

New Mexico School Superintendents Association

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September 15, 2020

Dr. Ryan Stewart
Secretary of Education
Public Education Building
Santa Fe, New Mexico 87501

Dear Dr. Stewart:

This correspondence represents the views of school superintendents throughout the State of New Mexico. Along with you, on-the-ground leaders are faced with the need to step up to a new and higher level of teamwork. As such, we stand ready to be a constructive partner with you and your team. Building a stronger and more productive working relationship is the purpose of this letter.

We see this as an opportunity to be specific and illustrative of issues we must face daily under today's operational realities. As the educational leadership of this state, who are charged with assuring compliance with over 250 pages of Statute and the Martinez/Yazzie Court Order, we must balance the *efficacy of the educational practice* required under the Constitution and align that efficacy with the *health and safety* of our staff and students.

While you have instituted frequent Zoom conferences with superintendents to provide information and direction, we are saddened that the current "experts and advisors" being used to make the significant policy directives issued through the Executive fail to include anyone from our body. We see this reluctance to involve our expertise as a failure to recognize the *efficacy of educational practice* side of the equation in the formulation of these critical policies.

There are often collisions between the policies being directed and the implementation realities in the field. The following are examples of some of those collisions:

- Too often, the timelines placed on districts to comply with either information or implementation fails to recognize the realities of the field such as:
 - The requirement for districts to assess their HVAC configurations and needs ordered on a Thursday evening and required to be completed by Friday at noon. The majority of those districts appear to be small or micro districts who are on a four- day week and are likely to not have the capacity to respond in such a short time.
 - The lack of written clarifications and timely updates on changes that are verbally issued. Superintendents are reluctant to sign assurance documents that differ from the new clarifications which they see as placing them in jeopardy for tort claims, disciplinary actions, and/or charges of non-compliance with directives.

- Changing guidance that creates confusion and consternation in district and school leadership such as:
 - Written guidance regarding face coverings which were published in guidance documents that allowed for face shields, gators, and face masks of varying construction. These were relied upon as guides for costly purchases by districts that are now denied under new requirements, wasting hundreds of thousands of dollars. More importantly, the shift irreparably harmed the trust with families who based their decisions on engagement for their children based on the initial guide. While the waste of funds is a critical impact, more significantly, superintendents struggle to regain trust and many of those parents' trust is unlikely to return.
 - Guidance regarding class size for re-entry which changed from a combination of room capacity and compliance with social distancing to class rostering at 50% of roster to be used regardless of the roster size, even in small and micro districts. We question the logic of this change and recommend that there be an alignment with the Governor's Health Order for group sizes in classes with lower numbers (such as 10 students).

- Insufficient financial management and guidance for incorporating CARES Act, Special Session actions, and adjustments such as:
 - After the Appropriations Act from the Special Session 2020 adjustments in an amount equivalent to 41% of the CARES Act, significant costs to districts are "oversubscribed" by PED, the Executive, and the legislature where only practitioners appear to understand the complexity of meeting the CARES Act requirements and the real loss of operational dollars created by the COVID-19 costs, and the impacts of those losses operationally to districts.
 - We are concerned with latency of the re-computation of SEG and notice to districts that reconciles to the final district budget for 2020-21.
 - We ask for recomputed 910 B-5 documentation for each district. Absence of these creates a lack of transparency at a standard that would never be allowed by local districts. Additionally, this creates significant unknowns in accountability for at-risk funds to the state legislature by local districts placing those future funds in jeopardy.
 - The PED has now embarked in directions which require local dollars be redirected from local priorities to costs designated by PED such as the use of third party vendors to catalogue HVAC system needs, the complete change out of filtration systems to MERV-13 which relegates maintenance practices and district purchasing practices to obscurity and is likely to overtax current systems and create costly failures in the mechanical systems invested in by local funds, and the staffing restructuring and employment costs created by the "rostering" requirements and the reduction of SEG.

- There is a lack of understanding of workloads on superintendents and other administrative staff such as:
 - The recent directive that the attendance plan for the Attendance for Success Act for 2020-21 and reporting for 2019-20 attendance, due October 2. We believe that the data gleaned will be of questionable value due to the significant impact of COVID "stay home" provisions in place since March. Additionally, training for this process isn't scheduled until mid-September and places hardship on many districts at a time they are struggling with re-entry.
 - The sudden shift back to Surveillance Testing protocols after Labor Day was surprising to us and was a redirection back to practice that we had been told would

not be our workload. Additionally, the requirements for schools to be responsible for contact tracing is likely to overload school administrators.

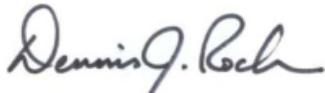
We assert that the recognition and collaboration with the superintendents in New Mexico continues to be the best course of action in these unprecedented times. We are surprised that the Executive has placed such little value in our expertise and practitioner knowledge. At this time, we assert that school re-entry on a scalable and productive basis is unlikely until the balance between the *efficacy of educational practice*, as properly informed by the educational leaders in practice in this state, is rebalanced with the *health and safety* directives/procedures for public schools. We believe that together we can design and effectively implement a system that will succeed. We do not believe we meet the balance necessary at this time and we wonder about apparent inconsistencies such as the differentiated standards utilized in the childcare sector and in the private sector in private schools.

In addition to the recommendations above here are other specific suggestions for a path forward:

1. Include at least three school superintendents in key decisions impacting the operation of schools and requirements for reporting and signing assurances.
2. Invite school superintendents to participate in developing the 2021 legislative platform.
3. Provide guidance for small group face to face learning in grades 6-12.
4. Address the discrepancy between childcare Centers for pre-K and K in public schools. The current policy is having significant financial impact on public schools and charters in New Mexico.

We look forward to continuing to build a strong collaborative relationship and developing further actionable efforts that include our expertise.

Sincerely,



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President
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Stan Rounds
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