this commonality showed in the need for a systematic process for teaching phonemic awareness and phonics, as well as the need for basic math fluency and number sense. Additionally, at all levels, you'll see a focus on Accelerated Learning strategies throughout the plans."

B. Discuss New Mexico Public Education Department (NMPED) Draft Revision of New Mexico Social Studies Standards

Ms. Estes provided the Board with a timeline of events for revision of the Social Studies Standards to include a request for participants was sent out statewide in mid-February, mid-April teachers were selected to participate in the revision of Standards at which time they met and wrote the Standards within a month, Curriculum and Instruction Directors/Principals invited to attend Focus Groups on June 2, parents shared concerns regarding potential connections to Critical Race Theory, attended Superintendent and School Board Focus Group on June 4, communication sent to PED Deputy Secretary Dr. Warniment regarding Social Studies revisions, September 1 information was shared with Superintendents that the Social Studies webpage was live and had been launched and the Standards had been released in draft form, September 28 the Draft Rule was published and a comment period opened, mid-November a public hearing would be held, editing would occur in December and final rule would be submitted and posted in NMAC, in January the approved Standards would be posted, in the spring 2022 a committee of educators would be putting together an Instructional Scope and suite of supports, and full implementation of the Standards in fall 2022.

Ms. Estes explained there is much more that happens prior to the District being ready to teach the new Standards once they are approved at the state level. She also indicated that currently there in not a common standardized assessment for all New Mexico students to take related to the Social Studies Standards. There was a 59 member team – 4 teachers from Clovis – who participated in revising the Standards for elementary and middle school; there was not a high school representative. Of the four Clovis teachers who participated, their experiences were mixed due to placement on different committees. Some feedback from the teachers included feeling overwhelmed with the process of creating new standards – blank slate, concern about the required time needed to train teachers on Standards, located resources, etc. in order to teacher effectively, felt rushed to get the new standards completed to meet the timeline, directive that all levels needed to add Standards for two new strands – Ethnic, Cultural, and Identity Studies and Inquiry (traditional strands – History, Geography, Civics, Economics), and the concern and controversy surrounding this topic.

Jennifer Johnson, Clovis teacher who participated on the committee, shared her experience and expressed similar concerns as those mentioned by Ms. Estes. Ms. Johnson pointed out that the guided questions and essential problems/sample content was left out of the draft, which is a necessary part; was skeptical of the timing because it came about in such a politically charged environment and that New Mexico schools were scheduled to open in February; timing was rushed in the writing of the Standards; didn't have time to develop and have open discussions; weren't aware of what other grade levels were doing in the process; and stressed she didn't want her name associated with the document. She mentioned we needed to advocate for insisting that state educators and boards have time to review the Standards and stated they are going to have a negative impact on New Mexico education.

Ms. Russ read aloud a letter from another teacher that participated on the committee and who wanted her experiences shared. The teacher wrote there should've been more transparency between state, groups helping develop the Standards and the participants who were working and writing them; never told where guiding principles came from or specific reasons why all of our Standards needed to align with those principles; not informed about the open forums and feedback sessions; Standards feel incomplete and some are ambiguous and left open for much interpretation; information was not released to include guidance questions, specific content, and concepts that go along with each Standard; and the Standards have been steep in controversy from the beginning.

Ms. Osburn clarified the rewriting of the Standards is occurring two years early. Hailie Drake, public speaker, indicated the Standards are terrifying and the people they are supposed to help – they are hurting the most. She also mentioned the recovery from COVID is having an impact on students instructionally as well as extending to participation in extra-curricular activities. She spoke about promoting successful, positive people in the community and country instead of focusing on the fear and division the Standards are wanting to do.

***C. Consider Petition to NMPED to Extend Public Review Period for NMPED Social Studies Standards Draft Revision**

Ms. Russ presented the Petition to slow down the process in order to have legitimate input. She noted the deep and wide concerns expressed about the process, timeline, and content of the Standards. The Petition addresses the need to be able to focus on teaching and learning and to be slowed down.

Ms. Osburn made a motion to approve the Petition to extend the public review period for the Social Studies Standards draft revision as presented. Mr. Hamilton seconded the motion. A roll call vote was taken as follows: Member Snider, yes; Member Osburn, yes; Secretary Martin, yes; Vice President Hamilton, yes; and President Cordova, yes. The motion carried unanimously.

IX. FINANCIAL MATTERS - Shawna Russell

A. COVID Update - Loran Hill

Mr. Hill provided a COVID update for the Board and highlighted the following areas: 4 positive cases in 14 days closure no longer required; implementation of Enhanced COVID protocols required by NMPED; school leadership teams selected Enhanced Protocols (COVID Safe Practices) provided by NMPED; COVID Data Review to include staff positivity rates, trends within 14-day period, bi-weekly/monthly meetings with community stakeholders; reviewed data of positive cases, quarantined close contacts, staff and student absence rate percentages, and data from September 1 - September 14, by campus, with the number of cases, quarantined close contacts, positive + quarantined close contacts, total number of staff and students, total campus population, positivity rate in percentage, and staff and student absence rate in percentage.

***B. Consider Resolution Authorizing Acquisition of Land by Entering into Three (3) Lease Purchase Arrangements**

1. **Resolution Authorizing Acquisition of Land**
2. **Exhibit A - Lease Purchase Arrangement w/ Raintree Center, LLC**
3. **Exhibit B - Lease Purchase Arrangement w/ West Plains Properties, LLC**
4. **Exhibit C - Lease Purchase Arrangement w/ Foxwood Estates Development & ZBO Corp.**

Ms. Russell introduced John King, Deputy Director of Operations, who provided a brief overview of the acquisition of land through three Lease Purchase Arrangements and the driving factors in this proposal. Mr. King indicated this process began two years ago when an evaluation of District needs started. Based on those needs and spatial requirements, a plan was put together driven by the following four factors: 1) behavioral school; 2) consolidating Technology Department from two locations into one; 3) provide meeting and professional development space; 4) provide functional space for department and staff at G.C. Ross administration building.

Since the behavioral school is the driving factor, Phase 1 of the project would include constructing offices at the new G.C. Ross administration building (Raintree) for staff currently housed at the Student Support Center. This would allow renovation of the Student Support Center into the behavioral school. Estimated cost of Phase 1: $2.3 million.

Phase 2 – construct remaining office at the new G.C. Ross administration building (Raintree) and move staff from the administration office located at 1009 Main Street to the new Raintree building. Estimated cost of Phase 2: $2.2 million.

Phase 3 - renovation of the existing G.C. Ross (1009 Main Street) building to house and consolidate the Technology Department and create meeting and professional development space. Estimated cost of Phase 3: $2 million.

The District contracted with Cherry, See, & Reames Architectural Firm to develop a feasibility study, which included interviewing staff and evaluating square footage of the buildings.

Ms. Estes discussed the vision of the behavioral school, which included providing a safe and secure educational environment for all students; safe educational environment for students who demonstrate behaviors that disrupt the educational process for him/herself and others; reduce days students do not receive educational services; and to provide supports, tools, and strategies for students to effectively manage their behavior (e.g., coping skills, de-escalation strategies, social and emotional skills). Through School Readiness Assessments, completed at each middle school in April 2018, students reported learning is limited due to misbehavior of others and teachers identified student behavior as an issue and inhibits the effectiveness of the teacher in the classroom. Parents and community members have expressed concern to the Board and Ms. Estes regarding dissatisfaction of

discipline practices within our schools. A Student Behavior Work Group was established and met six times to review the discipline matrices and practices of Clovis Schools. The matrices and practices were reviewed and revised, which were approved by the Board in August. An expanded Discipline Alternative Education Program (DAEP) would allow the District to serve more students at all levels (K-12) in the area of academics and equally or more important, teach students positive behavior management skills.

Ms. Estes shared discipline trend data since 2018 with the Board. The data included the discipline codes and the number of disciplines that have occurred in each category for the 2018-2019, 2019-2020, 2020-2021, and the current school year thus far. She also highlight trend data provided by the Mental Health - Student Support Services area. The information included the number of harassment/intimidation/bullying reports, threat assessments, suicide assessments, and restraints (elementary & secondary) for the 2019-2020, 2020-2021, and 2021-2022 school years. She indicated the numbers are on the rise this year and the data was for less than one month. Ms. Estes expressed her support the behavioral school.

Tina Reames, from Cherry, See, & Reames Architectural Firm, presented the feasibility study, which included maps of the recommended phases of the proposal. The slides of the presentation included: Priority #1 – Provide an adequate facility for CMS Alternative Education; Priority #2 – Consolidate the Technology Department into a single facility; Priority #3 – Create a dedicated space for professional development training; Priority #4 – Provide a facility that accommodates all CMS administrative department and unites them with the Student Support Center; and Test Fit area diagrams. Dependent on funding, construction costs, and other contingencies, the project could take five to seven years, beginning with the behavioral school.

If approved, the steps would be to take the feasibility study and programming statement and go out for architectural services to design a project, according to Mr. King.

Mr. Melendres added, "This has been a collaborative team effort and has taken a substantial amount of time, but it is coming to fruition. What we are proposing to the Board is the authorization for acquisition of land and a building to be put to use as the administration and Tina Reames have described. Mechanism to be used is to use the Lease Purchase Act, which allows you to enter into an acquisition of land and pay for it over a period of years. This is statutory and a permissible way to do that and because you asked the voters to approve your SB-9, your Capital Improvements Tax last year, you have six years of flow of funds, which can be used to pay for the acquisition of the property. The reason there are three Lease Purchase Arrangements is because there are three different land owners; each one of them has to be separated out – if you will – and the way the Resolution does that is to designate three Lease Purchase Arrangements; one with Raintree, one with West Plains Properties, and one with Foxwood Estates. So, as John explained, the purchase price of the land is going to be in the $5 million range, because the District has funds available, about 50% of that will be used to make a down payment and the balance will be paid over, essentially, 60 months (5 years)."

The Resolution and Lease Purchase Arrangements are subject to approval by the Public Education Department.

Mr. Martin made a motion to approve the Resolution authorizing the acquisition of land to include the three Lease Purchase Arrangements as presented. Mr. Hamilton seconded the motion. A roll call vote was taken as follows: Member Snider, yes; Member Osburn, yes; Secretary Martin, yes; Vice President Hamilton, yes; and President Cordova, yes. The motion carried unanimously.

X. STAFF REPORTS

A. Employee Services Report

There were no questions from the Board regarding the Employee Services Report

XI. ANNOUNCEMENTS

Ms. Russ made the following announcements:

A. October 8 Fall Break - No School for Students
B. October 11 Fall Break - No School for Students/CMS Offices Closed
C. October 18 District Data/90-Day Planning - No School for Students
D. October 26 Regular Board of Education Meeting (Hybrid), Central Office Board Room, 1009 Main Street, 5:30 PM

XII. *ADJOURN

Mr. Hamilton made a motion to adjourn the meeting at 7:18 PM. Ms. Osburn seconded the motion. A roll call vote was taken as follows: Member Snider, yes; Member Osburn, yes; Secretary Martin, yes; Vice President Hamilton, yes; and President Cordova, yes. The motion carried unanimously.

/s/ Terry Martin — CLERK

/s/ Paul Cordova — PRESIDENT

DATE MINUTES TO BE APPROVED:
October 26, 2021