

Editorial: RRPS lawsuit vote should have been done in public

By Albuquerque Journal Editorial Board
Tuesday, September 5th, 2017 at 12:02am

In a district that has a graduation rate that beats the state average by more than 10 percentage points, one that has some of the highest proficiency rates in the state, it's mind-boggling it uses math that doesn't add up and fails to comprehend the wording of a pretty basic state law.

But that's what you have in Rio Rancho Public Schools.

Because not only do you have one of the highest-performing districts in the state throwing scarce public money away on litigation to keep a nationally recognized public charter school out of its boundaries, you have it deciding to do so without the mandated public vote.

It appears when the Rio Rancho Board of Education voted in 2014 to sue the state Public Education Department over a waiver it granted to the Albuquerque Institute for Mathematics and Science, it did so in private rather than in a public meeting. Peter St. Cyr, executive director of the NM Foundation for Open Government, said the lawsuit should be moot because a private vote violates the New Mexico Open Meetings Act.

The waiver would have allowed AIMS to open a second location at UNM West, within Rio Rancho's boundaries, without applying for a new charter. AIMS' first and so far only location, on the UNM South campus in Albuquerque, was recently rated by the Washington Post as the best school in New Mexico and 43rd in the nation. In the six years of state letter grades for schools it has earned all A's. Its students just beat every nation – including Japan, China, Taiwan and Finland – on the international PISA test. Wouldn't you want that as an option for your kids? Clearly many parents do – AIMS has around 1,800 students on its wait list.

Meanwhile, Rio Rancho has around 17,500 students; 40 percent of the kids are proficient in ELA and 29.2 percent in math. While those aren't AIMS numbers, they are still far better than the state averages of 28.6 percent in ELA and 19.7 percent in math.

State District Court Judge David K. Thomson came down in support of the waiver, ruling in May that "public interest in this case would be subverted by allowing the (Rio Rancho Public Schools Board) to delay an appropriate exercise of the waiver authority of the secretary." He points out that the waiver would allow us to know whether the original AIMS can reproduce such successful results in a different location with different students and teachers. And isn't that worth knowing? In a state that struggles with graduation and proficiency rates, wouldn't we want to know whether AIMS' apparently successful formula can be repeated?

But rather than welcome healthy competition and try to emulate best practices that deliver results, the RRPS board not only sued to keep AIMS out; it lost that suit in state court and has decided to appeal. The state Court of Appeals has agreed to hear the case. But that assumes the lawsuit is valid to begin with.

While RRPS spokeswoman Kim Vesely says the district believes the board is not required to publicly vote on threatened or pending litigation, that does not appear to be a position supported by law. Pending litigation can be discussed behind closed doors. But when it comes to the actual vote, the Open Meetings Act says, “The formation of public policy or the conduct of business **by vote shall not** be conducted in closed meetings.”

AIMS attorney Marty Esquivel argues that since the vote to sue was in violation of state law, it’s void and should be withdrawn. That would finally allow more students – especially those on Albuquerque’s West Side and in Rio Rancho – the opportunity to attend an AIMS school and determine whether this formula can be successfully replicated. Rio Rancho’s continued battle is a waste of time and money that doesn’t add up.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

<https://www.abqjournal.com/1058390/rrps-lawsuit-vote-should-have-been-done-in-public.html>