

## District seeks to revoke Middle College High School's charter

Written by By Rick Abasta Sun Correspondent  
Friday, 20 July 2018 04:09

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### School CEO, Navajo Nation VP weigh in

Middle College High School faces an uncertain future as Gallup McKinley County Schools Superintendent Mike Hyatt seeks to revoke its charter with the district.

The GMCS Board of Education will hear the matter Aug. 2.

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Some tension arose between the school and district when MCHS questioned the validity of the McKinley Academy some months ago. Similar to Middle College, students participating in McKinley Academy take college courses as well as their required core elements.

Meanwhile, the Middle College was served with a notice of intent to revoke the charter by GMCS July 6.

In an email, GMCS Superintendent Mike Hyatt stated, "In the spirit of transparency, we are releasing the notice of revocation for Middle College High School to the public."

"Throughout this process of discovery, Gallup McKinley County Schools has chosen to refrain from making public comments regarding the illegal and inappropriate actions of Middle College administration as to not add to the contentious environment they have created," he added.

The district, as the chartering authority, issued an order of revocation based on the following allegations:

MCHS has not executed a charter contract; continuous violations of the N.M. Open Meetings Act; expelling or removing students without complying with Compulsory School Attendance Law; failure to discipline student-on-student sexual harassment; allocating the CEO's salary into other categories of work to project minimal administrative expenses; falsifying statistics for native student enrollment; disfavoring "at-risk" students for enrollment; unjustifiable public fund spending for at-risk students; falsified reporting; deficient academic progress; enormous cash balance; falsified budget documents; multiple organizational changes in last five years; and unilateral promulgation of MCHS policies over the district policies.

"These violations by Middle College administrators are inexcusable and GMCS is responsible to follow the law to deal with these violations as the oversight entity," Hyatt stated.

According to the district, the charter school continues to operate in a manner that violates the the state's Open Meetings Act and has done so on multiple occasions.

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According the Act, "All meetings of any public body except the legislature and the courts shall be public meetings, and all person so desiring shall be permitted to attend and listen to the deliberations and proceedings."

Hyatt also stated that the CEO of MCHS has been acting independently without the knowledge or authority of his governing body:

"Either way, the current actions of the Charter School after 2012 are contrary to law and are rendered null and void, as a matter of law," he stated.

Hyatt said the Governing Council of the Charter School has passed a resolution in which it delegated and transferred all of its authority and the ability to act on its behalf to its CEO.

"Such a delegation of the authority of a policy-making body to take action on its behalf to one individual is contrary to and violates the provisions of the Open Meetings Act," Hyatt stated in the letter.

Other alleged violations include the charter school expelling or removing students for lack of attendance without complying with the Compulsory School Attendance Law. The charter school allegedly never reported these removals to the district.

However, Dr. Hunter Robert Hunter, CEO of MCHS, said all of the claims lodged by the district are generalized and there is nothing specific to the accusations.

"Hyatt is not indicating what laws are broken. He's making a lot of statements that are his opinion," Hunter said, adding that each time the school has asked for evidence, it has not been provided.

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In March 2017, MCHS went before the district school board for a 20-student enrollment increase. The school board unanimously voted against the measure increase twice.

"They did it based on information the superintendent gave them. He didn't want to see our enrollment increase," Hunter said. "Then we found out the reason for that is because he's creating his own early college school called McKinley Academy."

MCHS appealed the decision to the N.M. Secretary of Education Christopher Ruszkowski, a move that Hunter says angered the district superintendent.

"When we did that it set everything off, from that point forward. The secretary told us in March to come together, sit down and work it out. We tried three different times to meet with them to resolve the matter," he said.

Instead, GMCS scheduled a special board meeting on April 25 and brought up revoking the charter.

Hunter said, "It was obviously done in retaliation."

Recently, MCHS has received support from the 23rd Navajo Nation Council.

During a recent report before the Health, Education and Human Services Committee, Hunter received unexpected support from the tribal council.

"What was surprising to me was that they had heard about the threat revocation. When I was done presenting, they said we would like to step in and save that school," he said.

Hunter said the parents did the legwork, attending chapter meetings for resolutions of support.

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He noted they were angry about the district's decision to revoke the charter.

One tribal leader said school administrators have to realize that they are working for the students.

Vice President Jonathan Nez said the dispute between the school district and charter school is negatively impacting students and that a swift resolution is required.

"There are other school districts on the Navajo Nation that are in turmoil. At the end of the day, all of this bickering is only truly affecting one main demographic, our students," he said. "We need to work together and remember that we are doing this for the benefit of our kids."

He noted that the Council, HEHSC and Department of Diné Education support retaining the MCHS charter.

Hyatt said communication between the district and MCHS is between legal teams at this point.

The Navajo Nation has not contacted the school district, he said, adding that MCHS is trying to put a lot of people in the middle of this issue.

"I have had no contact from the Navajo Nation. They were not willing to listen to both sides before they made a decision. There's a lot of emotional feelings regarding this topic, in the community," Hyatt said.

By Rick Abasta  
Sun Correspondent