

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

October 12, 2017

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar Street

Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219

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JOB NO.: 8906L (CC)

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1 2017, Work Session. Do I hear a motion?
 2 COMMISSIONER RUIZ: So move.
 3 THE CHAIR: There is a motion by
 4 Commissioner Ruiz.
 5 COMMISSIONER CONYERS: (Indicates.)
 6 THE CHAIR: A second by Commissioner
 7 Conyers.
 8 All in favor.
 9 (Commissioners so indicate.)
 10 THE CHAIR: Opposed?
 11 (No response.)
 12 THE CHAIR: Hearing no opposition, the
 13 motion passes.
 14 4B, Approval of August 31st, 2017 --
 15 Cindy, did I say August 20th?
 16 THE REPORTER: Yes.
 17 THE CHAIR: It should be -- so I need to
 18 amend that motion; because it's the August 30th
 19 minutes.
 20 COMMISSIONER CONYERS: I approve.
 21 THE CHAIR: You approve -- will you accept
 22 the amendment, Commissioner Ruiz?
 23 COMMISSIONER RUIZ: Absolutely.
 24 THE CHAIR: Thank you.
 25 4B, Approval of the August 31st, 2017, PEC

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1 (No response.)
 2 THE CHAIR: Hearing no opposition, the
 3 motion passes.
 4 And, finally, 4C, Approval of the Summary
 5 Minutes for the September 1st, 2017, meeting.
 6 Do I hear a motion?
 7 COMMISSIONER TOULOUSE: So move.
 8 THE CHAIR: A motion by Commissioner
 9 Toulouse.
 10 COMMISSIONER RUIZ: (Indicates.)
 11 THE CHAIR: A second by Commissioner Ruiz.
 12 All in favor?
 13 (Commissioners so indicate.)
 14 THE CHAIR: Opposed?
 15 (No response.)
 16 THE CHAIR: Hearing no opposition, the
 17 motion passes.
 18 We are on to Item No. 5 which is
 19 Discussion and Possible Action on Charter School
 20 Amendments.
 21 MS. POULOS: Madam Chairwoman,
 22 Commissioners, that item should have been removed
 23 before the agenda was finalized. There are no
 24 amendments this month. They all came in too late
 25 for us to put them on the agenda; so...

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1 Work Session Minutes.
 2 COMMISSIONER RUIZ: (Indicates.)
 3 THE CHAIR: There is a motion by
 4 Commissioner Ruiz.
 5 COMMISSIONER ARMBRUSTER: (Indicates.)
 6 THE CHAIR: A second by Commissioner
 7 Armbruster.
 8 All in favor?
 9 (Commissioners so indicate.)
 10 THE CHAIR: Opposed?
 11 (No response.)
 12 THE CHAIR: Hearing no opposition, the
 13 motion passes.
 14 4C, Approval of PEC Meeting Transcript
 15 Minutes for September 1st, 2017.
 16 Do I hear a motion?
 17 COMMISSIONER ARMBRUSTER: (Indicates.)
 18 THE CHAIR: A motion by Commissioner
 19 Armbruster.
 20 COMMISSIONER CONYERS: (Indicates.)
 21 THE CHAIR: A second by Commissioner
 22 Conyers.
 23 All in favor?
 24 (Commissioners so indicate.)
 25 THE CHAIR: Opposed?

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1 THE CHAIR: Okay. All right. Thank you.
 2 Okay. Item -- we are now on to Item
 3 No. 6, Report from Options for Parents and the
 4 Charter School Division, Discussion and Possible
 5 Action and Update.
 6 MS. POULOS: Yes. So we will start with
 7 the update. I'll start with the less exciting and
 8 go on to the more exciting. So the less exciting;
 9 although, in some ways good, just on workload.
 10 As you know, there were about nine schools
 11 that -- PEC-authorized schools that were up for
 12 renewal this year. Four of those schools, I've been
 13 trying to keep you up-to-date with that have made
 14 the decision not to renew with the PEC; instead,
 15 they are choosing to renew with Albuquerque Public
 16 Schools.
 17 Those schools, the earliest to notify us
 18 was back in early May was ACE Leadership High
 19 School. And then after we gave them our analysis of
 20 their academic performance over the past several
 21 years, two other schools made the choice at that
 22 point and notified us after we had already started
 23 our work. And that was Health Leadership High
 24 School, and that was Academy of Trades and
 25 Technology.

<p style="text-align: right;">Page 10</p> <p>1 One school was silent and not 2 communicating with us at all despite our attempts to 3 schedule our work out; and that was Cottonwood 4 Classical. And at the very last minute, right 5 before October 3rd, they let us know that they would 6 not be submitting an application. 7 So we do have five applicants. And we are 8 working on those. That's why my team is not here 9 today. They are all at the New Mexico Connections 10 site visit today. 11 They did two visits this week: One to 12 Anthony, got off at 2:00 in the morning because they 13 did not want to stay the night before. And did 14 Horizon Academy West yesterday. They will take a 15 break while we are all at NACSA next week. And then 16 the following week they will do the remaining two 17 visits up in Taos, and I think another one in 18 Albuquerque. 19 The next piece of updates is we were 20 awarded the Federal Charter School Program Grant, 21 which is very exciting. We've been trying for three 22 years to get that funding source back. This year, 23 there were 22 applicants across the country. Only 24 nine were awarded grants, and we were part of that 25 nine.</p>	<p style="text-align: right;">Page 12</p> <p>1 to submit a secondary application using the PEC 2 standards and review process; because we do believe 3 that it is actually a very good process for ensuring 4 high-quality applicants. 5 There's some other pieces built in. 6 They'll actually have to build out a project plan 7 and a budget plan for the grant itself. 8 And we also have a pretty rigorous 9 interview process. It's called a "Behavioral Event 10 Interview." We actually are using that here at the 11 PED for our PPE program, our Principals Pursuing 12 Excellence. And they have used that to really look 13 for the right competencies in a school leader, focus 14 on results, holding adults accountable to ensure all 15 students are learning; a couple of other things, 16 engaging community, things we think are really 17 important. So we're very excited about that. 18 We are hoping to get an application 19 process up in the next month and a half to be able 20 to make grant awards if we do have quality 21 applicants this year. And so we are talking with 22 the U.S. Department of Ed on Monday. And that will 23 be kind of our kickoff for when we actually get to 24 start working on the grant. 25 The other thing that is built -- or two</p>
<p style="text-align: right;">Page 11</p> <p>1 We were awarded \$22.5 million for a 2 five-year period. Of course, that's going to be 3 subject to making progress on the grant, especially 4 the objectives that we've laid out. But the initial 5 funding term is a two-year funding term; so we have 6 \$6.35 million for the next two years. 7 There's a couple of things that are built 8 into that grant. So I think there's some people 9 that have heard we want to start 22 new schools. 10 That's not the case. 11 What we have in the grant is funding to 12 support the start-up of up to 15 new schools. That 13 would be brand new schools over the five-year term. 14 And I believe the way that we looked at that, we 15 thought that the numbers would probably be two this 16 year, two next year, maybe three in 2019-'20, and 17 then four in each of the following years. Don't 18 know if that will play out; so we'll see. 19 One of the important things to note is 20 that most of the application process for this grant 21 is actually built on the high-quality, rigorous 22 standards that the PEC has put into place. So even 23 if somebody wants to be a locally authorized charter 24 school, if they're not using those same standards 25 and that same review process, they'll actually have</p>	<p style="text-align: right;">Page 13</p> <p>1 things that are built in when we talk about growing 2 schools is growth and expansion of, again, up to 3 15 charter schools. And the way we broke that out 4 was thinking about this word that we don't like to 5 hear, "replication", but not necessarily any sort of 6 term of art; but the idea being if somebody is 7 already operating a school, and it's successful, 8 seeing that maybe on a new school site or maybe in a 9 new community through a new application. 10 So we're really thinking about, again, 11 that opportunity to use something that's already 12 working and expand that, especially when we have 13 demand from our parents and our communities. 14 And then the other group of that is the 15 growth and expansion; so increasing enrollment caps 16 or even increasing grade levels served. Again, this 17 is no guarantee. They obviously have to come 18 through their authorizer. But a lot of our 19 processes are built in the grant on what the 20 Commission does; so that it does align. It doesn't 21 require duplicative work for the schools, for the 22 Commission, or anyone else. 23 So that's the kind of bulk of the money. 24 And, actually, we've had questions about what that 25 money can be used for. And so I just wanted to</p>

<p style="text-align: right;">Page 14</p> <p>1 quickly share that in case the Commissioners were 2 interested.</p> <p>3 But the grants that the recipients -- the 4 sub-grants from us that they can get are allowed to 5 be used on the following activities: Preparing 6 teachers, school leaders and specialized 7 instructional support personnel, including through 8 paying the costs associated with providing 9 professional development and hiring and compensating 10 during the planning period. So the ability to hire 11 staff earlier on during that planning period. And 12 that includes, again, for teachers, school leaders, 13 and specialized instructional staff.</p> <p>14 Acquiring supplies, training, equipment, 15 including technology and educational materials, 16 carrying out necessary renovations to ensure that a 17 new school building complies with statutes and 18 regulations and minor facility repairs. So not 19 being able to build a whole new facility, but being 20 able to make some renovations to bring those 21 facilities up to habitable --</p> <p>22 THE CHAIR: Habitable. 23 MS. POULOS: Habitable condition, yes. 24 Providing one-time start-up costs 25 associated with providing transportation to students</p>	<p style="text-align: right;">Page 16</p> <p>1 schools that are able to access these funds. 2 So then the other piece that we are -- 3 have built in to this grant is a couple of pieces. 4 Technical assistance, sharing best practices, and 5 then working with authorizers, the Commission, and 6 district authorizers together, to try to improve 7 authorizing practices in New Mexico. 8 And I think that's really important when 9 we think about the fact that four of our charter 10 schools are choosing to go to a different 11 authorizer. We want to make sure that consistently, 12 all of our authorizers have high standards, are 13 using clear and transparent practices. 14 So this actually gives us the ability to 15 invest some funds in working collaboratively across 16 the state, district, and PEC, to develop principles 17 and standards for what we think, as a group, quality 18 authorizing is in New Mexico, being very specific to 19 our state, and then also provide some funding to be 20 able to give authorizers feedback. So do 21 evaluations that are really just a formative 22 evaluation to give feedback on room for growth, 23 strengths, weaknesses. 24 So there's a lot of exciting stuff in 25 that. And we'll definitely be wanting to engage</p>
<p style="text-align: right;">Page 15</p> <p>1 to and from charter schools. For me, this is 2 actually one of the most exciting pieces of this, 3 because right now, the way our statutes are written, 4 brand new charter schools cannot access 5 transportation funding. And, in fact, the only way 6 they will ever be able to access our transportation 7 funding is if they fund transportation out of some 8 other source in an initial year, at which point, 9 then, they can access those funds, because it's all 10 based on prior year funding or prior year services.</p> <p>11 So this actually gives these new sub-grant 12 recipients the opportunity to provide those 13 transportation services, which we know is really 14 important for equity, and then be able to access the 15 transportation funding that's available from the 16 State for all of our public schools.</p> <p>17 Also, for carrying out community 18 engagement activities, including the cost of student 19 and staff recruitment, which is great, because we 20 know a lot of our new schools struggle to recruit 21 students and staff. So this allows them the ability 22 to do that.</p> <p>23 And then, finally, providing for other 24 appropriate non-sustained costs. So pretty broad; 25 but definitely going to be helpful to any new</p>	<p style="text-align: right;">Page 17</p> <p>1 with the Commission at the, you know, most intense 2 level and be able to continue some of the work that 3 the Commission itself has already taken under. 4 And then the technical assistance and the 5 other piece, best practices. So there's built in 6 this the opportunity to continue the great 7 conference this summer, where we were able to share 8 best practices, not just from within New Mexico, but 9 actually, also, from outside of the state; also 10 in -- so an annual conference, but also bimonthly 11 conferences, all around the state.</p> <p>12 One of the problems we certainly hear from 13 our folks down in the south is, "Well, we never get 14 any attention. We're far away." Right? 15 And so this is actually going to enable us 16 to bring some of these exciting opportunities to 17 other parts of the state and make sure -- when we 18 say "sharing best practices," it's not just making 19 sure our charter schools are getting it, but it's 20 actually sharing between our charter schools and our 21 districts, which is something we've all talked about 22 multiple times, which is the importance of making 23 sure we're sharing within our traditional and our 24 charters. 25 And so all of that is built in. I've</p>

<p style="text-align: right;">Page 18</p> <p>1 started working on kind of summarizing what are the 2 things we have to accomplish. I'm going to do 3 another summary, and we're really going to start 4 executing. So we're going to see these activities 5 really ramp up hopefully earlier than January 1st, 6 but absolutely, by January 1st.</p> <p>7 The last piece is -- I believe Beverly 8 shared with the Commission. But we have finally 9 received approval for four new positions within CSD. 10 Those four are actually all now posted. And we are 11 hoping -- we're trying to do outreach and make sure 12 we get good candidates. We're also just hoping we 13 get good candidates. And one of those positions, we 14 think is really, really important. And that is a 15 financial oversight position.</p> <p>16 So we're excited about all of that and 17 excited to see that there's a lot of work to be 18 done; but we're staffing up to be able to do that 19 work well.</p> <p>20 I think that's all for my updates on that 21 end.</p> <p>22 THE CHAIR: Thank you.</p> <p>23 MS. POULOS: You do have in your packet in 24 Item No. 6 --</p> <p>25 THE CHAIR: Oh, I'm sorry. Commissioner</p>	<p style="text-align: right;">Page 20</p> <p>1 written, did you collaborate with -- with any groups 2 other than the Charter School Division? Did you 3 work with the Coalition or anyone?</p> <p>4 MS. POULOS: Thank you, Commissioner 5 Johnston. Yes. So we worked very closely with the 6 Coalition, Charter Schools. We worked with 7 Excellent Schools New Mexico. We worked throughout 8 PED collaboratively in the Department. We did have 9 a letter of support from various entities, including 10 the PEC, and really thought that it was important to 11 work collaboratively, especially with the Coalition.</p> <p>12 COMMISSIONER TOULOUSE: Madam Chair, I see 13 no collaboration for us.</p> <p>14 THE CHAIR: I was asked by the Coalition 15 to -- to submit a letter of support. I was not 16 asked by PED to submit a letter of support. I was 17 asked by the Coalition to submit a letter of 18 support, which I did last year. So it was just the 19 same letter that I did do.</p> <p>20 But I will reiterate -- I will also join 21 Commissioner Toulouse in saying I would have 22 appreciated some involvement in that. I think, as 23 the authorizer, we have a voice in this, and we did 24 not.</p> <p>25 I support the concept of the grant, and</p>
<p style="text-align: right;">Page 19</p> <p>1 Toulouse, I think, has a question.</p> <p>2 COMMISSIONER TOULOUSE: Madam Chair, I 3 just want to make a comment on the record that I'm 4 concerned about this grant, since it was for charter 5 schools, that absolutely no input came from this 6 Commission on what to do about it. It all came from 7 the Charter School Division and from PED.</p> <p>8 And as far as I'm concerned, while it's 9 wonderful, and I think there's a lot that can be 10 done with it, I am annoyed, to put it mildly, that 11 we had no knowledge that -- of what was going to be 12 in it until we were told these details now, and that 13 my first awareness of it was when I got a copy of 14 the award letter.</p> <p>15 I think we have to work together. And 16 clearly, we did not on this one.</p> <p>17 Thank you very much.</p> <p>18 THE CHAIR: Oh. I'm sorry. I'm sorry, 19 Commissioner Johnston.</p> <p>20 Before you start, could the record please 21 reflect that Commissioner Crone is now present? In 22 the house.</p> <p>23 COMMISSIONER JOHNSTON: Thank you, 24 Madam Chair.</p> <p>25 Director Poulos, when the grant was</p>	<p style="text-align: right;">Page 21</p> <p>1 have since last year, the overarching concept of the 2 grant. But we were not involved in -- as far as I'm 3 concerned, if the Coalition -- and I appreciate the 4 reach-out to the Coalition. But I think if the 5 Coalition is going to be involved, the Commission 6 should be involved.</p> <p>7 COMMISSIONER JOHNSTON: Okay. Thank you. 8 And I just appreciate the work that went into the 9 grant. I know that we've had the grant in the past, 10 and that there were several years when we -- when we 11 were unsuccessful; is that correct? We wrote 12 applications, but we were unsuccessful. So there 13 was a break in the grant.</p> <p>14 But the first -- the first federal charter 15 school grant that we, as a state, received -- do you 16 know the year that was?</p> <p>17 MS. POULOS: I believe it was 2000- -- 18 actually, Kelly might know.</p> <p>19 MS. CALLAHAN: -9.</p> <p>20 MS. POULOS: -- -9, yeah. 2009. And then 21 it was six years, I believe, that we had that. 22 Maybe it was four -- it was five years that we had 23 that grant. And then there were several years that 24 we did not.</p> <p>25 COMMISSIONER JOHNSTON: That we didn't.</p>

<p style="text-align: right;">Page 22</p> <p>1 But it's been -- it's money that has supported -- 2 these are dollars that have supported, historically, 3 charter school efforts in the State of New Mexico. 4 MS. POULOS: That's correct. Yes. 5 COMMISSIONER JOHNSTON: Thank you. 6 THE CHAIR: B? 7 MS. POULOS: Yes. So you do have your 8 Ongoing Actions Tracker. There are a few updates. 9 Specifically, we do have a new school on 10 the list of schools that are seeking a new facility. 11 Aldo Leopold did notify us that they are looking for 12 a new facility; so they are on that list. 13 In addition, some updates on the list of 14 governing body resignations. I think one thing that 15 we wanted to add there is one of the pieces that we 16 are trying to get to is a much more up-to-date 17 restarted tracking of governing body resignations 18 for the year. 19 Laurel has been working closely on that, 20 trying to get annual reports from our charter 21 schools on how many board members they are going to 22 have. We have a good number of them; but we still 23 have a good number that have not submitted, even 24 though we did ask them to do that by September 1st. 25 It was September 1st; right?</p>	<p style="text-align: right;">Page 24</p> <p>1 effective." 2 It's concerning to us, because then that 3 can increase, again, the notice time; but it can 4 also then increase the time where there's a vacancy 5 substantially beyond the 45 days that the Commission 6 has put in their policy, and, beyond that, the 7 30-day extension that the Commission has allowed. 8 So that is pretty concerning for us. I 9 would encourage all Commissioners to look through 10 the items in Part B, just so you have an 11 understanding of which ones are. You can get that 12 summary on the front page, which Laurel does for us. 13 And we do appreciate where you can see the schools 14 that are timely reporting and those that aren't. 15 At this point, I would actually ask the 16 Commission to think about whether we want to put 17 something down that sets clear what's going to 18 happen if you don't submit on time, whether that's 19 coming before the Commission for a discussion or 20 something else. I just feel like at this point, 21 we're not getting the responsiveness; we're not get 22 the information from everybody. And it's not being 23 taken seriously. And I think it's a concern, 24 because we know governance is very important to the 25 success of our charter schools.</p>
<p style="text-align: right;">Page 23</p> <p>1 And she has been working actively. We do 2 hope that our charter schools will do that. It is a 3 policy that the PEC passed last year, because we 4 have concerns about not knowing who's on boards, 5 what's happening to our boards. 6 We are continuing -- and you will see that 7 in some of these materials here -- to have schools 8 not submitting timely information about board 9 resignations. The Commission, you may -- and I 10 should have printed it out for you -- your policy 11 says when they submit, they either provide, and they 12 must submit within 30 days of either a resignation, 13 which is a letter of resignation, or removal. 14 The intention of that "or" is not to play 15 with the system and pick the later of the two, 16 because, obviously, the removal would always be the 17 later of the two, and you could schedule that for 18 whenever you wanted; but it is to make sure that 19 we're getting timely notice. 20 And it is if somebody doesn't resign, but, 21 instead, you have to remove them, then you would 22 notify us within 30 days of that. 23 Some of our schools are not. They're 24 saying, "Well, a resignation letter is not effective 25 until we vote to make a resignation letter</p>	<p style="text-align: right;">Page 25</p> <p>1 It's really up to the Commission. I would 2 just say at this point, because of the frustration 3 my staff and I are feeling about not getting this 4 information, we don't know where to turn from here. 5 THE CHAIR: And it looks like, from -- 6 because I looked at this a couple of days ago -- it 7 looks like there's -- we have about three schools 8 that are short of governance. 9 MS. POULOS: Under their governance. Yes, 10 and that's what we know. 11 THE CHAIR: And another concern that -- 12 that came up was as I was reading through this, I 13 have a concern that schools that have more -- more 14 than five are simply choosing to say, "Oh, we're 15 going to eliminate that one, and we're not going to 16 fill it; so we don't have to fill it, because we 17 have decided we're not going to have seven or eight 18 or nine." 19 MS. POULOS: And, remember, that's why -- 20 THE CHAIR: And I know eleven is a lot. I 21 mean, we've got some schools that have eleven, and 22 that's just a lot to fill. 23 But I would hope that they chose that 24 number because they thought that that was a -- an 25 appropriate working number of governance, and they</p>

<p style="text-align: right;">Page 26</p> <p>1 were actively working. 2 So I'm -- I have a concern that they're 3 taking an easy out and saying, "Oh, we're just 4 eliminating that position; so now we don't have to 5 fill it." 6 So that I -- you know, I want the board to 7 have what they always felt was an appropriate 8 number, and I worry that they're falling short, just 9 because that's the easy out. 10 MS. POULOS: Yes, I agree. And, remember, 11 we did ask them. And that is -- it may be what 12 you're seeing, right? We did ask them to establish 13 their number, and that will be their number for a 14 year. 15 And we are seeing a lot of them. I think 16 that's fair and accurate to say, Laurel, that we're 17 seeing a lot of them saying, "We're just going to go 18 to five." 19 And it is concerning. 20 THE CHAIR: Right. Yeah. Okay. So -- 21 and I know there's not much we can do about that. 22 But it is -- it's -- it piqued my concern when I saw 23 that. I think that we had at least three this time 24 around that may have simply said, "We're eliminating 25 that board position," and that presumably was a</p>	<p style="text-align: right;">Page 28</p> <p>1 Toulouse loves to tell me that I sometimes use too 2 many words. So I could have written more words to 3 say, "the effective the date that the resignation 4 letter is dated." But we thought we were pretty 5 clear when we said, "the date of the resignation 6 letter, or removal by the board", which is two 7 different circumstances. 8 One is somebody says, "I leave." And some 9 people actually put, in their resignation letter, a 10 date. 11 THE CHAIR: A date. 12 MS. POULOS: A date. And say I resign 13 effective after the next board meeting. Again, 14 raises some concerns, because that could continue to 15 be used to play games. 16 I would like us not to be in the situation 17 where we're talking about these games being played. 18 The reality is board governance is essential to the 19 success of a school, and we've got to say, "Look, 20 somebody is resigning. This is the date of their 21 resignation"; right? "We need to get somebody new 22 in here. We have 45 days to do it." 23 We know it's hard; but we've also been out 24 telling boards, "That's one of your essential 25 functions. It's one of your essential functions to</p>
<p style="text-align: right;">Page 27</p> <p>1 board position that was active and responsive, so 2 that it's -- I -- I worry that they're not going to 3 have the level of activity that they had. So -- but 4 I appreciate that. 5 COMMISSIONER ARMBRUSTER: Madam Chair? 6 THE CHAIR: Commissioner Armbruster? 7 COMMISSIONER ARMBRUSTER: I have a 8 clarification. And maybe you can help me, Katie, or 9 whomever. So we have five board members, and I have 10 to resign for whatever reason, health reasons. And 11 so I'm going to send in a resignation letter 12 tomorrow. 13 So this -- but the board -- the governing 14 board doesn't necessarily meet until the 11th of 15 November. So do we have any clarification? Or do 16 we need clarification? Is my letter -- do you have 17 to accept my resignation? Because, like, if I 18 resign, what are you accepting? 19 It seems like that's giving an extra 20 month -- it could be, I mean, literally, 29 days or 21 whatever -- to do something? So I'm just not sure 22 if it's clearly written, or I don't even understand 23 it. 24 MS. POULOS: Madam Chairwoman, 25 Commissioner Armbruster, absolutely. Commissioner</p>	<p style="text-align: right;">Page 29</p> <p>1 constantly be in the recruitment process to make 2 sure that when somebody leaves, you're ready and 3 have somebody else ready to join." 4 So do we need to clarify it? If you'd 5 like me to come back with a new revision and give me 6 some guidance on what that revision would say, I'm 7 happy to do it. 8 THE CHAIR: And I think perhaps we need a 9 legal clarification as to whether the resignation is 10 not effective until the board votes -- obviously, 11 you know, the board can't say, "No, you can't 12 leave." So that we -- but just the pure fact that 13 they've voted and accepted the resignation, I guess 14 we need a legal clarification as to is it effective 15 when the Chair of the governance council is in 16 receipt of the letter? Or it's when the governance 17 council meets, and it's officially in the record 18 that that member has resigned? 19 COMMISSIONER ARMBRUSTER: And I guess what 20 I see, Madam Chair, is that that was sort of my 21 issue, is because I'm quitting tomorrow, and they're 22 not going to be meeting until a month from now, 23 literally. So that gives everybody an extra month. 24 And the governing council -- that's part of what was 25 approved in their charter.</p>

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1 THE CHAIR: But in reality, they wouldn't
2 be able to fill that position in the meantime,
3 because they haven't met; so that -- so that
4 that's -- there's this purgatory that people are
5 existing in for a short time.
6 So I think we need -- I think we need a
7 legal clarification of that.
8 COMMISSIONER ARMBRUSTER: So when I say
9 that I'm leaving, for whatever reason, then the rest
10 of the governing board, or the school, can't go
11 looking for somebody else or get somebody else to
12 physically say, "Oh, yeah, I'd love to do that job."
13 THE CHAIR: They can look.
14 COMMISSIONER ARMBRUSTER: But they can't
15 take a person, right?
16 THE CHAIR: Well, they'd have to vote on
17 it. The person wouldn't be an active member of that
18 board until the board met and officially accepted
19 that board member.
20 We get the minutes saying, you know,
21 "So-and-so has -- has now joined, you know, we've
22 accepted this resignation." And some of the schools
23 are fortunate enough that they have a list that they
24 go off of, you know. And it's like, "Oh, well,
25 you're next on the list."

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1 They -- you certainly can, any time,
2 recruit members for your GC. But you're not a
3 member until the board meets; so you -- so some
4 schools -- and some schools could have an issue,
5 then, if another board member was out of making
6 quorum for a meeting.
7 Commissioner Johnston?
8 COMMISSIONER JOHNSTON: Thank you,
9 Madam Chair. Because playing into that is then the
10 required hours of training before you can vote as a
11 board member.
12 THE CHAIR: Correct. Yeah.
13 COMMISSIONER JOHNSTON: So you may --
14 that's just on top of --
15 THE CHAIR: Everything else, yeah.
16 COMMISSIONER JOHNSTON: And here's a
17 clarification -- a request for a clarification. You
18 are the Chair of the PEC. School boards have
19 chairs. If I, as a member of the PEC, or if we were
20 a governing board, if I resigned, I would write that
21 letter to you.
22 THE CHAIR: To the governing --
23 COMMISSIONER JOHNSTON: I'm sorry. I'm
24 talking school board. This is an elected board.
25 But I would write that letter to you.

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1 THE CHAIR: Yes.
2 COMMISSIONER JOHNSTON: I raise this
3 question, because in my experience in receiving a
4 letter of resignation, I've always written on that
5 the date that it was accepted.
6 I don't know whether the Chair has the
7 approval; but that would give us a date of
8 acceptance.
9 THE CHAIR: Well, I think that's what we
10 need the legal clarification of.
11 COMMISSIONER JOHNSTON: Yeah, that's
12 right.
13 THE CHAIR: Because you're right. Some
14 have a date. We are -- there is a letter in here
15 asking one member to make it effective at the next
16 meeting, so that they would be able to function.
17 So there's -- I think we just need
18 clarification on this --
19 COMMISSIONER JOHNSTON: Thank you.
20 THE CHAIR: -- so that we're sure.
21 So we'll -- Commissioner Toulouse?
22 COMMISSIONER TOULOUSE: Madam Chair, I
23 think, too, that what Commissioner Johnston is
24 thinking about is, for instance, when we were in
25 state government, and you had an employee who

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1 resigned, people had an amount of time to rescind
2 that resignation, unless you accepted it. We were
3 taught very quickly, you write on the letter,
4 "Accepted," copy it, and hand it back to them;
5 because if you didn't, they had a three-day period
6 to be able to rescind that resignation.
7 I think on Commissions like this, it's a
8 different issue. If somebody resigns, whether you
9 accept it or not, they're gone; they're not going to
10 show up again. And so I think it's a slightly
11 different matter.
12 But I am wondering, too, if a school can
13 unilaterally decide to go from a seven-member board
14 to a five-member board without going through a
15 request to change the charter, can they do that;
16 because I know that's part of what we discuss when
17 we do the application.
18 THE CHAIR: You're right. And I think
19 that's --
20 COMMISSIONER TOULOUSE: So it would need
21 to be a charter amendment.
22 MS. POULOS: Madam Chairwoman,
23 Commissioner Toulouse, I think -- this -- I think
24 there was a point -- this is my understanding --
25 where we said the material terms are those that are

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1 written into the contract.
 2 And the way that we have -- and this goes
 3 to the discussion we've been having, right?
 4 If you go through and look at multiple
 5 contracts, we're not getting that detail in the
 6 contract. So it's a very general, "We will have at
 7 least five members," which is just a restatement of
 8 law.
 9 So I don't think right now our contracts
 10 have that information in it. If we want them to,
 11 that's something we need to think about when we're
 12 doing negotiations of getting that detail.
 13 THE CHAIR: And I -- I know from the
 14 negotiations that I've done, there are some schools
 15 that have a very specific number: "We will have
 16 ten," you know. And so that you're absolutely
 17 correct that if they're now making that decision to
 18 reduce their number, they would be in violation of
 19 their -- they would have to have an amendment;
 20 otherwise, they're in violation.
 21 Others, it's a range: "We're going to
 22 have from five to eight." So if they choose not to
 23 have eight, it's -- they're not in material
 24 violation. But I -- and I know it's -- that's a lot
 25 to go through.

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1 COMMISSIONER ROBBINS: Madam Chair. And I
 2 think the important thing here is when they
 3 voluntarily, without notification or without a
 4 charter amendment, reduce the number on their board,
 5 it calls into question votes that the remaining
 6 members make; because if they had ten, and they only
 7 have five present, that's not technically a quorum.
 8 And if three vote, you have three out of ten voting
 9 to make changes to that charter.
 10 And I think it does come down to a
 11 governance issue to where the charter is now making
 12 changes, or the governing board is making changes
 13 without the authorized number of votes to make those
 14 changes.
 15 THE CHAIR: So I think we have to look at
 16 two things: We need a legal clarification for when
 17 something is active. But I think we need to -- and
 18 I'll gladly participate in that and help -- look
 19 through the contracts to see which contracts have a
 20 specific number so that we know if a school has the
 21 ability to do this or not, so that we're clear. And
 22 I think that'll help us also as we look -- go
 23 forward with the language issues that, at some point
 24 in time, we'll be able to do.
 25 MS. POULOS: Madam Chairwoman, Laurel is

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1 going to scowl at me. But she can.
 2 THE CHAIR: Could the record just reflect
 3 that Commissioner Caballero is now here? Thank you.
 4 MS. POULOS: So Laurel can do the contract
 5 piece. Again, she's going to scowl at me across the
 6 room, totally. But Laurel -- I do just want to say.
 7 Laurel has kind of taken over everything,
 8 governance, the trainings, et cetera, and she's
 9 doing an amazing job. And so I'm sure that she can
 10 work that in.
 11 THE CHAIR: Sure, she can.
 12 MS. POULOS: I'm sure she can.
 13 THE CHAIR: Thank you, Laurel.
 14 MS. LAUREL PIERCE: You're welcome.
 15 THE CHAIR: And she also pitches in for
 16 Beverly.
 17 Thank you.
 18 And is that all?
 19 MS. POULOS: That is all.
 20 THE CHAIR: Okay.
 21 MS. POULOS: That is all.
 22 THE CHAIR: Thank you. And before we move
 23 on to Item No. 7, let's take a short break before
 24 this, and then we can move on. Thank you.
 25 (Recess taken, 9:34 a.m. to 9:48 a.m.)

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1 THE CHAIR: All right. We are on to Item
 2 No. 7, which is Discussion and Possible Action on
 3 La Promesa Early Learning Center Corrective Action
 4 Plan.
 5 So I would ask the folks from La Promesa
 6 to please come forward.
 7 I'll let the Director make any comments
 8 that she wishes to first; but I'll also remind --
 9 remind you to, please, before you speak, identify
 10 yourself for the record.
 11 So thank you, and good morning.
 12 MS. POULOS: Madam Chairwoman,
 13 Commissioners, we did provide a summary of some of
 14 the information we had for you regarding the
 15 information. In addition, in your materials, you
 16 did receive a substantial number of materials that
 17 were provided by La Promesa.
 18 Just a couple that I do want to -- we do
 19 want to highlight for you. One of the concerns that
 20 we have -- and I'm asking David Craig to come down,
 21 because he did want to speak -- is that -- so that's
 22 one thing. We want to make sure that David Craig
 23 has the opportunity to speak with you.
 24 The governing body, we do have concerns
 25 about that. One of the items on the Corrective

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1 Action Plan was that the school would receive 18 --
 2 sorry -- 16 hours of training from the PED, and all
 3 board members would attend.
 4 The day that we began the training, four
 5 board members were in attendance. We were told that
 6 one board member had a family emergency. In
 7 addition, a non-board member attended that. I
 8 believe it's somebody who has been designated to the
 9 board. And yesterday, we received documentation of
 10 that designation.
 11 But on day two, another board member who
 12 had been in attendance the prior day was not in
 13 attendance. And so -- and I don't believe the
 14 non- -- the non-board member was there, if I'm
 15 recalling correctly.
 16 And so we certainly have a concern. It
 17 was 16 hours of mine and Icela's time dedicated to
 18 training this board on specifics about their school.
 19 And so, you know, it's concerning to us. We got the
 20 feeling, while the board members who were there took
 21 it very seriously, not all did. And we continue to
 22 see board turnover, which is also pretty concerning
 23 for us.
 24 Again, I'm going to say it. Board
 25 governance is essential. Stable board governance is

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1 essential to a successful charter school; so it
 2 definitely raises concerns for us.
 3 In addition, this is one of the schools
 4 that we don't feel like we've been receiving the
 5 timely reports of resignations. And so that's
 6 certainly concerning for us.
 7 I think, you know, some of the other
 8 stuff, we continue to see that there are concerns
 9 with the final evaluation of the organizational
 10 performance at that school. And so, you know, you
 11 have the materials in front of you. That includes
 12 the most recent letter grade. It does include some
 13 information about WIDA: ACCESS and the challenges
 14 that that school is going to have with reporting
 15 those goals.
 16 I say that the school has come to the
 17 NMDASH training, I believe has submitted the NMDASH
 18 plan. So they do appear to be, you know, making
 19 some strides in that area. But I continue to have
 20 what I would say are some pretty severe concerns
 21 about stable governance.
 22 THE CHAIR: And I guess I just need to
 23 make things clear before we continue. I do not
 24 believe this is something that actually is
 25 actionable by us at this point in time. This is an

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1 update, my understanding, that this was a
 2 requirement of the CAP that they come before us.
 3 We've already adopted the CAP. So that
 4 part of that Corrective Action Plan was that update;
 5 so that this is not -- we're not voting. We've
 6 already voted on the CAP. They're simply providing
 7 us the update and whatever happens at the
 8 culmination of this school year.
 9 So just so that we're -- there's no
 10 motions or anything. It's for -- for us to
 11 communicate with the school at this time in regards
 12 to their progress on the CAP.
 13 So, thank you, good morning.
 14 MR. JULIAN MUÑOZ: Good morning. My name
 15 is Julian Muñoz. I'm the current board president of
 16 La Promesa. Just in response to Ms. Poulos, thank
 17 you for the training. I did enjoy it. But with
 18 regard to the seriousness of it, we took it very
 19 seriously. In fact, the second day, I asked them to
 20 stay an extra half-hour, because I still had
 21 additional questions as far as what we can do to
 22 better the board at La Promesa.
 23 There was a lot of discussion back and
 24 forth. A lot of good information was presented.
 25 And at this point, all my board members, minus the

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1 individual who had a medical emergency, attended
 2 that board training.
 3 In addition, there was a parent who at
 4 that time was interested in joining the board who
 5 went to those trainings, as well. And that's, to
 6 me, the reason I wanted her on the board, is she
 7 proved to me she wanted to be involved. She was
 8 serious about making that school better.
 9 So in response to Ms. Poulos' members not
 10 taking it seriously, I disagree. We took it very
 11 seriously. We know the stakes that are at play
 12 right now.
 13 So we are very grateful for the training.
 14 Right now, we're trying to make up a training for
 15 that individual that missed it. But, again, he does
 16 have some very serious medical issues that we just,
 17 unfortunately, have to work around.
 18 THE CHAIR: So let me just interrupt so
 19 I'm clear. There's only, at this point in time, one
 20 board member that is short --
 21 MR. JULIAN MUÑOZ: Eight hours.
 22 THE CHAIR: You've got four board members
 23 that have attended, because that one individual
 24 is -- will soon be, or is just recently, on the
 25 board.

<p style="text-align: right;">Page 42</p> <p>1 MR. JULIAN MUÑOZ: Yes, ma'am. 2 THE CHAIR: So it's just that one board 3 member that's short the hours. 4 MR. JULIAN MUÑOZ: So, yes, ma'am. He is 5 short eight hours. We're trying to find additional 6 training opportunities for him. But, again, he -- 7 the medical issues that he's facing are severe. 8 THE CHAIR: Thank you. 9 MR. JULIAN MUÑOZ: As far as the turnover 10 of our board, we -- we had had a board meeting -- we 11 had a governing council meeting to discuss who 12 really wanted to be involved in the board. We had 13 to have a very frank discussion with current 14 members, saying, "Do you want to still be 15 participating? Are you going to be productive 16 members of this board?" 17 We had to -- I had to ask those hard 18 questions and ask them -- you know, coming to every 19 other meeting is not acceptable. We are facing a 20 very serious situation, and for you to be calling at 21 the last minute saying you can't come in, well, at 22 that point, you should -- before we do any type of 23 removal action just for us, you should just submit 24 your resignation. 25 And then when we met as a governing</p>	<p style="text-align: right;">Page 44</p> <p>1 helpful on that -- on that part. 2 THE CHAIR: I guess I just have -- I'll 3 follow up with -- and I guess maybe we can keep this 4 topically. So one more question with governance 5 council. 6 Are you putting into place anything to 7 help recruit and hopefully populate a list of 8 potential members? 9 MR. JULIAN MUÑOZ: Yes, Madam Chairman. 10 Actually, I have -- one of our board members is a 11 retired Air Force General. She took it on 12 herself -- Brigadier General -- 13 FROM THE FLOOR: Air Force. 14 MR. JULIAN MUÑOZ: Air Force General. She 15 took it upon herself, and we formed a recruiting 16 committee. She developed policies and procedures of 17 how we're going to go forward and recruit our new 18 members. 19 We're going to look for certain industries 20 that at this point will be very beneficial for us. 21 But, mostly, we're looking for financial and legal 22 members. 23 But at this point, we have developed and 24 voted on, as a governing council -- which is part of 25 the CAP, actually, that we're presenting today -- a</p>
<p style="text-align: right;">Page 43</p> <p>1 council, we had five solid members who were 2 committed to staying on the board and providing the 3 necessary help that the Executive Director needs in 4 order to fix what's going on. 5 MS. PATRICIA MATTHEWS: Madam Chair, 6 members of the Commission, Patricia Matthews, for 7 the record. 8 Just to be clear, there were seven members 9 on this board. And so those he was just referring 10 to, those were the folks that stepped off. And then 11 the board committed to the five members. That's 12 what you asked them to do. 13 So it is not a board where we have a lot 14 of people coming and going, just to be very clear. 15 MR. JULIAN MUÑOZ: And I guess one other 16 question, too, that did come up with those 17 resignations that you were discussing earlier in the 18 meeting today was when is the letter of resignation 19 accepted? 20 We are taking it as when the board votes 21 on it. But there's -- there's ambiguity as to when 22 that date is. At this point, I'd find it helpful, 23 as the board president, if the PEC -- can you 24 decide, "Hey" -- because we will adhere to it. We 25 just need that clarification. So that would be</p>	<p style="text-align: right;">Page 45</p> <p>1 system for us to go out and recruit potential 2 members of the governing council. Because one of 3 the things that I noticed when we got there, those 4 procedures were lacking. 5 Ms. Judy -- Ms. Judy Griego right here 6 took it upon herself, saying, "You know what? I've 7 dealt with this before. She's dealt with another 8 board, veterans' board, where she's a member, as 9 well, that she takes care of that type of -- that 10 type of position, as well. 11 So there is a procedure that we've 12 developed. If you look at No. 5, under the 13 General -- General Agreement, "A rigorous governance 14 recruitment process has been created." 15 THE CHAIR: Right. Okay. And I 16 apologize. I might have missed it in this plethora 17 of -- 18 MR. JULIAN MUÑOZ: There's a lot of 19 information, yes. 20 THE CHAIR: So I apologize if I missed it. 21 Okay. Thank you. 22 I see Director Craig is in the house. So 23 maybe we want to move on to finances at this point 24 in time. If you have nothing -- 25 MR. JULIAN MUÑOZ: No, ma'am.</p>

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1 THE CHAIR: -- in addition on governance,
 2 so that if Director Craig would like to speak, and
 3 then we can deal with the financial concerns.
 4 MS. PATRICIA MATTHEWS: Madam Chair,
 5 members of the Commission, I just wanted to make
 6 sure -- because I'm a little nervous about things
 7 being followed through -- that you're satisfied with
 8 what's in -- been reported; because one of the items
 9 was to revise the bylaws. The school had revised
 10 their bylaws in December. And based on the way the
 11 recruitment plan was developed, we looked at the
 12 bylaws -- I'm going to say "we"; the governing body
 13 of the charter school -- to be clear. And those
 14 tracked what they had antic- -- what they put in
 15 their plan, so there was no need to revise them
 16 again.
 17 So in your packet should be the first
 18 amended set of bylaws that show a nominating
 19 committee. So just to be clear, that that was
 20 presented, as well, at this meeting.
 21 THE CHAIR: And we do have in our packet,
 22 yes.
 23 COMMISSIONER TOULOUSE: Madam Chair, just
 24 since I know that we have a new governance
 25 council -- and I just want to reiterate what I've

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1 seen in five years -- strong schools have strong
 2 governing councils. And that's what this school
 3 needs to work on just as hard as the academic piece
 4 and the financial piece.
 5 And if you can do that and recruit the
 6 right people, then you've got a head start on
 7 supporting Chris and his staff to see that things
 8 get done; because I haven't seen any of our schools
 9 that we' voted to close, that we voted on real
 10 problems at the school, where the governance council
 11 wasn't just churning and churning and churning and
 12 fighting among themselves or just not being there.
 13 And so I would hope you're starting a good
 14 direction on a new foot and that you get the people
 15 committed to working; because you've got a year.
 16 So thank you, Madam Chair.
 17 COMMISSIONER ARMBRUSTER: Madam Chair?
 18 THE CHAIR: Commissioner Armbruster?
 19 COMMISSIONER ARMBRUSTER: I'm not sure
 20 I'm -- would use the word "satisfied." I think
 21 there's just a lot of things going on that, as
 22 everyone here has said, is -- the governing council
 23 is the school; that is what gives it stability.
 24 So you had seven people. And then four
 25 went to all of the trainings, because one -- I

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1 totally get that health thing. We're not going to
 2 go there.
 3 But -- but then the others, we weren't
 4 getting. So I'm not sure I'm just totally
 5 satisfied, and I just want to have that on the
 6 record.
 7 THE CHAIR: But they're -- they don't have
 8 seven.
 9 COMMISSIONER ARMBRUSTER: Right. But they
 10 did. When we started to do this CAP thing, they had
 11 seven people -- right? -- on the governing board?
 12 That was in your contract? Or in your charter?
 13 And then we went to five, which is legal.
 14 That's fine. But it's, like -- it just seems like
 15 it's so muddled to me. It comes, and it goes, and
 16 it changes. And I'm having a hard time keeping up
 17 with it. So that's what I'm just going to say.
 18 MS. PATRICIA MATTHEWS: Mr. Jones, would
 19 you like for me to respond to that?
 20 MR. CHRIS JONES: If you would.
 21 MS. PATRICIA MATTHEWS: Madam Chair,
 22 members of the Commission, this charter school has a
 23 charter with this Commission. And in that document,
 24 it says the school may have between five, which is
 25 the legal minimum, and I believe eleven members.

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1 For a while, the school had seven. And it's fairly
 2 recent -- I don't even know what it is.
 3 Is it a policy of this Commission that
 4 says that the schools have to say how many members
 5 that they're going to have at the beginning of the
 6 year? Quite new. That is not in their contract.
 7 As Mr. Muñoz said, the school's trying to
 8 make some really tough decisions. These were
 9 longstanding members that were on the roster.
 10 But what we want are people who will show
 11 up and work. What I believe the mission of the
 12 Division is is to encourage councils to be strong
 13 participating members. That's what you asked the
 14 school to do; that's what they have done. There has
 15 not been a fluctuation of membership, other than
 16 bringing on a new member and the two that have been
 17 on the board for a very long time -- and I will
 18 leave it at that -- were asked to step off so that
 19 they -- and one finally -- he lives in Taos; he
 20 finally decided to step off.
 21 So it is not as if this is -- believe me,
 22 I have been -- I represent schools where they have a
 23 revolving board, a revolving-door board. This is
 24 not one of them. And since -- since we've been
 25 involved so -- since last fall, this board has been

<p style="text-align: right;">Page 50</p> <p>1 solid, and these members have been on board and 2 participating. 3 So I don't know what you're -- what the 4 confusion is; 'cause the board is solid. The 5 members are there. 6 COMMISSIONER TOULOUSE: Madam Chair, I do 7 want to give people credit, with all the publicity 8 that's come up again in the past few weeks and 9 everything else, you folks standing solid and 10 dealing with it; because there's nothing worse than 11 having to deal with things that happened well over a 12 year ago, but that are thrown right back in your 13 face right now. 14 So I do want to say I appreciate that you 15 haven't had any defections or things like that just 16 in the recent few weeks. 17 THE CHAIR: And I finally found my note on 18 the nominating; because I did -- I went through. 19 And your bylaws say that the nominating committee 20 will be comprised of the -- a council member and a 21 parent or a community member, and the director, as a 22 nonvoting member. 23 So is it only a nominating committee of 24 two, for all intents and purposes? Or is it -- 25 because it doesn't say it's going to be six with at</p>	<p style="text-align: right;">Page 52</p> <p>1 that correct? 2 MS. POULOS: That is correct. 3 THE CHAIR: That would be my preference, 4 as well. So he's kind of hiring the people who are 5 hiring. 6 MR. JULIAN MUÑOZ: That's a good 7 recommendation. We'll take that. We'll amend. 8 That's not a problem there. 9 THE CHAIR: Thank you. I appreciate that. 10 COMMISSIONER CABALLERO: Madam Chair. Am 11 I to understand this is not a policy or a rule, but 12 a suggestion by PED that that's the best course? 13 Or -- 14 THE CHAIR: I'm sorry. A little 15 clarification. That the director not be on the 16 nominating committee? 17 COMMISSIONER CABALLERO: Right. Right. 18 THE CHAIR: Yes. It's a recommendation; 19 it's not a policy. Yes. 20 COMMISSIONER CABALLERO: Okay. So there 21 could be schools out there that -- 22 THE CHAIR: There could be. 23 COMMISSIONER CABALLERO: -- that could be 24 doing this. And they're not breaking rules and 25 policies.</p>
<p style="text-align: right;">Page 51</p> <p>1 least one. So is it a nom- -- that's just -- I 2 wrote that note. Is it a nominating committee of 3 two? 4 MR. JULIAN MUÑOZ: Correct, yes. 5 THE CHAIR: Okay. Okay. 6 MS. POULOS: I just want to say on the 7 record that the -- the guidance the PED gives -- and 8 I think this is appropriate -- is a school director 9 should not have any involvement in nominating of 10 board members. That's because the board is the 11 employer of that -- and so even though that 12 individual is not acting as a voting member, I would 13 like to express that I think that continues to 14 concern us at the PED. 15 THE CHAIR: And that was actually a note 16 that I had, that I -- I think there's a little bit 17 of a conflict there with a director. I understand a 18 director perhaps, you know, knowing best the school; 19 but the director is employed by the governance 20 council. So if they sit -- even as a nonvoting 21 member, they have a voice. And that's a little bit 22 of a concern. 23 MR. JULIAN MUÑOZ: So just for my 24 clarification, industry standard with the PED is not 25 to have the executive director involved in that; is</p>	<p style="text-align: right;">Page 53</p> <p>1 THE CHAIR: They are not. But it's -- 2 it's -- I think it's a piece of conversation that 3 maybe we need to look at, that it's -- until some -- 4 oftentimes, when something like this comes up it's 5 like, "Huh, I never thought of that." 6 So that this -- it is absolutely possible 7 that there are schools out there that have 8 nominating committees where the director does sit on 9 it. Possibly. Anything is possible. 10 MS. POULOS: Madam Chairwoman, I would say 11 there's a good number of our boards where the school 12 leader is taking almost all responsibility for that. 13 And we, again, are saying it every time we are in 14 front of a board and being very clear with them 15 about that. 16 I would just say again, for the record, 17 but also for anyone who's here in the audience 18 listening, the reality is the Legislature has had 19 plenty of conversations about what to do about 20 charter school governance. They are very concerned 21 about it. I hope that charter schools will take the 22 action to make sure that they are engaged in best 23 practice before the Legislature has to act; because 24 I'd rather it happen with self-governance than a new 25 law being on the books that we have to then enforce.</p>

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1 THE CHAIR: I would prefer that it come
 2 from us. So I think it's a piece of conversation
 3 that we need to engage in.
 4 Commissioner Robbins.
 5 COMMISSIONER ROBBINS: I would agree with
 6 that. And I think, you know, that the chance of
 7 complications when an executive director is either
 8 guiding or directing the board is of concern. And I
 9 think that would represent, in my mind, lack of true
 10 governance, not a separation.
 11 The board needs to understand -- the
 12 governing board needs to truly understand that they
 13 are not the friend and the partner of the manager;
 14 they are an overseer of that individual. They are
 15 their supervisor. And their job is not to be
 16 friends with him.
 17 They can be friendly; but their job is to
 18 make sure that everything is being done
 19 appropriately. And when they're making --
 20 getting -- their positions are being basically
 21 filled and supported by the executive director, it
 22 does present at least the appearance of conflict.
 23 And I think that's what we want to avoid.
 24 THE CHAIR: Commissioner Armbruster?
 25 COMMISSIONER ARMBRUSTER: Yeah. I'm

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1 probably more familiar with school boards. And
 2 school boards' job is to evaluate the
 3 superintendent. So in the same sense for this
 4 one -- and I think we've said it before -- the last
 5 Charter Coalition conference that I went to, I went
 6 to one of the sessions, and they were talking about
 7 governing councils and things. So I thought, "Oh,
 8 yeah, I'll go to that." Unfortunately I did have to
 9 identify myself.
 10 But, anyway, Sandy Beery was talking about
 11 how many of you are evaluating your administrators.
 12 And we said, "Wow, we're supposed to be
 13 doing that?" That was a little frightening for me
 14 to hear.
 15 But I just think, what we're saying, you
 16 know, you're not going to get slapped. We're not
 17 going to hit you or anything.
 18 But the appearances are everything. So if
 19 I'm choosing who gets to evaluate me, it's not a
 20 really good thing. So I think that is something
 21 maybe we can put on our agenda to look at. And I
 22 agree that it would be nicer if we do it rather than
 23 the Legislature.
 24 THE CHAIR: Correct.
 25 Commissioner Johnston? I'm sorry.

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1 COMMISSIONER JOHNSTON: I have to make
 2 sure this is on.
 3 Thank you, Madam Chair.
 4 This brings my thoughts full-circle back
 5 to the governing-council-required training that
 6 currently the Charter School Division is providing,
 7 and the need, with the change in your board, to
 8 perhaps, once you get it stabilized -- and that, I
 9 understand, is your plan -- to redo that training.
 10 Because I think within the context of that training
 11 will come the answer.
 12 Because you also are the policy-makers for
 13 the charter school, and governing council policy
 14 should be a significant part of that. And that
 15 separation of duties between your employee and your
 16 responsibilities as employer should be very well
 17 defined in your -- your charter school policy for
 18 governance.
 19 And so I would recommend that you
 20 consider, once you stabilize, redoing that; because
 21 you had four members one day and three another. And
 22 I understand circumstances. And I applaud you for
 23 your daily activity.
 24 But I have attended the training that
 25 Charter School Division presents, or provides, for

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1 governing council members. And it is an excellent
 2 training; it truly is. So that's on the board as a
 3 consideration.
 4 MR. CHRIS JONES: Madam Chair, members of
 5 the Commission, my name is Chris Jones. I'm the
 6 Executive Director of La Promesa.
 7 I do want to say for us, it's certainly a
 8 non-issue in terms of how we can revise our
 9 policies. We're very appreciative of any
 10 recommendations that you can give us.
 11 I, for one, will tell you that I'm more
 12 than happy to alleviate myself of that sort of role,
 13 because I have enough to do. And as you know,
 14 Commissioner Johnston, running a school requires a
 15 lot of your time and energy. And so if that is one
 16 less thing for me to be involved in, I would
 17 certainly welcome that. And we will address that
 18 through our bylaws.
 19 The other piece to this -- and as far as
 20 the training recommendation is concerned, at one
 21 point, I personally did reach out to the Charter
 22 Schools Division to see if we could coordinate a
 23 separate training, a continuation, an opportunity to
 24 make up a training session, as well as to receive
 25 additional training. Because you're right. And the

<p style="text-align: right;">Page 58</p> <p>1 more training that we can receive, that our board 2 members can attend, the stronger we will be when it 3 comes to governance. 4 That request was actually denied by the 5 Division because of our, quote, unquote lack of 6 responsiveness. 7 So I do want to say that I welcome that, 8 as well. And I hope to work with the Charter 9 Schools Division, Director Poulos, to see that we 10 can get additional training. And we welcome any 11 training. 12 In the bylaws, the revision of bylaws is 13 certainly something we will circle back and request. 14 THE CHAIR: And I will say in terms of the 15 Charter School Division, I understand that for the 16 individual who is missing the hours, I'm going to 17 speak that the Charter School Division, I don't 18 feel, should be obligated to make a separate effort 19 for that individual, that that individual's got to 20 make the effort to attend some other training 21 that -- but I certainly -- and I don't think the 22 Charter School Division is going to deny additional 23 training. 24 MS. POULOS: No. Madam Chair, I do want 25 to say -- I mean, there is certainly the feeling</p>	<p style="text-align: right;">Page 60</p> <p>1 That needs to be part of trainings that 2 are given to boards that you need a continuing 3 outreach program from board members to find so that 4 that executive director doesn't feel like they're in 5 a real bind and ends up having to take it on so that 6 it becomes institutionalized. 7 The other piece of this, I think, is the 8 real cautionary tale, which is I think -- again, 9 it's only my impression -- but it seems to me that 10 the Southwest Learning Centers would never have 11 gotten into the mess they were in if their director 12 had not been allowed to basically choose his boards 13 and run their meetings sequentially and be totally 14 in charge. 15 And so I think right there, that should be 16 something that's passed on to every board and every 17 new board member of what can happen to a school. 18 And, again, they're open because the FBI 19 took every document we could use to actually justify 20 closing. It would have had to have been anecdotal 21 because we still, this many years later, have no FBI 22 report on what went on. I would hope we would never 23 be in a position that we don't have our own records 24 before then, you know, so that we could take our 25 action without having to wait on some law</p>
<p style="text-align: right;">Page 59</p> <p>1 that this school does not want to cooperate with 2 CSD. And that doesn't come just from that one-day 3 training; it comes from continued communications 4 where there are battles about simple things that I 5 feel like the school doesn't want to cooperate with 6 us. And it certainly makes us less willing to go 7 out of our way and spend extra time developing an 8 individualized training for that school. 9 The more cooperation we get, the more 10 willing we are to do that. And I hope that the 11 school will just hear that and be willing to take 12 that feedback from us. 13 THE CHAIR: Okay. Commissioner Toulouse 14 has been very patient. Then Commissioner Caballero. 15 COMMISSIONER TOULOUSE: What I wanted to 16 say -- I have two points here: One, having done 17 this five years now and being very familiar with 18 many of the schools in Albuquerque, I think a lot of 19 the directors being involved in choosing new members 20 has evolved, because the boards have had a hard time 21 doing it; so they're out there just trying to see 22 they're in compliance and saying to different 23 people, "Do you want to be on a board?" 24 I don't think it's been anything that's 25 really been codified; it just happens.</p>	<p style="text-align: right;">Page 61</p> <p>1 enforcement agency to do. 2 So I just wanted to say that in support of 3 the directors getting themselves involved, I think 4 it's just happened. And I do think -- we have to 5 training the governing -- it's hard being on a 6 volunteer board. We're a volunteer board. You 7 know, I was on the CNM Governing Board for 12 years. 8 The hardest thing we had to do was to actually 9 evaluate the president, who we hired and who worked 10 for us and who we had to work for. 11 That's not an easy thing to do. We were 12 elected. This board is elected. But when you have 13 clearly volunteer people who are mostly getting hit 14 with a lot of stuff, it's up to us to give them the 15 tools they need, whether it's within the governance 16 council or coming from up here, to help give people 17 the tools so that things don't kind of devolve onto 18 the head of school, who's got more than enough to do 19 complying with everything the PED wants from the 20 school right now. 21 I wouldn't want to be involved in teaching 22 or administrating or anything right now anywhere 23 with the kinds of rules that come down from all 24 over. It's not New Mexico; it's Washington; it's 25 everybody who's doing it.</p>

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1 So I think that's one thing that if we
 2 give people the right training they'll be able to
 3 pick up and do.
 4 Thank you very much, Madam Chair.
 5 THE CHAIR: Commissioner Caballero?
 6 COMMISSIONER CABALLERO: Thank you. Thank
 7 you.
 8 I just want to say something for the
 9 record. And it bothers me that -- that we're still,
 10 not necessarily as a Commission, but the -- I can
 11 say that the Legislature has been very interested
 12 also in the relationship of the -- the Department,
 13 PED, and ourselves.
 14 We -- it's supposed to be a Commission
 15 separate and apart from all of that. But we come
 16 under PED. They control our money. We don't
 17 control that. And it bothers me when -- when a
 18 department head announces that because of the
 19 competitive nature of whatever the school may be
 20 doing or the opinion that the board members -- the
 21 volunteer board members are not serious -- and I can
 22 tell you, organizing many organizations, coming from
 23 an Hispanic community, I can tell you that our
 24 culture is very, very different, that we interact
 25 with each other very, very different, even in

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1 business settings.
 2 If you're trying to make business in
 3 Mexico, and you come in just wanting to do business,
 4 you're -- you're going to be asked to leave. You
 5 first sit down and do what you need to do, just like
 6 the Japanese.
 7 And so I understand there's cultural
 8 differences. And we cannot laden ourselves with
 9 those opinions and, to top it off, say that we're
 10 not going to do our job to help out and do the job
 11 that you're supposed to do in the training that
 12 you're supposed to do, because we are getting
 13 negative vibes from this and that. That can't be.
 14 And I want this Commission to seriously
 15 think of ways to receive complaints from our charter
 16 schools, if that is going on. We need to know that;
 17 because if the Legislature is interested in that, we
 18 need to report that.
 19 I mean, we can stay in this relationship
 20 with the PED and the Department somewhere else for
 21 the next ten years. That can still happen. I'm not
 22 saying that we need to change anything. But the
 23 Legislature does need to -- to make changes if, in
 24 fact, that is -- that is happening.
 25 And at first, my question was, "Can a

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1 charter school ask for additional training, and does
 2 the Department have to deliver it?"
 3 But now I understand that it's only
 4 delivered if you are behaving; not because you need
 5 it. But if you're not behaving, we're not going to
 6 give you what you need.
 7 And when we have a charter school that's
 8 facing closure, and that closure -- I can almost see
 9 it, and what we forced them to comply with, to me,
 10 was a compliance that could not be met at the time
 11 we were doing it.
 12 And so we should be helping the charter
 13 school, no matter what; because it's in the name of
 14 children, no matter what the attitude we perceive
 15 those adults to have. And that's our main game is
 16 the children. And I'm seeing grades, and I'm seeing
 17 some progress. And it's almost impossible.
 18 And from those of you who have all this
 19 experience, you told me that it was going to be an
 20 impossible jump from "D" and "F" to what we required
 21 them to do.
 22 And so to sit here and say, "Well, I'm not
 23 going to give you additional training," which has
 24 been suggested, "because I just don't like your
 25 combative nature or the attitude that I'm

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1 perceiving," no. You have a duty. You're a
 2 professional, and you have to comply.
 3 And if that's the fact that they have to
 4 comply, then we -- we, as Commissioners, have to
 5 make sure that is done. And if they can't do it or
 6 won't -- we can't force them to do it -- then we
 7 have to find resources so that they can get the
 8 training from somewhere else.
 9 There's a lot of training out there. I'm
 10 going to a conference. Some of you may be going to
 11 a conference. And I'm going to look for all these
 12 resources out there; because these can't be the only
 13 resources our people have. It can't be. We just
 14 have too many charter schools failing. And they
 15 shouldn't be failing.
 16 Thank you.
 17 THE CHAIR: Thank you.
 18 MS. PATRICIA MATTHEWS: Madam Chair,
 19 members of the Commission, may I respond on behalf
 20 Mr. Muñoz to what Ms. Poulos said?
 21 I think it was misunderstood what
 22 Mr. Jones said, which started a different path.
 23 Certainly, Ms. Poulos is right. There's
 24 no way that we're asking her two folks to come back
 25 down and do another two-day training. That wasn't

1 the ask-for. I think there was a misunderstanding.
 2 And certainly, overall, the Charter
 3 Schools Division has trainings scheduled. I think
 4 they're pretty much the same trainings that were
 5 provided to this school that they can be made up.
 6 And we are -- Mr. -- Mr. Jones copies
 7 me -- sometimes I wish he wouldn't -- but I get the
 8 trainings. I know when they're done. And he sends
 9 them to his board.
 10 So the understanding is that these
 11 members -- the one member who's missing will try to
 12 make it up; but I don't know if that's acceptable.
 13 It sounded as if it wasn't.
 14 Is that acceptable to the Commission, that
 15 this member may come up in another
 16 Division-scheduled training?
 17 THE CHAIR: I think that's the -- I think
 18 that's what has -- not that they will try to, but
 19 that they have to; because that's part of it.
 20 MS. PATRICIA MATTHEWS: They will.
 21 THE CHAIR: Absolutely, yeah.
 22 MS. PATRICIA MATTHEWS: Absolutely.
 23 THE CHAIR: But I will just add that as
 24 best that they can, that the training that they're
 25 going to attend is training that they missed, not

1 So communication -- I think we all know
 2 communication can be better. So that's what we
 3 would ask for is some more respect and
 4 acknowledgment that the school is doing a lot of
 5 work and doing things they believe in the right way.
 6 So I don't really want to belabor it, and
 7 neither do you want me to belabor it. I would make
 8 one more suggestion, Ms. Poulos. And this might be
 9 helpful because sometimes these things fall through
 10 the cracks.
 11 When a charter school is approved, they're
 12 required, as part of the application process, to
 13 have bylaws. And it might be very helpful to post
 14 on the website a template of bylaws; not that they
 15 have to accept them as they are, but, certainly,
 16 with key components, like "You shall not have your
 17 head administrator on the nominating committee." I
 18 concur for many reasons why that is not a great
 19 idea.
 20 So that was just a suggestion, since we
 21 were talking about bylaws.
 22 MS. POULOS: Madam Chair, do you mind?
 23 One of the things that's actually built into the
 24 grant, to bring that back up, is actually
 25 development of multiple example policies; and so

1 training -- so that they're not attending a piece of
 2 the same training, as the eight-hour makeup that the
 3 training that they do attend fills the gap of what
 4 they didn't -- they didn't -- what they might have
 5 had from the absence.
 6 MS. PATRICIA MATTHEWS: And maybe that was
 7 the ask-for, and it got --
 8 THE CHAIR: Okay. And that's fine.
 9 MS. PATRICIA MATTHEWS: -- it got
 10 communicated.
 11 And the other thing that Mr. Muñoz asked
 12 me to respond to -- and I want to do this in a
 13 conciliatory manner; I do not want to do this in an
 14 accusatory manner with Ms. Poulos or her Division.
 15 It's tense, very tense between this --
 16 this school, where it's got every aspect of its
 17 existence at stake. And there is some concern that
 18 they feel like there's -- either they're talking
 19 past each other or there's a lack of clarity or
 20 there's this "gotcha" mentality.
 21 Whether it is or it isn't accurate or not,
 22 that's -- I wanted the Commission to hear. And I
 23 appreciate Mr. Caballero's --
 24 Commissioner Caballero's point, that it is a two-way
 25 street.

1 another great opportunity.
 2 But I do want to say when we do a
 3 training, individualized for a school -- and it's
 4 somewhat similar to the training we do for all board
 5 members; but it was 16 hours, and it was developed
 6 for the school -- we looked specifically at things
 7 we knew about this school, the type of program they
 8 did, and developed a different training for this
 9 school.
 10 And when I got the request, it sounded
 11 like a request to do another specific training for
 12 this school. And, again, I will say, when I go well
 13 above and beyond what is required of my division, it
 14 is because we are both on a two-way street working
 15 together.
 16 And I would love to do that for this
 17 school. But, again, we've got to work together.
 18 We've got to be willing to work together.
 19 THE CHAIR: Right. And I'll just
 20 reiterate that at this point in time, the only
 21 really feasible option is for that individual to
 22 attend a training and attend a training in areas
 23 that were not covered in the time period.
 24 But I would certainly hope that any
 25 handouts and any information that was made available

<p style="text-align: right;">Page 70</p> <p>1 at that more specialized training be made available 2 to that individual so that they can read that, so if 3 there's something different that was covered in the 4 individualized training, that they're made aware of 5 it. I think that's fair and reasonable at this 6 point in time. 7 MR. JULIAN MUÑOZ: Madam Chair, 8 Commissioners, I do have a question here, and I do 9 hope you can answer it here, because it was 10 something that was brought up before. 11 If this board member is unable to make up 12 that training, I'm going to have to make a decision 13 to remove them at this point. So for any new member 14 that comes on, are they going to be required to take 15 that 16 hours? Or are they going to be required to 16 take the ten hours, initially, just as the amended 17 statutes state -- 18 THE CHAIR: My understanding is they have 19 to have the 16 hours. That's the CAP. That's my 20 understanding. 21 MR. JULIAN MUÑOZ: But is it going to be 22 that specialized training? 23 THE CHAIR: I don't think at this point in 24 time we can expect CSD to do an individualized 25 16 hours. I think that individual will have to</p>	<p style="text-align: right;">Page 72</p> <p>1 La Promesa currently has how many active 2 board members? 3 MR. CHRIS JONES: Commissioner Johnston, 4 La Promesa currently has five active board members. 5 COMMISSIONER JOHNSTON: Active. In your 6 charter, it states that you have between five and 7 seven; is that correct? 8 MR. CHRIS JONES: And eleven; five to 9 eleven. 10 COMMISSIONER JOHNSTON: Eleven. So right 11 now, you have five active. How many total board 12 members have you just lost? 13 MR. CHRIS JONES: We have lost two board 14 members. And so we have actually replenished to get 15 back to the five number. And as per the 16 requirement -- and the submission deadline was 17 September 1st -- we did indicate to the CSD that we 18 would have five members moving forward. And so in 19 compliance with what we've stated and submitted, we 20 have five active members. 21 COMMISSIONER JOHNSTON: And you're 22 currently looking to fill how many positions? 23 MR. CHRIS JONES: At this point, we are 24 not looking to fill positions. We are actively 25 recruiting on an ongoing business, which goes with</p>
<p style="text-align: right;">Page 71</p> <p>1 attend other trainings provided by CSD. 2 And, once again, whatever information on 3 paper that was made available at the individualized 4 training, that that be made available to any and all 5 members that come on board. That -- I would hope 6 that you're populating a resource kind of library. 7 I would hope all schools do that so that as 8 individuals go off to trainings, that they're 9 sharing this with the other governance council 10 members, regardless of what it is, that that's a 11 piece of your governance -- of your meetings, that 12 someone attended a training, and this is the 13 information. Do you have any questions? 14 But at this point in time, for CSD to 15 dedicate 16 hours for one individual and going 16 forward, you know, I don't -- I hope you don't have 17 other openings. But, you know, life happens. And 18 we understand that; so that I don't think, you know, 19 that should be expected. 20 But the CAP is for the 16 hours. That's 21 my understanding. 22 Commissioner Johnston? 23 COMMISSIONER JOHNSTON: Thank you, 24 Madam Chair. Clarity. And it'll be very simple. 25 I've lost track.</p>	<p style="text-align: right;">Page 73</p> <p>1 our recruitment and our retention plan. However, we 2 do have five members currently. In the event that 3 we lose a member, we would actively pursue the pool 4 that we are attempting to create through the work 5 that the governance council has done. 6 COMMISSIONER JOHNSTON: So you had how 7 many resignations? 8 MR. CHRIS JONES: We've had two 9 resignations. 10 COMMISSIONER JOHNSTON: And I'm looking at 11 three that are in my records. 12 MR. CHRIS JONES: We had two -- 13 COMMISSIONER JOHNSTON: I'm showing three. 14 In a -- 15 MS. PATRICIA MATTHEWS: Can you give us 16 the -- 17 MR. JULIAN MUÑOZ: Can you give us the 18 names? 19 COMMISSIONER JOHNSTON: Madam Chair, is it 20 permissible? 21 THE CHAIR: It's public record. 22 COMMISSIONER JOHNSTON: I wanted to be 23 sure. Ms. Cervantes. 24 MS. PATRICIA MATTHEWS: Oh, yeah. 25 COMMISSIONER JOHNSTON: Mr. Trujillo.</p>

<p style="text-align: right;">Page 74</p> <p>1 Mr. Rivera. 2 And then the two -- and I don't know 3 whether those were removals from the board or 4 whether they were resignations -- those two 5 additional that are currently part of the crisis 6 that you're facing; right? Am I correct? 7 MS. PATRICIA MATTHEWS: I'm sorry. I'm 8 sorry. No, I'm sorry. That is confusion. And 9 we've -- I actually forgot. 10 Those -- Mr. Roybal and Mr. Trujillo and 11 Ms. Cervantes voluntarily resigned because they 12 weren't able to participate; Mr. Trujillo lived in 13 Taos, et cetera. So that dropped them to four. 14 The -- Ms. Baca, who is the member who 15 attended the 16-hour training, was voted onto the 16 board last week. So that brings them back to five. 17 COMMISSIONER JOHNSTON: Okay. 18 MS. PATRICIA MATTHEWS: Does that help? 19 COMMISSIONER JOHNSTON: Yes, it does. 20 MR. CHRIS JONES: Okay. I apologize. 21 MR. JULIAN MUÑOZ: I apologize. That was 22 our fault. 23 COMMISSIONER JOHNSTON: It just clicked. 24 I just got lost. 25 THE CHAIR: Director Craig has to leave.</p>	<p style="text-align: right;">Page 76</p> <p>1 voted on in May. So this has been on the books for 2 this discussion since that time. 3 MR. CRAIG: Sounds good. So we've got to 4 work on it on the PED side, and it's got to be 5 something that -- 6 MS. POULOS: Let me be clear. The plan, 7 as far as I understood, did not have his name in it. 8 That's where the confusion is. We need to be clear 9 about that. 10 MR. CRAIG: Thank you, Katie. If you guys 11 write me in there, make sure I know about it, and 12 I'll be happy to come and talk to you guys. 13 I had hoped to get a financial improvement 14 plan actual document in front of you guys. As far 15 as the things we need to work on the most, that's 16 one of them. So I was hurrying around trying to 17 complete one, as of even yesterday, to try and get 18 back to these guys so they could have a guide from 19 which I was going to be speaking from, because I was 20 waiting until the FY '17 audit is done to try and 21 incorporate all of our findings from that and get 22 one good document in place. 23 That document is something that I have to 24 own. The responses that I got from the school, we 25 need to work on a little bit. It doesn't adequately</p>
<p style="text-align: right;">Page 75</p> <p>1 He's on a time limit. So I'd like to move on so 2 that we can hear from him and move on to the 3 financial component. 4 MR. CRAIG: Madam Chair? 5 THE CHAIR: Director Craig kind of likes 6 to stand there. 7 MR. CRAIG: It's my go-to now. I did it 8 once; so it's part of my character. 9 Madam Chair Gipson and members of the 10 Commission, it's always a pleasure to come before 11 the PEC. I appreciate the opportunity to do so. 12 I got to tell you we're got to work on our 13 communication a little bit because I was just made 14 aware from Chris a little bit beforehand that I was 15 going to be asked to speak and give you guys a 16 financial improvement plan. And so we're working a 17 little bit to make sure that CSD and I communicate a 18 little bit better and we get that information up. 19 But if you guys do develop Corrective 20 Action Plans, make sure that Katie is kept in the 21 loop so that I can make sure I'm available when we 22 write things like, School Budget Director will help 23 give a financial improvement plan update." 24 THE CHAIR: Let me just say -- this isn't 25 something new. This Corrective Action Plan was</p>	<p style="text-align: right;">Page 77</p> <p>1 reflect all the work we've done, I don't believe. 2 It also is very looking backward in the responses I 3 got from the school. 4 And what we need to do is -- and I got to 5 own this -- is I didn't get to give them the clear 6 direction I normally do on a one-on-one basis in a 7 face-to-face meeting because of rescheduling and 8 many other things. 9 There -- that document really needs to be 10 our roadmap going forward. It's not a place by 11 which we have conversations about, "Well, look at 12 all these bad things happened." Anybody can pick up 13 the paper and read all the stuff we've been dealing 14 with with this school. 15 What we need to do is get a roadmap of how 16 we're going to change the internal control structure 17 of that. And that's actually the one con I have to 18 say that we need to work on most with this school. 19 Working -- if I had to bottom-line where we're at 20 with this school, work continues. It's a work in 21 process. Every time we get something completed, we 22 find something else new that we have to do. 23 We found those 1099s that the vendors had 24 in April and May. I came and talked to you about 25 that. That's since exploded into an alleged fraud</p>

<p style="text-align: right;">Page 78</p> <p>1 that's very big. 2 When we reconstructed the general ledger, 3 we have found there's going to be a lot of issues 4 and exposures to the operational fund that are a 5 fallout from that. 6 I'll let Mike talk in greater detail after 7 I'm done. But we've done a lot of work with this 8 school. And I've got to tell you that some of 9 the -- I'm not -- all I can report is that Chris 10 Jones and the school administrator and the school 11 governance council have been very responsive to 12 anything that I have to say on the financial 13 improvement plan. 14 Mr. Muñoz serves on the audit committee. 15 He was present at the audit intake for the FY '17 16 audit. I worked -- I came down personally on that, 17 because I had heard some things from our fiscal 18 agent, the person who's helping us in our duties as 19 fiscal agent, the Vigil Group. 20 We're going to have a pretty rough FY '17 21 audit. I'll just get that out there right now. 22 They were upfront about that. There is some stuff 23 we had to do to the general ledger; it was in 24 complete disarray. We had to reconstruct and make 25 some assumptions about where, by fund, those cash</p>	<p style="text-align: right;">Page 80</p> <p>1 incorrectly compared to contractual amounts. 2 So Chris met with every single employee at 3 that school and said, "I am sorry. You have had too 4 much in your paycheck," or, "We've been withholding 5 too much and you needed more." So that's all 6 cleaned up. 7 But there's going to be many times in 8 which the auditors are going to come to us with 9 things that we didn't do, or they found things that 10 we weren't aware of. That's going to be something 11 that we're going to have to cross and fix going 12 forward. 13 As many -- as I believe I've testified 14 previously, one of the conditions for getting your 15 Board of Finance back is having a clean audit with 16 previous audit findings. It's looking like that 17 could be tough to do this year. So that should help 18 you get an idea of where we're at as far as 19 timelines. 20 It continues to be things that we continue 21 to uncover; I'll just put it that way. And none of 22 it is going to be as big as the alleged fraud that 23 was in the independent -- or in the Office of the 24 State Auditor's special Investigation Report. But, 25 you know, every time the auditor asks us a question</p>
<p style="text-align: right;">Page 79</p> <p>1 accounts are done. 2 We're running negative in the operational 3 fund, which means we're in violation of the 4 SB-9/House Bill 33 laws in the use of those funds. 5 We've got to do some budgeting, which means that 6 Chris has had to make real -- real tough choices on 7 expenditures to try and close that deficit by year 8 end, which means his operating budget has been cut 9 by nearly a quarter of a million dollars. 10 So he's going to have to cut expenditures 11 from this year, year over year, by a negative 12 \$250,000 in order to close this year in the black 13 and get that operational fund and get us in 14 compliance with law. 15 When we reconstructed the general ledger, 16 there were many times in which we had to make 17 assumptions based upon what we saw in the general 18 ledger versus bank. We had a bank-to-book variance; 19 that all had to be corrected. 20 We had situations in which Chris had to 21 sit down -- and I don't know if I've updated you on 22 this previously in our meeting in April and May. 23 But I had to sit down and have tough conversations 24 with folks how they've been overpaid or underpaid 25 because the amounts of their withholding were set up</p>	<p style="text-align: right;">Page 81</p> <p>1 and we can't support it and the people that were 2 involved are no longer there, it's tough to say that 3 that couldn't be an audit finding, you know. 4 What else? 5 Very happy with the Vigil Group's work. 6 The Vigil Group's work is on point. People are no 7 longer -- you know, we don't have issues with late 8 payment to vendors; we don't have late payments for 9 payroll anymore. All of those hiccups are worked 10 out. 11 There's probably some fallout from some of 12 the alleged fraud in the Office of the State 13 Auditor's report. Those 1099s from prior years are 14 going to have to be revised. It's a requirement 15 under the Internal Revenue code. Some of those W-2s 16 were probably done incorrectly, and we're probably 17 going to have to reissue W-2s. That's going to take 18 some conversations with the Internal Revenue 19 service; it just will. There's probably some issues 20 that we're going to have with the state level with 21 tax withholding, as well. 22 There's certain conditions -- like I said, 23 I need to work closer with the school in getting an 24 actual financial improvement plan that reflects the 25 work that we've done and gives us a roadmap on how</p>

<p style="text-align: right;">Page 82</p> <p>1 we're going to improve the internal controls going 2 forward. I have to own that, because I didn't give 3 them clear guidance on how to fill that out. 4 They filled it out in a vacuum without my 5 guidance; so it's kind of tough for me to come along 6 later and ding them and say, "You didn't fill this 7 out, and this doesn't meet my expectations," because 8 we didn't have a one-on-one meeting. But we're 9 going to circle up after this meeting and get that 10 completed. 11 That's about all the news that is the 12 news. There's -- I mean, work will continue. As 13 long as I can impress upon you that key point, is 14 that this is going to be a long haul, you know. We 15 just recently had the school -- I don't know if 16 you've reported this, Chris -- the school had a 17 break-in about the personnel documents. 18 THE CHAIR: Yes. 19 MR. CRAIG: Okay. One of the Corrective 20 Actions is we have secure documents. Now we have to 21 go back and figure out -- this is an example of why 22 work continues. On the Conditions list, we have 23 that we have to have secure documents for personnel 24 records and vendor files that are complete. 25 They said, "Look, we've instituted these</p>	<p style="text-align: right;">Page 84</p> <p>1 at least when we get the FY '17 audit out, and we 2 get that, I hope to have something very formal that 3 we can just plug in the additional audit finding, so 4 that the Corrective Plan over to the Accounting 5 Auditing group and the Office of the State Auditor 6 is plugged right into our financial improvement 7 plan. 8 But right now, it's just a back-and-forth 9 between entities, where I need to have more guidance 10 to them on my expectations. We need them to get a 11 little bit better -- another attempt to, like, say, 12 "Okay, let me take a look at what we did," and 13 revise it. 14 It's still a working draft right now, and 15 I would feel really uncomfortable putting the school 16 on some of those comments right now, okay? 17 THE CHAIR: Okay. Thank you. 18 Commissioners, any comments for Director Craig? 19 Commissioner Johnston first, and then 20 Commissioner Caballero. 21 COMMISSIONER JOHNSTON: Thank you, 22 Madam Chair. 23 Mine is more of a comment, Director Craig. 24 Thank you very much for the positive, forward-moving 25 explanation. These -- this improvement plan is</p>
<p style="text-align: right;">Page 83</p> <p>1 processes." Clearly something happened. Either 2 somebody got a key, or they were the fault of crime. 3 Either way, that needs to be investigated 4 to determine what we can do differently and continue 5 our work in progress and use that financial 6 improvement plan to say, "Here's the additional 7 steps we've taken to ensure the records are secure 8 and communications and monitoring control activities 9 by management is enough to ensure the personnel 10 records will not be broken into again." 11 Those are the kind of things we have to 12 work on, and they're very detailed, and my hope is 13 soon we will be able to get you guys an updated 14 document that shows you that. 15 I stand for questions. 16 THE CHAIR: Not to put you on the spot, 17 but do you you have a kind of estimate as to when 18 that improvement plan could be complete -- could be 19 created or finalized by? 20 MR. CRAIG: Sure. It's really rough right 21 now, Commissioner Gipson. And I would really 22 hesitate to put something in front of you that's 23 that rough. 24 THE CHAIR: Okay. 25 MR. CRAIG: I'll give you this. It'll be</p>	<p style="text-align: right;">Page 85</p> <p>1 going to evolve over the time of discovery and the 2 year. I recognize that. This is not something we 3 can come up with right away, because you're still 4 unfolding it. And the audit will -- will take -- 5 what I really appreciate is that if -- I think I 6 understood, and confirm this for me, Director 7 Craig -- you said that the fieldwork has improved 8 and that you are getting the reports from the school 9 in a timely manner and as they should be. 10 MR. CRAIG: Madam Chair Gipson and 11 Commissioner Johnston, I would agree. Yeah, a lot 12 of that is multifactorial. I mean, I've worked with 13 the Vigil Group before. They know my expectations. 14 But a lot of it is responsiveness by administration 15 to work with the Vigil Group to give me the 16 information I need. 17 COMMISSIONER JOHNSTON: So that's part of 18 unraveling is that responsibility. 19 You are -- you are definitely in a 20 financial crisis position that takes a great deal of 21 your time. I respect the work you're doing. 22 And I go back to what Commissioner 23 Armbruster said earlier. I appreciate the 24 conversation today, because it is still -- I don't 25 think I understand the nuances correctly enough to</p>

<p style="text-align: right;">Page 86</p> <p>1 say that I am satisfied. But it's going to take us 2 this year to determine whether satisfaction has been 3 reached or not. 4 It's a critical year for you. And I'm 5 saying that; that's a rhetorical statement on my 6 part. But if the fieldwork is strong, we'll hear 7 from someone from Mr. Vigil's group, am I right? Is 8 that correct? 9 MR. CRAIG: Yeah, if Mike has anything -- 10 COMMISSIONER JOHNSTON: The improvement 11 plan is being created. Then why is a draft document 12 submitted to you? I read your e-mail just -- on the 13 11th, that it was -- it needed some work and that 14 you were -- 15 MR. CRAIG: Okay. So you guys saw it. 16 COMMISSIONER JOHNSTON: -- getting it back 17 to them. Yes, I saw that. 18 THE CHAIR: Yeah. We did see that. 19 COMMISSIONER JOHNSTON: And I appreciate 20 what the staff is -- is confronting this year with a 21 \$250,000 deficit. And I know the work that you're 22 putting into creating it. So -- and I'm so glad 23 that the field work is coming to you, because that's 24 one of the things that you -- that helps you. 25 Thank you.</p>	<p style="text-align: right;">Page 88</p> <p>1 You're taking care of it for me now." 2 And I have to come back and say, "Yeah, 3 but ideally, I'm not, at some point in time." 4 So how do we prove everything that what we 5 had happen with the alleged fraud will never happen 6 again and that we have instituted a strong internal 7 control framework, supplemented by a strong 8 governing council oversight, at which we can go 9 forth, and I no longer have to be involved in this 10 school. 11 Now, I want to add one other thing, 12 Commissioner Gipson, is yes, we work very closely 13 with the schools on a Board of Finance suspension. 14 And I have to act like that school is going to be in 15 perpetuity for ever and ever. But that does not 16 mean that sometimes I don't feel like sometimes I 17 have personal views whether or not that should do 18 it. 19 My objectivity and my position requires me 20 to treat all charter schools as if they are going to 21 be acting forever when I suspend a Board of Finance. 22 So I don't want you guys to think I don't have views 23 on that stuff. I probably do. And we have to talk 24 about it internally. 25 But I can't bring that -- can't wear that</p>
<p style="text-align: right;">Page 87</p> <p>1 MR. CRAIG: Can I -- Madam Chair? 2 THE CHAIR: Sure. 3 MR. CRAIG: One point I want to make is 4 that a really good example of that is one of the 5 things that Chris and I and Michael faced was 6 actually turning off the water to the school within 7 the first week. And we had to do an emergency PO to 8 make sure those kids could have a toilet and water 9 fountain to drink. 10 And so now we've set up POs in advance, 11 and I believe we're probably doing same-day checks. 12 We've taken it from a place where we're in a crisis 13 mode to here. And we're just now starting to bottom 14 out -- I kind of look at it we had to go as bad as 15 you can get before you can start climbing out, and 16 we're just starting to climb out. 17 That document that you guys have in front 18 of you, that is something that's going to be kind of 19 a back-and-forth between me and the school. That's 20 not uncommon. Those kind of back-and-forths that 21 you're seeing happen in all of my Board of Finance 22 suspensions, including school districts. That is to 23 be expected. 24 Often, schools are, you know, "Hey, look. 25 I don't -- this is the bad stuff that happened.</p>	<p style="text-align: right;">Page 89</p> <p>1 into the office, okay? 2 THE CHAIR: Right. Okay. Thank you. 3 Commissioner Caballero? 4 COMMISSIONER CABALLERO: Yes, just a 5 question. Did you have a glimpse, when you first 6 started having to look into La Promesa, that it was 7 this bad? 8 MR. CRAIG: Yeah, sure. Commissioner 9 Gipson and Commissioner Caballero, as soon as we 10 found out that all of the amounts that were withheld 11 from the contracts, and employees were being paid 12 improperly, as well as the late payments on the 13 K-3 Plus payments, and we weren't getting payroll 14 out because none of the information was completed 15 correctly, I had a pretty clear idea I was dealing 16 with a huge mess, and things were going to get way 17 worse, okay? 18 THE CHAIR: Thank you. I appreciate your 19 time. 20 I want to turn it over to Mike, the fiscal 21 agent, if he has anything to add. 22 MR. MIKE VIGIL: Madam Chair, members of 23 the Commission, my name is Mike Vigil. That's 24 V-I-G-I-L. I work with the Vigil Group, and I'm 25 directly assigned to work with La Promesa and have</p>

<p style="text-align: right;">Page 90</p> <p>1 been doing so since we contracted with them in 2 August of 2016.</p> <p>3 I believe the takeover was in July 2016; 4 so it was a short period that we weren't working 5 with the school. But pretty much since that 6 takeover, we have.</p> <p>7 I just want to thank, first of all, 8 Mr. Craig for acknowledging that the financial 9 improvement plan is a work in progress and that he's 10 going to collaborate with us and set expectations.</p> <p>11 As of right now, what we were given was an 12 outline, a sort of template of what we need to fill 13 out. We submitted that, and we're awaiting on some 14 sort of review and some sort of updating. That's 15 what we're working on currently, my understanding 16 is.</p> <p>17 Mr. Craig did mention that the FY '17 18 audit, he's expecting it to be rough. I was part of 19 that entrance conference, as well. And sitting down 20 with the auditors, from what I understand from both 21 entrance conferences that I went to, from FY '16 to 22 '17, it is night and day. Things are -- you know, 23 the turnover is now 100 percent being improved. And 24 we are going to have findings that are potentially 25 material.</p>	<p style="text-align: right;">Page 92</p> <p>1 Another thing I want to mention, as far as 2 the near quarter-million dollars that was put aside 3 out of the school's operating budget, that does 4 represent about 8 percent of that operational 5 budget. And so it is significant. It does mean 6 that Mr. Jones is operating on a bare-bones budget. 7 What he's doing is, he's on target, and he's looking 8 to actually save a little more than what was set 9 aside at the current time.</p> <p>10 We do have over a half a school year to 11 go, and things happen. We're going to have needs 12 for the school. So we'll try to stay on target. 13 We're not saying we're out of the muck yet. But I 14 do want to say that we are currently on target, that 15 is, with the operational budget.</p> <p>16 The next issue that I do want to mention 17 is that there are a number of funds that were 18 special funds below the line that were also 19 mismanaged and horribly a mess. No reimbursements 20 were requested. And those add up to a good chunk of 21 money, too.</p> <p>22 With the audit, we'll know what that exact 23 number is; but that does represent an additional 24 amount that we need to make up. 25 And when I had first started in looking at</p>
<p style="text-align: right;">Page 91</p> <p>1 But it's nothing like we were going to 2 have it last year, as if there was a disclaimed 3 audit, to where they couldn't determine anything 4 about that. They couldn't tell you if it was a good 5 audit; they couldn't tell you if it was a bad audit. 6 The fact was they couldn't tell you anything on 7 that.</p> <p>8 Now, we are in the middle of this audit; 9 so we don't know what they're going to have as an 10 opinion. I couldn't tell you one way or another, 11 and the auditors couldn't tell us one way or another 12 in that entrance conference. It was the second day 13 that they were doing their own field work. And we 14 have since sent them some more documents; but 15 they're in the middle of compiling their financial 16 statements and doing whatever auditors do.</p> <p>17 So hopefully, there's an update very soon 18 as far as the audit goes itself; but I do believe 19 that we will see significant improvement.</p> <p>20 We do have about two months in which there 21 was a separate assigned Business Manager of Fiscal 22 Year '17 that resigned as of September 9th, that 23 had, you know, their hands in a lot of that work. 24 So it was an impossibility to have it 100 percent 25 clean, at any pace.</p>	<p style="text-align: right;">Page 93</p> <p>1 it without a reconciled ledger, I was thinking it 2 was going to be a two-year cleanup in which the 3 school operates on bare bones before it actually 4 gets to zero and starts establishing a fund balance 5 to operate on.</p> <p>6 I think that's probably still true. The 7 only thing that could be a saving grace, which was 8 also something very bad, as portrayed in the news, 9 was the alleged fraud. That does come with the 10 potential for insurance recovery, based on a claim. 11 The school does have insurance through the 12 New Mexico Public Schools Insurance Authority. We 13 have started that process as far as the claims. 14 From my understanding, it's a very long process, 15 because this is not as simple as someone breaks the 16 windows in the school and they kick you back some 17 money.</p> <p>18 They're going through their own 19 investigation. They have the risk review from the 20 State Auditors' Office. What they're determining 21 right now is to see if they need to get an outside 22 CPA to actually review that one more time. I'm not 23 sure what's going to come of that, if anything. But 24 that is still in our sights as far as a possibility. 25 Beyond that, I think the day-to-day is</p>

<p style="text-align: right;">Page 94</p> <p>1 working much better. Mr. Craig is always very 2 responsive. On a weekly basis, we're getting the 3 reports to ensure that vendors are paid, employees 4 are paid, and that all payroll taxes are paid. 5 Going from that August period forward, 6 there should be no issues. We have a fully 7 reconciled general ledger. We know who's getting 8 paid what, when, and we can report that 100 percent 9 to anyone who has any questions about what's going 10 on with the school. 11 THE CHAIR: Commissioners, any questions? 12 Director Craig? 13 MR. CRAIG: Yeah, Madam Chair Gipson, I 14 just want to reinforce the point that Mr. Vigil made 15 about the night and day between FY '16 and '17 16 audit. When I walked into the auditors in FY '16 -- 17 they were at the Vigil Group -- they -- the 18 principal came up to me and kind of went like this. 19 (Indicates.) 20 There was no organization of any of those 21 files. They were left in disarray. It was pretty 22 clear at that point in time, in my mind, with my 23 expertise, that they were probably going to 24 disclaim, you know. And Mr. Vigil is 100 percent 25 right. We can't predict what the FY '17 audit is</p>	<p style="text-align: right;">Page 96</p> <p>1 And that's -- it's a shame that this is 2 the time and effort that we came -- like you said, 3 we're looking back, and we need to look forward. 4 And it's very difficult to be able to move forward 5 when you're just continually dealing with trying to 6 fix what happened. So I appreciate that time. 7 MR. CRAIG: Okay, Madam Chair Gipson. I 8 hope you got my tender of hopeful pragmatism. I 9 didn't want to paint a picture that it was all 10 roses. We may have other things we uncover as we go 11 through the audit, and we continue to have to clean 12 stuff up. Okay. 13 THE CHAIR: Thank you very much. 14 Appreciate your time. 15 Commissioners, if there are no questions, 16 can we take a quick break before we, I guess, move 17 into academic, if we want to look at academic? 18 Okay. And I'm sorry. I need to break. 19 (Recess taken, 10:57 a.m. to 11:15 a.m.) 20 THE CHAIR: So now we're on to academic. 21 And -- I don't know. If the Director wants to add 22 anything before they -- it's -- it's up to you. 23 MS. POULOS: Nothing beyond what we've 24 already said. 25 THE CHAIR: Okay. All right. Thanks.</p>
<p style="text-align: right;">Page 95</p> <p>1 going to say. 2 Based upon what we did, though, and based 3 upon what I've seen in activity this year, we're not 4 going to have a clean one, in my eyes, based upon 5 what I know. It's a huge difference between 6 everything being in disarray in a shoebox and having 7 vendor files and an audit. It is night and day at 8 this point. I just want to reinforce that, okay? 9 THE CHAIR: We have an understanding that 10 this isn't going to be pretty. We weren't living in 11 that world that we thought everything was going to 12 come out perfect this year. But we're looking at 13 trying to straighten the road out. And that's -- 14 you know, and being as clean as we possibly can. 15 I think we anticipated that there was 16 certainly going to be things that were -- that would 17 be uncovered that you just -- because of how bad it 18 was, that you just couldn't anticipate what bumps 19 you might find in that road. 20 So I appreciate the time and effort. That 21 is certainly -- and I know that this also oftentimes 22 must take away from the time that you can be 23 spending on academic areas of the school. That's -- 24 you -- I'm sure you end up with times that this 25 becomes your consuming issue.</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. CHRIS JONES: Madam Chair, members of 2 the Commission, hopefully, you did receive -- and I 3 do believe you did receive all of the documentation 4 that I submitted. And I'm certainly open to any 5 questions that you have. 6 There was a lot of documentation that was 7 submitted regarding our academics and progress that 8 we've made thus far. 9 I will begin by saying last year, in spite 10 of the difficult year that we faced, we made some 11 progress. And so the first item that you'll see, 12 No. 2 -- actually, it does indicate -- and I'm 13 sorry; that's No. 1 -- that we made some progress on 14 our school letter grade. So we did increase from an 15 "F" to a "D," which, for our school, as well, is not 16 acceptable, and failure is not an option for our 17 kids. 18 We don't accept failure. We look at it 19 very seriously, and we are committed to improvement, 20 continuous improvement. So we did make some gains. 21 Everything else that you see within the 22 CAP, of course, I'm certainly open to answering any 23 questions on. But I do believe that everything 24 provided in the CAP and all the supporting evidence 25 is pretty self-explanatory. But if you do have</p>

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1 questions regarding anything pertaining to
 2 academics, I would love to answer your questions.
 3 THE CHAIR: So I guess one question that
 4 comes to mind immediately -- and I don't know if
 5 it's to you or to the Director -- regarding WIDA?
 6 MR. CHRIS JONES: Sure.
 7 THE CHAIR: Because there was -- WIDA --
 8 the growth can't be measured. Is that the nature of
 9 how the -- because it's just proficiency? And it
 10 wasn't growth?
 11 So that there is -- we can't look at what
 12 the -- and I believe we worded it as "growth." But
 13 there was that -- and I'm trying to find it, and I
 14 can't. I'll continue to look. But there was a
 15 statement that only proficiency can -- can be
 16 measured and not growth.
 17 And I didn't know if that was because of
 18 the information that was being provided by the
 19 school, or was that -- or was that a function of how
 20 PED does them. So I'm confused.
 21 MS. POULOS: Madam Chairwoman,
 22 Commissioners, not how PED does anything, not how
 23 the school does anything. Actually, how the WIDA
 24 consortium, which is a national, nationwide
 25 consortium, has changed their assessment.

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1 So the assessment changed. And we started
 2 utilizing the WIDA: ACCESS 2.0 assessment. And
 3 there was a new standard-setting process. With any
 4 new assessment, there's a standard-setting process.
 5 So with that, it did impact the -- what the exit --
 6 well, it didn't impact the exit criteria. The rigor
 7 of the assessment got higher, which is important;
 8 because what we were actually seeing -- and I don't
 9 have this data, but Dr. Pelayo does -- what we were
 10 seeing is that the -- the success on the ACCESS was
 11 actually not necessarily translating over to
 12 college-and-career readiness; meaning our rigor, if
 13 we're going to increase it in overall standards, we
 14 certainly need to increase it for our English
 15 Learners to ensure they are proficient in the
 16 language and able to operate at that higher level in
 17 a non-native language.
 18 So what we can do, only can do with this
 19 year's data is we really only can look at
 20 proficiency and cut scores, what level are they
 21 performing at. We really cannot compare last year's
 22 data to this year's data to see growth; because,
 23 again, they may have been performing at a Level 3
 24 last year, and a student may actually drop to a
 25 Level 1 or 2 this year, based on that increase in

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1 the growth.
 2 That being said, for this year, we will
 3 not have that ability to look at growth. For next
 4 year, we will have the ability to look at growth,
 5 because we will have two years' worth of data under
 6 the same assessment.
 7 THE CHAIR: I'm glad that growth in the
 8 future will be able to -- because growth is what
 9 we're looking for. Not that -- you know, certainly,
 10 we would love proficiency; but it's growth that's of
 11 critical importance, often, to us. So that I -- I
 12 appreciate the fact that going forward, we are going
 13 to be able to look at that.
 14 So -- Commissioners, any other --
 15 Commissioner Armbruster?
 16 COMMISSIONER ARMBRUSTER: I had a question
 17 about the WIDA that I'm addressing to you, Katie, I
 18 guess, because I don't know.
 19 So I understand when tests change -- you
 20 know, it's like the PARCC as compared to the SBA and
 21 all that. So at the same time, if we thought the
 22 kids were -- or were doing well from last year's --
 23 not from the one they just took, but two years ago,
 24 and then this WIDA test comes out that's more
 25 rigorous, was really saying in a sense is they

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1 weren't doing as well as we hoped they would be
 2 doing.
 3 Just like -- I mean, it's the same thing
 4 as we went from the SBA to the PARCC, kids who did
 5 really, really well on the PARCC probably did
 6 really, really well on the SBA. And some dropped
 7 down. So it is a measure, in a sense is, I guess,
 8 my point.
 9 MS. POULOS: Yes. I think it goes to the
 10 idea of an honesty gap, not -- not impugning
 11 anybody. But the idea of are we being frank with
 12 ourselves about our own level of performance --
 13 right? -- with our students?
 14 And so there is certainly a difference,
 15 right?
 16 Last year, the score ranges, to score a 5,
 17 which is considered proficient, were lower than what
 18 they are this year. So it was easier to score a
 19 Level 5 than it is this year. Because what we're
 20 seeing is this is actually what the appropriate
 21 standard or benchmark is.
 22 COMMISSIONER ARMBRUSTER: So we actually
 23 know who got a "5" two years ago; they're getting a
 24 "4" this year. Is that saying that correctly?
 25 MR. CHRIS JONES: Yes.

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<p>1 Madam Chair, members of the Commission, 2 there is a process, and there is a calculator on the 3 WIDA website. So Director Poulos is accurate, and 4 the test did change. It became a lot more rigorous. 5 So what we're waiting for at this point is 6 to see kind of a district analysis and a statewide 7 analysis to see how students fared. 8 There is a calculation, and we're working 9 with Dr. Patricia Latham from New Mexico Highlands 10 University to use the calculator to determine that 11 just because a kid could have dropped from, let's 12 say, a Proficiency Level 3 to a Proficiency Level 1 13 in an area, subtest area, doesn't necessarily mean 14 that their proficiency dropped. 15 So when you look -- so when you look at 16 the calculator scores -- and often, in most cases, 17 you'll see that the scale score did increase; 18 however, because of the rigor of the assessment, the 19 students aren't regressing. It's actually just the 20 change. 21 So Director Poulos' summary is accurate. 22 Now, we weren't able to compare -- and 23 just a point of reference. Director Poulos is 24 referring to the Spring 2016 ACCESS assessment. So 25 when we're comparing Spring 2016 to Spring 2017,</p>	<p>1 an educational assistant. My back story isn't 2 important. But I'm in it for kids. And I work long 3 days and long nights. I am the Title III 4 coordinator. I'm the Bilingual Director. I'm the 5 director of many things. 6 However, I have an understanding from my 7 experience -- this is my 13th year in charter 8 schools. So to answer your question, I ensure that 9 the classroom -- that's the priority when it comes 10 to funding. We have to be adequately funded when it 11 comes to the classroom. 12 And I will also commend the Department; 13 because the New Mexico DASH plan is something that's 14 very helpful for us. New Mexico DASH is a great 15 initiative. I really appreciate the work that we're 16 doing with them, because it does set you up for 17 success, and it allows you to monitor your targets. 18 As far as cutting resources for 19 classrooms, that isn't an option. We aren't cutting 20 any resources for students. What I am doing is I am 21 taking on additional responsibilities. And in 22 charter schools, you wear many hats as is. I can go 23 from mopping up throw-up to actually coaching in the 24 classroom and doing my walk-throughs and everything 25 in between, including business management, not</p>
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<p>1 you're going to see a decrease in overall Level 5 2 scores, proficiency scores, across the entire state, 3 and certainly in our school, which is another point 4 of conversation, given that we have a 5 mission-specific indicator that's requiring a 6 certain number of students either meet the growth 7 target or demonstrate proficiency, a specific scale 8 score. 9 So I do appreciate Director Poulos 10 bringing that up. And, Madam Chair, that is 11 important for us to -- to know. 12 THE CHAIR: Thank you. 13 Commissioners, any other questions? 14 I think the final -- I'm sorry. Did you 15 have a -- 16 COMMISSIONER ARMBRUSTER: Well, I just 17 wanted to know. It's hard to run a school with the 18 adequately funded New Mexico money as it is. So 19 with your bare-bones budget, what are you cutting 20 and how will you do that? 21 MR. CHRIS JONES: Commissioner Armbuster 22 and members of the Commission, I cut substantially 23 my administration. I had an assistant principal. 24 We did not replace that position. 25 Let me preface this by saying I started as</p>	<p>1 necessarily from me, but working with our contracted 2 Business Manager. 3 So we aren't making any cuts to students. 4 We're actually, through -- and this is something 5 that Commissioner Johnston brought up last year -- 6 we're really using our funding wisely. So with me 7 developing the applications, it's easy for me to 8 make a decision. What are we doing for our ELLs? 9 What are we doing for our special education 10 students? What resources are we going to use to 11 promote success for all of our students and for our 12 families? 13 And so we've streamlined processes. And 14 really, it's about continuous improvement for us. 15 THE CHAIR: Thank you. 16 Oh, I'm sorry. Commissioner Toulouse? 17 COMMISSIONER TOULOUSE: Madam Chair, I 18 know I'm talking too much. But, Katie, you said I 19 say you use too many words. But I'm the daughter of 20 a lawyer. I know how many words lawyers tend to 21 use, and how when you put too many words in, you can 22 find space between them easier than when you use 23 only a few. And I probably do the same thing with 24 my talking. 25 But my concerns are with students, too.</p>

<p style="text-align: right;">Page 106</p> <p>1 And when we keep changing standards on students on 2 what's proficient, what does it do to our students 3 and our teachers who think they are proficient, and 4 then we tell them, "Somebody else somewhere decided 5 you had to know more, and so you're not proficient"?</p> <p>6 I mean, we need a way to get them to 7 understand -- you know, my example is after last 8 year, with Istation being introduced so quickly, my 9 grandson in second grade, his teacher never got the 10 training that told her that it wasn't like DIBELS, 11 where she could see a straight upward trend, that 12 when he got through one unit of it and mastered it, 13 it started him over. She kept telling my 14 daughter-in-law -- and they worried about the child 15 the entire year because he was going up and down and 16 up and down.</p> <p>17 Nobody saw it until finally, I told my 18 daughter-in-law that, "No, you start over." He's 19 going up every time. If he goes down, it really 20 means he really went up." Nobody -- and that's -- 21 nobody explained that to anybody.</p> <p>22 So here's this kid also being treated by 23 the teacher like, "Oh, he's developing problems off 24 and on, and what's going on with him?"</p> <p>25 And so when you have students who, last</p>	<p style="text-align: right;">Page 108</p> <p>1 when we're talking about a populace of students that 2 we serve, our students aren't necessarily digital 3 natives. Most students are.</p> <p>4 But I will tell you this: When you put a 5 kindergarten student, who comes from a home where 6 computers aren't prevalent and books aren't 7 necessarily prevalent, you'll see what I saw in the 8 lab, which was kids crying for 45 minutes because 9 they don't know how to use a mouse. Yet, I 10 understand accountability. However, our students 11 aren't necessarily in the best condition to succeed 12 at the beginning.</p> <p>13 So growth is what we promote. We 14 celebrate growth. We have milestones. Through 15 New Mexico DASH, we look to see the progress that 16 our students have made. We post our goals. We 17 really do that, through parent connection and parent 18 involvement. And so that's the way to ensure that 19 we stay on target to the best of our ability.</p> <p>20 And the other thing that I promote with my 21 staff is this: We can do the best that we can do. 22 And teaching is a very difficult area, as we all 23 know. It's difficult, because you have to be the 24 counselor; you have to be everything to students. 25 And that's okay.</p>
<p style="text-align: right;">Page 107</p> <p>1 year, were told they were proficient, and somehow 2 find out the standard is different now, and they're 3 not there? Or what does it do to a teacher who 4 thinks they've brought students to proficiency, and 5 then they're told, this year, with a whole new 6 standard they had nothing to do with, how do you 7 handle that?</p> <p>8 MR. CHRIS JONES: Sure.</p> <p>9 Commissioner Toulouse, that's a very valid 10 point. What I've promoted as -- as -- throughout my 11 time as head administrator, is growth. And many of 12 you know, a growth mindset is all we can promote in 13 our schools. It is about growth.</p> <p>14 And as long as we're making increases, as 15 long as we're striving to do the best that we can 16 for students, whether they are incremental increases 17 or not, we have to work with our kids and our 18 families to set growth targets. We have to 19 over-communicate their progress toward goals.</p> <p>20 So my students self-monitor their 21 progress. They have data folders, and they look. 22 And we make it almost a competitive process. And 23 they're competing with self.</p> <p>24 Now, I will also address something else. 25 When we're talking about our specific community, and</p>	<p style="text-align: right;">Page 109</p> <p>1 But promoting the growth mindset for our 2 students is most important. And that's what we do. 3 If they reach their goal, we celebrate it. And if 4 they don't reach their goal, we celebrate their 5 accomplishment anyway.</p> <p>6 COMMISSIONER TOULOUSE: And, Madam Chair, 7 I'd just like to comment that I certainly applaud 8 you for doing that; because I know it's hard. And I 9 know the population you serve. But I also see the 10 population over at MAS, which is a similar 11 population. And I see how well their students do 12 with the same approach.</p> <p>13 The student is looking at themselves every 14 day and seeing where they're going, and, if they 15 backslide, saying, "I need help." Rather than 16 waiting for a grade. Instead of "Now you've got to 17 come in for something," they come in and say, "Can I 18 get a little extra help?" Or, "What should I do?"</p> <p>19 And so I can see what that approach does, 20 because there isn't a child out there who couldn't 21 learn. My latest soapbox. And I've had a number 22 while I've been in here. Some of them are put back; 23 some of them just are still kind of under here.</p> <p>24 A child is not a data point. And when you 25 look at data-driven instruction only, you are losing</p>

<p style="text-align: right;">Page 110</p> <p>1 that whole individuality that each child has their 2 own strengths and weaknesses. And when we don't let 3 them develop those -- everybody's got weak points. 4 I found out, as a manager, if I really worked with 5 an employee -- and I was in Human Services, and 6 they're dealing with people -- if I took somebody, 7 and I really just pounded them on their weak points, 8 they just got defensive.</p> <p>9 But I found when I worked on increasing 10 their strong points, the weak ones went up with it. 11 They always stayed the weakest, but they go up when 12 your emphasis is on the positive.</p> <p>13 So I like what you're saying with kids; 14 because I'm afraid too much today, we're pounding 15 them on that piece of data that now represents them.</p> <p>16 Thank you, Madam Chair. I've had my 17 soapbox for the day. I think.</p> <p>18 THE CHAIR: And I just want to thank you 19 for embracing DASH, because when we had the 20 workshop, I thought it really looked like it could 21 be something that could really help the schools, 22 understanding that it was going to take a bit to go 23 through the training and get the understanding and 24 get everyone on board.</p> <p>25 But I really do appreciate you working on</p>	<p style="text-align: right;">Page 112</p> <p>1 fortunately, we could retain 18. We did replace the 2 three teachers.</p> <p>3 I will also say that one of my latest 4 challenges, to answer your question about certified 5 teachers, we were on track to have 100 percent of 6 our teachers certified, Highly Qualified as -- 7 TESOL-endorsed or Highly Qualified. Recently, I did 8 submit two waiver applications to Licensure, which 9 were denied based on last year's summative 10 evaluation.</p> <p>11 So I've been researching within code to 12 see if that, in fact, is something that is grounds 13 for denial. And I haven't been successful in 14 finding anything as of yet. There also is not an 15 appeal process, apparently, because there aren't 16 fees associated.</p> <p>17 So I -- at this time, I do have two staff 18 members who are not certified. They are K-8 19 elementary-certified, Highly Qualified with lots of 20 experience. But because of their circumstance with 21 their summative evaluation, their waivers were 22 denied.</p> <p>23 So I think that that pretty much answers 24 the three questions, I hope, Commissioner Ruiz.</p> <p>25 COMMISSIONER RUIZ: Thank you.</p>
<p style="text-align: right;">Page 111</p> <p>1 that and taking the training; because I really do 2 think that that's going to be something that 3 ultimately is going to help the school, and that's 4 what we're hoping is going to happen.</p> <p>5 Commissioner Ruiz?</p> <p>6 COMMISSIONER RUIZ: Just a few questions. 7 Talk to me about your enrollment numbers. 8 And I'm also curious how many certified teachers you 9 have on staff, versus noncertified, and what the 10 retention rate is, please.</p> <p>11 MR. CHRIS JONES: Sure. At this point, in 12 terms of enrollment, Commissioner Ruiz, we have 13 357 students enrolled. And I will also be frank in 14 saying that when your school is on the news 15 constantly, it isn't a great marketing tool to use 16 to recruit and retain the students.</p> <p>17 The same thing serves for staff. Last 18 year, we unfortunately lost three staff members. 19 Students, families, and staff members want 20 stability, and we know that. We're trying to 21 provide that stability, and we're trying to 22 reconstitute systems and create a good environment 23 for learning and for teaching. However, we did. We 24 had some attrition, and we lost three teachers.</p> <p>25 So we have a teaching staff of 21. And</p>	<p style="text-align: right;">Page 113</p> <p>1 MR. CHRIS JONES: You're very welcome. 2 May I also add -- excuse me, Commissioner 3 Johnston -- that, you know, finding teachers in 4 general is very difficult. It is. And finding 5 bilingual-certified and TESOL-certified is very 6 difficult. Believe it or not, finding bus drivers 7 is very difficult now. There is a huge shortage of 8 all of these people.</p> <p>9 And so it's amazing. But we're working 10 for the good of the kids. And I will make it work. 11 I'm one for accepting challenges, and I have. I 12 have not run away.</p> <p>13 So it's for the kids. Every single day I 14 do what I do when I wake up for kids, to serve them.</p> <p>15 THE CHAIR: I'm going to tell you. Every 16 time I go to the Farmers Market, there's a booth 17 there in Las Cruces for bus drivers. And every time 18 I go by, they say, "Do you want to be a bus driver?" 19 I'd rather eat my tongue.</p> <p>20 You know, I've been on enough school buses 21 in my career that I know enough to stay off of them 22 now. And I appreciate every hour that bus drivers 23 put in in that confined area with -- with -- with 24 kids. It's -- it's a special calling for that. So 25 I will give them every ounce of credit. It's like</p>

<p style="text-align: right;">Page 114</p> <p>1 middle school teachers, as far as I'm concerned. 2 So that being said, Commissioner Johnston? 3 COMMISSIONER JOHNSTON: Thank you, 4 Madam Chair. And thank you, Commissioner Ruiz. You 5 and I were thinking alike. 6 I need to add, your enrollment this year 7 is 357. What was it last year? 8 MR. CHRIS JONES: We ended with 300- -- 9 excuse me -- Commissioner Johnston, we ended with 10 367 students, according to our 80-120-day report. 11 So we are down. And we're down from our projection. 12 So we are hoping to recover some of the students 13 that we've lost. 14 So we're short; but we're certainly not 15 out. And we have students who are enrolling on a 16 daily basis. 17 I think in the charter school system what 18 we find, especially where we serve in our local 19 community, is that students will come after 20 experiencing other programs, or really looking for a 21 dual language program, perhaps their dual language 22 program wasn't sufficient in the eyes of the 23 parents, and so they want to come to us. 24 So we're very optimistic about recovering 25 and meeting our projection for this year.</p>	<p style="text-align: right;">Page 116</p> <p>1 working with licensure. And I have faced the same 2 difficulty that you have. All of your teachers are 3 Highly Qualified in -- as -- in their regular 4 licenses; but not all are Highly Qualified with 5 TESOL or bilingual. 6 MR. CHRIS JONES: At this point, 7 Commissioner Johnston, TESOL. 8 COMMISSIONER JOHNSTON: That's a tough 9 one; so -- how many different federal programs do 10 you access for support? Which ones do you do? 11 MR. CHRIS JONES: We, at this point, have 12 Title I, Title II. We have IDEA-B. We have 13 Title III. I do believe that I have just listed all 14 of them. 15 Those are our federal programs that we use 16 for support in terms of funding. 17 We also have USDA. I mean, we have a 18 grant for school lunches. We have the School Lunch 19 Program. And if anything else comes to mind -- 20 excuse me -- I -- 21 COMMISSIONER JOHNSTON: No. And you write 22 all of those applications -- 23 MR. CHRIS JONES: I do. I do. 24 COMMISSIONER JOHNSTON: -- at the 25 beginning of the year, and you do justifications at</p>
<p style="text-align: right;">Page 115</p> <p>1 COMMISSIONER JOHNSTON: At the beginning 2 of the year -- 3 THE CHAIR: I'm sorry. Can I just ask for 4 a clarification on that? Because I think I'm 5 confused. Because you said you have 357 now. You 6 ended the year with 300, and you're down. So -- 7 COMMISSIONER JOHNSTON: 367. 8 THE CHAIR: You have 367 now? And you 9 ended last year with 300. So how are you down? Is 10 it just the opposite? 11 MR. CHRIS JONES: We ended at 367, and 12 we're at 357. 13 COMMISSIONER RUIZ: You're at 357. 14 They're down ten from last year. 15 THE CHAIR: Last year. 16 MR. CHRIS JONES: That's correct. I 17 apologize. I worded that incorrectly. 18 COMMISSIONER JOHNSTON: And then how many 19 have you enrolled? What did you begin the year 20 with? 21 MR. CHRIS JONES: We actually started our 22 year with 363 students. 23 COMMISSIONER JOHNSTON: Okay. But it's 24 understandable. This just helps me see -- and you 25 have your full contingent of teachers. You're</p>	<p style="text-align: right;">Page 117</p> <p>1 the end of the year. That is an accomplishment. I 2 laud you for that. 3 You -- how many students -- all right. 4 You started with 300 and how many? I'm sorry? 363? 5 MR. CHRIS JONES: Yes. 6 COMMISSIONER JOHNSTON: So you have 7 actually grown since the beginning of the year. 8 MR. CHRIS JONES: We have. 9 COMMISSIONER JOHNSTON: Which is a good 10 thing. That's a positive thing. 11 MR. CHRIS JONES: Excuse me. We have 12 decreased six students. 13 COMMISSIONER JOHNSTON: You started -- 14 MR. CHRIS JONES: 363, and now we're at 15 357. 16 COMMISSIONER JOHNSTON: And I don't know 17 where I got 367. I have my numbers. I have last 18 year written twice. 19 So you have decreased some. But with the 20 critical situation at school, you have parents 21 that -- academically, from what I read -- and 22 children are not data points; but they're -- the 23 academic hurdles that you face are equal to the 24 financial hurdles. You're working diligently with 25 those to -- to gain ground there.</p>

<p style="text-align: right;">Page 118</p> <p>1 I guess I don't have any more questions. 2 I would like to be able to -- but I thank you very 3 much. 4 MR. CHRIS JONES: Thank you, Commissioner 5 Johnston. 6 THE CHAIR: Commissioner Armbruster? 7 COMMISSIONER ARMBRUSTER: This is not even 8 about you. But I just want to understand the 9 statement. 10 So the teachers who are -- new teachers 11 who are not TESOL or bilingual-certified cannot get 12 a waiver because their teacher evaluations from 13 New Mexico TEACH were less than effective? Is 14 that -- 15 MR. CHRIS JONES: That's correct, 16 Commissioner Armbruster. So I'm actively working 17 through that to understand that process. 18 COMMISSIONER ARMBRUSTER: Let me know if 19 you get it. 20 MR. CHRIS JONES: Okay. I certainly will. 21 THE CHAIR: Commissioner Johnston? 22 COMMISSIONER JOHNSTON: Thank you, 23 Madam Chair. Because that raises another question 24 for me. You have just said you hired instructors 25 whose evaluations showed they were less than</p>	<p style="text-align: right;">Page 120</p> <p>1 the hit on her evaluation, her summative evaluation. 2 So those are the two that are in question 3 when it comes to their waiver applications. We did 4 submit a letter, a narrative from the teacher who 5 went out on FMLA to see if the Director of Licensure 6 would consider her circumstance. And unfortunately, 7 it didn't quite go our way, as of yet. 8 I will also say something else about my 9 teachers. 10 Last year, with the exception of the 11 teacher who went out on FMLA, I had all of my 12 teachers end up as Effective or Highly Effective -- 13 excuse me. There were two. There were two who are 14 not. Teachers, especially at the intermediate 15 level, also increased. And that's because the 16 student achievement portion of their summative 17 evaluation scores and the number of points earned 18 allowed them to do so. 19 So last year, we did make progress through 20 the initiatives -- although, we were here. We were 21 here, and we were resolving a lot of our issues, 22 which are very real issues, our teachers really have 23 remained focused on teaching and on learning. And 24 their evaluations show. 25 So we -- we're making progress. And</p>
<p style="text-align: right;">Page 119</p> <p>1 effective. To what do you account the difficulty 2 with those evaluations that showed you to overlook 3 that and look at the teachers? Where do you place 4 that? 5 MR. CHRIS JONES: I'm happy to answer that 6 question, Commissioner Johnston, members of the 7 Commission. I will speak to both teachers at this 8 time. 9 One teacher did go out in the month of 10 February on FMLA. Her mother passed away. She was 11 the primary caretaker of the mother. And so she 12 ended up taking a hit on her evaluation. 13 And that was the only resolution to the 14 process. I worked with Mr. May from 15 Frontline/OASYS. And that was ultimately the only 16 thing we could have done. We could not have cut off 17 the rest of her evaluation period. 18 That's the only option that I was given. 19 So she is a great teacher. She does a great job in 20 the classroom with students. 21 The other teacher is new to our school. 22 She was a special education teacher. And she's made 23 the transition back to fifth grade after five years. 24 Granted, our special education students just did not 25 make the gains they needed to; therefore, she took</p>	<p style="text-align: right;">Page 121</p> <p>1 that's our goal. And our commitment is to kids, and 2 our teachers have absolutely done their jobs in the 3 classroom thus far. 4 I also want to address something else, if 5 it's okay, in terms of what we're doing. 6 We had a turnaround plan that we submitted 7 to you guys last year for the Corrective Action 8 Plan. And it addressed three separate areas. 9 We have the New Mexico DASH program now. 10 But I do want to reiterate, or iterate, that it's 11 about adults and adult actions. What are we doing? 12 What are we doing to improve teaching and learning 13 in our school? What am I doing as the head 14 administrator? And what can my staff do different 15 in the classrooms? 16 So we have started this year on 17 August 21st. We started on August 21st, because I 18 front-loaded a full week of professional development 19 for my staff. And we did that, because we had to 20 make some changes. We could not expect different 21 results doing the same things. 22 So Tier I instruction, new units are being 23 completely developed. We are implementing Tier 1 24 intervention. 25 We have sacred intervention blocks built</p>

<p style="text-align: right;">Page 122</p> <p>1 into the school day. 2 We have a 45-minute Tier 2 intervention 3 block after school. 4 We've implemented many different resources 5 and curricula to really meet the needs of our 6 populace. Social and emotional curricula for our 7 students is really important. We have a mandatory 8 block of time for that, and we've purchased 9 resources to facilitate that development, as well. 10 So I do believe -- I hope it's in your 11 packet. What we've done, it's just in the first 12 week. But NMDASH and some of the initiatives that 13 we took upon ourselves -- so we had started this 14 process already. So we're making changes, and what 15 we're hoping for are really positive results. 16 So we are making a full effort, for the 17 sake of our kids, through parent involvement and 18 through what we do as adults and the actions that we 19 take, to make changes for our kids. 20 THE CHAIR: Thank you. 21 MR. CHRIS JONES: Sure. 22 MS. POULOS: If the Commission has any 23 questions about the licensure waiver, NMTEACH 24 information, I did ask Deputy Secretary Montaño to 25 join us. So he is here to answer any of those, if</p>	<p style="text-align: right;">Page 124</p> <p>1 In the prior statute, before -- when we 2 were under AYP, it was required that a school that 3 did not meet AYP for two years in a row could not 4 request that waiver of a teacher. So you couldn't 5 have a teacher teach out of field if they did not 6 make AYP. 7 COMMISSIONER CABALLERO: "AYP" meaning? 8 DEP. SECRETARY MONTAÑO: Adequate Yearly 9 Progress. That was the old No Child Left Behind 10 language for you didn't have enough students meeting 11 proficiency. 12 Since we've gone to school grading, we 13 actually look at growth more. And so we've -- we've 14 changed that criteria to being a "C" grade or 15 better. But we also give more flexibility, 16 actually. 17 So if you have a teacher who has 18 demonstrated effectiveness in their regular field -- 19 so let's say I'm an English Language Arts teacher, 20 but I wanted to teach Social Studies but don't have 21 the endorsement in Social Studies, but have 22 demonstrated I'm an effective teacher in English 23 Language Arts, we do give districts and charters the 24 ability to actually create that flexibility for 25 those teachers, you know, if they met that.</p>
<p style="text-align: right;">Page 123</p> <p>1 you have any questions. 2 THE CHAIR: Commissioners, any questions? 3 Commissioner Caballero? 4 COMMISSIONER CABALLERO: Yes, I would like 5 some clarification for that, just maybe a summary of 6 that, so that I can fully understand. 7 THE CHAIR: On how the waiver process 8 goes? 9 COMMISSIONER CABALLERO: Yes, ma'am, 10 uh-huh. Nothing too detailed; just so I can say I 11 understand it. 12 THE CHAIR: A Cliff Notes version of how 13 the -- 14 DEP. SECRETARY MONTAÑO: Members of the 15 Committee, I appreciate the opportunity to stand in 16 front of you. 17 The process is within 60 days of starting 18 employment or starting the school year, if the 19 schoolteacher is already employed, a district or a 20 charter has to request a waiver of the Public 21 Education Department. And it's generally an 22 endorsement waiver; but it can also be a licensure 23 waiver for teachers who don't have prior licensure 24 experience or what have you, or they're teaching out 25 of field.</p>	<p style="text-align: right;">Page 125</p> <p>1 We're very reluctant to allow for waivers 2 when teachers do not meet effectiveness ratings, 3 because they're already -- on Highly Qualified in 4 English Language Arts, I'm not getting the student 5 growth gains in English Language Arts, and now 6 they're wanting me to teach in a different subject 7 area where I do not meet Highly Qualified 8 requirements; therefore, I'd be teaching out of 9 field. So we're creating inequity for students in 10 that manner. 11 So we do look at the effectiveness ratings 12 to make sure that we're creating equitable access 13 for students to the best teachers on the campus. 14 So we've actually created -- it's more 15 flexibility than less. If we had not created this 16 flexibility, it would have been limited to 17 actually -- because the school is less than a "C," 18 they would not have been eligible for a waiver, 19 period. It just has to be the right outcomes of the 20 teacher. 21 COMMISSIONER CABALLERO: Question: In 22 Texas, they had what they called "emergent 23 certification." But that's not what we're talking 24 about here, right? 25 DEP. SECRETARY MONTAÑO: That's correct.</p>

<p style="text-align: right;">Page 126</p> <p>1 COMMISSIONER CABALLERO: So do we need to 2 have a program that ensures if the teacher has 3 weaknesses, to train the teacher to strengthening 4 those weaknesses outside of the school, so that that 5 teacher attends the program and ensures that those 6 weaknesses are strengthened? Do we have anything 7 like that? 8 DEP. SECRETARY MONTAÑO: We actually do. 9 And I caught the end of Mr. Jones' presentation. 10 And to some degree, I think they've already put that 11 in place. 12 We have a statutory requirement that every 13 teacher have a Professional Development Plan within 14 the first 40 days of the school year. Every teacher 15 and principal has to have a Professional Development 16 Plan. And that Professional Development Plan, based 17 upon -- this is actually a long -- a long-standing 18 statute. 19 But based upon the NMTEACH system, really, 20 they have a lot more data that's specific to them 21 that allows for them to build Professional 22 Development Plans to build for their own 23 improvement. And that's supposed to be supported by 24 the charter, in this case, and the teacher. They 25 would look at their summative report and be able to</p>	<p style="text-align: right;">Page 128</p> <p>1 online system that the principals have called 2 "Observation Engine," where you have 30 videos of 3 the best teachers that we have K-through-12, that we 4 have videos of them practicing so we can target, 5 like, "This is what you would do in Domain 1A," or, 6 "This is what you would do in Domain 2C," or things 7 like that that are specific to teachers. 8 I'm using language that you're not 9 familiar with. Teachers understand this language. 10 But those are all professional development 11 opportunities we have. And it's ongoing; it's 12 embedded within their system. 13 COMMISSIONER CABALLERO: So within -- 14 Madam Chair? 15 So within the Professional Development 16 Plan, a teacher that does not get licensure is able 17 to go through a training and be -- get that 18 licensure? Get the certification? Is that the 19 possibility? Or am I thinking elsewhere. 20 DEP. SECRETARY MONTAÑO: I think you're 21 embarking on a really good idea, right? So if you 22 have a teacher that's attempting to get an 23 endorsement -- I think you're talking about an 24 endorsement -- maybe licensure. 25 But if a teacher is trying to add an</p>
<p style="text-align: right;">Page 127</p> <p>1 pull out the information that they need to be able 2 to build on that. 3 Additionally, we do, at the State level, 4 provide a number of training opportunities for 5 teachers around the state, Webinars. If you look at 6 our website, we have a number of opportunities for 7 professional development, of which I think Mr. Jones 8 has said they tapped into. 9 The NMDASH is probably one of the biggest 10 areas of professional development that schools and 11 charters and districts can put into place so that 12 teachers understand their data and how to improve 13 those things. 14 We also have -- Frontline Technologies is 15 the observation tool. And within that tool, there 16 are actually videos for teachers to be able to look 17 at teaching practices specific to our evaluation 18 system. So if I -- if I'm not doing well in a 19 certain aspect of my evaluation, I can actually go 20 review videos that -- that would demonstrate 21 opportunities. 22 The Public Education Department has 23 created 30 videos of the top teachers in the state, 24 as identified within our system, to be able to -- to 25 be able to give that to teachers through another</p>	<p style="text-align: right;">Page 129</p> <p>1 additional endorsement, as part of the Professional 2 Development Plan, they can put that in there as part 3 of the Professional Development Plan to obtain that, 4 and go through the process to obtain that. 5 There are multiple ways to obtain 6 endorsements, such as taking an assessment in that 7 content area. 8 So let's say you have a teacher that has 9 an English Language Arts endorsement. They're 10 Elementary English Language Arts, and they're Highly 11 Qualified English Language Arts. If they were to 12 pass an assessment in Social Studies, they could 13 teach Social Studies. That means that they have the 14 content knowledge to teach in that area. Up to that 15 point, they haven't established that. 16 If they're not licensed -- so let's say 17 they come from industry, and they're alternatively 18 licensed. There's a whole process that we provide 19 for them to get alternative licensure, as well. 20 So there are different mechanisms to do 21 that. Different mechanisms. 22 COMMISSIONER CABALLERO: I understand the 23 process. But are there any programs that support 24 the alternative licensure or the certification? 25 Either a university or PED?</p>

<p style="text-align: right;">Page 130</p> <p>1 DEP. SECRETARY MONTAÑO: All of the above, 2 there are. 3 COMMISSIONER CABALLERO: Okay. All right. 4 Thank you. 5 Thank you, Madam Chair. 6 THE CHAIR: And I think it's true. I 7 think it would be up to the individual to help to 8 develop that professional development plan to make 9 access to -- or they would, also, on their own, go 10 take college courses or whatever that could -- but 11 that, of course, would be at an expense. So it just 12 depends. Yeah. 13 MR. CHRIS JONES: Madam Chair, members of 14 the Commission -- and I thank Mr. Montaño for his 15 explanation. He certainly has worked really hard in 16 many regards throughout my time as an administrator. 17 So I appreciate the work he's done. 18 I would say that for us, the problem lies 19 with hiring folks under the assumption that they 20 would be eligible for an endorsement waiver in 21 reviewing Administrative Code -- I believe it's 22 6.61.9, and then having the denial. 23 So here, we have two individuals in place 24 who now do not hold proper endorsements. And we 25 have a Bilingual Education Act and funding pattern</p>	<p style="text-align: right;">Page 132</p> <p>1 Mr. Montaño made, for staffing. We're working on 2 those things when it comes to professional 3 development. But my situation now is a difficult 4 one. 5 THE CHAIR: And, you know, unfortunately, 6 we don't get into individual personnel issues. So 7 that there's not a whole lot we can -- we can do 8 here. 9 Commissioner Johnston? 10 COMMISSIONER JOHNSTON: Thank you, 11 Madam Chair. Short question. 12 You ended last year -- your attendance 13 rate, about 94 percent? What is it this year? 14 MR. CHRIS JONES: Commissioner Johnston, I 15 would honestly have to go back and look at our 16 attendance percentage. We can get that from STARS. 17 COMMISSIONER JOHNSTON: Can you give me a 18 ballpark? 19 MR. CHRIS JONES: We're at about 20 95 percent. 21 COMMISSIONER JOHNSTON: What do you do 22 when you have a student who is chronically absent? 23 What is your process? 24 MR. CHRIS JONES: We follow the Compulsory 25 Attendance law. We do give a warning at the</p>
<p style="text-align: right;">Page 131</p> <p>1 that requires they're endorsed. 2 And so it could just mean that we need 3 more -- it needs to be written into code. It needs 4 to be something that's very clear. 5 So for me, during my hiring practice, 6 granted, I knew the circumstance of the teacher who 7 went out on FMLA. I did. Special education, she 8 made the transition. I was impressed. I went 9 through a process to interview her, and I selected 10 her. Had I known these two individuals were not 11 going to receive their endorsements, I could not 12 have hired them. 13 So it's put me, as the head administrator, 14 in a situation where now, it's something else that I 15 need to try to resolve somehow, some way. But it 16 would be helpful. 17 They do have the route that Mr. Montaño 18 mentioned. And they can go through a standard 19 program at a community college or a university. 20 That's a process. They have to take coursework to 21 satisfy the requirement. They have to pass the 22 NMTA, the teaching assessment. You're looking at a 23 year-and-a-half process for many of them. 24 So I do appreciate the explanation. And 25 there are a lot of good resources, to the point</p>	<p style="text-align: right;">Page 133</p> <p>1 three-day mark to say, "Right now, we're concerned." 2 We're concerned with your unexcused absences." 3 So we follow the process. We have 5-, 7-, 4 and 10-day early intervention meetings until they 5 meet the habitual truancy point. At that point, we 6 have to refer students -- and it's within our 7 notification to parents -- to CYFD and to District 8 Court to the Truancy Office. 9 That's something that happens. First, we 10 try to counsel them out. But proactively, we do 11 other things. 12 We celebrate students. We have attendance 13 assemblies. We have them chart their own progress. 14 We try to incentivize attendance. 15 Last Friday, we had Crazy Mustache Day. 16 We're trying to make it a good place to learn. 17 THE CHAIR: Go Aggies. 18 MR. CHRIS JONES: We want to make it an 19 environment where students want to come to school. 20 But we reinforce, and we follow the New Mexico 21 Compulsory Attendance law. It's about parent 22 communication. Our parents are fantastic. They 23 really are. 24 COMMISSIONER JOHNSTON: Thank you. 25 MR. CHRIS JONES: You're welcome.</p>

<p style="text-align: right;">Page 134</p> <p>1 THE CHAIR: I think the final piece is 2 your Professional Development Plan. 3 MR. CHRIS JONES: Madam Chair, members of 4 the Commission, I did submit to you a Professional 5 Development Plan. It's a proposal. 6 I'll also be very honest in saying that 7 when the idea was presented to me, I thought -- I 8 was taken aback a bit. I really was. And I think 9 Commissioner Caballero can attest to that. 10 During our small meeting, I thought, "Wow, 11 it feels like I'm the one who is in need of all of 12 this development," when I'm really trying to solve a 13 problem that I inherited. 14 However, I've been really, really happy. 15 And we can all grow. As leaders, when it comes to 16 leadership and the power of influence, you can never 17 really be at the top of your professional game, so 18 to speak. 19 I've been really happy with the 20 professional development that I have received thus 21 far. And I certainly understand, as a younger 22 administrator, as a new administrator, fairly new, 23 that I could use all the development I could get. 24 So I did submit a proposal to you that 25 includes different areas that will help me to</p>	<p style="text-align: right;">Page 136</p> <p>1 processes? 2 So the first thing that I realized when I 3 came back is it went really well with New Mexico 4 DASH. One of the things I established out in Denver 5 in going through this training and working with 6 superintendents from Atlanta Public Schools and 7 Denver Public Schools is that we were all really 8 concerned about Tier 1 core intervention. You know, 9 we really wanted to focus on, "What are we doing 10 first, before we need to intervene?" And, "How are 11 we addressing the needs of our kids? How are we 12 being thoughtful about what our kids actually need?" 13 And New Mexico DASH happened to be one of 14 our focus areas that we selected as a team, which 15 was Tier 1 core instruction. A lot of what I 16 learned in Denver aligned with what we were doing in 17 New Mexico DASH; and for me, that was huge 18 take-away. That training itself was fantastic. It 19 really helped to build capacity. 20 I look forward to seeking out other 21 potential McREL professional development 22 opportunities in the future. But I do have four 23 professional development opportunities that I've 24 identified for this plan to ensure that I do build 25 my own capacity internally so that we're on track to</p>
<p style="text-align: right;">Page 135</p> <p>1 develop my leadership capacity. 2 There are four different areas. I was 3 expected to address an area each quarter and try to 4 get development opportunities on a quarterly basis. 5 We have secured funding for these things, 6 of course, in looking and writing the applications, 7 working with Mr. Vigil to ensure we're not going to 8 strain our budget because of this Corrective Action 9 Plan requirement. I have already attended one of 10 the professional development opportunities, which 11 was by McREL. And I do believe I missed one of the 12 Commission meetings, and Ms. Matthews did speak on 13 my behalf. 14 But it was, "District Leadership That 15 Works." It was for superintendents, which, as a 16 head administrator, we're in a really unique 17 situation, because we are principals and 18 superintendents combined. 19 And so this was a fantastic experience for 20 me, because what I got to see is a lot of what I can 21 do to really drive the initiatives. And it talked 22 to us about these high-yield areas, like having -- 23 establishing non-negotiables, you know? What are 24 the non-negotiables for your faculty? What can you 25 do on a regular basis, and how do you oversee these</p>	<p style="text-align: right;">Page 137</p> <p>1 meet our goals. 2 THE CHAIR: Commissioners, any questions? 3 I guess the only -- it's not about a 4 particular profession. I'm not sure if I saw -- is 5 your -- and I don't know if the submission for PPE 6 is open yet. 7 MS. POULOS: It is not open yet. We open, 8 I believe, in January. 9 THE CHAIR: So that's -- you're still 10 anticipating making an application -- 11 MR. CHRIS JONES: I'd be happy to. 12 THE CHAIR: -- for that? 13 Right. I wasn't sure if that was open. 14 And I guess there's something that kind of 15 follows with this, and that's the process for 16 evaluating the -- the head administrator, okay, 17 which maybe he's not involved in. 18 But just -- because we're talking about 19 professional development, I figured I'd just tie in 20 with that to see if that is in the works. 21 MS. PATRICIA MATTHEWS: I guess before we 22 leave -- I just want to make sure, because in the 23 plan, it says this is -- the Commission is to 24 approve, A, what he's already done, and, B, what 25 he's doing it for. Are we getting a nod here? Can</p>

<p style="text-align: right;">Page 138</p> <p>1 we have that on the record?</p> <p>2 THE CHAIR: I think we could just take a</p> <p>3 straw poll. I think it's fine.</p> <p>4 COMMISSIONER CABALLERO: I think so.</p> <p>5 THE CHAIR: I guess maybe -- yeah, I think</p> <p>6 we're -- I think this is a path that I'm comfortable</p> <p>7 with, with the addition that the application goes</p> <p>8 through for PPE. Yeah.</p> <p>9 Okay.</p> <p>10 MR. JULIAN MUÑOZ: So currently,</p> <p>11 Madam Chair, with regards to the question about</p> <p>12 head -- the head administrator evaluation, we have</p> <p>13 contacted Sherry with ADVANCE New Mexico.</p> <p>14 MS. PATRICIA MATTHEWS: They know Shelly.</p> <p>15 MR. JULIAN MUÑOZ: Shelly. She has given</p> <p>16 us a proposal. We had a special meeting that</p> <p>17 reviewed our proposal, her estimate. After talking</p> <p>18 with the Vigil Group, we had enough -- we have some</p> <p>19 funding available in order to do that evaluation,</p> <p>20 and in order for her to come in, not only evaluate</p> <p>21 the head administrator, but also the board as well,</p> <p>22 to provide insight, provide certain steps, policies,</p> <p>23 procedures that will help us, first, evaluate how</p> <p>24 he's doing in his job, whatever he needs to</p> <p>25 concentrate on, and also a self-evaluation</p>	<p style="text-align: right;">Page 140</p> <p>1 because that's my -- that's my understanding is what</p> <p>2 she's working on. And it was a kind of -- I think</p> <p>3 we were talking two different ideas at first when I</p> <p>4 was speaking with Shelly; because my understanding</p> <p>5 is that there would be a development for an</p> <p>6 evaluation tool for the head administrator. It</p> <p>7 wasn't necessarily that someone else was going to</p> <p>8 come in and do an evaluation.</p> <p>9 That's fine, if that's what the board</p> <p>10 decides is best, and you can afford that; because I</p> <p>11 know there are schools that hire out, not</p> <p>12 necessarily every year, but every number of years,</p> <p>13 so that they are getting an outside look and maybe a</p> <p>14 deeper look at the head administrator. But that</p> <p>15 there would be a -- there would be an adequate</p> <p>16 evaluation tool that either the governance council</p> <p>17 and/or an outside individual, depending on what was</p> <p>18 decided, that that tool would be an effective tool.</p> <p>19 That's my understanding of what we were</p> <p>20 doing there. Am I wrong?</p> <p>21 COMMISSIONER JOHNSTON: I have question --</p> <p>22 some questions.</p> <p>23 THE CHAIR: That was my understanding.</p> <p>24 And that was my conversation with Shelly. And that</p> <p>25 wasn't what she was -- so there was a -- there was a</p>
<p style="text-align: right;">Page 139</p> <p>1 self-assessment for the board, as well.</p> <p>2 So right now, that is in the works right</p> <p>3 now. And hopefully, we'll have something by next --</p> <p>4 next PEC meeting with ADVANCE New Mexico.</p> <p>5 THE CHAIR: Good. And I'm glad. Because</p> <p>6 Shelly did call me, as well. So we -- and I wasn't</p> <p>7 sure whether that contract was going forward.</p> <p>8 But I did have a conversation with her.</p> <p>9 So I'm glad -- because I don't think there was even</p> <p>10 the -- I don't know whether you knew, even at that</p> <p>11 time, if -- if or what the funds were available when</p> <p>12 I spoke with her. So I'm glad that --</p> <p>13 MR. JULIAN MUÑOZ: That's what we were</p> <p>14 trying to make sure we had. Also, in addition,</p> <p>15 according to the CAP, it says that the -- we have to</p> <p>16 get PEC approval for our evaluator to come in. So I</p> <p>17 don't know if that's something you vote on or kind</p> <p>18 of give us an okay.</p> <p>19 THE CHAIR: Yeah. And I -- well, and I</p> <p>20 hesitate without looking at what it is, you know.</p> <p>21 That's my -- I appreciate the work that Shelly does.</p> <p>22 But until the work product is done, I hate to say,</p> <p>23 "Yeah, that's a really good tool."</p> <p>24 So that's my concern. I would -- I would</p> <p>25 appreciate seeing the evaluation tool that she's --</p>	<p style="text-align: right;">Page 141</p> <p>1 confusion there. So I was hoping there was an</p> <p>2 additional conversation that she had with you after</p> <p>3 that, so that it's clear what's -- what's being</p> <p>4 requested, that there's -- that there is an adequate</p> <p>5 evaluation tool that the governance council has.</p> <p>6 COMMISSIONER JOHNSTON: And, Madam Chair,</p> <p>7 if I may, I had a question about -- where is it?</p> <p>8 No. Yeah. That's all right.</p> <p>9 How -- there are many -- I shouldn't</p> <p>10 say -- there is more than one organization that</p> <p>11 provides training on evaluating school leaders,</p> <p>12 superintendents.</p> <p>13 How -- what was your selection process to</p> <p>14 begin work with ADVANCE Ed? Now, I'm not casting</p> <p>15 any aspersions. I just don't know. I'm like the</p> <p>16 Chair in how did you come to this --</p> <p>17 MR. JULIAN MUÑOZ: We received a --</p> <p>18 actually, Ms. Poulos, Katie Poulos, provided us some</p> <p>19 resources. Thank you for that.</p> <p>20 We reached out to them, and they just</p> <p>21 never contacted us back.</p> <p>22 Ms. Shelly is the only one that contacted</p> <p>23 us back with a proposal, with an estimate, with why</p> <p>24 we should go with her. That's -- unfortunately, no</p> <p>25 other organization even responded.</p>

<p style="text-align: right;">Page 142</p> <p>1 COMMISSIONER JOHNSTON: Is that a concern 2 to you? 3 MR. JULIAN MUÑOZ: I'm new to the charter 4 school and to education, in general. I'm an 5 internal auditor. I was confused as to why they 6 wouldn't want to take my money. 7 I don't know. I did some research. I 8 had -- I had Mr. Jones look into the background for 9 Ms. Shelly. And he was impressed with her. He 10 comes from education. I was kind of asking him, 11 like, "Would she meet the requirements that we need 12 in order to meet the CAP?" 13 He felt comfortable with it, from his 14 educator experience, to say, "Yes," and from his 15 administrator experience, to say, "Yes, should be a 16 good fit." 17 As far as is it concerning to me? Yes. 18 Why wouldn't they want to contact us at least? 19 COMMISSIONER JOHNSTON: I would advise you 20 again to remember that you're the board chair, and 21 he is your employee. And while he does have great 22 experience, it could mislead both of you for him to 23 make a recommendation. 24 And the Coalition -- and I don't know how 25 long you've been at this. But the Coalition could</p>	<p style="text-align: right;">Page 144</p> <p>1 Commissioner Johnston -- 2 THE CHAIR: I'll also tie into that, that 3 I -- I had the conversation with Shelly. The 4 governance council has to be comfortable with that 5 contract. You've already voted on it? 6 MR. JULIAN MUÑOZ: We voted to move 7 forward. Yes, correct. 8 THE CHAIR: So this -- at this point in 9 time, it's a done deal. But I do have a concern 10 that Mr. Jones was part of that conversation. 11 MS. PATRICIA MATTHEWS: Madam Chair, 12 members of the Commission, I made it very clear, and 13 the board was very clear when they passed -- made 14 the vote, was that it was conditional on the 15 Commission's approval, because that's what you said. 16 So if you say no, we go back to the drawing board. 17 That's the bottom line. 18 THE CHAIR: I would really appreciate, 19 going forward, that anything that involves the 20 evaluation of Mr. Jones, that he not be a 21 participant in the conversation of who is going to 22 participate in that. You know, I just think it's -- 23 you know, obviously, we have an overarching concern 24 about -- 25 MR. JULIAN MUÑOZ: Perception.</p>
<p style="text-align: right;">Page 143</p> <p>1 also make some recommendations, as could -- I would 2 recommend you go back to the Charter School 3 Division. 4 MR. JULIAN MUÑOZ: That's why we had a 5 special meeting, where all the governing council 6 members looked at it. They reviewed it. All of 7 them had questions. They questioned the proposal. 8 We questioned Mr. Jones. We had him there to tell 9 us why he felt comfortable with it. 10 Overall, the GC board made the decision, 11 yes, we had the funding. We could at least go 12 forward with it to present this to the PEC. 13 But, again, as far as the language, the 14 way I'm understanding that language is written, 15 before we even go forward with a tool of evaluation, 16 a contract has to be approved by the PEC. 17 COMMISSIONER JOHNSTON: Yeah. No. I'm 18 really playing Devil's Advocate with you. 19 MR. JULIAN MUÑOZ: No, no. Thank you. 20 Yes. With the previous -- 21 COMMISSIONER JOHNSTON: And don't hesitate 22 to reach out in any situation. And, Mr. Jones, 23 wouldn't it would be great if I could select my own 24 evaluator? 25 MR. CHRIS JONES: Absolutely --</p>	<p style="text-align: right;">Page 145</p> <p>1 THE CHAIR: -- conflicts and so on with 2 the school. 3 And I just think it's cleaner if when 4 we're looking at the -- the evaluation of Mr. Jones, 5 that he not have a recommendation as to who is going 6 to help create that evaluation, that he's 7 comfortable with that. 8 Because, you know, I oftentimes worked 9 with people that I wasn't real comfortable with. 10 But they were still coming in and evaluating me. 11 But that was the bottom line. 12 So I think it's inappropriate for him to 13 be in that discussion about what contract is going 14 to go forward on who and how he's going to be 15 evaluated. That's -- you know -- but I think before 16 we move forward on that, I think -- and it's sticky, 17 because I would prefer to see the tool and -- but 18 you've got to -- 19 COMMISSIONER CABALLERO: Madam Chair? But 20 the -- to get -- the -- they're requesting that 21 the -- a tool be developed. And so if we say, 22 "Bring us the tool" -- so that person already 23 invested time, energy, and expertise. And then we 24 said, "No. Well, we're not going to go through it 25 with you," then, you know, it puts both the school</p>

1 and that person in an awkward situation.

2 The other thing I'm talking about is I
3 think we need to move forward. We have to
4 understand the circumstances. If I were in the
5 area, I would be very, very reluctant to get into a
6 contract with -- with a school that's constantly in
7 the public eye. It's very hard.

8 And so we -- I'm glad that they have
9 somebody that answered, and that person is a
10 professional; they're in the area; they're willing
11 to do the work. The charter school is here asking,
12 "Do we move forward?" I think we just need to let
13 them move forward.

14 THE CHAIR: And I have no issue with
15 Shelly. I've worked with Shelly. And that's not my
16 concern.

17 My concern is that Mr. Jones was part of
18 that discussion on choosing her; because that's
19 who's going to evaluate -- I just think that's an
20 inappropriate conversation to have.

21 And I understand the difficulty. But our
22 decision, back when we talked about the CAP, was
23 that they develop an appropriate tool. And I know
24 that's a concern that you could end up spending
25 money and the tool not be appropriate.

1 I think if you look at Page 8,
2 paragraph 8, as I read it, as I understood it, we
3 were to bring you a proposal. Of course, they, the
4 council itself, had to render a decision. And so --
5 do you want me to stop talking while you read?

6 THE CHAIR: Yeah. Well, I'm just trying
7 to find it.

8 MS. PATRICIA MATTHEWS: Page 8. It says,
9 under -- it's on Page 8 at the top, "General
10 Agreement." And then No. 8. It says, "For the
11 last" -- "For the next two years, the school must
12 contract with a third party..." -- and I'll stop
13 talking.

14 COMMISSIONER ARMBRUSTER: I'm sorry. I
15 didn't mean to interrupt you.

16 MS. PATRICIA MATTHEWS: I shouldn't have
17 to read out loud. I'm not good at it, unless I'm
18 reading "Harry Potter." And then I'm really good at
19 it.

20 So the idea, again, was that we would come
21 to you. "Here's Entity A, B, or C. We're asking
22 them to put together a tool for evaluating --
23 evaluating both the administrator and the board, and
24 also develop the tool."

25 So it would be very hard for us to say,

1 But our direction was that you -- that you
2 come to us with -- with a tool that we would -- that
3 was my understanding.

4 COMMISSIONER CABALLERO: Madam Chair, my
5 understanding from what was said was that the
6 president of the council said, "I'm not in the area
7 of teaching. Does she have the credentials?"

8 And the answer is, "Yes."

9 And so -- but they had a meeting where the
10 pros and cons was discussed. All the governing
11 council was there. Unless we don't believe the
12 governing council...

13 THE CHAIR: I am not putting in question
14 the words of the governing council. Please
15 understand that. I'm talking about the Corrective
16 Action Plan and the specifics of the Corrective
17 Action Plan that we voted on. And that's what I
18 want to make sure that we're complying with.

19 And please make it clear that I am not
20 questioning the governance council and the validity
21 of their statements, that I am not putting that in
22 question at all.

23 MS. PATRICIA MATTHEWS: Madam Chair,
24 members of the Commission, I want to make sure we're
25 all on the same page. That's the point here.

1 "Please develop the tool. Come back, and you guys
2 can maybe not like that tool."

3 So we're in a rock and a hard spot here.
4 But we're willing to come back to the Commission in
5 November, if that's your preference, have the board
6 represent that they're the ones who chose --
7 whatever.

8 You know, as an attorney, I do see this
9 with my council board folks. They almost don't know
10 what questions to ask. So your point is well-taken.
11 So if you want us to come back --

12 THE CHAIR: And I'm -- now that I've been
13 able to reread it, I mean, I have no problem with --
14 with Shelly. I think at this point in time, if you
15 had to start re-looking again, we're looking at half
16 of the school year gone, when there could have been
17 some evaluation done and maybe some remediation, if
18 necessary.

19 So I'm concerned with the time that's gone
20 forward, you know. And I understand there's
21 difficulties with contracts. And, you know, some of
22 these vendors might have thought it wasn't a large
23 enough contract for them to -- the scope of work
24 wasn't going to be enough to make it worth their
25 while.

<p style="text-align: right;">Page 150</p> <p>1 So there's a lot of reasons. And I'm not 2 going to second-guess why someone chose not to -- 3 they chose not to, you know. At this point in time, 4 there's not much we can do about it. You reached 5 out to CSD; CSD gave you input; you went forward. 6 And that's what came out of it. So... 7 MR. CHRIS JONES: Madam Chair, may I just 8 add, what I did is I gave them a resource or an 9 individual who could or could not be selected by the 10 governance council. So my recommendation wasn't a 11 recommendation at all. It was more of a -- of a 12 giving a resource to someone, to a body of people 13 who make decisions for the school. 14 Am I familiar with Shelly? I'm somewhat 15 familiar with Shelly, because as an administrator, 16 she actually worked for the Division at one point. 17 And she came in, and she did our monitoring visit. 18 And it was not a great visit. She was not very easy 19 on me, that's for sure, as the Federal Programs 20 Coordinator of a separate charter school. 21 So she certainly wasn't someone that I 22 chose out of preference. And it was just the 23 referral. That was made. Shelly does great work; 24 there's no doubt about that. But I just wanted to 25 clarify that point.</p>	<p style="text-align: right;">Page 152</p> <p>1 MR. JULIAN MUÑOZ: My apologies. 2 Madam Chair. Just, again, if you want, we can go 3 into a three-bid process, where we bring three 4 contractors to the PEC and let the PEC choose those 5 contractors. I'm okay with that. 6 THE CHAIR: I think that falls way outside 7 of our authority to make that decision for you; so 8 that I don't think it would be appropriate for -- 9 and I don't want -- I don't want to get into that, 10 you know, that -- people are saying -- let them make 11 the decision. 12 So I think -- you know, we don't dig into 13 the weeds of who you accept. It says we don't 14 approve the contract. But I don't want to get into 15 the vetting process of who schools hire. I think 16 that's way outside of our purview. 17 COMMISSIONER JOHNSTON: Madam Chair, I 18 would like to make a comment that I'm very 19 protective of Mr. Jones. This is a time of high 20 scrutiny for your school. Ms. Cherrin is 21 absolutely -- I hold her in very high regard, and 22 she is -- like you say, Mr. Jones, she is a 23 formidable person. 24 I would request that the governing council 25 take great care in removing Mr. Jones from this</p>
<p style="text-align: right;">Page 151</p> <p>1 COMMISSIONER ROBBINS: Madam Chair, given 2 the item 8 there, where it says that the contractor 3 must be approved by the governing council and 4 submitted to the PEC in time for document submittal, 5 it looks like it's the governing council that does 6 the approval, and they just submit it to us. Our 7 role is to, I guess, just be heard that they've 8 acknowledged someone that the governing council has 9 approved this person. There's no approval on our 10 part that's required in this. 11 MS. PATRICIA MATTHEWS: It says, "External 12 contractor must be approved." 13 COMMISSIONER ROBBINS: "External 14 contractor must be approved by the governing 15 council, and the credentials must be submitted to 16 PEC for document submittal." 17 THE CHAIR: It says, "The external 18 contractor must be approved by the PEC." 19 COMMISSIONER ROBBINS: Oh, yes. It says 20 it here. Right, it does say that. So I guess we 21 need to take a vote on whether or not we -- we 22 approve that, given that clause. And, again, that 23 would be simple to go ahead and -- 24 THE CHAIR: Right, yeah, do that and then 25 move forward. Yeah.</p>	<p style="text-align: right;">Page 153</p> <p>1 process at this point as you develop all of this, so 2 that he can say truly, this was done by the 3 governing council, and so the evaluation itself is 4 something the governing council has to do, to 5 protect Mr. Jones from any -- any inference or 6 shadow of anything. 7 I'm protective of him. That's why I was 8 asking. 9 MR. JULIAN MUÑOZ: Yes, ma'am. 10 THE CHAIR: And I agree, that I think 11 going forward, anything that deals with his 12 individual evaluation, he should not be -- but I 13 will entertain a motion. 14 COMMISSIONER ROBBINS: I'll so move. 15 THE CHAIR: We do have to verbalize the 16 motion. 17 COMMISSIONER ROBBINS: I will move for 18 approval of Ms. Shelly as the evaluator for the head 19 administrator for La Promesa. 20 COMMISSIONER CABALLERO: Second. 21 THE CHAIR: And her formal name is Shelly 22 Cherrin, C-H-E-R-R-I-N. And I do believe it's 23 ADVANCE New Mexico? 24 And there was a second by 25 Commissioner Caballero.</p>

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1 Commissioner Armbruster, roll-call vote,
 2 please.
 3 COMMISSIONER ARMBRUSTER: Commissioner --
 4 wait a minute. Commissioner Crone?
 5 COMMISSIONER CRONE: Yes.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Ruiz?
 8 COMMISSIONER RUIZ: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Toulouse?
 11 COMMISSIONER TOULOUSE: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Caballero?
 14 COMMISSIONER CABALLERO: Yes.
 15 COMMISSIONER ARMBRUSTER: Commissioner
 16 Robbins?
 17 COMMISSIONER ROBBINS: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Conyers?
 20 COMMISSIONER CONYERS: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Armbruster votes "Yes."
 23 Commissioner Peralta?
 24 COMMISSIONER PERALTA: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

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1 something over here."
 2 So it needs to be -- we're well into the
 3 school year already; so it needs to get done for
 4 him, and for the governance council to know what
 5 they're -- they're looking at.
 6 So, thank you.
 7 THE CHAIR: Okay. Thank you. And thank
 8 you for all of this time.
 9 MR. JULIAN MUÑOZ: Thank you. Thank you.
 10 THE CHAIR: And we look forward to hearing
 11 from you again.
 12 MS. PATRICIA MATTHEWS: Thank you,
 13 everyone.
 14 THE CHAIR: The Commission is going to
 15 take five. Thank you.
 16 (Recess taken, 12:25 p.m. to 12:39 p.m.)
 17 THE CHAIR: Okay. We are on to Item
 18 No. 8, Discussion and Possible Action on the
 19 New Mexico STEM-Ready Science Standards.
 20 And I think we've all been in receipt of a
 21 lot of e-mails from some concerted effort by a
 22 group -- I'm not sure exactly who that is; it
 23 doesn't really matter. But I appreciate the time
 24 and effort that whatever that group is, that they
 25 are very concerned. So we've all been sent many of

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1 Gipson?
 2 THE CHAIR: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Johnston?
 5 COMMISSIONER JOHNSTON: Yes.
 6 COMMISSIONER ARMBRUSTER: Motion passes.
 7 COMMISSIONER ROBBINS: Madam Chair, can I
 8 add one thing to the governing council?
 9 It may be advisable, rather than going to
 10 your head administrator for advice and everything,
 11 to either seek out other charter school head
 12 administrators or to use the Charter School
 13 Association for advice on these type of matters,
 14 just a suggestion, to keep your head administrator
 15 separate and to protect him.
 16 THE CHAIR: Thank you. That's a good
 17 point.
 18 COMMISSIONER TOULOUSE: Madam Chair, I
 19 would also like to suggest this process go through
 20 as quickly as you can; because it's not fair to hold
 21 Mr. Jones accountable for things he hasn't been told
 22 he's going to be accountable for.
 23 Otherwise, you get way out there in the
 24 weeds on something that -- you know, you say, "Well,
 25 you didn't tell me you were going to look at

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1 those e-mails. I have responded to every one that I
 2 have received.
 3 COMMISSIONER TOULOUSE: And I have.
 4 THE CHAIR: And I know Commissioner
 5 Toulouse has, as well.
 6 And as soon as this was made public,
 7 Commissioner Toulouse contacted me. I had a
 8 conversation with Commissioner Ruiz in regards to
 9 this. I have been contacted by numerous
 10 legislators, many staff on campus at NMSU. I've got
 11 neighbors that work at NASA and White Sands.
 12 COMMISSIONER ARMBRUSTER: And I live in
 13 Los Alamos.
 14 THE CHAIR: And they are very concerned
 15 about the potential changes to the standards.
 16 As a history teacher teaching something
 17 that is a little more subjective, we always believed
 18 that you needed to start from a point of common
 19 knowledge. And the concern that many have expressed
 20 to me is that by these changes, we are not going to
 21 be making our students the most viable candidates
 22 for their college-and-career readiness, and that
 23 they will be substantially behind their peers as
 24 they go to college and other career opportunities.
 25 So that I wanted to put this to the

<p style="text-align: right;">Page 158</p> <p>1 Commission and hopefully ask for an affirmation from 2 the Commission that we do not endorse the 3 standard -- we endorse the Next Generation Science 4 Standards, as written, not as modified by 5 New Mexico. 6 So I will ask for -- Commissioner Crone? 7 COMMISSIONER CRONE: Yes. I teach 8 anthropology. I've taught anthropology for over 9 40 years. And I think this Commission would be 10 remiss in allowing the proposed changes to take 11 place. 12 I agree with you. I think we need to 13 stick with the NGSS standards. 14 Theodosius Dobzhansky, who was one of the 15 principals in what they call the "modern synthesis," 16 where evolution and genetics were combined to 17 explain evolution, and more or less -- in a sense, 18 not prove, because this is science. So a lot of my 19 students would say, "It's just a theory." 20 Well, everything in science is just a 21 theory. That's not a legitimate criticism of 22 evolution. 23 Dobzhansky said, "Nothing in biology makes 24 sense, except in the light of evolution." 25 And so I've got an endorsement here. If</p>	<p style="text-align: right;">Page 160</p> <p>1 COMMISSIONER ROBBINS: Well, I -- I 2 personally do not feel that the changes are that 3 significant. I appreciate the scientific 4 community's feeling that they shouldn't be changed. 5 I think it does leave open the discussion of other 6 theories. And evolution, when I was taught in high 7 school, was taught as fact. It wasn't taught as 8 theory. Even though the textbook said it was a 9 theory, it was basically taught as a fact. 10 And I think, given the differences that 11 many people in our state have on different views, I 12 think we need to be considerate of that. I do not 13 believe that this is saying we have to teach 14 anything other than; it's just opening the door that 15 other ideas can be discussed in the classroom. And 16 I think that's what education is about. 17 One of the things that the scientific 18 method, from my understanding -- and not being a 19 scientist -- was observation. And we see the 20 effects; but we weren't present to see the cause. 21 And I think that's one of the things that I'm 22 careful about to make a definitive statement on some 23 of those things. 24 So I, for one, personally, do not feel 25 that the changes would be that bad. There's at</p>
<p style="text-align: right;">Page 159</p> <p>1 anybody wants to see this, I'll share it with you. 2 But it's actually an endorsement of the Theory of 3 Evolution from three separate Popes. And the title 4 of the article, "Pope: Creation vs. evolution clash, 5 an 'absurdity.'" 6 And so the -- since 1950, the official 7 position of the Roman Catholic Church has been in 8 support of evolution. 9 Evolution was thoroughly studied by the 10 Pontifical Academy of Sciences and advised those 11 Popes -- those three Popes -- that this was -- 12 another biologist once made a statement that, "There 13 is as much evidence to support the Theory of 14 Evolution as there is that the Earth is round and 15 that gravity exists." 16 So, granted, it's just a theory, and being 17 science, it has to remain a theory; but I think 18 questioning the age of the Earth, there's much, much 19 evidence to support that, much evidence to support 20 evolution, much evidence to support climate change. 21 And so I think we should go with the -- 22 the NGSS standards and not accept the revisions. 23 Thank you. 24 THE CHAIR: Thank you. 25 Commissioner Robbins.</p>	<p style="text-align: right;">Page 161</p> <p>1 least 24 other states that have not adopted those 2 standards. And so I don't think we would be in bad 3 company. 4 Thank you. 5 THE CHAIR: Commissioner Toulouse? 6 COMMISSIONER TOULOUSE: Madam Chair, I 7 think we also are having a problem with the word 8 "theory." This "theory" is derived from "theorem" 9 in math, which means something that is provable, as 10 opposed to "theory" as we're using it in the English 11 version is something that you're proposing could be. 12 So there really is a difference. This kind of 13 theorem -- this theory is a theorem. 14 And I am very concerned, especially with a 15 group of grandchildren, that we are dumbing things 16 down. There -- you can teach anything you want if 17 you're teaching them philosophy and history of 18 religion and anything else. But when you are 19 teaching science, you need to teach what are the 20 most up-to-date concepts. 21 And yes, science changes, because we 22 discover new things all the time. I mean, when I 23 was in school, there were so many things that were 24 different. You know, I graduated from high school 25 in 1962. We didn't walk on the moon until 1969.</p>

<p style="text-align: right;">Page 162</p> <p>1 You know, DNA has only been used since the '90s. 2 It's made such a world of difference in science, in 3 the history of people. 4 I was just reading another article today 5 that they're looking at, you know, what we got from 6 Neanderthal intermixing, and that there's more 7 things they're discovering as they get into it. 8 I was disappointed when I had my DNA done 9 and I came out with only 1.1 percent Neanderthal 10 DNA. But what I did get was some Tibetan Plateau, 11 that I can't figure out where that 4 percent of my 12 DNA came from. 13 You know, I realize some of my Celtic 14 ancestors weren't that far, and my Viking ancestors 15 weren't that far; so I don't know. 16 But I do know that we can do things today 17 that give us more information, not less. And that's 18 the only place I see it expanding. 19 And so I don't want to limit our science 20 classes. Again, I don't care what you teach when 21 you're teaching it as your other ways. But belief 22 and science are separate. And they don't 23 necessarily clash. You can have parallel systems, 24 and you can be a true believer and all kinds of 25 things.</p>	<p style="text-align: right;">Page 164</p> <p>1 can do. And I don't want to dumb-down what our 2 students are learning so we do stop their chances 3 when they want to go on to other kinds of scientific 4 things. 5 THE CHAIR: And I will just also add that 6 I have not received a single piece of e-mail, phone 7 call, letter asking me to support the changes. So 8 that also indicates to me that there is less support 9 for that. 10 Commissioner Crone, did you want to -- 11 COMMISSIONER CRONE: Yeah. I just wanted 12 to add that all of us in this room have Neanderthal 13 DNA. The only population on the planet that doesn't 14 are Africans. So welcome, all you Cave People. 15 THE CHAIR: Commissioner Caballero, are 16 you reaching? 17 COMMISSIONER CABALLERO: Yes. You know, 18 I -- I don't see why we have to do a change. I 19 mean, my ancestors are Native American from Mexico. 20 And my tribe inhabits Popocatépetl. And their 21 belief is that the Creator exists there. 22 And so unless we're willing to bring in 23 everything else -- and I hold onto that. And 24 growing up Catholic, I asked the priests, one to the 25 other. And he was very -- says, "Evolution, we just</p>
<p style="text-align: right;">Page 163</p> <p>1 But I honestly do not believe, for 2 instance, that -- as Bishop Ussher counted back, the 3 world was not founded in 4,004 B.C. on October 23rd. 4 There's a difference in what time. I learned 5 9:00 a.m.; but now I read one recently that was 6 6:00 p.m. 7 I know people -- my daughter-in-law, when 8 she was being very, very fundamentalist, wouldn't 9 let me say the world "evolution" in front of my 10 grandchildren. So we just used to go down to the 11 Natural History Museum a lot and look at the 12 millions of years on the board. And she never 13 argued that one. 14 But I'm sure Commissioner Crone learned 15 the same thing I did. That's why I bet he knows the 16 4004 B.C, just like I did. This is taught in your 17 anthro classes. This is what the culture used to 18 look at. 19 I -- you know, 300 or 400 years ago, that 20 was a logical thing for people to believe. But as 21 geology developed and sciences developed, things 22 changed. And yet that doesn't stop anybody from 23 believing in a creator, if they wish, or not, as 24 they wish. 25 You know, there's all kinds of things you</p>	<p style="text-align: right;">Page 165</p> <p>1 don't know what a day was. We don't know what a day 2 was or two days or three days. It could be so that 3 people at that time could understand the concept. 4 They talked about a day or two; but it could be 5 millions of years. We just don't know. It remains 6 a mystery." 7 And that's how he described it. And for 8 us, you know, we -- we're a class of Mexican and 9 Native American and Afro-Mexican. And that -- at 10 that time, it sufficed. 11 But it's well-established that there's 12 science behind all of that. And to make changes at 13 this point, it just muddies the water for no reason. 14 I have faith that those days were millions of years, 15 and I have faith that my creator is at the 16 Popocatépetl. 17 So there you have it; unless you're going 18 to change to include mine. 19 THE CHAIR: Commissioners, do I have a 20 motion? 21 COMMISSIONER JOHNSTON: I guess I need 22 to -- 23 THE CHAIR: Oh, I'm sorry. 24 COMMISSIONER JOHNSTON: That's all right. 25 I guess I need to make a comment or two.</p>

<p style="text-align: right;">Page 166</p> <p>1 When the proposed rule change first came to my 2 attention, I had that knee-jerk reaction that we 3 can't do this, because -- because of my biases, I 4 guess. 5 In 2003 -- and I wish I had that memo. I 6 wish I had that memo from the Secretary, from 7 Veronica Garcia, that addressed the science 8 standards and said, "You will teach evolution in 9 science classes." 10 I kept it until I retired, because I 11 believed it firmly. I am a firm believer in all of 12 those theories that you've been talking about. 13 However, in my time in charter schools, I 14 had the privilege to serve in a charter school that 15 was really -- really ahead of its time with looking 16 at habits of mind and Socratic theory and open-ended 17 questions and student exploration. 18 And so I looked first at all of the 19 e-mails I received. And I was disappointed that the 20 letters in so many -- in 95 -- 98, 99 percent of 21 the -- it was same form letter. I received many 22 copies of that letter; but it was one letter. So I 23 don't know how much thought went into those letters. 24 It could be those people were just like I was, that 25 knee-jerk of, "We're not doing this."</p>	<p style="text-align: right;">Page 168</p> <p>1 But I don't think -- I think that by all 2 of us addressing it, even with our own beliefs, as 3 teachers, I believe that we're obligated -- and this 4 is difficult for me, because for 35 years, I tried 5 not to present my biases, in every way, every 6 opportunity that I had, to take that neutral role to 7 make sure that students were able to come to their 8 own decisions and to explain those decisions. 9 Because knowledge is truly power. And if 10 we don't allow, in our standards, room in classrooms 11 for the discussion and the learning -- not just 12 discussion, not just knee-jerk, like I did at first, 13 and "Ain't no way I'm going there; we worked hard to 14 get this in" -- then I think we're limiting 15 ourselves. We could be limiting ourselves. 16 So I am still very much on the fence with 17 this. And it's a very internal struggle. So I'm 18 not asking for any discussion. It's something that 19 I'll have to come to on my own by informing myself. 20 But I want to make sure that every student 21 in the State of New Mexico has the opportunity to 22 learn, so that if I walk up to someone and say, 23 "What are your thoughts on this as opposed to this," 24 they can give me arguments on both sides that then 25 show me perhaps where they have tended to move with</p>
<p style="text-align: right;">Page 167</p> <p>1 Socratic seminar, Socratic discussion, and 2 a knowledge base that -- where a student discovers 3 for himself or herself, when the teacher presents 4 the information in more than one way, causes, and 5 then requires, that I explore it, I don't know 6 whether anybody else has looked at the LESC's memo, 7 the 93 pages, and then when it ends with them doing 8 a comparison of the changes and the wordings, it's 9 very interesting to me. 10 And I know -- I don't know what LESC, what 11 the discussions were like. But the person who 12 compiled this summary did a very, very in-depth, 13 down to the word. I'm a language arts teacher. And 14 so I read this. And as I was reading it, the words 15 that were changed were words that opened discussion, 16 not words that closed discussion and said -- and 17 have you read it, Commissioner Toulouse? 18 COMMISSIONER TOULOUSE: Yes, ma'am, I 19 have. 20 COMMISSIONER JOHNSTON: As a language arts 21 teacher, I see it. They talked about the active 22 words that were used. They talked about engagement. 23 In some cases, they clarified. They put endings. 24 So I really -- I don't know yet; because 25 I'm still studying it.</p>	<p style="text-align: right;">Page 169</p> <p>1 that. 2 I see the work that's gone into this. And 3 I have to commend the folks who did it; because they 4 took on something that's very sensitive to all of 5 us. But I see it as very thoughtful work, as very 6 collaborative work, down to the selection of words. 7 And if you go back -- my father had a 8 Webster's Unabridged Dictionary that he kept by 9 his -- his desk. And he looked up definitions. And 10 my father was a Presbyterian minister. But he 11 looked up every one of those definitions. 12 And I recognize the power of these words. 13 I recognize and I appreciate that the -- the Chair 14 has brought this forward to the Commission. And I 15 appreciate the opportunity to have a forum to 16 express all of these internal things that each one 17 of us brings to this table. 18 And if we're going to now vote on 19 something, I think we each -- we each need to 20 respect the vote of all of the others at -- in the 21 Commission, even though we disagree; because 22 respectfully, we have to disagree. 23 So end of sermon. Sorry. 24 THE CHAIR: And I want to assure the 25 Commissioner that at no time was this a knee-jerk</p>

<p style="text-align: right;">Page 170</p> <p>1 decision on my part. I have -- I spent a 2 significant amount of time at the -- the Senate Ed 3 Committee, when it came forward, when the bill was 4 proposed. I have spent literally hours with folks 5 that authored the bill. I have spent countless 6 hours with professors, individuals, as I've said, 7 that work in the science community in NASA and White 8 Sands, so that this was never a knee-jerk reaction 9 by me. 10 And I have also spoken to science teachers 11 through LCPS, and I've spoken to charter schools in 12 my area in regards to this; so that -- and as a 13 history teacher, I firmly have always believed that 14 students have a right, and I have an obligation, to 15 provide the students with as much information as I 16 can. 17 And I -- I'm of the belief that this 18 limits their -- those opportunities. And I will 19 also say that anytime anyone votes, I may disagree, 20 but I respect their ability to disagree. This is 21 not -- I'm not putting this forward saying, "I 22 expect you all to go along with me." 23 But -- and if you don't, I'm -- I can put 24 my big-girl pants on and go home a loser; because I 25 don't consider it a loser.</p>	<p style="text-align: right;">Page 172</p> <p>1 having said that, I have to tell you that I am 2 absolutely against rewriting any kind of science 3 standards. And I have been to the LESC in Artesia. 4 When they were there two weeks ago, I went. I have 5 spoken with Senators, Representatives, students, 6 science teachers, principals, even clergy. And I am 7 absolutely against rewriting this. 8 I think that when you find that our 9 students are at the bottom of so many lists already, 10 and I feel like there's times that whatever the 11 cause -- and I think we all have different opinions 12 as to what that is -- but we just keep declining and 13 declining in national standards. 14 And my kids graduated in '98 and '99, and 15 I can tell you I think they had a fabulous 16 education, graduating from Hobbs High. 17 But I think we're doing a detriment to our 18 students if we decide to rewrite this. We're not 19 going to make our kid- -- we're not going to give 20 them the ability to have the capacity to be 21 competitive. 22 Los Alamos -- I mean, our state is 23 impacted by so many levels of science. And I feel 24 like some of this -- and I don't want to offend 25 anybody. But I do feel it comes from the</p>
<p style="text-align: right;">Page 171</p> <p>1 But I have no -- I have no personal 2 animosity if you choose not -- what you choose to do 3 in this vote. 4 COMMISSIONER JOHNSTON: It's not 5 animosity; it's listening to one another and 6 hearing. That's all -- that's what I'm saying. And 7 I appreciate the opportunity for this forum. So... 8 THE CHAIR: Commissioner Ruiz. 9 COMMISSIONER RUIZ: Madame Commissioner, I 10 have to also agree with what you said. This was not 11 a knee-jerk reaction. And I don't think it was -- 12 but you made the -- you know, it almost sounded like 13 you were saying it was for a lot of people. 14 For me, it was not. I'm in education, 15 still. I am an educator. I'm on the frontline. I 16 absolutely think about every decision that I feel is 17 going to impact our kids. 18 I also have to go on the record to say 19 that I will never hold your personal vote against 20 you or feel animosity. And I'm upset, kind of, that 21 you feel that we would on this Commission. Because 22 I think we're all opinionated Commissioners; but I 23 think that we're all on here for the same reason, 24 and that is to do what's best for kids. 25 And so I have to say that first. And then</p>	<p style="text-align: right;">Page 173</p> <p>1 creationists' standards and philosophy. 2 And I think that we have to separate that. 3 I think that we have to do what's best for kids. 4 And I am never going to support taking that away 5 from our kids; because if I had a student in school 6 today -- and many of you have grandkids and nieces 7 and nephews and cousins. I don't have any kids in 8 New Mexico; mine are all in Texas. 9 But I will tell you that I just can't see 10 that we're going to -- to use your word, "dumb-down" 11 the curriculum any further. We cannot and should 12 not do that. 13 And I'll respect everyone's right to vote 14 as they see fit. But I want it firmly noted that I 15 completely do not agree with rewriting the science 16 curriculum. And I do believe we need to support the 17 next -- the standards. So... 18 THE CHAIR: Is this for a motion or -- or 19 a statement? 20 COMMISSIONER TOULOUSE: Well, I would like 21 to do both. I'll make the motion. But I need some 22 help in how it's worded. And then I would like to 23 make a statement, if we get it seconded. 24 So how shall we word the -- 25 THE CHAIR: I think it's just that the --</p>

<p style="text-align: right;">Page 174</p> <p>1 a motion to support the Next Generation Science 2 Standards, as written and not modified by PED. 3 COMMISSIONER ARMBRUSTER: I think we need 4 the PEC is saying that. 5 THE CHAIR: Right. But it's -- yes, that 6 would be -- 7 COMMISSIONER TOULOUSE: Let me take a stab 8 at this. And correct me before we get it seconded, 9 if we need to. 10 I move that the Public Education 11 Commission vote to support remaining with the -- or 12 to follow through with the Next Generation Science 13 Standards, as written, rather than as the proposed 14 modification that the Public Education Department 15 has put out for comment and review. 16 COMMISSIONER RUIZ: Second. 17 COMMISSIONER TOULOUSE: I want to say I 18 know this has been an issue in districts; but I have 19 not heard it cropping up except in the Legislature 20 for years. And I am rather concerned that it came 21 through at this point in time, when things are 22 difficult as they are. 23 And I would hope that we all look at this, 24 too, as -- I, frequently, for people who have been 25 around here longer, know that I would be maybe one</p>	<p style="text-align: right;">Page 176</p> <p>1 We've been in touch with both of my children's 2 parents all along. And it's been -- you can't tell 3 me that those hurricanes that hit were not made 4 stronger by the warmth in the ocean that's the 5 additional heat that's going into it and those 6 things, and the complete devastation that we've had 7 also in Florida and in Texas. 8 Those were all made worse. They probably 9 would have developed anyway, but not at the level 10 they did because of the increased warming in the 11 ocean. 12 So I think we have to be reasonable and 13 talk about climate change. Not global warming. 14 Climate change. Because it goes up and down. But I 15 think that needs to be -- "fluctuation" is iffy. 16 Climate change, it's changing; it's not fluctuating. 17 So that's the other thing I wanted to say. And now 18 I'm through talking. 19 THE CHAIR: Okay. 20 Commissioner Crone? 21 COMMISSIONER CRONE: Yeah. Madam Chair, I 22 wanted to add, the last Pope that endorsed 23 evolution -- and, actually, it is Church Doctrine; 24 it's not simply their endorsement -- Pope Benedict 25 XVI did include climate change, that he directed the</p>
<p style="text-align: right;">Page 175</p> <p>1 of two "No" votes if I choose to. And I never 2 expected anybody to be mad at me for that. Or when 3 I've lost -- once or twice, there have been a close 4 vote. And I have never felt any grudges. You don't 5 do that when you're part of a commission. 6 A board or a commission, we're a complete 7 whole, but we're each a part of it. But none of us 8 has any more power than our one vote, which is what 9 I like. 10 I was tired of being a boss telling people 11 what to do. I didn't like being told what to do. I 12 find this a very comforting environment. At this 13 point, only one-tenth of the decision is mine. I 14 feel that with all of us; because we are a very 15 diverse group from very different parts of the 16 state. I mean, it's like herding cats to get us to 17 agree on anything, anyway. 18 I just want to say that I think we're all 19 voting with a conscience and also with knowledge of 20 what we're looking at. And I will say we didn't 21 even discuss the climate change piece. 22 And I'm looking at my adopted daughter, 23 who I adopted at birth, but her birth mother is in 24 Puerto Rico -- luckily, she was one who has kept 25 cell service -- because mine were open adoptions.</p>	<p style="text-align: right;">Page 177</p> <p>1 Pontifical Academy to take it very seriously, that 2 it was the Church's obligation to, you know, look 3 realistically at the science behind it. 4 I also want to add that Santa Fe Public 5 Schools, Albuquerque Public Schools, Los Alamos 6 Public Schools -- 7 THE CHAIR: And I believe Las Cruces 8 Public Schools. 9 COMMISSIONER CRONE: -- have already voted 10 to stay with the National NGSS Standards. 11 COMMISSIONER JOHNSTON: Madam Chair, this 12 has been a very risky statement for me. I made it 13 because I have -- I have utmost respect for those 14 science standards. Absolutely. And I have no 15 problem with those science standards. 16 I want it -- I need to say that I respect 17 the experiences of those who disagree and feel that 18 those are as valuable as the information that I 19 carry forward. 20 I think -- I don't know how to say it any 21 more clearly than that. While I have no problem 22 with the science standards, my concern is that we 23 continue forward with respecting differences of 24 opinion and informing students, young people, of all 25 the options so that they can come to the same</p>

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<p>1 conclusions we've come to as adults. 2 And I appreciate, and in no way mean to 3 denigrate -- politics is new to me. I'm still not a 4 very political animal. So that's enough said about 5 that. But I want everyone to know that I respect 6 all sides of this argument. 7 THE CHAIR: And I would just like to add 8 that this is, in no way, shape, or form, a political 9 statement on my part. This is as an educator. This 10 is where I'm coming from, that I have not been 11 influenced by any, and this is not -- this is not a 12 political statement on my part. 13 I am a career educator, and this is what I 14 firmly believe. This is the obligation of an 15 educator is to inform the students and to give them 16 all the information. And I firmly believe that this 17 limits the information that is out there. So 18 that's -- this is -- I want people to know that I'm 19 not on a political bandwagon here. 20 COMMISSIONER JOHNSTON: I think that's 21 important for all of us, for each of us. 22 THE CHAIR: Commissioner Armbruster? 23 COMMISSIONER ARMBRUSTER: Before I do add 24 my comments, did we have a second? 25 COMMISSIONER RUIZ: Yes. I seconded.</p>	<p>1 of having all atheists in a room is pretty small. 2 So I think that discussion is always good, 3 because -- I'm listening to what you're saying, 4 Commissioner Johnston. And I'm listening to what 5 Commissioner Toulouse is saying, as well as 6 everybody else. I see everybody's point. 7 I just don't see -- I haven't heard a 8 point or a reason to change what has already been 9 accepted. I'm not saying that what anyone is saying 10 is wrong; it's just why would we change something? 11 The other thing I do want to point out. 12 I'm really happy the Popes are kind of getting in 13 there. But it did take 400 years for them to accept 14 that the Sun does not revolve around the Earth. And 15 to me, it is a political statement. And I don't 16 want to be political about it. 17 So that's why I want to accept what we 18 have. And I will vote "Yes" for this particular 19 statement. 20 COMMISSIONER PERALTA: Madam Chair? Yeah, 21 I call for the vote, please. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Conyers? 24 COMMISSIONER CONYERS: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
<p>Page 179</p> <p>1 COMMISSIONER ARMBRUSTER: That's fine. I 2 just wanted -- I would have done that. That's fine. 3 And I will say that my concerns are that 4 the current standards seem to be agreed by most 5 people. And if I were going to change something, I 6 would want some data behind why I would change it. 7 I think the science part, of course, I 8 have been, like, inundated since I returned home a 9 few days ago to Los Alamos. Yes. But I don't see 10 any data presented for a reason to change. 11 At the same time, I wanted to say that 12 temples and synagogues and churches of various 13 denominations have an obligation to present their 14 side of their argument. I definitely believe that 15 that's true. At the same time, I don't believe that 16 they are talking about evolution, for example. Or 17 maybe they are talking about climate change. I 18 don't know. 19 But I think that education needs to 20 present their side, and churches and temples and 21 whatever need to present their side, or their 22 "God," as Commissioner Caballero has pointed out. 23 There are just too many things. 24 The other thing is I think that that's how 25 that discussion will occur; because the probability</p>	<p>Page 181</p> <p>1 Peralta? 2 COMMISSIONER PERALTA: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Crone? 5 COMMISSIONER CRONE: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Toulouse? 8 COMMISSIONER TOULOUSE: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Gipson? 11 THE CHAIR: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Caballero? 14 COMMISSIONER CABALLERO: Yes. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Ruiz? 17 COMMISSIONER RUIZ: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Robbins? 20 COMMISSIONER ROBBINS: No. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Armbruster votes "Yes." 23 Commissioner Johnston? 24 COMMISSIONER JOHNSTON: No. 25 COMMISSIONER ARMBRUSTER: The motion</p>

<p style="text-align: right;">Page 182</p> <p>1 passes, eight to two. 2 THE CHAIR: The motion passes, eight to 3 two. I'll remind the Commissioners, public comment 4 is open through the 16th at 5:00 p.m. 5 Unfortunately, a number of us will be in Phoenix for 6 that. But you certainly can make public comment 7 online. 8 COMMISSIONER CRONE: Yes. That's what I 9 was going to add. There's a link on the PED Web 10 page. 11 THE CHAIR: Correct. 12 COMMISSIONER TOULOUSE: Madam Chair, will 13 you transmit this position forward as part of the 14 Public Comment, and give the vote as eight to two; 15 so that it's -- 16 THE CHAIR: I have put my own personal 17 comment in; so I will do it for the PEC. 18 COMMISSIONER TOULOUSE: Thank you. Since 19 we don't have a staff that will automatically do it 20 for us? Thank you. 21 THE CHAIR: Yes, I will. We are now on to 22 No. 9, which is Discussion and Possible Action on 23 NMPSIA Notification of Critical Hazard for 24 Estancia Valley. 25 And I'll just say that I had a</p>	<p style="text-align: right;">Page 184</p> <p>1 I know Commissioner Crone brought this up, 2 I believe, at renewal, that this was an issue. So 3 that this is an ongoing issue for us; so I felt that 4 this was a good opportunity to get some additional 5 information on this. 6 So welcome, then. If you could just 7 please identify yourself for the record. 8 MR. TED MAESTAS: Madam Chair, first, my 9 name is Ted Maestas. I'm the Senior Risk Manager 10 for POMS & Associates. We are the broker of record 11 for the New Mexico Public Schools Insurance 12 Authority. I have with me James Vautier, who is our 13 security expert, if you will. So that's who we are. 14 And we did prepare that document for 15 Mr. Quintana, as the Authority CEO, whatever you 16 call it. And we usually do that if we feel that 17 strongly about that some attention is warranted 18 outside of the normal scope. 19 What we were intending with that letter is 20 that more and more schools are wanting to arm their 21 staff. And although our board and Mr. Crone can 22 attest to it, our board has been reluctant on some 23 of it. But we know that it's coming. And so now 24 the board is putting together a policy to address 25 arming staff.</p>
<p style="text-align: right;">Page 183</p> <p>1 conversation with Sammy Quintana yesterday from 2 NMPSIA. And he indicated to me that the letter that 3 was sent really was not written by him; although, 4 his name was on it. He was surprised his name was 5 on it. Generally, it's someone from POMS whose name 6 is on it, and his name goes on it as contact 7 information; so that he then put me in touch with 8 POMS so that I could have a discussion about this, 9 because he wasn't -- Sammy was not entirely clear on 10 what the letter exactly was. 11 So then I was fortunate enough to be able 12 to make contact with Mr. Maestas yesterday from 13 POMS. And it's an area that I'm not familiar with; 14 so he made the generous offer to come here and talk 15 to us about this. 16 So I certainly appreciate and will ask 17 Mr. Maestas to come forward. And I know there's 18 people from Estancia Valley here, if they wish to 19 address. But, please, you can come sit here. 20 And I'll just let folks know that the 21 Executive Committee had a concern about this, and 22 there is an overarching concern that there were 23 deadlines that were not met in terms -- for the 24 school for responses, but that this is an area that 25 there's obviously a concern about.</p>	<p style="text-align: right;">Page 185</p> <p>1 We understood that Estancia had already -- 2 they have a sign in front of their school that says 3 "Caution: We Are Armed," something to that effect. 4 So we became alarmed with that, and we sent a letter 5 to them requesting information. 6 Mr. Vautier has dealt with them. And so 7 we -- we requested that they respond to certain 8 requirements that the Authority was going to put 9 together and has put together. And, in fact, we 10 were in Corona last night talking to that school 11 board about arming that staff. 12 And so we only want things to be done to 13 protect the integrity of the insurance pool, the 14 individual schools, and, of course, the excess 15 carriers. A lawsuit of that proportion would be 16 incredible in terms of the losses to the districts, 17 and to all of them. 18 So we are -- we're about ready to propose 19 to the board that they approve our policy. And then 20 once that policy is out, we'll inform all of the 21 school districts, charter schools, that this is what 22 we would like to see. 23 Obviously, there are things that the 24 Authority would do if this -- if there is no 25 compliance, to protect the Authority. And so that</p>

<p style="text-align: right;">Page 186</p> <p>1 is why we sent that letter out. 2 We have not gotten a written response to 3 our letter from Estancia. We have talked to several 4 representatives. And we have to have some 5 assurances that they're going to follow some 6 policies that we are requesting. 7 And with that, I'll open it up to 8 questions. 9 THE CHAIR: Well, I guess my first 10 question is when we're -- we're talking about armed 11 individuals on campus, we're excluding police; 12 because they would be a separate entity. There's 13 a -- there's a difference. 14 So we're talking about non-certified, 15 active police; because I know we've got many schools 16 that use the current police departments. They make 17 contracts with them. We are not talking about those 18 individuals; correct? 19 MR. TED MAESTAS: No, ma'am. We're 20 talking about small school districts; for example, 21 last night, Corona. Their best response time from 22 the Sheriff's Department, they told them, "We might 23 get to you in an hour to two hours. And then if our 24 officers are called away, well, then, you may not 25 see us at all."</p>	<p style="text-align: right;">Page 188</p> <p>1 THE CHAIR: It's staff. It could be the 2 principal, yes. 3 MR. TED MAESTAS: If they wish to arm 4 staff. 5 THE CHAIR: It could be anyone on staff. 6 COMMISSIONER ARMBRUSTER: Right. But 7 that -- arming someone on staff is different from 8 hiring someone from a security firm or a former 9 policeman or something like that. Are those two 10 different things? 11 MR. TED MAESTAS: They are different 12 things. But our expectation of training would be 13 the same. If they hire a contractor, then we're 14 going to expect that contractor to have the Level 3 15 certification, which is equivalent to a police 16 officer. 17 If they train staff, then we're going to 18 require that they do the same level of training for 19 a -- 3? -- 20 MR. JAMES VAUTIER: Yeah. 21 MR. TED MAESTAS: -- Level 3. So that's 22 going to be something they have to renew. They have 23 to undergo mental evaluation. They have to learn to 24 shoot. You know, it's involved. But then, again, 25 we're talking about live ammunition, and we're</p>
<p style="text-align: right;">Page 187</p> <p>1 The State Police suggested they arm 2 themselves. And so this is the driver. 3 The larger districts, say, APS, they have 4 their own police force. Some of the schools are 5 contracting out. And we're going to request certain 6 things of contracted employees. 7 So I'm going to let Mr. Vautier, because 8 he's a former APD officer, talk to you about the 9 level of expertise that we want for the people that 10 are going to be carrying weapons. And it's pretty 11 involved. 12 COMMISSIONER ARMBRUSTER: I'm sorry. 13 Before -- sorry. I just want to clarify something. 14 And I didn't mean to interrupt you. 15 So we're looking at the difference 16 between -- let's just say a charter school -- since 17 that's what we were talking about -- they hire a 18 qualified somebody to -- who is armed to protect and 19 defend, whatever, as opposed to a teacher or an 20 employee -- you know, the principal, that type of 21 thing -- the staff -- thank you -- of being armed? 22 THE CHAIR: No, it's staff, period. 23 That's my -- it's staff, period. 24 COMMISSIONER ARMBRUSTER: What's "staff 25 period"?</p>	<p style="text-align: right;">Page 189</p> <p>1 talking about guns in schools. 2 THE CHAIR: And I just want to make it 3 clear to everyone that we're not digging into the 4 roots of what all this training is. The concern was 5 that there was this level of concern that was raised 6 by POMS. We received it through NMPSIA. 7 There's -- and I appreciate the guidelines 8 that are being set. Our interests here are the fact 9 that a school could potential- -- you can address 10 what can potentially happen. But I'm assuming that 11 the school could potentially lose its insurance? 12 MR. TED MAESTAS: A lot of things could 13 happen. 14 THE CHAIR: Right. 15 MR. TED MAESTAS: We're required to insure 16 schools. That's our -- that's NMPSIA's main 17 purpose. And in doing so, what, as consultants, we 18 do, is we make recommendations to minimize losses. 19 We're not going to eliminate them. But we want to 20 minimize them to maintain the integrity of the 21 school, the school pool, and the insurances. 22 So we did send out a letter to Estancia. 23 And we entertained a couple of phone calls. But we 24 have never gotten a formal response in writing. 25 They did agree with Mr. Quintana that they</p>

<p style="text-align: right;">Page 190</p> <p>1 would withhold arming anyone; but we've not been 2 able to verify that. We just haven't. They haven't 3 sent us a letter to communicate that. 4 THE CHAIR: Right. And Mr. Quintana did 5 not communicate that agreement to me yesterday. So 6 that's a -- that's a concern. 7 I mean, we have an obligation to make sure 8 that schools are complying with health and safety 9 regulations and that schools, when requested, are 10 complying with -- communicating when it's this level 11 of concern. 12 But we're not -- you know, the reality is 13 it's -- I think we're -- we have to agree, the 14 reality is it's coming. It's here. It's not 15 coming; it's here. So that that's -- you know -- 16 Commissioner Johnston? 17 COMMISSIONER JOHNSTON: Madam Chair, the 18 charter school we're talking about, Estancia Valley, 19 is in my district. So I'm -- when we received 20 copies of the letter back in August that were sent 21 over Mr. Quintana's signature, I had already had a 22 couple of conversations, because having been the 23 principal at Moriarty High School for a number of 24 years and having to do duty after school every day 25 and turn parents away who could not come on campus</p>	<p style="text-align: right;">Page 192</p> <p>1 today, so that you all are back communicating with 2 the schools, so that POMS is comfortable with what's 3 happening in any school district. 4 Because in Estancia, we had a contract, 5 and we paid portions of the salary for the resource 6 officers. And I was very grateful for them, because 7 they were on campus. 8 There are no fences. Estancia is very 9 proud of the fact that there are no fences on that 10 campus and that it remains safe. And it is 11 something to be -- it is an accomplishment. 12 But at lunchtime and before school and 13 after school, we paid to have that city police 14 officer. 15 In Corona, they're at the very edge of 16 Torrance County. We're at the other edge of 17 Torrance County. And you are correct that for 18 Corona to try to get a response, should there be a 19 difficulty, it's something -- it's here, like the 20 Chair says. 21 So I appreciate all the work that's -- 22 that's gone into this for my district. Those 23 schools are all in the district I serve. And I 24 think everybody's made an effort. And now we just 25 have to -- because I immediately talked to</p>
<p style="text-align: right;">Page 191</p> <p>1 because they had the guns in the back of the 2 pickups, and I said, "Sorry"; and then in Estancia, 3 where you have to have the signs that say, "Gun-Free 4 Zone," I'm very sensitive to that, and I think it's 5 very appropriate. We need that. 6 And there is a sign, you are correct, that 7 is on the frontage road that says that the campus is 8 armed. And it's very obvious. 9 So the first thing I did was call 10 Mr. Lawson and say I thought this had been done away 11 with. And he confirmed at that point that this 12 school year, there has been -- it was implied with 13 what Mr. Quintana requested. They did fail, I 14 think -- I know -- to file a written response. 15 And the sign is causing, I think, some 16 anxiety among people; because it's there, and you 17 see the words. 18 I think that -- and I appreciate the fact 19 that the Chair brought this to the Commission's 20 attention, because it is something we need to 21 resolve with the school. 22 I think their intentions have been 23 above-board, honest, and forward-moving. I don't 24 know; I've not had a conversation about the future. 25 And that's probably something we should all have</p>	<p style="text-align: right;">Page 193</p> <p>1 Mr. Lawson, and we talked about it, and I thought, 2 okay, everything is done. 3 But they did not respond to you in 4 writing, and that's where the problem arose. 5 MR. TED MAESTAS: If they don't respond to 6 us in writing, then we have to take another step of 7 action and go to the board and ask for a "show 8 cause" hearing. 9 Now, we do our best to work with the 10 districts and communicate verbally and in person; 11 but eventually, we have to move, because of the 12 rules that the Authority has in place, to have a 13 "show cause" hearing, at which time the board can 14 determine what action it wants to take. 15 So to date, we have not had the written 16 response. And we have some issues. When we still 17 see the sign, we don't know if they're carrying or 18 not. 19 COMMISSIONER JOHNSTON: No. I fully 20 understand, and I appreciate the fact to hopefully 21 get communication opened again for you guys. 22 COMMISSIONER TOULOUSE: Madam Chair, just 23 a point? 24 Commissioner Johnston, actually Corona is 25 in Lincoln County. The county line runs on the hill</p>

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1 just north of the town. When I had the welfare out
 2 there --
 3 COMMISSIONER JOHNSTON: So the school
 4 district is in Lincoln County?
 5 COMMISSIONER TOULOUSE: No. I'm saying --
 6 you said they were in Torrance County
 7 COMMISSIONER JOHNSTON: I'm talking about
 8 the school location; it was in Torrance County, I
 9 thought.
 10 COMMISSIONER TOULOUSE: I know; it's right
 11 at the edge. Because I carried those cases, and I
 12 had to have a different case number --
 13 COMMISSIONER JOHNSTON: Partially in
 14 Lincoln and partially in Torrance. But I thought
 15 the school was located in Torrance.
 16 COMMISSIONER TOULOUSE: The town is --
 17 THE CHAIR: Commissioner Peralta?
 18 COMMISSIONER PERALTA: Thank you.
 19 Mr. Maestas, the gentleman you brought,
 20 the expert, we'd like to hear from him.
 21 MR. JAMES VAUTIER: Hello, sir. My name
 22 is James Vautier. I'm also employed with POMS &
 23 Associates. I'm a risk manager, as well.
 24 So specifically, the big picture is we
 25 have a bunch of state laws concerning weapons on

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1 school grounds, and we have a bunch of exceptions to
 2 those laws. We have federal law; we have the
 3 concealed carry law. We have unlawful carrying of a
 4 deadly weapon on school grounds. That's a state
 5 law. And then we have standards for educators that
 6 also say, "No weapons by school employees." But
 7 every single one of those federal laws, state laws,
 8 have exceptions to them. And some of those
 9 exceptions create gray areas that can be interpreted
 10 to allow school employees to carry a weapon. So
 11 we're not by any means saying, "No, you can't be
 12 armed."
 13 But when the State statute that says,
 14 "Unlawful carrying of a deadly weapon on school
 15 grounds, except for school security personnel," and
 16 there's no definition of that, that kind of creates
 17 a problem.
 18 Ideally, we would like schools to contract
 19 with law enforcement officers, SROs, School Resource
 20 Officers. But schools -- it's a financial tough
 21 time. So some schools -- like when I was with the
 22 Albuquerque Police Department, APS had an MOU with
 23 us -- they didn't pay us any money for that. We
 24 just did it.
 25 But some schools in rural areas, they pay

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1 part of the salary. And some schools can't afford
 2 that. So if that's not an option, then we would
 3 rather them contract with an outside security
 4 company.
 5 And, again, it's because of liability
 6 reasons. Those insurance -- those security
 7 companies, as with the law enforcement agencies,
 8 have their own liability issue. They have -- I
 9 mean, security companies have to be licensed and
 10 bonded through the State. They have to have the
 11 Level 3 card. That's easy to verify for those
 12 security people. Again, it comes down to a
 13 financial issue.
 14 And in the case of Corona, I don't see any
 15 security companies out there. And I don't know that
 16 many security companies would travel that distance
 17 to work that school. Tough issue. So now you're
 18 reduced to, okay, we've got to arm staff. Okay.
 19 What staff are we going to arm? There's nothing out
 20 there.
 21 So we're surrounded by states that have
 22 created laws allowing school personnel to be armed.
 23 So that trickles down to school boards that can
 24 create resolutions and policies that reflect right
 25 off the state laws that have been created. We don't

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1 have state laws here that say specifically, "Schools
 2 can be armed, can arm their employees."
 3 So we're trying to go in before something
 4 horrible happens; or before we arm the wrong person,
 5 we're trying to go in and say, "If you're going to
 6 arm, let's do it the right way. Let's do it this
 7 way."
 8 And the minimum requirements that are out
 9 there are those required by the State Licensing and
 10 Regs for Security Level 3 cards. Everything else is
 11 law enforcement and higher.
 12 So we're not trying to -- we don't want to
 13 make it impossible for a school district to do it.
 14 And it's going to cost some money for them to do it.
 15 Or for the individual that the school says, "Okay,
 16 this teacher wants to do it," then the cost is on
 17 the teacher that the teacher wants to do it.
 18 I'd rather it not be a teacher. I'd
 19 rather it be somebody else that does not have
 20 responsibility for kids. But there's that whole
 21 cost issue; so they've got to kind of weigh out the
 22 costs. And it's tough. It's a tough issue.
 23 But that's the -- the very minimum
 24 training that's out there would be what's required
 25 by the State Licensing and Regs, which is Level 3

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1 Security. And that includes background check,
 2 fingerprint cards, two years on the -- two years of
 3 having continuing training, the mental health
 4 evaluation, all that stuff. We've got to make sure
 5 the right people have the weapon.
 6 Does that answer any question, sir?
 7 COMMISSIONER PERALTA: Yeah. Thank you.
 8 Thank you. I think that eases a lot of
 9 Commissioners' minds about how we're going to
 10 approach this; because I don't want to get into a
 11 deep-down research about firearms on campus and what
 12 have you.
 13 So thank you again.
 14 MR. JAMES VAUTIER: You bet.
 15 THE CHAIR: Commissioners, any other
 16 questions for the POMS Group?
 17 Thank you so much for your time.
 18 MR. TED MAESTAS: Thank you for having us.
 19 THE CHAIR: Just correct me. It's next
 20 month you expect that you'll have something to go
 21 before your board?
 22 MR. TED MAESTAS: We're hoping. We're --
 23 we're working on the plan right now. We have it
 24 generated. Just got to go through it and pick and
 25 choose what the board would like and then present

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1 it.
 2 We're not going to mandate that this be
 3 their plan. It's going to mandate what we require,
 4 and they can design their own, as long as it
 5 coincides with ours.
 6 THE CHAIR: I appreciate that. And I
 7 appreciate your time today. Thank you.
 8 MR. TED MAESTAS: Thank you.
 9 THE CHAIR: And I'll just ask if the
 10 individuals from Estancia Valley wish to come
 11 forward and speak.
 12 MR. HARLAN LAWSON: I'm Harlan Lawson.
 13 I'm vice president of the governing council of EVCA.
 14 MS. KIM ADAMS: Kim Adams, member of the
 15 GC at EVCA.
 16 MR. HARLAN LAWSON: Madam Chairwoman,
 17 Commissioners, I mention just a couple of things
 18 here and then obviously be more than happy to answer
 19 any questions that you have.
 20 We wrote our first letter to POMS in 2014
 21 asking for guidance on how we arm the security
 22 person on campus. Our last letter to them, I
 23 believe, was in February of '16. We don't
 24 understand some of the things in this letter that we
 25 received on August 30.

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1 But our president, Roger Lenard, called
 2 Mr. Quintana immediately, since his name was on the
 3 letter. In fact, on 1 September, he called and
 4 assured him that we did not have an armed presence
 5 on campus this year, and that they agreed that
 6 the -- basically, there was no hazard, then, because
 7 we don't have that.
 8 So before we armed Mr. Heckroth -- and
 9 Mr. Heckroth [ph] is a retired APD officer with full
 10 certification for concealed carry, as well as
 11 carrying his armed -- his weapon -- his service. He
 12 went back to APD and was recertified to carry and
 13 did the firearms recertification, as well. He was
 14 an EA on our staff, and we were just fortunate that
 15 we had someone of that quality and training that we
 16 could use.
 17 And so we told POMS in the letter that we
 18 were going to do that and gave them his
 19 qualifications, and we never received an answer.
 20 Finally, I talked to Judy Garcia in, I
 21 believe, about -- I'm not sure; but it was in the
 22 summer of 2016. She said that they were trying to
 23 get -- put together an answer that was a very
 24 difficult issue, as you can tell from Mr. Maestas'
 25 and Mr. Vautier's comments. And they were trying to

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1 put an answer together for us, but that if we were
 2 having that kind of a qualified person, and that if
 3 we had notified the local authorities that we were
 4 going to have an armed security guard on campus,
 5 that they couldn't stop us, basically, and that they
 6 would still try to answer our -- our letter.
 7 Nothing happened with that until we got
 8 this notification that we were violating some laws,
 9 possibly, which we don't believe we were. The
 10 statutes are, in fact, I think, very clear in
 11 New Mexico. It clearly says that a teacher cannot
 12 be a security officer. It says that a teacher can
 13 be a peace officer and, therefore, could carry.
 14 Since Mr. Heckroth is not a teacher -- he's an EA;
 15 he's not a licensed teacher -- we went the security
 16 route area after talking with a couple of our local
 17 law officers, primarily, Mr. Rivera who's the
 18 deputy -- or Undersheriff in Tarrant County.
 19 Finally, when we got this letter, like I
 20 said, Mr. Lenard called on the 1st of September and
 21 assured him that we do not have an armed security
 22 guard on campus this year; and, therefore, they
 23 agreed that there was really no critical hazard and
 24 to follow up.
 25 Mr. Lenard sent an e-mail to Mr. Quintana

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1 saying that was what he understood of the
2 conversation, that there was really no critical
3 hazard and, therefore, no response need.

4 If that's a mistake, we'll follow up and
5 answer in writing. But it's basically going to be
6 kind of simple. It's going to say, "We don't have
7 an armed security guard on campus"; so there's no
8 critical hazard in our mind right now.

9 And based on the 1 September conversation,
10 we believe that -- we thought the phone call
11 answered that, and we weren't concerned about the
12 10-day response time after that conversation.

13 Apparently, it wasn't discussed in that conversation
14 between Mr. Quintana and Mr. Lenard at all about
15 whether we still needed to answer in writing or
16 whether a telephone call would be acceptable.

17 But -- but the e-mail clearly stated, back
18 to Mr. Quintana, that that was our understanding of
19 the conversation.

20 So to summarize, we do not have an armed
21 security guard. We are working on a draft policy
22 now to answer what POMS has asked for. We feel like
23 that the board actually made a -- passed a motion on
24 the 16th of December, 2015, to proceed with arming
25 Mr. Heckroth, if we could determine from POMS what

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1 that we're not violating federal law or state law."

2 So we can comply with all of those, of
3 course. But it has changed is the point I'm telling
4 you, is that the instructions have changed, because
5 as this problem has become more and more prevalent,
6 POMS has gotten a whole lot more interested in
7 making sure that this is done correctly.

8 And we understand that. In our discussion
9 yesterday, Mr. Maestas and I agreed that we would
10 work together on this policy that we're doing. And
11 we told him that we'd be happy to, also, in
12 response, review his policy, so that we could add
13 anything that we could from our investigation.

14 So that's where we stand. We're prepared
15 to do that. If we still need to respond to that
16 letter, we'll send a written response very shortly.
17 I apologize for misunderstanding that, however that
18 happened. But since there is no armed security
19 guard this year, we felt like we were not in a
20 critical hazard situation. So did Mr. Quintana that
21 day.

22 So any questions?

23 THE CHAIR: And I want to assure you that
24 it's -- it's not our role to tell you "Yes" or "No,
25 you can't have that." That's not the issue --

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1 our criteria were and if we could meet the
2 requirements of the law.

3 So we went through that process and went
4 ahead, and, because of his certification and meeting
5 the requirements, and when we notified the
6 Department of Public Safety, the State Police, both
7 the district and local, the Moriarty Police Chief,
8 the Edgewood Police, and the Tarrant County
9 Sheriff's Department, they all cheered us for having
10 someone on campus, because they knew they couldn't
11 get there in time to really make a difference in an
12 active shooter role.

13 We've had several active shooter trainings
14 from POMS; they've been very good. Ever since we
15 opened, we've had those periodic -- we've had
16 three, if I remember right. So we do use POMS from
17 a training standpoint.

18 We don't really think we have an argument
19 with POMS, other than we're a little bit confused;
20 because in talking with Mrs. Garcia back in '16, she
21 didn't talk about anything but a verbal notification
22 to the police departments. Now, in this letter, it
23 says, "We need a letter from each local police
24 department, we need a letter of endorsement from
25 PED, and we need to get a legal opinion that says

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1 MR. HARLAN LAWSON: Understand.

2 THE CHAIR: -- that's before us. There
3 are other legal issues around that.

4 Our concern was that there was this
5 request, and there was a timeline that was set up
6 for a response. And I guess it's a matter of how
7 you read something.

8 When I read the letter, I read it as that
9 requiring some written responses to it, not just
10 a -- you know, a phone call. Because as Mr. Maestas
11 has said, just because you make that phone call,
12 they need a written record that that is what you say
13 it is.

14 So that that's the -- that's the level of
15 concern that we had, that there is -- there is
16 communication that's -- that apparently is not going
17 on, or there is a misinterpretation of what is being
18 required. And I just want to make sure that the
19 school is following, as best they can, the
20 guidelines that are being set up.

21 And it didn't appear that the school --
22 from the second letter that came out, that the
23 school was communicating adequately with either
24 NMPSIA or POMS.

25 MR. HARLAN LAWSON: Understand. And we

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1 will send a written response to that letter. Like I
2 said, we just thought the telephone call, since it
3 showed no hazard, that's what Mr. Quintana also had
4 said. And when I talked to him yesterday, he did
5 recall the conversation and said that Mr. -- he or
6 Mr. Maestas would probably be here today.

7 So I think we're talking -- we talked
8 yesterday. We have always tried to talk with POMS.
9 We have sent -- like I said, we worked this problem
10 from end to end, trying to get the advice we needed.
11 And we thought we had all the guidance we needed
12 when we acted last year.

13 And we were very fortunate, as I said, to
14 have an individual on staff who met all those
15 certification requirements that they're talking
16 about in their proposed policy. So we concur with
17 that. We think that's a wise decision.

18 The other thing that I believe is -- all
19 the schools that are more than just 30 seconds,
20 basically, from a law enforcement agency are going
21 to have to look at this. And that's what, I think,
22 Mr. Maestas was pointing out. It's starting to be
23 more and more prevalent. People are talking about
24 it. We've got to look at whether that's an option.
25 And I was really encouraged to hear them say that

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1 COMMISSIONER PERALTA: I recommend you
2 take it down until everything gets worked out.
3 Again, as the Chair says, we're not here to say
4 "Yes" or "No"; again, I think it's more about
5 what -- how you comply with what's required by your
6 Insurance Authority so you can ensure that we move
7 forward on that.

8 Thank you.

9 MR. HARLAN LAWSON: Understand.

10 COMMISSIONER PERALTA: Thank you, Chair.

11 COMMISSIONER TOULOUSE: Madam Chair, I
12 just have a quick comment.

13 I think maybe you've learned the lesson I
14 learned a year or so after state government. If
15 it's not in writing, it doesn't exist. You put it
16 down in writing; it may be superfluous. But it's
17 always helpful to have the backups then.

18 And, I mean, that's the lesson we all
19 learn. And I'm assuming now your governance council
20 knows, yeah, do everything in writing. And inundate
21 people with paperwork. That's what bureaucrats are
22 for, right?

23 So, thank you.

24 THE CHAIR: Director?

25 MS. POULOS: Madam Chairwoman,

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1 they want to work with the schools also to try to
2 bring this to a clear and final conclusion.

3 THE CHAIR: Right. Commissioner Peralta,
4 did you want to say something?

5 COMMISSIONER PERALTA: Yeah. Thank you.

6 So it seems like, Mr. Lawson, that the
7 details really need to be worked out between you,
8 POMS, or EVCA. I'm not really sure. Again, I'm
9 concerned about the communication or the lack
10 thereof and why we didn't get responses when those
11 were requested by the agency.

12 And so right now, you don't have anybody
13 that's on campus; correct?

14 MR. HARLAN LAWSON: Do not. That's
15 correct.

16 COMMISSIONER PERALTA: Moving forward,
17 seems like you're going to create the policy to get
18 that worked out with POMS or NMPSIA to make sure
19 that complies with what's required. That may take
20 some time.

21 MR. HARLAN LAWSON: It may.

22 COMMISSIONER PERALTA: The sign is up or
23 down?

24 MR. HARLAN LAWSON: I think it's still up;
25 but we will take it down until --

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1 Commissioners, I did just want to address one thing.
2 We heard that potentially, the request is that PED
3 will provide an endorsement. PED will not be
4 providing endorsements for anything like this. And
5 so that's just something I want everyone to be aware
6 of is based on legal counsel's advice, that is not
7 something we will be able to do.

8 COMMISSIONER JOHNSTON: And may I ask a
9 question? Define "endorsement."

10 MS. POULOS: I cannot do that. I've seen
11 the letter.

12 THE CHAIR: It's the part of the letter.
13 It was one of the requests in the critical -- it was
14 my -- I think it does say --

15 COMMISSIONER JOHNSTON: "Endorsing";
16 supporting. Okay. I found it.

17 THE CHAIR: So that's good information for
18 POMS at this point in time; so they're not putting
19 something in that schools are not going to be able
20 to comply with.

21 So thank you for that information. And
22 thank you once again.

23 MS. KIM ADAMS: Thank you.

24 MR. HARLAN LAWSON: You're welcome. Thank
25 you.

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1 THE CHAIR: I appreciate the time.
 2 Okay. So we're -- Report from the Chair.
 3 And this will be quick.
 4 And I didn't even know that the PEC
 5 calendar -- I didn't know that was going to be on
 6 there. So how about that? So here we are. So here
 7 we are with the calendar.
 8 So Commissioner Peralta will -- because
 9 that was a surprise to me when I read the minutes,
 10 that I'm going to assign someone to do the calendar.
 11 So how about that?
 12 So here we go. Commissioner Peralta did
 13 such a good job last year; so we will move forward
 14 on that, because that is something that we do vote
 15 on in December.
 16 COMMISSIONER PERALTA: Madam Chair?
 17 So with that, Madam Chair, I just ask
 18 Commissioners, between now and maybe the next
 19 meeting or so, if you'd just send me some e-mails
 20 about your calendars and holidays or anything of the
 21 sort that may conflict that I need to pay attention
 22 to, if you'd do so within the next 30 or 45 days or
 23 so, I'd appreciate it.
 24 THE CHAIR: And I'll ask Beverly to send
 25 out a reminder so that the Commissioners are tweaked

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1 a little bit. Because some of us are traveling and
 2 so on, so that we do get that to Commissioner
 3 Peralta in a timely fashion.
 4 I had the opportunity, as Commissioner
 5 Johnston did, as well, to attend the ACES Regional.
 6 They had four, I believe -- three or four regional
 7 meetings with charter schools.
 8 I'm enlightened on custodial services for
 9 schools. But it was -- it's always a pleasure to be
 10 able to have good conversations with the charters.
 11 We did have an opportunity to speak for a
 12 little bit on the performance framework, so that --
 13 and the Charter Coalition was also invited to attend
 14 the regional, and both Matt and Kelly were there so
 15 that they were -- the schools were encouraged to
 16 please submit their input so that Public Impact will
 17 have as much information as possible so that they
 18 can help us in the framing of these new frameworks,
 19 which wasn't a good use of words.
 20 So I appreciate the work that ACES does
 21 and the opportunity to meet with those schools.
 22 I did not attend the LESC in Artesia. I
 23 will leave that to the two Commissioners that did
 24 attend. I will remind Commissioners that the LESC
 25 has changed two of its dates. It changed the

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1 October date to the Tuesday, Wednesday, Thursday, of
 2 that week, not the Wednesday, Thursday, Friday. So
 3 they've backed up one day in October. And they
 4 changed the December. But the December falls during
 5 our meeting; so that's -- that is what it is.
 6 I have not seen an agenda yet for LESC for
 7 October; so -- and there's four of us that are
 8 leaving Sunday for -- for Phoenix, and we will be
 9 attending the NACSA conference. So looking forward
 10 to that.
 11 And conversations regarding school
 12 improvement plans, I've actually -- I've actually
 13 started, because the letter -- so I've actually
 14 started contacting schools. So I'll have more
 15 information, once I get a better idea from the
 16 schools as to when they're -- and, actually, I
 17 had -- I had a thought -- so rare -- because the
 18 Director and I talked a little bit about talking to
 19 the renewal schools first.
 20 And then I thought, "You know what? We're
 21 going to have a pretty big conversation with them in
 22 December."
 23 So I really thought the renewal schools
 24 are the schools we least need to talk to right now,
 25 because the Charter School Division is out doing

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1 their renewal review site visits, and we'll have
 2 them before us. So anything that we really need to
 3 speak with them about, we'll have that opportunity
 4 in December. It's the schools that aren't coming
 5 before us soon that we probably need to spend a
 6 little more time with. So I've kind of reversed
 7 thought on that.
 8 So I'll have some more information, once
 9 we -- once I hear back from the schools and be able
 10 to set a schedule for those meets.
 11 And that leads me to the Charter School
 12 Coalition, who was here. I don't know what
 13 happened. And there isn't anyone, I believe, from
 14 the School Boards Association. We're leaving them
 15 on the agenda. If they have something, they will
 16 come; if they don't have something, obviously, they
 17 won't be here.
 18 COMMISSIONER ARMBRUSTER: I saw Kelly walk
 19 out.
 20 THE CHAIR: But if she comes back before
 21 we have a Motion to Adjourn, I'll give her -- but,
 22 otherwise, I will leave it to PEC Comments.
 23 So, Commissioner Caballero?
 24 COMMISSIONER CABALLERO: None at this
 25 time, Madam Chair.

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1 THE CHAIR: Thank you.
 2 Commissioner Conyers?
 3 COMMISSIONER CONYERS: Just an observation
 4 with our last discussion here on school security.
 5 And this -- I've thought about this for many years.
 6 I started teaching in 1970. And the
 7 changes that we've seen in the schools in terms of
 8 the need for security, it's just kind of
 9 heart-breaking to me. I served a number of years as
 10 a junior high principal, where when there was an
 11 issue, I was the one who was the security, you know,
 12 who would go out and get in the middle of it. And
 13 then as school board president, we ended up hiring
 14 a -- kind of a director of security for the school
 15 district.
 16 And even now when I go to my grandkids'
 17 schools, I can't walk in there. I have to buzz in
 18 and say who I am and what my business is. And
 19 it's -- I don't know. It's just sad.
 20 THE CHAIR: Thank you.
 21 Commissioner Toulouse?
 22 COMMISSIONER TOULOUSE: Madam Chair, I
 23 attended the Thursday and Friday of the LESC meeting
 24 in Artesia. Our court reporter here was very kind
 25 to give me the ride down, because I don't drive that

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1 The LFC is more fun to get a political fix from.
 2 But I did talk to them about four-year-old
 3 programs, because that was part of their agenda, and
 4 that we are having more and more schools that are
 5 either coming before us or requesting pre-K that we
 6 don't oversee, or who actually have it and we aren't
 7 informed that they have it.
 8 Some of them have it for profit because
 9 they can charge for it, and others have the
 10 State-covered ones. But we don't know about it.
 11 They -- most of them, we tend to find out when they
 12 come in front of us and make a comment.
 13 I have concerns how that might affect
 14 their budgets when we look at them, how it would
 15 affect their cap for their students and facilities.
 16 So I suggested that that might be a little
 17 tweak that they wanted to do, and that anybody who
 18 was receiving State funds for a pre-K program and
 19 was a charter school should come under our overview,
 20 because of the whole picture of the pre-K through
 21 whichever -- how far that school goes.
 22 The other thing I saw, which was a very
 23 interesting program, was schools in the Southeast --
 24 and I imagine Commissioner Ruiz may know about
 25 this -- is the rocketry program that they have. And

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1 far.
 2 We saw Carolyn Shearman on Wednesday
 3 night. We got in Wednesday afternoon, and we --
 4 really, we got a tour of the Artesia High School
 5 facilities. I can tell you. And I'm very pleased
 6 that while Commissioner Shearman, who has resigned
 7 from that school board so that a relative can take a
 8 job with the school board, has made sure that there
 9 are absolutely equal female and male facilities
 10 in -- for everything at that school district.
 11 I'm not sure that there was a whole lot
 12 that came before it that is specific to charter
 13 schools. But on the last -- on the second day, I
 14 signed up for public comment; because usually, when
 15 I go, I'm with Senator Lopez, who leaves early to go
 16 get kids from school, so this time, I could do it.
 17 And I pointed out to them, which several
 18 committee members had no idea, that we actually have
 19 liaison positions with their committee, and that I
 20 was one, which is why I was showing up regularly.
 21 THE CHAIR: They thought you were stalking
 22 them?
 23 COMMISSIONER TOULOUSE: Well, I think they
 24 thought I was getting my political fix, which I do.
 25 But there are other committees that are more fun.

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1 they brought students from many of the small
 2 schools.
 3 And it started because there were Texas
 4 schools coming in and shooting their rockets off at
 5 White Sands. And White Sands contacted some of the
 6 school districts and said, "How come Texas is coming
 7 in here, and you don't?"
 8 So we had a presentation. And some of the
 9 very small school districts have done it. And it's
 10 a program with NASA scientists connected to it. And
 11 it costs very little to get into the program. And
 12 the only requirement, then, that you purchase from
 13 them are the actual rocket engines; so they make
 14 sure that they're appropriate.
 15 But what I liked is the kids have to teach
 16 it to themselves. So the teachers who are
 17 supervising it also have to learn, when the kid
 18 says, "How do you do this," saying, "I can't help
 19 you figure it out."
 20 And, for instance, they had a ninth-grade
 21 girl who turned out to be the captain of her team
 22 who was taking Algebra 1. And by the end of their
 23 year when they were launching, she figured out
 24 trigonometry as a part of the program.
 25 They brought students from all of these

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<p>1 schools, the superintendents, the principals. And I 2 suggested to them, because they were looking at 3 small schools -- although they're looking to anybody 4 that wants to offer it, APS or anything -- that our 5 charter schools up and down the Rio Grande Valley 6 would be a perfect place, because they're smaller 7 schools. 8 What you need is an inspired teacher who 9 is willing to step away without supervising the 10 problems. The first year, they have to send a 11 one-pound load up 10,000 feet. The second year, 12 it's a five-pound, and their rocket has to go faster 13 than the speed of sound. 14 And they get grades for doing this. And 15 they learn as much from their failures, because they 16 have to analyze them as failures. And they 17 really -- and when they were showing pictures of 18 when they got together and did the shoot, the 19 culinary arts in some of the schools showed up and 20 sold -- 21 THE CHAIR: Space food? 22 COMMISSIONER TOULOUSE: I don't think they 23 had frozen ice cream -- or the freeze-dried ice 24 cream. But, I mean, it just looked like it was a 25 real community thing.</p>	<p>1 changed. And I was, at one time, considered the 2 armed security; because back in the day, I used to 3 wear three-inch heels. And it was amazing what 4 accidentally stepping on someone who's involved with 5 a fight with that three-inch heel, how quickly it 6 can stop a fight. 7 And those days are unfortunately gone; 8 so -- but we're moving forward. 9 Commissioner Armbruster? 10 COMMISSIONER ARMBRUSTER: Is that because 11 you're not wearing your three-inch heels? 12 Okay. 13 THE CHAIR: Those days are long gone. 14 COMMISSIONER ARMBRUSTER: I don't think I 15 have anything. 16 THE CHAIR: Commissioner Robbins? 17 COMMISSIONER ROBBINS: Nothing. 18 THE CHAIR: Commissioner Johnston? 19 COMMISSIONER JOHNSTON: I did attend the 20 ACES regional meeting that was in Albuquerque. And 21 it was most informative. I think there were 22 30 schools, potentially, that could have been 23 representative -- represented. 24 I was really encouraged to see the 25 Coalition's presentation and the collaboration that</p>
<p>Page 219</p> <p>1 And this year, they're going to shoot the 2 rockets from Jal on the 18th of April. And 3 everybody is kind of invited. I don't know that I 4 could get down there. But I'd kind of like to go 5 see it. But I think that is a program that should 6 come into our schools. 7 And I talked briefly with the man who's 8 been in charge of it and gave him my card and said 9 if he wants to know which schools I think that I 10 know might benefit, he said, "Well, we talked to one 11 or two of them, and they weren't interested." 12 Well, they don't know all of the schools. 13 But I think if any of us could think of our schools, 14 we ought to. I'm saying I think Commissioner Ruiz 15 probably knows a lot more about this program than I 16 do. And I just thought that was -- to watch these 17 kids, who were excited... 18 COMMISSIONER RUIZ: Oh, yeah. 19 COMMISSIONER TOULOUSE: So that's it. 20 Thank you. 21 THE CHAIR: Commissioner Peralta? 22 COMMISSIONER PERALTA: No, not at this 23 time. 24 THE CHAIR: I'll just affirm Commissioner 25 Conyers' remarks, that it's a shame that times have</p>	<p>Page 221</p> <p>1 appears to be beginning to strengthen among all of 2 the entities, the Coalition, the Charter School 3 Division, and the Commission. And that was really 4 evident; and particularly in the presentation -- 5 because this one was after the awarding of the 6 grant. 7 And I'm sorry Kelly is not here; 8 because -- here she is. She's back. 9 Okay. So I don't have to cover it all. 10 But it was very positive, all of the interaction. I 11 learned a great deal. Alice B. King is a wonderful 12 facility. 13 There is -- and Kelly's back. I had 14 written down -- that's what -- the December the 8th 15 meeting. You'll have the information on that; 16 because we hadn't mentioned it. 17 MS. CALLAHAN: Yes. 18 COMMISSIONER JOHNSTON: I want to -- I 19 also was invited to attend the Secretary Designate's 20 presentation to the Classical Academy and to 21 Estancia Middle School. They were both "A" schools. 22 And so at the Classical Academy and in Estancia 23 Middle School, we had the Secretary Designate, 24 Ms. Montoya, who is an associate secretary? 25 Assistant secretary? What, Director Poulos?</p>

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1 "Deputy" is her title? Ms. Montoya? Is she a
2 Deputy Secretary?

3 MS. POULOS: She's a Deputy Secretary.

4 COMMISSIONER JOHNSTON: And then Mark
5 Miller.

6 MS. POULOS: Mike.

7 COMMISSIONER JOHNSTON: Mike Miller, whose
8 parents live in Moriarty. I didn't know that. But
9 he was there.

10 It was a wonderful experience for me. And
11 I'd like to thank the Classical Academy for bringing
12 that grade up to an "A." Very responsive. And I'd
13 like to recognize Estancia.

14 And on that same security note, how many
15 times -- and my husband -- how many times have any
16 of us stepped out in the middle of traffic and gone
17 like this (indicates) and expected all the cars to
18 stop?

19 So it is changing. And in Estancia,
20 particularly, great pride is taken in that there is
21 no fence around the school, and they need the
22 security. And we've had a long-time collaborative
23 relationship and are fortunate to have a city police
24 group there who provide resource officers. And the
25 school district has been historically able to pay

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1 And it -- you know, it's a perfect example
2 of what we talked about in here in terms of
3 education. It's hands-on. One kid went so far as
4 calculus. And it is a group learning project; and
5 it is, really. He's also -- Mr. Willden is working
6 with -- Branson?

7 THE CHAIR: Oh, yeah, Virgin Galactic down
8 at the Spaceport.

9 COMMISSIONER CRONE: Yes. Virgin
10 Galactic. And they want to launch a rocket real
11 soon down there, a spaceship.

12 THE CHAIR: It's a good thing the
13 Spaceport is being used for something.

14 COMMISSIONER CRONE: I do want to tell
15 you. I've been on the NMPSIA Board for a number of
16 years now. And we've been seeing an increase in
17 problems connected to security. This -- and POMS
18 and NMPSIA have done a really good job of
19 controlling it to this point.

20 But there was one charter where the -- the
21 person had a license to carry. But he left his
22 pistol on the front seat of his car. And so, you
23 know, we've heard a number of horror stories like
24 that.

25 There's a school near to Mr. Conyers, a

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1 part of that salary.

2 But it guarantees that we have a presence
3 on campus. And it has helped. It has helped
4 maintain the integrity.

5 So I, too, feel that, because it's too
6 bad. I don't think it will ever be students who are
7 non-responsive to our requests as adults in the
8 school asking them to do something. But you can
9 never account for the response of someone who is not
10 a student in that district and that response. And
11 that's why we require security. It's from the
12 outside in; it's not from the inside out.

13 So I'm pleased that students still learn
14 to respect their school, for the most part, and
15 support those schools.

16 THE CHAIR: Thank you.

17 Commissioner Crone?

18 COMMISSIONER CRONE: The man who does the
19 rocket program is Dave Willden with the -- he's in
20 the REC, a director in that part. And he's got a
21 presentation that -- if the Commissioners are
22 interested. Dave is back on the NMPSIA board; so
23 Trish, Dave, and I are all on the NMPSIA board. So
24 I know he'd be happy to come. He's very proud of
25 what those kids have done.

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1 little bit south of you, that they wanted to arm the
2 maintenance people.

3 So I think it's great that it's on our
4 radar, as well.

5 THE CHAIR: Thank you.

6 Commissioner Ruiz?

7 COMMISSIONER RUIZ: No comment.

8 THE CHAIR: So before we adjourn --

9 MS. CALLAHAN: My apologies. I had to
10 take that phone call.

11 I just have a couple of things. First,
12 may I -- may I pass out the hot-off-the-press -- you
13 guys got it at the -- at the -- the --

14 THE CHAIR: At the regional meeting.

15 MS. CALLAHAN: I'm Kelly Callahan, and I'm
16 the Director of School Quality and Support at the
17 New Mexico Coalition for Charter Schools, for the
18 record.

19 And we were commissioned to work with the
20 U.S. Department of Education and the Colorado League
21 of Charter Schools to do a report about facilities
22 and the quality of facilities for charter schools.
23 And this is -- there's been 30 states that have been
24 involved in this process.

25 Now, unfortunately -- and I'm not sure how

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1 to take this -- the New Mexico -- they could only
2 afford to do Albuquerque; so -- but I did insist, as
3 part of the report, that they do some extrapolating
4 on -- because the recommendations on this are
5 pretty -- it's common throughout. It's not just an
6 Albuquerque issue; it's a charter facility issue.
7 And so the data would be from Albuquerque; but
8 there -- but it does talk about it in terms of the
9 state.

10 And so this is going to be released next
11 week officially to the press and everything. But we
12 wanted the school leaders to have a copy of it. And
13 we also wanted to give you guys a copy before that
14 was released, and then we will be sharing with the
15 Legislature. We'll be sharing with the school
16 districts. We'll be sharing -- but we wanted to get
17 this.

18 So may I pass this out?

19 THE CHAIR: Certainly.

20 MS. CALLAHAN: It's some light reading.
21 So the ink is fresh.

22 So this -- this report is very
23 interesting. You know, I -- I'm not going to go
24 into it. Please read it, and we'll talk about it
25 more as we get closer to the session.

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1 But it's pretty clear that there's an
2 issue of charter facilities that -- and equity. And
3 I think it's something, Commissioner Peralta, that
4 the PSCOC struggles with. And so hopefully, there
5 will be some tangible recommendations that may
6 possibly be something to be discussed in this or
7 upcoming Legislative Sessions of how to mitigate the
8 issue of charter school facilities.

9 It is a huge challenge. Speaking as a
10 former charter school administrator, your facility
11 work does a lot and takes away a lot from time that
12 you could be spending with your kids.

13 And so we -- we tried to do this as -- as
14 neutrally as possible, because it's -- it covers
15 both PEC schools, district school, and APS. And so
16 we -- we feel like there's some good information on
17 there. But, again, we definitely will bring this up
18 in further discussions.

19 So just a couple of things.

20 Apologies. Matt had other meetings. I
21 think he e-mailed you --

22 THE CHAIR: Yes, he did.

23 MS. CALLAHAN: -- Madam Chair.

24 And so -- but we just wanted to say a
25 couple of things. The Coalition right now is

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1 working on their legislative platform. And we would
2 welcome any kind of collaboration that we could do
3 with the Commission.

4 I'm not sure if you have a subcommittee
5 that is your legislative platform committee, or
6 however -- or working with the Exec Committee,
7 working with the subcommittee you design; but we
8 would be really interested in creating that
9 collaboration.

10 Commissioner Johnston, thank you. We are
11 trying to do the work, because if there's -- there's
12 so many people involved with charter schools. And I
13 think everybody really does want to do right by kids
14 and schools.

15 So working with Katie, working with the
16 Commission, working with the district authorizers, I
17 think it's really important that we all have the --
18 you know, at least a similar message moving forward.

19 So Matt and I would love to have a
20 conversation. I imagine that's something that, when
21 you all meet, will be covered as well. So thank you
22 for that.

23 And then last but not least, we are
24 formally announcing our conference. The annual
25 conference will be this year, December 8th and 9th.

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1 We're doing it later. And based on the last
2 meeting, we changed our dates, because we were going
3 to do it the same as the School Boards Association;
4 but we said we did not want to conflict with that.

5 So we just received final notice on a
6 venue. And so December 8th and 9th; that's a Friday
7 and a Saturday. Once again, the Commission is
8 invited to participate in this conference
9 free-of-charge. We will be sending specific
10 information to you all; but we just -- again, hot
11 off the press, we're sending out our -- putting our
12 notice on the website.

13 We have a theme about "Rising Up, Raising
14 Charters to New Heights." And we have a hot air
15 balloon as our logo. So we're excited, got some
16 great presentations already on the docket, working
17 with Public Impact. They have said that they would
18 come and do a session with Katie and -- about the --

19 THE CHAIR: Performance frameworks?

20 MS. CALLAHAN: -- performance frameworks.

21 So we are excited that we're going to have some
22 great features.

23 Also, I just want to put a great big
24 shout-out to Katie. Thank you so much. Matt and
25 Katie and I are going to work together to ensure

1 that there is a governing council strand at the
2 conference. We're in the middle of trying to put
3 applications together. It's a very stringent
4 process, as it should be. And so Matt and I are
5 working on our training plan; but there's just no
6 way we would probably get something done by the
7 conference.

8 So Katie and her team have stepped up, and
9 so we're going to work together to put a training
10 strand for the conference so people that are coming
11 from out of town will have the opportunity. So
12 we're going to be working with that over the next
13 couple of weeks.

14 So, again, thank you, Katie. Really
15 appreciate that. And we're looking forward to it.

16 So please read this report. I will
17 also -- we'll also get this out electronically on
18 the website and look forward to some feedback and
19 how we can work with -- with that, and then
20 collaborating on possible legislative issues that
21 are coming.

22 So if you have any questions, please feel
23 free. Otherwise, I will shut down.

24 THE CHAIR: Okay. Thank you. And we look
25 forward to December.

1 BEFORE THE PUBLIC EDUCATION COMMISSION
2 STATE OF NEW MEXICO

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5 REPORTER'S CERTIFICATE

6 I, Cynthia C. Chapman, RMR, CCR #219, Certified
7 Court Reporter in the State of New Mexico, do hereby
8 certify that the foregoing pages constitute a true
9 transcript of proceedings had before the said NEW
10 MEXICO PUBLIC EDUCATION COMMISSION, held in the State
11 of New Mexico, County of Santa Fe, in the matter
12 therein stated.

13 In testimony whereof, I have hereunto set my
14 hand on October 27, 2017 .

15
16
17 _____
18 Cynthia C. Chapman, RMR-CRR, NM CCR #219
19 BEAN & ASSOCIATES, INC.
20 201 Third Street, NW, Suite 1630
21 Albuquerque, New Mexico 87102

22
23
24
25 Job No.: 8906L

1 That being said, I'll entertain a motion
2 to adjourn.

3 COMMISSIONER RUIZ: So moved.

4 COMMISSIONER CRONE: Second.

5 THE CHAIR: Motion to adjourn by
6 Commissioner Ruiz, second by Commissioner Crone.
7 All in favor.

8 (Commissioners so indicate.)

9 THE CHAIR: And just remind everyone that
10 we're back here tomorrow at 1:30.

11 (Proceedings adjourned at 2:16 p.m.)
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1 RECEIPT

2 JOB NUMBER: 8906L CC Date: 10/12/16

3 PROCEEDINGS: Public Meeting

4 CASE CAPTION:

5 *****

6 ATTORNEY: MS. BEVERLY FRIEDMAN, NMPED

7 DOCUMENT: Transcript / Exhibits / Disks / Other _____

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17 DOCUMENT: Transcript / Exhibits / Disks / Other _____

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