

## NOTHING TO SEE HERE?

Written by By Kevin Opsahl Sun Correspondent  
Friday, 16 April 2021 04:07

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### No safety citations leads to sparring between GMCS, PED

A state investigation found no reason to issue citations to the Gallup-McKinley County School District for allegations that it did not follow coronavirus safety protocols in its schools. The news was released to GMCS officials in a conference Feb. 22, but was not subsequently released to the press.

The recent development rebuffs the New Mexico American Teachers Federation, which attempted to halt hybrid instruction at GMCS starting Feb. 9 by asking the state's Public Education Department to launch an investigation due to "dozens of reports from multiple school sites throughout the District" claiming a lack of COVID-19-readiness.

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The 5-page report, however, has not stopped PED and GMCS top brass from exchanging barbs with one another.

“The public education (department) was involved in soliciting anonymous complaints and collecting complaints based on hearsay to unprofessionally and possibly illegally target GMCS during the Covid pandemic,” GMCS Superintendent Mike Hyatt wrote in an email to the *Gallup Sun*.

“We knew that our schools, staff and students were going above and beyond in providing a clean and safe environment per the NMDOH [New Mexico Department of Health] and CDC [Centers for Disease Control].”

And Hyatt didn’t stop there, going on to speculate why the PED secretary, Ryan Stewart, would start what he considered to be a “needless” investigation.

“We suspect this antic was, at least, partially due to GMCS standing up for what is right, our legal lawsuits involving the PED that we seek and sought for the discontinuation of the illegal taking of funding from our students,” Hyatt wrote.

He also blamed the NMAFT for “spreading continued false allegations about GMCS,” as well as their “apparent control over some of the PED Secretary (sic) actions during the pandemic that negatively affected students.”

An email to the McKinley County Federation of United School Employees seeking comment was not returned by press time. Stephanie Ly, the New Mexico American Federation of Teachers president, did not respond to requests for comment.

But Stewart had some harsh words for GMCS in a prepared statement to the *Sun*, saying that even though the district has about four percent of the state’s student body, it shoulders a quarter of the state’s COVID-19 complaints.

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“The state takes its responsibility to look into these claims very seriously, and it’s disappointing that the same sense of urgency is not shared by the superintendent,” Stewart said. “Perhaps if it were shared, these issues might be addressed before they need to rise to the level of state complaint.

“Clearly, every single other district in the state has figured this out to a much greater degree than Gallup-McKinley has. We simply don’t see this shocking and alarming degree of employee fear anywhere else,” he said.

The Secretary added that Hyatt should spend more time listening to concerns of his employees “rather than making up false retaliation claims and wasting money and time on frivolous lawsuits that could instead be going toward educating students.”

## SCHOOL INVESTIGATION

The New Mexico Environment Department provided the *Sun* a copy of the 5-page report, written, by Safety Compliance Officer Michael Armenta.

Armenta said PED — which forwarded the request for investigation to OSHA — received 28 complaints of coronavirus safety violations, all without supporting evidence, at 14 GMCS locations. Complaints ranged from improper ventilation to not having facemasks available. Armenta noted, too, that some complaints brought to the district were ‘unenforceable,’ though he did not say which ones.

Armenta explained he conducted the investigation with a virtual “walkaround,” which consisted of reviewing district documents relevant to the investigation and conducting employee interviews. The investigation began on Dec. 3 — well before the NMAFT implored GMCS not to begin school on Feb. 9 — with an “opening conference” with GMCS officials, including Hyatt.

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There were only 16 employee interviews out of the more than 100 requested.. In those interviews, Armenta said each respondent “indicated at least a minimum compliance” with the public health order.

“It appears that better communication and transparency with employees will go further to alleviate many employee concerns,” Armenta wrote.

Aside from document review and employee interviews, he concluded that the complaint rate was so low — 1.2 percent — that it did not justify additional hours devoted to investigating the district, which has 1,900 people and more than 40 schools.

“[The] employer was able to produce sufficient evidence showing face masks were provided to employees, hand sanitizer was present, remote work was available, social distancing was enforced, and appropriate signage was/is up at facilities,” Armenta wrote in his report. “GMCS was cooperative and prompt in providing all requested documents, receipts, photographs, and other evidence pertinent to the inspection.”

He closed his report by recommending any future complaints be directed at each school and handled separately, rather than under the entire county school district, due to the distance between facilities and the sheer number of them.

PED Assistant Secretary Lashawna Tso issued a statement to the *Sun* on the report’s findings.

“With no supporting evidence and only a handful of employees willing to be interviewed, the inspector was unable to reach the threshold required for recommending a citation,” Tso wrote. “We feel confident that with further communication from school district leaders, Gallup-McKinley County Schools will be able to provide a safe environment for students and staff.”

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