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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING

March 10, 2017

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall  
300 Don Gaspar  
Santa Fe, New Mexico

REPORTED BY: MABEL JIN CHIN, NM CCR #81  
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## 1 A P P E A R A N C E S

## 2 COMMISSIONERS:

3 MS. PATRICIA GIPSON, Chair

4 MR. GILBERT PERALTA, Vice Chair

5 MS. KARYL ANN ARMBRUSTER, Secretary

6 MS. MILLIE POGNA, Member

7 MS. CARMIE TOULOUSE, Member

8 MR. TIM CRONE, Member

9 MS. TRISH RUIZ, Member

10 MS. DANIELLE JOHNSTON, Member

11 MR. R. CARLOS CABALLERO, Member

12

## 13 STAFF:

14 MS. KATIE POULOS, Director,  
Charter Schools Division

15

16 MS. AUDREY MCKEE, Assistant Attorney General  
Counsel to the PEC

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18 MS. BEVERLY FRIEDMAN, PED Custodian of Record and  
Liaison to the PEC

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1 SANTA FE, NEW MEXICO, MARCH 10, 2017, 9:02 A.M.

2

3 CHAIRMAN GIPSON: All right. We'll start.

4 Okay. I call to order this meeting of the  
5 Public Education Commission. It is Friday, March 10th  
6 and it is 10 -- 9:02 a.m., sorry. I was getting ahead  
7 of myself.

8 So I will ask Commissioner Armbruster to do  
9 a roll call vote, please?

10 COMMISSIONER ARMBRUSTER: Commissioner  
11 Pogna?

12 COMMISSIONER POGNA: Here.

13 COMMISSIONER ARMBRUSTER:  
14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Present.

16 COMMISSIONER ARMBRUSTER: Commissioner  
17 Armbruster is here.

18 Commissioner Conyers?

19 Is not here.

20 Commissioner Peralta?

21 COMMISSIONER PERALTA: Here.

22 COMMISSIONER ARMBRUSTER: Commissioner  
23 Gipson?

24 CHAIRMAN GIPSON: Here.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Johnston?

2 COMMISSIONER JOHNSTON: Present.

3 COMMISSIONER ARMBRUSTER: Commissioner Crone  
4 is not here.

5 Commissioner Caballero?

6 COMMISSIONER CABALLERO: Here.

7 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

8 COMMISSIONER RUIZ: Here.

9 COMMISSIONER ARMBRUSTER: We have seven.

10 CHAIRMAN GIPSON: So we have a quorum of  
11 seven commissioners present. Thank you.

12 We'll now move on to the Pledge of  
13 Allegiance and the salute to the New Mexico flag.

14 And I will ask Commissioner Johnston to lead  
15 us in the pledge and I'll do the salute.

16 (The Pledge of Allegiance and  
17 the salute to the New Mexico flag.)

18 CHAIRMAN GIPSON: Let the record reflect  
19 that Commissioner Pogna and Commissioner Crone are now  
20 present.

21 Thank you.

22 We are now on to item number 2, approval of  
23 the agenda.

24 And, does anyone have any changes? I have  
25 one.

1 Commissioner Caballero.

2 COMMISSIONER CABALLERO: Yes. I would like  
3 to see if it's okay with the Commissioners --

4 CHAIRMAN GIPSON: I'm sorry, Commissioner  
5 Pogna has difficulty hearing, so --

6 COMMISSIONER CABALLERO: I will wait for  
7 her.

8 CHAIRMAN GIPSON: If you could use the mike?  
9 Thank you.

10 COMMISSIONER CABALLERO: I'm pressing.

11 CHAIRMAN GIPSON: I don't know if they are  
12 on.

13 They are on.

14 COMMISSIONER CABALLERO: Okay. Yes. My  
15 change is that we move item 11 to the last. In other  
16 words, switch 11 and 12 so that -- no, 10, 10 to the  
17 end -- no, I'm getting it all confused here. Hold on.  
18 I wanted to do the Public Comments before we do the  
19 closed session.

20 CHAIRMAN GIPSON: That was actually my  
21 recommendation as well, so thank you.

22 COMMISSIONER CABALLERO: Okay. I finally  
23 got it.

24 CHAIRMAN GIPSON: So are there any  
25 objections to moving item number, 12 Public Forum, and

1 put that as item number 11, and we'll then move the  
2 Estancia Valley to 12, the closed session to 12?

3 Seeing no objections, all those in favor  
4 of --

5 COMMISSIONER TOULOUSE: I had a --

6 CHAIRMAN GIPSON: Do I have a motion?

7 Do I have a motion to approve the minutes?

8 There is a motion by Commissioner Toulouse  
9 and a second by Commissioner Crone. All in favor?

10 (Ayes.)

11 CHAIRMAN GIPSON: Thank you. Any opposed?

12 None. Thank you.

13 We are now onto item number three, Approval  
14 of Minutes and Transcript, and A is Approval of the  
15 February 9th, 2017 Work Session Minutes. Do I see any  
16 corrections to those minutes?

17 If there are no corrections to the minutes,  
18 I will entertain a motion.

19 There is a motion by Commissioner Ruiz, a  
20 second by Commissioner Johnston. All in favor?

21 (Ayes.)

22 CHAIRMAN GIPSON: Opposed?

23 None.

24 There is no opposition to that. We are on  
25 to B, Approval of PEC Meeting Transcript/Minutes for

1 February 10th, 2017. Do we have any changes to or  
2 corrections to those? Corrections -- I mean, more  
3 than changes?

4 Seeing none, I will --

5 DIRECTOR POULOS: Madam Chair, if none of  
6 the Commissioners have them, as I was reviewing the  
7 minutes, I did note that on several instances  
8 Commissioner Armbruster was identified in the record  
9 as Commissioner Peralta somehow. And I believe  
10 Commissioner Peralta was not able to attend that  
11 meeting, so that's why it jumped out to me as  
12 incorrect.

13 CHAIRMAN GIPSON: Got you.

14 DIRECTOR POULOS: So I did want to raise  
15 that for the Commission.

16 COMMISSIONER ARMBRUSTER: Okay.

17 CHAIRMAN GIPSON: I will offer the  
18 correction to the minutes of February 10th, wherever  
19 Commissioner Armbruster -- wherever Commissioner  
20 Peralta is noted in the minutes, it should be  
21 Commissioner Armbruster in the minutes.

22 COMMISSIONER ARMBRUSTER: Probably.

23 DIRECTOR POULOS: They are very easy to  
24 confuse.

25 CHAIRMAN GIPSON: They are.



1 All right. Are there any further  
2 corrections to that?

3 I will entertain a motion to accept the  
4 minutes as corrected.

5 There is a motion by Commissioner Ruiz, a  
6 second by Commissioner Gipson. All in favor?

7 (Ayes.)

8 CHAIRMAN GIPSON: Any opposed?

9 There is no opposition.

10 We will move on to C, approval of PEC  
11 summary minutes for February 10th, 2017. I'm going to  
12 ask the director, did the same mistake occur in those?

13 DIRECTOR POULOS: No. That's how we  
14 discovered the mistake.

15 CHAIRMAN GIPSON: Okay. Without -- are  
16 there any corrections to these?

17 Seeing none, I'll entertain a motion.

18 Motion by Commissioner Toulouse, a second by  
19 Commissioner Armbruster. All in favor?

20 (Ayes.)

21 CHAIRMAN GIPSON: Opposed?

22 There is no opposition.

23 Okay. We are now on to item number 4, and  
24 that is approval of the PEC Rules of Procedure.

25 And the Commissioners have all received

1 these prior to this meeting. These are -- this is the  
2 work product from the work session of February -- was  
3 it 10th?

4 COMMISSIONER JOHNSTON: 9th.

5 CHAIRMAN GIPSON: 9th, February 9th. And we  
6 worked a little bit more on them during the 10th. I'm  
7 going to -- I have one addition that I would like to  
8 add to the rules change. I received an E-mail message  
9 from General Counsel McKee, who is, so the  
10 Commissioners know, she is currently in District Court  
11 on a case on our behalf at this point in time. We're  
12 waiting for her to come. So she sent me an E-mail  
13 last night recommending one additional change to the  
14 Rules of Procedure.

15 So if you look -- I'm trying to see if I  
16 could find a page. I believe it's page 2 on  
17 everyone's -- let me just double-check because I got  
18 it on my computer. It is. It's on page 2, and it is  
19 under B, Code of Conduct. And the addition would be  
20 to number 1, and it's an A and a B. And A would read,  
21 "The chairperson has the sole authority to determine  
22 if behavior of an individual Commissioner is  
23 inappropriate." And B is, "The chairperson may bar a  
24 Commissioner, who is behaving inappropriately, from  
25 the remainder of the meeting."

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1           And I apologize that I didn't get this -- I  
2 looked at my E-mails a little late last night. So --  
3 and Beverly wouldn't have been able to get it out last  
4 night, so --

5           COMMISSIONER RUIZ: Madame Chair, do we need  
6 a motion to --

7           CHAIRMAN GIPSON: We do. We need a motion  
8 to amend the Rules of Procedure.

9           COMMISSIONER RUIZ: I move to amend the  
10 Rules of Procedure as recommended by Ms. McKee.

11           COMMISSIONER CABALLERO: That's out of order  
12 because we haven't approved the Rules of Procedure,  
13 and we're going through all the Rules of Procedure and  
14 so this being just a discussion whether to add -- add  
15 those to the now -- it's a work product, and we're  
16 going to approve or disapprove the whole work product  
17 of Rules of Procedure. So you are trying to add  
18 something, maybe get -- but maybe have her -- more  
19 precise in the wording of the motion, being that we're  
20 going to add that to the Rules of Procedure not yet  
21 approved.

22           CHAIRMAN GIPSON: If you choose to add that,  
23 that's fine.

24           COMMISSIONER PERALTA: I will second the  
25 motion as stated. I feel it's appropriate.

1 CHAIRMAN GIPSON: Okay. There is a motion,  
2 by Commissioner Ruiz and there is a second by  
3 Commissioner Peralta -- I almost said Armbruster.

4 All right. Any discussion?

5 COMMISSIONER CABALLERO: yes.

6 CHAIRMAN GIPSON: Commissioner Caballero.

7 COMMISSIONER CABALLERO: Yes, a discussion.  
8 It's -- even though any Commissioner should be stopped  
9 from bad behavior, it is the purview of the entire  
10 Commission to decide yes or no on any -- any  
11 admonishment. We're not in a private, personal or  
12 private group, social, fraternal. It is an elected  
13 position. It is a commission by elected -- voters,  
14 and such a body, it has to be that the entire  
15 commission should be -- should be making that  
16 determination. It cannot be arbitrary and capricious,  
17 left to one person, one, to decide whether a person is  
18 having a bad behavior or not, and then solely at the  
19 discretion of that person to do something about it.  
20 It could be just one person feeling that somebody is  
21 out of order and it may not be in the opinion of the  
22 entire commission. So I would say that it belongs  
23 to -- even though the chair can entertain on their own  
24 that type of motion, it still has to be left up to the  
25 entire body what to do.

1 CHAIRMAN GIPSON: Thank you.

2 Commissioners, any other comments?

3 Seeing none, I will entertain -- I'm sorry,  
4 we already have a motion.

5 Commissioner Armbruster, call a vote,  
6 please. We'll entertain a roll call vote.

7 COMMISSIONER ARMBRUSTER: Commissioner  
8 Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER ARMBRUSTER: Commissioner  
11 Toulouse?

12 COMMISSIONER TOULOUSE: Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner  
14 Caballero?

15 COMMISSIONER CABALLERO: No.

16 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

17 COMMISSIONER RUIZ: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner  
19 Crone?

20 COMMISSIONER CRONE: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner

22 Johnston?

23 COMMISSIONER JOHNSTON: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner

25 Gipson?

1 CHAIRMAN GIPSON: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner  
3 Armbruster votes yes.

4 Mr. Commissioner Peralta?

5 COMMISSIONER PERALTA: Yes.

6 COMMISSIONER ARMBRUSTER: That was an eight  
7 to one vote. Thank you.

8 CHAIRMAN GIPSON: Thank you. The motion  
9 carries eight to one. Thank you.

10 We are now on to item number 5, which is  
11 approval of the open meeting resolution.

12 COMMISSIONER CABALLERO: I have some changes  
13 to the Rules of Procedure. We're still on the Rules  
14 of Procedure, and we have not approved.

15 CHAIRMAN GIPSON: I understand. I'm sorry.  
16 I apologize.

17 COMMISSIONER CABALLERO: And we have not  
18 approved.

19 CHAIRMAN GIPSON: I apologize. I  
20 understand.

21 COMMISSIONER CABALLERO: Well, Madame, I  
22 know you understand, but I still would -- making a  
23 statement, and my statement is for the record, not so  
24 much for the benefit of the Chair, but it's for the  
25 record and public at large, so please let me finish my

1 statement.

2 CHAIRMAN GIPSON: Well, I'm going to ask,  
3 are you asking -- you said you needed -- you were  
4 asking for changes to the Rules of Procedure. We just  
5 adopted the Rules of Procedure with the change.

6 COMMISSIONER CABALLERO: No. Her motion was  
7 geared at adding the --

8 CHAIRMAN GIPSON: That's my fault. I  
9 thought the motion was to adopt the Rules of Procedure  
10 with the change that was recommended. I thought that  
11 was the motion.

12 Could you read that back to me?

13 COMMISSIONER CABALLERO: Madame Chair, we  
14 were at the point of --

15 CHAIRMAN GIPSON: Excuse me. We're waiting  
16 for her to --

17 COMMISSIONER CABALLERO: While she is  
18 looking for whatever --

19 CHAIRMAN GIPSON: She has to report it, so  
20 she can't do that.

21 (The record was read by the reporter.)

22 CHAIRMAN GIPSON: Okay. So I apologize. I  
23 thought the motion also included adopting the Rules of  
24 Procedure. So at this point in time we have  
25 adopted -- we have passed a motion to amend the Rules

1 of Procedure. So now that -- so we need to move on to  
2 a motion to adopt the Rules of Procedure as amended.

3 COMMISSIONER ARMBRUSTER: I so move as  
4 amended.

5 COMMISSIONER TOULOUSE: Second.

6 CHAIRMAN GIPSON: There is a motion by  
7 Commissioner Armbruster, a second by Commissioner  
8 Toulouse. Discussion?

9 COMMISSIONER CABALLERO: Discussion. Okay,  
10 page 8, on Voting, and the proposed rules in this  
11 section, page 8, Voting, it says that "Chairman shall  
12 call for the negative vote no matter how unanimous the  
13 affirmative vote may appear." The word negative is  
14 not necessary in this line. It should read "The Chair  
15 shall call for the vote no matter how unanimous the  
16 affirmative vote may be."

17 COMMISSIONER ARMBRUSTER: Madame Chair?

18 CHAIRMAN GIPSON: Commissioner Armbruster.

19 COMMISSIONER ARMBRUSTER: I can understand  
20 what you are saying, but for those of us who -- I  
21 don't know. I think it's just more clear if you say  
22 "negative."

23 CHAIRMAN GIPSON: Director? I'm sorry.

24 DIRECTOR POULOS: Madame Chairwoman,  
25 Commissioners, I will say Audrey and I drafted these



1 changes to reflect the conversation. What that was  
2 intended to do is solve a problem that we have seen at  
3 times happen both in this Commission, but certainly in  
4 the governing boards that we visit, which is, first a  
5 vote is taken, all in favor say aye. They say aye.  
6 And then because it appears unanimous there's no  
7 followup to ensure that there was an opposing vote.  
8 And so the rule is written to clarify that both the  
9 unanimous vote or the approving vote must be asked for  
10 as well as any opposing vote.

11 CHAIRMAN GIPSON: Correct, and I will say  
12 that Audrey and I had a similar discussion about this,  
13 so that's after the work product was complete.

14 Any other?

15 COMMISSIONER CABALLERO: I still have more,  
16 Madame Chair.

17 If we look towards the end of page 8, ii,  
18 and -- ii, bottom of page, that is new language. "An  
19 abstention shall be noted to the body. An abstention  
20 must be noted before any Commissioner begin voting.  
21 An explanation for the abstention can be given at the  
22 time the Commissioner indicates the abstention."

23 In the original rule it was very vague and  
24 unclear, but the intent there was that it's not so  
25 necessary to have the abstention come forward at the

1 beginning, but the rule stated that only the  
2 abstention needed to clarify the vote, whenever they  
3 are going to vote so. They don't have -- a person  
4 trying to -- doing an abstention doesn't -- should not  
5 be forced to have to go first. They can be in the  
6 order that they are called for voting, and at the time  
7 of their voting they say, I abstain. And they can  
8 choose at that point to give their position why, or at  
9 the end, but those who are voting in the affirmative  
10 cannot explain their vote until the end of the voting,  
11 and that was how the original rule was made.

12           And so the change is that the abstainer is  
13 forced to have to be first and have to give an  
14 explanation first before anybody, any vote is taken.  
15 And so I think that forcing the abstainer to do that  
16 is improper.

17           CHAIRMAN GIPSON: In my experience here,  
18 short as it is, the abstentions have always voted  
19 themselves at the -- prior to any vote. And of  
20 course, Commissioner Toulouse and Commissioner Peralta  
21 have been -- and Commissioner Pogna have been here  
22 longer, but I believe that -- that's what has always  
23 taken place. And through the discussion at the last  
24 work session, this is what the intention of the  
25 Commission was, if I don't -- if I'm not mistaken;

1 correct?

2 Commissioner Toulouse do you want to --

3 COMMISSIONER TOULOUSE: Well, Madam Chair, I  
4 wasn't at the last work session, but I know most of  
5 the --

6 CHAIRMAN GIPSON: Well, let me correct. The  
7 one that we worked on this at.

8 COMMISSIONER TOULOUSE: I wasn't here. But  
9 I want to say almost all of the abstentions, until the  
10 last couple of meetings, have been mine because of  
11 family members involved in the school. And I have  
12 always never had a problem to abstain at the beginning  
13 so everybody understands when it comes time to vote  
14 where the abstention is. I'm sorry, I have a huge  
15 family. But it's good when you need them, it's not  
16 when you don't.

17 So, you know, I -- it never caused me a  
18 problem or made me think. The rules always said you  
19 abstain at the beginning of that order of business and  
20 I don't understand why it's a problem for anybody to  
21 say they are abstaining then, rather than at the time  
22 of the vote. Thank you.

23 CHAIRMAN GIPSON: Commissioners any other --  
24 Commissioner Caballero, anything else?

25 COMMISSIONER CABALLERO: Yes. I never

1 abstained, so if those that abstain the most feel that  
2 way, that's fine.

3           The other one I'm kind of concerned, ii on  
4 page 9, it's unclear, and I will tell you what is not  
5 unclear to me. "Abstention shall not be counted in  
6 the tally of the vote unless the vote requires  
7 approval based on the number of the entire body." I'm  
8 not quite sure what the intent there is and why the  
9 approval of the entire vote -- what's the policy  
10 reason for the rule?

11           CHAIRMAN GIPSON: Director?

12           DIRECTOR POULOS: Madam Chairwoman,  
13 Commissioners, I will note -- and I don't know if  
14 Mr. Caballero's question is trying to determine  
15 whether it's appropriate to remove that or not, but  
16 that is something that's being removed from the rule,  
17 not added as noted by the strikethroughs.

18           CHAIRMAN GIPSON: Right. I will have to say  
19 in our copy it's underlined. It's not -- there's not  
20 a strike-through. It's underlined in our copy.

21           DIRECTOR POULOS: I apologize. So it is  
22 being left in. It's simply being moved. So that is  
23 something -- I apologize. That's something that is  
24 from your rules in the past. It's not added. It's  
25 simply being moved from where it was.

1 CHAIRMAN GIPSON: All right.

2 COMMISSIONER CABALLERO: What does that  
3 mean?

4 COMMISSIONER PERALTA: Madame Chair, from my  
5 experience, the short time of experience I have as  
6 Secretary, I have always for the record noted that the  
7 abstention, that there was an abstention. So if a  
8 vote was eight to zero with one abstention, I noted  
9 that. And I believe Ms. Armbruster, Commissioner  
10 Armbruster does the same. So I don't know if that is  
11 relevant to what's stated here or not.

12 CHAIRMAN GIPSON: So I guess my question is  
13 because we have traditionally counted -- noted the  
14 abstention, should it be the removal of the word  
15 "shall not," the two words "shall not," because we  
16 have, and in the time that I have been here it has  
17 always been -- the abstentions have always been noted  
18 in the record, in the tally of the vote.

19 Director?

20 DIRECTOR POULOS: Madame Chairwoman,  
21 Commissioners, as I read this, I think what may be  
22 happening, and I'm not sure that this is -- this is  
23 what I think this is written, to you. If you have met  
24 quorum by the total number of individuals here, and  
25 then your vote requires that all of them vote, which

1 is what I am thinking this is presuming. So a  
2 situation where you don't have anybody beyond the  
3 quorum, you just have the minimum number of  
4 Commissioners here to make quorum, then this is saying  
5 that abstention would be counted in that vote, maybe?  
6 I'm just --

7 CHAIRMAN GIPSON: Counted as what?

8 DIRECTOR POULOS: Yes, that's what I don't  
9 know. But that may be what the, "unless a vote  
10 requires approval based on the number of the entire  
11 body," otherwise there's nothing in your Rules of  
12 Procedure that require that. You may want to remove  
13 this provision entirely.

14 CHAIRMAN GIPSON: Yes, because -- I agree.  
15 Because it either has to -- I think it either has to  
16 be "shall not count" and be removed and just be noted,  
17 that abstentions will be noted in the record, but that  
18 we're not counting -- you know, so, I'm -- I think  
19 it's fair and reasonable to remove it because it's  
20 unclear what it means. Thank you for that.

21 Commissioner Armbruster.

22 COMMISSIONER ARMBRUSTER: I am just trying  
23 to follow up on what Katie said, which is, if there  
24 were only six of us here, which is a quorum, and  
25 Carmie can't vote, then we still have a quorum here

1 but the vote might be five to -- five yesses with one  
2 abstention, but we would still have a quorum. Is that  
3 right or not?

4 DIRECTOR POULOS: Yes.

5 COMMISSIONER ARMBRUSTER: I don't understand  
6 it and I don't care if you remove it.

7 CHAIRMAN GIPSON: If we feel that abstention  
8 still needs to be noted for the record, as we have  
9 traditionally been doing, I have got no problem with  
10 changing the wording in that to simply saying  
11 abstentions will be noted in the record, so that it's  
12 a practice that we continue to do, so that if someone  
13 does want to check the record back, they can, in fact,  
14 check back and see that there was an abstention,  
15 without having to go through dialogue.

16 COMMISSIONER TOULOUSE: And that there was a  
17 quorum.

18 COMMISSIONER CABALLERO: Exactly what is the  
19 wording of what you want?

20 CHAIRMAN GIPSON: I need a second to look at  
21 it.

22 COMMISSIONER CABALLERO: Okay.

23 CHAIRMAN GIPSON: I think it can be a  
24 simple, abstentions will be or shall be noted in the  
25 record, and leave it at that. Is that --

1 MS. FRIEDMAN: And Madame Chair, what number  
2 is this one?

3 CHAIRMAN GIPSON: This is on page 9, iii,  
4 right at the top of the page.

5 MS. FRIEDMAN: Okay.

6 CHAIRMAN GIPSON: So the, once again, the  
7 wording of that would be "abstentions shall be noted  
8 in the record."

9 Commissioner Caballero, anything else?

10 COMMISSIONER CABALLERO: Yes, I do have some  
11 more, Madame Chair.

12 In that same page, in Division, which is E,  
13 "any member may verify a voice vote or vote by a show  
14 of hands by calling division during or immediately  
15 thereafter a vote."

16 The parliamentary procedure is that -- that  
17 anybody, even before a voice vote -- a vote is going  
18 to be had, any commissioner can request a roll call  
19 vote to have it on the record what that vote is going  
20 to be like. And I understand this is division, and  
21 maybe that can stay, but I think every commissioner,  
22 according to parliamentary procedure should have that  
23 right to say, well, I would like a roll call vote in  
24 this matter and have a roll call vote, and still have  
25 the privilege of calling for division in a voice vote.



1 So it's not so much the word voice, but my -- my  
2 request is that we add language that says, roll call  
3 vote may be requested by any commissioner. Simple.

4 CHAIRMAN GIPSON: My -- I appreciate the  
5 clarification with the previous issue we dealt with,  
6 but this change, and an addition, the only difficulty  
7 I have with it, we spent an entire work session  
8 working on this and had it set, so that the purpose of  
9 today was really to adopt the rules. If there were  
10 mod -- if there were modifications because there were  
11 more mistakes or errors in here, that was the purpose  
12 of this discussion today, but not to make actual  
13 changes, more changes to this, because this was what  
14 we did at the last work session and at the last  
15 meeting.

16 COMMISSIONER CABALLERO: May I respond?

17 CHAIRMAN GIPSON: You may.

18 COMMISSIONER CABALLERO: Thank you. We had  
19 a work session and a lot of work was put in there. We  
20 had two people typing up wording. We did not have  
21 privy of that proposed wording. We were told at that  
22 time we'll work on getting this wordsmith, and then  
23 you all can go through it.

24 We postponed going through this rules at  
25 least once that I remember, and we never got a draft,

1 even a working draft of that work session. So had we  
2 had a draft of that work session prior to the  
3 publishing of this meeting, then we would have the  
4 benefit of going through it, and then again have the  
5 benefit in another working session to -- to look at  
6 the proposed wording, because at the time we did the  
7 work there was no wording to see. A lot of  
8 suggestions were made, and there was an attempt by  
9 staff to put those suggestions into good words, and at  
10 the time we were having to -- we were trying to  
11 finish, and I -- I accepted that had to be done. But  
12 to say that -- it was a lot of work done, and the  
13 answer is yes, but we were just going to be here to  
14 approve the way we thought we had approved it a little  
15 while ago without going through every single rule is  
16 not what I understood we were going to do, and that's  
17 why I marked up my book as to at least ask the  
18 questions.

19           This sounds vague. I don't understand what  
20 the policy decision here is. And we have already made  
21 changes, and I may have -- there may be Commissioners  
22 here that may have seen other -- other errors, and we  
23 don't have the luxury, we haven't had the chance to  
24 review. So I take issue with what Madame Chair has  
25 said.

1           CHAIRMAN GIPSON: Well, thank you. But I  
2 will remind the Commission as well that all the  
3 Commissioners were sent out a message significantly  
4 prior to the -- that work session, that if there were  
5 any recommended changes to the Rules of Procedure that  
6 they would be forwarded to Beverly so that we would  
7 have those to work with at the last work session, so  
8 that that was the opportunity for the Commissioner to  
9 take all of those highlighted and marked up remarks  
10 and send them to Beverly so that we would have had  
11 them for that work session. And that work session was  
12 to take into account the information that was sent by  
13 the Commissioners and moved from there.

14           So there was opportunity to go through these  
15 Rules of Procedure, and there was requests for  
16 comments by the Commissioners prior to that work  
17 session. And I believe if we go back and check the  
18 record, I also made that known at the meeting prior to  
19 that work session, and I asked the Commissioners to  
20 please forward any changes to the Rules of Procedure  
21 to Beverly prior to that work session.

22           So this meeting is not intended to go  
23 through these rules to make additional changes.

24           COMMISSIONER CABALLERO: Let me add that --  
25 that what was requested from the Commissioners -- and

1 first of all, was -- if there were any additional  
2 proposed rule changes -- James Conyers proposed a  
3 change and we haven't taken count on that, and I  
4 understood that to be what was requested of the  
5 Commissioners. Yesterday's work session, I did ask,  
6 are we going to go through the Rules of Procedure, and  
7 this is at the work session, whereby we would have the  
8 opportunity to correct language. And I was ready to  
9 go through the Rules of Procedure, and that time was  
10 my only time to do that and I was told, no. As you  
11 recall, I wanted to add that those Commissioners,  
12 whenever we had an emergency meeting, I wanted to add  
13 that every single Commissioner be called, but --  
14 someone who needs to call the question? Is that what  
15 I hear?

16 CHAIRMAN GIPSON: Commissioner Caballero,  
17 yesterday's work session was -- there was an agenda  
18 item and there was an agenda item for the Rules of  
19 Procedure because we spent an entire work session the  
20 time before on the Rules of Procedure. That's what  
21 was noted in the record for that meeting. And the  
22 request for any changes to the Rules of Procedure was  
23 put out by both Beverly and requested verbally by me  
24 at the January meeting. And yesterday meeting could  
25 not, because it was not on the work session agenda,

1 could not deal with the Rules of Procedure.

2 COMMISSIONER CABALLERO: I stand corrected.  
3 I did -- I do remember seeing that it was not part of  
4 the work session agenda, and I still went ahead and  
5 asked yesterday. But Madame Chair, just a little  
6 while ago, admonished me for not submitting any  
7 changes prior to today, that I'm taking too much time  
8 of the Commission to go through rules, and then now  
9 she tells me it's not part of the agenda. So at what  
10 point could I have done this? I do -- like I said, I  
11 did understand that it was a proposed new change, and  
12 yesterday I did ask, and I was corrected, that I could  
13 no longer add what I proposed, and I accept that. I  
14 do accept that, that yesterday I could not propose a  
15 change. And James Conyers abides by the Rules of  
16 Procedure and submitted his in writing. I accept  
17 that.

18 But you can't tell me that there was an  
19 opportunity, because there was none. It was not part  
20 of the agenda. So may I continue with my proposed  
21 changes? We're almost at the end, Madame Chair.

22 CHAIRMAN GIPSON: Commissioners, do we want  
23 to continue?

24 COMMISSIONER JOHNSTON: Madame Chair, for  
25 the record, I think that for expediency, too, as a

1 Commission member, I'm willing to listen to the  
2 proposal. I have read, however, the Rules of  
3 Procedure, and I think if we read them and then we  
4 vote on acceptance or not, the board will speak for  
5 itself, individually and as a collective, but --

6 CHAIRMAN GIPSON: Thank you. Commissioner  
7 Caballero.

8 COMMISSIONER CABALLERO: Thank you.

9 The other change or the other question that  
10 I had is on the last page, page 10, per diem and  
11 mileage. I'm not quite sure -- and this is on page  
12 10, A, double I, "A liaison should only attend a  
13 meeting if information will be submitted or its  
14 business will be conducted that is reasonably related  
15 to the business of the Commission."

16 And I will -- and I don't quite understand  
17 what reasonably is, and if we take the ii section, for  
18 example "a liaison will only be reimbursed for travel  
19 if he or she is a primary liaison or he or she was  
20 asked to attend a meeting on behalf of the primary  
21 liaison." So I take -- Madame Chair --

22 CHAIRMAN GIPSON: I'm listening.

23 COMMISSIONER CABALLERO: Is there a motion?

24 CHAIRMAN GIPSON: No.

25 COMMISSIONER CABALLERO: Okay. I take these

1 to try and prevent unnecessary trips and unnecessary  
2 spending, but I'm not quite sure. And what I'm saying  
3 is it is very vague when we use the word "reasonably,"  
4 because who is to decide reasonably? Is it the  
5 Commission, is it the Chair? Is it -- are we going to  
6 leave it up to the Commissioner?

7 A lot of times, Madame Chair and Commission,  
8 you don't really know if you wasted your time and the  
9 money of the taxpayers until way after the meeting is  
10 over that you attended. And a lot of times the agenda  
11 doesn't quite tell you where it's going. And so I  
12 would rather trust the Commissioner to -- to decide  
13 what that is, remove the word "reasonably." You  
14 already have words there that says that "The conduct  
15 for the purpose of fulfilling" -- this is on A2, page  
16 10, "The travel is conducted for the purpose of  
17 fulfilling the obligations of the Commissioner as an  
18 assigned liaison on behalf of the Commission."

19 So I think we need to somehow either tighten  
20 up the word reasonably or just leave it up to the  
21 Commissioner to decide whether it's reasonable. But  
22 what I am trying to prevent is that a commissioner is  
23 caught supposedly unreasonably using taxpayers' money  
24 after a meeting has taken place, and somebody else  
25 other than the Commissioner says, well, you attended a

1 meeting that was unreasonable and you spent the  
2 taxpayers' money.

3           So I don't know, but I feel uneasy about all  
4 that language, especially when you are dealing with  
5 travel money, because when you're dealing with travel  
6 money it can be serious on a charge of unreasonably  
7 using travel money.

8           COMMISSIONER TOULOUSE: Madame Chair?

9           CHAIRMAN GIPSON: Commissioner Toulouse.

10           COMMISSIONER TOULOUSE: Madame Chair, in my  
11 four years, every time I have attended a meeting that  
12 was not a Commission meeting, I have received  
13 permission of the Chair to voucher for that meeting.  
14 If I don't have it -- because I do go to some that I'm  
15 not going to voucher and I don't have permission, but  
16 it's one I assume I'm going to voucher, I request  
17 permission ahead of time, and I have never had it  
18 denied. But I know it hasn't necessarily been a  
19 written rule, but to me it was always the courtesy  
20 rule that you do. I often go to the LESC, but I only  
21 put in for meetings where there is a charter school  
22 discussion, otherwise I'm there to listen to other  
23 things that are going on, but I don't ask per diem for  
24 those days if it doesn't involve charter schools. But  
25 in the past it was Carolyn and now it's the second



1 year it's been Patti. I get my permission before I  
2 go, and then it's sign the voucher.

3 CHAIRMAN GIPSON: Commissioner Johnston?

4 COMMISSIONER JOHNSTON: Thank you, Madame  
5 Chair, may I request that the motion be reread at this  
6 point? Because if my memory -- my understanding is  
7 that we had a vote and we had a second, and we are in  
8 discussion. And so if we are ready to do that, I  
9 guess call the question, before I call the question I  
10 would like to have it reread.

11 CHAIRMAN GIPSON: Okay. Let me remind you  
12 that the vote that we took was on the initial  
13 amendment. So the motion now is to simply -- the  
14 motion was to adopt the Rules of Procedure as amended,  
15 and that would be the amendment that we had just voted  
16 on.

17 COMMISSIONER JOHNSTON: And that has been  
18 seconded?

19 CHAIRMAN GIPSON: Correct.

20 COMMISSIONER JOHNSTON: So may I call the  
21 question?

22 COMMISSIONER CABALLERO: I still have one  
23 more item, Madame Chair, and it's not going to take  
24 long.

25 CHAIRMAN GIPSON: The question has been

1 called.

2 COMMISSIONER CABALLERO: Okay. The question  
3 has been called.

4 COMMISSIONER JOHNSTON: I'm sorry,  
5 Commissioner, I thought you said that was your last  
6 change. I thought I had heard that when you were  
7 talking about the other one. I apologize.

8 CHAIRMAN GIPSON: Okay.

9 COMMISSIONER CABALLERO: May I state it? It  
10 won't take long.

11 The only other thing is that we must include  
12 that --

13 COMMISSIONER JOHNSTON: I thought it was the  
14 last one I apologize.

15 COMMISSIONER CABALLERO: The only last  
16 thing, Madame Chair, is that we must include as a part  
17 of our Rules of Procedure, that -- that our rules must  
18 be consistent with Robert's Rules of Order.

19 CHAIRMAN GIPSON: We have already had that  
20 discussion. We had that discussion at the work  
21 session, and our General Counsel, who is our OMA  
22 expert, has stated that we do not have to do that. So  
23 that's my explanation from Audrey from that work  
24 session.

25 COMMISSIONER CABALLERO: Can you restate

1 that?

2 CHAIRMAN GIPSON: It was the General  
3 Counsel, Ms. McKee, when we had discussion at the work  
4 session, she said we do not have to put that into,  
5 because we do not adopt Robert's Rules. So we do not  
6 put that into our Rules of Procedure because we are  
7 not adopting Robert's Rules.

8 COMMISSIONER CABALLERO: Okay, so --

9 CHAIRMAN GIPSON: Director?

10 DIRECTOR POULOS: Madame Chairwoman,  
11 Commissioners, I have the Open Meetings Act Compliance  
12 Guide in front of me, and it says public bodies often  
13 adopt rules of order or a similar code, but they are  
14 they not required to. The only requirement for public  
15 bodies is to comply with the Open Meetings Act.

16 COMMISSIONER CABALLERO: Who was that,  
17 Madame Chair, that states that advice? No. No. No.  
18 Just now.

19 CHAIRMAN GIPSON: The Director was reading  
20 from the Open Meetings Act --

21 DIRECTOR POULOS: Compliance --

22 CHAIRMAN GIPSON: -- compliance --

23 DIRECTOR POULOS: -- which is available on  
24 the Attorney General's website.

25 CHAIRMAN GIPSON: And Ms. McKee is from the

1 Attorney General's Office, for OMA compliance for us.

2 COMMISSIONER CABALLERO: Okay. I just  
3 wanted to make sure where things are coming from. If  
4 this public body does not have to adopt either Mason's  
5 Rules of Order or Robert's Rules of Order, I will  
6 comply. But my understanding is that a public entity  
7 like ours -- we're not a society, we're a public  
8 entity elected by voters -- must either use Robert's  
9 Rules -- we should be using Mason, but since we are so  
10 small we could use Robert's Rules. But if, in fact,  
11 it's the law that we don't have to, or we shouldn't  
12 then I will abide by it. But I needed that  
13 clarification.

14 CHAIRMAN GIPSON: Right. Well, Ms. McKee  
15 did clarify that, because we had a fairly lengthy  
16 discussion about that at the work session to -- in  
17 February, and she did clarify that for us.

18 Commissioner Johnston.

19 COMMISSIONER JOHNSTON: Thank you, Madame  
20 Chair. May I now call the question?

21 CHAIRMAN GIPSON: Commissioner Armbruster.

22 COMMISSIONER ARMBRUSTER: Commissioner  
23 Peralta?

24 COMMISSIONER PERALTA: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Johnston?

2 COMMISSIONER JOHNSTON: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Pogna?

8 COMMISSIONER POGNA: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

10 COMMISSIONER RUIZ: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner

12 Caballero?

13 COMMISSIONER CABALLERO: Abstain, and I will  
14 give the reasons for my abstention. And I appreciate  
15 the Commissioners' time going through all the  
16 corrections that I proposed in the rules of order. My  
17 abstention is only to the fact that the last item of  
18 the parliamentary procedure. I do respect the legal  
19 opinion, and if that's the case, so be it. But -- and  
20 so that's why I abstain. I cannot say yes, even  
21 though I was given the time to make corrections. But  
22 I will just stay neutral on the issue of approval.  
23 Thank you.

24 COMMISSIONER ARMBRUSTER: Commissioner

25 Gipson?

1 CHAIRMAN GIPSON: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner  
3 Crone?

4 COMMISSIONER CRONE: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner  
6 Armbruster votes yes.

7 Madame Chair, it's an eight to one vote,  
8 passes.

9 CHAIRMAN GIPSON: Thank you. Motion passes  
10 eight to one.

11 We are now on to --

12 COMMISSIONER ARMBRUSTER: Eight to zero.

13 CHAIRMAN GIPSON: Eight --

14 COMMISSIONER ARMBRUSTER: Eight with one  
15 abstention. I apologize. My fault.

16 CHAIRMAN GIPSON: We are now on to item  
17 number 5, approval of the Open Meetings Resolution for  
18 2017.

19 COMMISSIONER CRONE: Madame Chair, may I  
20 interrupt?

21 CHAIRMAN GIPSON: Certainly.

22 COMMISSIONER CRONE: This is actually going  
23 back to the thing about abstention. The rule is that  
24 any abstention shall be noted to the body. It must be  
25 noted before any commissioners begin voting, so I

1 think that the abstention there was out of order.

2           And I would also like to note just for  
3 future reference, is that what Commissioner Toulouse  
4 was talking about was recusing herself from the vote,  
5 and an abstention is separate.

6           CHAIRMAN GIPSON: Thank you.

7           COMMISSIONER CRONE: So given this, that you  
8 need to know before the vote, that you don't know  
9 enough about it to vote on it, what if in the  
10 course -- this is just for consideration. I have got  
11 a lot of pollen in my brain, so this just occurred to  
12 me. That what if you figure out during the discussion  
13 that you don't have sufficient attention -- I mean,  
14 information to make a reasonable vote? So just for  
15 your consideration.

16           CHAIRMAN GIPSON: Okay. And I will add that  
17 I did not, because we had not adopted that rule about  
18 the abstentions before.

19           COMMISSIONER CRONE: Thank you.

20           CHAIRMAN GIPSON: But I appreciate the  
21 thought, and I will think about that.

22           Thank you. And tab 5, you have the Open  
23 Meetings Resolution, which is something that we simply  
24 have to adopt every year.

25           And I will provide it for the record for you

1 so that it can go in accurately. Thank you.

2 So if there are no -- any comments?

3 COMMISSIONER CABALLERO: I have comments.

4 CHAIRMAN GIPSON: Commissioner.

5 COMMISSIONER CABALLERO: Yes. I understand  
6 that we couldn't have in the rules that emergency  
7 meeting not be given a phone call. And I understand  
8 my suggestion at the work meeting was not proper, but  
9 it is proper in the Open Meeting Act, and I'm now  
10 talking about page 2 number 6, and I will read -- and  
11 there has been some changes here that I take issue.  
12 "For the purpose of special meetings and emergency  
13 meetings described in paragraph 3 and 4 of this  
14 resolution, notice requirements shall be satisfied by,  
15 one, posting notice of the date, time, place of the  
16 meeting from the PEC liaison at Jerry Apodaca  
17 Education Building located at 300 Don Gaspar in Santa  
18 Fe, Nuevo Mexico. Two, posting notice of the same  
19 time and place of the meeting on the PED Charter  
20 School Division, and the Public Education Commissions  
21 website that's indicated above. And three, by  
22 providing" -- and telephonic has been lined out, and  
23 substituted "by electronic notice of the date, time  
24 place of the meeting through newspapers of general  
25 circulation in the state, a member of the public



1 education department shall be -- shall also provide  
2 electronic notice to the date, time and place of  
3 meetings of any broadcast stations licensed by the  
4 communications and newspapers of general circulation  
5 that have a written request for the notice of the  
6 commission meetings."

7 CHAIRMAN GIPSON: Can I --

8 COMMISSIONER CABALLERO: And I understand --

9 CHAIRMAN GIPSON: Commissioner, is your  
10 question ultimately why "telephonic" was taken out?

11 COMMISSIONER CABALLERO: Let me finish and  
12 you can ask that question.

13 CHAIRMAN GIPSON: All right.

14 COMMISSIONER CABALLERO: So, if it makes  
15 sense to -- electronic or at some time in the past it  
16 was by phone, to give notice to the newspapers of a  
17 pending emergency meeting, it makes sense that all  
18 Commissioners should be given a telephone call of a  
19 pending emergency meeting. And that's all the -- the  
20 comment that I have, Madame Chair.

21 CHAIRMAN GIPSON: All right. Commissioners?  
22 Do I have a motion to --

23 COMMISSIONER ARMBRUSTER: I move we accept  
24 the Open Meetings Resolution.

25 COMMISSIONER RUIZ: Second.

1 CHAIRMAN GIPSON: There was a motion by  
2 Commissioner Armbruster, a second by Commissioner  
3 Ruiz.

4 Commissioner Armbruster, roll call vote,  
5 please.

6 COMMISSIONER ARMBRUSTER: Mr. Conyers -- oh,  
7 sorry. Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner  
10 Johnston?

11 COMMISSIONER JOHNSTON: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner  
13 Armbruster votes yes.

14 Commissioner Peralta?

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner  
17 Crone?

18 COMMISSIONER CRONE: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

20 COMMISSIONER RUIZ: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner  
22 Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner  
25 Caballero?

1 COMMISSIONER CABALLERO: I skip.

2 COMMISSIONER ARMBRUSTER: Is that an  
3 abstention?

4 COMMISSIONER CABALLERO: No.

5 COMMISSIONER ARMBRUSTER: Okay. We don't  
6 have a skip.

7 COMMISSIONER CABALLERO: I will vote at the  
8 end, Madame Chair, when you call my name.

9 COMMISSIONER ARMBRUSTER: Commissioner  
10 Gipson?

11 CHAIRMAN GIPSON: Yes.

12 COMMISSIONER ARMBRUSTER: It's yours.

13 COMMISSIONER CABALLERO: Yes.

14 COMMISSIONER ARMBRUSTER: The motion  
15 passes --

16 CHAIRMAN GIPSON: The motion passes --

17 COMMISSIONER ARMBRUSTER: -- with no  
18 negative vote.

19 CHAIRMAN GIPSON: -- with no negative vote.

20 COMMISSIONER ARMBRUSTER: Correct.

21 CHAIRMAN GIPSON: Thank you. If we could  
22 take a 10-minute break I would appreciate it. Thank  
23 you.

24 (A recess was taken from 9:56 a.m.  
25 through 10:15 a.m.)

1 CHAIRMAN GIPSON: Okay. Commissioners, we  
2 are now on to number 6, Discussion and Possible Action  
3 on Governance Updates.

4 Director?

5 DIRECTOR POULOS: Madame Chairwoman,  
6 Commissioners, you may recall from our last meeting  
7 that we presented you information about two schools  
8 that had provided us information about governance  
9 changes, and based on the information contained in  
10 there, it raised some concerns for both CFD and the  
11 Commission, and the Commission asked that we notify  
12 those schools that we would like them to come before  
13 you and address those concerns. And so today we do  
14 have a representative from Carinos Charter School, and  
15 she is right there. Dr. Juanita --

16 MS. JUANITA CATA: Cata.

17 DIRECTOR POULOS: Thank you. And we have  
18 included in our materials the same information you  
19 received last month that is behind tab 6. And since  
20 then, over the past week we have received numerous  
21 E-mails from this school providing more information  
22 and providing the documentation that's required in  
23 order to maintain their status as the board of  
24 finance's updated affidavits and information. And so  
25 at this point in time we are aware that this board

1 does now have five members. I think certainly -- we  
2 certainly still have concerns. There has been the  
3 replacement of a large portion of this board in a  
4 short period of time, and so do think it's appropriate  
5 for you to hear from the school.

6 CHAIRMAN GIPSON: Thank you very much.  
7 Please have a seat.

8 MS. JUANITA CATA: I'm Juanita Cata,  
9 President of the Carinos Charter governing board.

10 CHAIRMAN GIPSON: Welcome, and nice to see  
11 you again.

12 MS. JUANITA CATA: I'm Juanita Cata.

13 CHAIRMAN GIPSON: I'm terribly sorry. The  
14 microphone that's in front of you, you have to push  
15 the button down, and I think they are going to get a  
16 clip for you.

17 MS. JUANITA CATA: We have a governing board  
18 of five members. We have always had a governing board  
19 of five members. They are very active and dedicated.  
20 We feel we have a very stable board.

21 CHAIRMAN GIPSON: Okay. Thank you. I guess  
22 through a series of E-mails, that I was also copied,  
23 there was a concern, and I do believe there may have  
24 been times where your numbers may have at least  
25 temporarily dropped below the required number of five.

1 MS. JUANITA CATA: Okay. We -- although we  
2 sent our board minutes to the -- to the office, we did  
3 not have all of the required forms. That was part of  
4 the learning curve that we had to make. We now know  
5 exactly what's required within what timeline, and it  
6 will not be a future problem.

7 CHAIRMAN GIPSON: Okay. Just to let the  
8 Commissioners that are new to the Commission know,  
9 that Carinos had had numerous challenges starting  
10 with, unfortunately, losing their building by the  
11 school district and literally being homeless for a  
12 period of time. And they were a district-authorized  
13 school that was, unfortunately, not given a lot of  
14 guidance and care by the local school district, so  
15 that they chose to come to us and they have done so  
16 because they recognized they needed guidance and help,  
17 and we appreciate that. So we did renew them, with  
18 conditions, on a short term, because there were many,  
19 many areas that they knew they needed help and  
20 improvement on. So that's just a little bit of a  
21 background with this school.

22 Commissioners, any questions? Comments?  
23 Concerns?

24 Director, anything else you wish to -- to  
25 add?

1           DIRECTOR POULOS: I don't believe so at this  
2 time. I don't -- you know, I think we'll continue to  
3 monitor the governance, and I believe we have attended  
4 one of the governing board meetings of this school and  
5 so, I believe my team has provided that board  
6 feedback. I will ensure that that has happened. And  
7 if it continues to come to our attention we'll bring  
8 that back to the Commission's attention.

9           CHAIRMAN GIPSON: Okay. My concern, it  
10 appears through the information that we were given,  
11 that there are at least four vacancies, through  
12 resignation, that have been created since August of --  
13 between August of last year and January of this year,  
14 so about six, seven months, there has been at least  
15 four vacancies created on the board.

16           MS. JUANITA CATA: Um -- okay. Two  
17 vacancies were created by personal family issues that  
18 the board members simply couldn't fulfill their  
19 requirements to the board.

20           One vacancy was because we dismissed a board  
21 member. The other one was a very temporary vacancy.  
22 The person was reinstated the next month, and the  
23 minutes reflect that, and the documentation.

24           CHAIRMAN GIPSON: Okay. Director?

25           DIRECTOR POULOS: Madame Chairwoman,

1 Commissioners, one of the letters that you did receive  
2 which raised a concern is that individual that I  
3 believe resigned himself and then was reappointed at  
4 the next meeting.

5 CHAIRMAN GIPSON: So let me ask, is that  
6 person actively on the board if he resigned? He  
7 requested to come back on after he resigned?

8 MS. JUANITA CATA: That's correct. There  
9 was an altercation that occurred between two board  
10 members, the member resigned as a result of that  
11 altercation. He apologized, and with some  
12 stipulations, rejoined the board.

13 CHAIRMAN GIPSON: Okay. Commissioners, any  
14 comments?

15 All right you understand our concern with  
16 maintaining a stable board that can help you through  
17 the challenges that your school does face with getting  
18 itself back on track after unfortunate years of not  
19 having a lot of guidance. So this is a big challenge  
20 that you have, and we are concerned that the board  
21 cannot effectively work if you are facing these  
22 challenges.

23 Okay.

24 MS. JUANITA CATA: We feel we are very  
25 stable at this point.



1           CHAIRMAN GIPSON:   Okay.   Thank you very  
2 much.   And now I'm sure you are well aware of all of  
3 the filing requirements and data requirements.

4           MS. JUANITA CATA:   Yes, we are.   Thank you.

5           CHAIRMAN GIPSON:   Thank you.

6           Commissioner Toulouse?

7           COMMISSIONER TOULOUSE:   Madame Chair, I  
8 would like to say I appreciate your group having  
9 fought through all of your problems, especially when  
10 your facility fell apart and you were homeless.   And I  
11 just want to say I, for one, want to support you as  
12 you move forward and go ahead.   And I also know board  
13 politics gets nasty -- not that any of us would know  
14 anything about any of that -- having been on a number  
15 of boards myself, and I appreciate working through  
16 them.   But I want you to know on a personal basis, I  
17 do support what you are trying to do to keep that  
18 school together, to grow it, to make it into a much,  
19 much better facility than it ever was, and continue to  
20 keep it growing.   So, thank you.

21           MS. JUANITA CATA:   Thank you.

22           CHAIRMAN GIPSON:   Thank you so much.

23           Director?

24           DIRECTOR POULOS:   Madame Chairwoman,  
25 Commissioners, the other school that you did ask to

1 come before you is Monte del Sol Charter School. That  
2 school was notified over a week ago of the request  
3 that they be here in attendance. CSD received no  
4 communication from them, and I do not see a  
5 representative here in the room today. That is a  
6 school that we did provide you information, and we  
7 have some substantial concerns because of the  
8 information in that -- those resignation letters from  
9 the governing board, and from our observation of the  
10 governing board meeting, which clearly demonstrated a  
11 brand new board almost in its entirety that really did  
12 struggle to operate a good meeting, and struggle to  
13 demonstrate good governance.

14 COMMISSIONER TOULOUSE: Madame Chair?

15 CHAIRMAN GIPSON: Commissioner Toulouse.

16 COMMISSIONER TOULOUSE: I think with a  
17 situation like this, with having read these letters,  
18 we definitely need to take more action. I don't quite  
19 know what we can do other than they need to become a  
20 school of concern and we need to review them. But  
21 they also need to come in front of us, and if they  
22 don't, they need to understand they could be in danger  
23 of losing their charter if we can't get the answers we  
24 need, that they are still answerable to us, and if  
25 they choose not to provide information, then we may

1 choose to terminate the charter as a final result,  
2 which I would hope we would never have to consider.  
3 But it bothers me that they can't even respond, much  
4 less show up. At least an E-mail saying no one can be  
5 there would have been at least some minimal response.

6 So I am concerned and I think we need to  
7 have them notified that they're basically now in  
8 trouble. Thank you.

9 CHAIRMAN GIPSON: Commissioner Ruiz?

10 COMMISSIONER RUIZ: Madame Chair, so what  
11 would be the next step that we would take in this  
12 situation where we have -- where they have been  
13 actually communicated with and they didn't show up?

14 CHAIRMAN GIPSON: Well, I am thinking at the  
15 very least a letter from us indicating our concerns,  
16 outlining the material -- the potential material  
17 violation of their contract with having the short  
18 number on their governance council, and that telling  
19 them that they need to be here at a meeting to address  
20 these concerns, that they are potentially in danger of  
21 revocation for a material violation.

22 That is certainly -- I agree with  
23 Commissioner Toulouse, that's not something that we  
24 are looking to do necessarily over this issue, but  
25 through these letters agree there is concerns about

1 the health of that governance council, and therefore  
2 that school.

3 Commissioner Peralta?

4 COMMISSIONER PERALTA: Thank you, Madame  
5 Chair. I would like to state my opinion that in that  
6 letter I think it's important or imperative that the  
7 school be placed on the next PEC agenda the next  
8 meeting immediately, that we don't lose any time.  
9 Thank you.

10 CHAIRMAN GIPSON: Thank you. And that  
11 certainly can be included.

12 Commissioner Johnston.

13 COMMISSIONER JOHNSTON: Thank you, Madame  
14 Chair. I concur with that. I'm very concerned that  
15 no one appeared.

16 And clarification, Director, had you  
17 attempted to contact the school in any way and have  
18 they responded to you?

19 DIRECTOR POULOS: Madame Chairwoman,  
20 Commissioner Johnston, the E-mail notifying them of  
21 the request from the Commission came directly from me  
22 with a return receipt requested, and that was the  
23 communication. It was an electronic communication to  
24 the E-mail address that we have on file for the whole  
25 PED to that school, with the return receipt requested.

1 And I have not heard anything from them about that  
2 request.

3 COMMISSIONER JOHNSTON: So that doubles my  
4 concern. They have been unresponsive to the Public  
5 Education Department, and now to us. I concur with  
6 the recommendation of the other Commissioners.

7 CHAIRMAN GIPSON: So that will have a letter  
8 that will go out to them from us, and putting them on  
9 the agenda for the next session.

10 DIRECTOR POULOS: Madame Chairwoman,  
11 Commissioners, as I reference the statute, what  
12 provision of the statute presumes that we will issue a  
13 notice of unsatisfactory review, and that we could  
14 require, based on that, the school entering into some  
15 sort of corrective action. Would you like the letter  
16 to notify them that that's the potential that's being  
17 considered at the next meeting?

18 CHAIRMAN GIPSON: Correct. And then if we,  
19 unfortunately, don't have a satisfactory response from  
20 them as a result of that, then I think we have the  
21 sterner language about the potential for a revocation  
22 hearing. But, yes, I think that's the best next step.

23 DIRECTOR POULOS: Thank you Madame  
24 Chairwoman.

25 MS. MCKEE: And Madame Chairwoman, just for

1 clarification, the proceeding would be to consider  
2 revocation proceedings, rather than to vote for --

3 CHAIRMAN GIPSON: Yes. Thank you.

4 And we're on to number 7.

5 We are on to item number 7, Report from  
6 Options for Parents and the Charter School Division.  
7 Director.

8 DIRECTOR POULOS: Madame Chairwoman,  
9 Commissioners. So just starting on my general  
10 division update, I would like to introduce you to our  
11 newest staff member, Baylor DelRosario. Baylor joins  
12 from us a charter school in Albuquerque. He was a  
13 school leader and he has spent the past week and a  
14 half out on site visits with our team, learning by  
15 fire, and he has done an amazing job. The team is  
16 very happy to have him, and really just impressed with  
17 his work, his curiosity and his willingness to jump in  
18 and learn quickly.

19 CHAIRMAN GIPSON: Thank you. Welcome.

20 MR. BAYLOR DelROSARIO: Thank you.

21 DIRECTOR POULOS: So that's -- quickly on my  
22 other roles, I'm continuing to search for the team  
23 that will be able to do the work that needs to be  
24 done, which is very challenging work.

25 Onto the ongoing actions and monitoring

1 tool. You will see kind of just the update, some of  
2 the new information. Sage Montessori Charter School  
3 had filed a Notice of Appeal. They did withdraw that  
4 Notice of Appeal, and so we are continuing with the  
5 closure of that school.

6 In addition, we are continuing with the  
7 closure of Uplift Community School, which did not file  
8 a Notice of Appeal.

9 As you know, with the Estancia Valley  
10 Classical Academy, at your last special meeting you  
11 did vote to grant a three-year conditional approval,  
12 and as a result, on February 27 the PED issued an  
13 order vacating the hearing of March 2nd that was  
14 scheduled for that appeal.

15 On to La Resolana Leadership Academy, which  
16 is currently authorized by the PEC, as you will  
17 recall, that school did apply for reauthorization with  
18 Albuquerque Public Schools, and Albuquerque Public  
19 Schools initially denied that request. They have  
20 entered into an agreement, and so there is also no  
21 longer an appeal in that matter, and I believe that  
22 agreement with APS granted that school a conditional  
23 one-year renewal, at which point they will look  
24 further into what will be done with that school.

25 You will also see on the next page a list of

1 schools that have conditions. Those are really our  
2 renewal schools, and the conditions of their renewals.  
3 We do need to give you a more clear update on that and  
4 we'll have that at the next meeting.

5           On to the number of governing board  
6 resignations. As to our previous discussions, we do  
7 continue to have Monte del Sol Charter School on that,  
8 and our current understanding is, based on the  
9 information we have for them, four board members,  
10 although I do believe at my last -- that the  
11 observation that I did on that board, they are at  
12 five. They just haven't provided notification yet --

13           CHAIRMAN GIPSON: Okay.

14           DIRECTOR POULOS: -- and the correct forms.

15           And then we also have two other schools that  
16 have outstanding vacancies, but they are not below  
17 their required number of board members at five.

18           And then we do have the list of schools that  
19 have notified us that they are looking for a new  
20 facility.

21           Are there any questions?

22           CHAIRMAN GIPSON: Commissioner Caballero?

23           COMMISSIONER CABALLERO: Yes. Do all the  
24 governing boards have the same number of board  
25 members?



1           CHAIRMAN GIPSON: No. Statutorily they are  
2 required to have five, but it's generally recommended  
3 that they have more than five, so that if there is a  
4 vacancy -- they are in material violation of their  
5 contract if they fall below five. Some -- some  
6 actually, in older contracts, have placed that they  
7 have seven on there, and some don't have a number  
8 other than the statutory five. But there are many  
9 charters that do operate governance boards that have  
10 more than five.

11           COMMISSIONER CABALLERO: Okay. So may I  
12 request that in the current number of boards, we put  
13 the current number of boards, slash, and the required  
14 on the board. For example, four, if it's a board of  
15 five, I would know that one is missing, or a Board of  
16 -- right here it says six board members. If it's a  
17 full board, then, you know, I would know that, okay,  
18 they are meeting -- just for information, because I  
19 just didn't know in that sense the governing body  
20 resignation, if they were in compliance or out of  
21 compliance.

22           CHAIRMAN GIPSON: I got you. I understand.  
23 If they have fallen below that statutory number.  
24 Correct. Yes, I appreciate that.

25           Director?

1           DIRECTOR POULOS:  Madame Chairwoman,  
2 Commissioners, so it's quite challenging to do that  
3 right now.  We are working on gathering information.  
4 Each board establishes in their own bylaws the number  
5 of board members.  They change those without  
6 providing, necessarily, notification to us.  But this  
7 Commission may recall that at the last meeting, I  
8 believe, you approved a policy to clarify the  
9 expectation for boards to report on changes in  
10 membership.  Included in that policy was the  
11 requirement that boards annually establish the number  
12 of vacancies or member positions they will have on  
13 their board for that entire year.  With that new  
14 policy we will have that information.

15           Currently, most of their bylaws include a  
16 range, and so it would be hard for us to tell you, you  
17 know, again, what is the number because they have not  
18 been clear on that.  But I think with our new policy,  
19 starting with our next fiscal year, we'll be able to  
20 provide you more clear information.

21           CHAIRMAN GIPSON:  Okay.  I appreciate that.  
22 And I appreciate that request, because that is  
23 something that you just wouldn't -- and I'll just say,  
24 it is challenging because we have a variety of forms  
25 of contracts over the years, so it is a challenge.  So

1 I appreciate the Director trying to be able to give us  
2 some clarity on that. So thank you. And hopefully we  
3 can fix that problem in the future.

4 COMMISSIONER CABALLERO: Okay.

5 CHAIRMAN GIPSON: Director?

6 DIRECTOR POULOS: Madame Chairwoman,  
7 Commissioners, the only other thing I will add about  
8 that piece of the report is that you will see I did  
9 include the orders of dismissal and orders vacating  
10 hearing, as well as the letter of -- from La Resolana  
11 Leadership Academy that does outline the agreement  
12 with APS. So you may be interested in looking at  
13 those materials.

14 As I just noted, we did have verification of  
15 vacancies from Health Leadership School, and that  
16 information, including the forms, are included, and  
17 including the resignation letters. So you may want to  
18 take a look at that material. They also include, as  
19 you know, the affidavit of governing body member,  
20 which is required to continue to qualify as a board of  
21 finance. And you will see that for all of their  
22 current board members, as well as a statement of the  
23 governing board to consult with the PED, which is an  
24 additional requirement.

25 CHAIRMAN GIPSON: Okay.

1           DIRECTOR POULOS: Next we do have the notice  
2 of membership changes from Coral Community Charter  
3 School, and the same material is included in that.  
4 Those are the change forms, as well as the statements  
5 to consult, and any relevant board minutes.

6           Are there any questions about those changes?

7           CHAIRMAN GIPSON: I don't -- Commissioners?

8           I don't believe so. Thank you. Thank you  
9 for that.

10           And I'm going to quickly go through number  
11 8, because my comment is, basically everything is  
12 dead. So there's really not a lot of discussion on  
13 the bill, so I think we can just move on with that.

14           And, I am going to -- so I'm going to leave  
15 for just a moment, and I'm going to turn this over to  
16 Commissioner Peralta to deal with some things with  
17 number 9, and I will return shortly.

18           COMMISSIONER PERALTA: Okay. At this time,  
19 Commissioners, we are on item number 9 a report from  
20 the Chair.

21           And so at this point I'm going to ask that  
22 the representative from the New Mexico Charter  
23 Coalition, please come forward to discuss matters  
24 pending their body, and what they have to report to  
25 the Commission. And this would be item C on number 9.

1           COMMISSIONER CABALLERO: I thought there was  
2 material on that, but I guess it's all to be given  
3 right now.

4           COMMISSIONER PERALTA: That's correct.

5           COMMISSIONER CABALLERO: Okay. I'm good.

6           MS. KELLY CALLAHAN: Mr. Chair,  
7 Commissioners. My name is Kelly Callahan, and I'm the  
8 Co-Executive Director for the New Mexico Coalition for  
9 Charter Schools.

10          MS. GRETA ROSKOM: And my name is Greta  
11 Roskom, the other Co-Executive Director for the New  
12 Mexico Coalition for Charter Schools. Thank you.

13          MS. KELLY CALLAHAN: So, Mr. Chair,  
14 Commissioners, just a couple of things that we want to  
15 talk about today. We have a couple of our own  
16 legislative updates that we wanted to give you on  
17 bills that impact charter schools. Right now, we  
18 just -- Greta just came from the Health Education  
19 Committee and Senate Bill 30, which was -- is the bill  
20 that's going to add funding for the teacher cost  
21 index, and increased funding for at-risk factor into  
22 the state equalization guarantee, the SEG.

23                 In a previous version, they also took 50  
24 percent of small school size adjustment funding from  
25 charter schools, that was amended out last week. And

1 so we are now in support of this bill, and it passed  
2 House Education, and will now go on to House  
3 Appropriations. And so we are waiting to see where  
4 this bill ends up landing, if it does pass, and is  
5 signed by the Governor.

6           So it is moving forward. It has had the  
7 language taken out that would negatively impact  
8 charter schools. We calculated that if they did take  
9 that small school size adjustment, approximately 30  
10 schools would close in five years if that bill were to  
11 go through, so we are very, very glad that it didn't.  
12 The end result is that the funding is going to be  
13 beneficial for school districts and charter schools  
14 with this new teacher cost index calculation and the  
15 at-risk. So this could be -- it's good news following  
16 a lot of bad news that has happened in regards to  
17 funding.

18           So, we also have been monitoring House Bill  
19 273, which was sort of a counter to Senate Bill 30,  
20 and we talked a lot about it at the last meeting. If  
21 you remember, Matt Paul and I were up here and talking  
22 about it. It has gone through several versions, and  
23 right now it is waiting to be heard in House  
24 Education, and we're not sure exactly what is going to  
25 happen with that bill. So right now it has not been

1 scheduled. I think the timing of the end of the  
2 session may probably stop this bill, but we aren't  
3 sure at this point. And so we are waiting to see  
4 what's going to happen next.

5           And then the last bill I wanted to talk  
6 about was SB 313. SB 313 was the bill that was  
7 introduced about facilities for charter schools, and  
8 there were three main parts of it that really impacted  
9 charter schools. One was that charter school lease  
10 reimbursements would be dependent upon school grade.  
11 That was amended out of the bill so that no longer is  
12 in Senate Bill 313. There is also language in there  
13 about a standardized lease that charter schools would  
14 be required to use, and that is still in there. And  
15 there's concern from the charter schools that a  
16 standardized lease may be difficult if there are some  
17 individualized things that would happen in -- in a  
18 school having to do sorts of adjustments that would  
19 need a different kind of information on the lease.  
20 The bill sponsor, however, did say that there is going  
21 to be some flexibility in the template. And so I  
22 think that we are okay with that as long as the  
23 attorneys and the schools and the landlords are able  
24 to work something, again, that does not adversely  
25 impact charter schools and makes the lease fair and

1 that public money is being used wisely. So I think  
2 that -- that is still in Senate Bill 313.

3           And then one other factor that was in the  
4 bill is that there was a limit on interest rates that  
5 essentially put a cap at 6 percent, which would have  
6 made it very prohibitive for charter schools to get  
7 funding, loans to purchase their facility. The  
8 sponsor again heard those concerns and is willing to  
9 look at amending it up to 9 percent, with a  
10 possibility of maybe doing a flexible -- having  
11 flexible language, because we know that charters  
12 are -- interest rates don't necessarily stay the same.  
13 So Senate Bill 313 is passing through. It should be  
14 on House Education -- I think it is going to be heard  
15 in House Education. That's where it's sitting right  
16 now. And so we'll wait for this week to end and then  
17 we will be waiting to see what is signed by the  
18 Governor.

19           We are still very concerned about the  
20 '17-'18 budget, that there is talk of another 2  
21 percent being cut from public schools. This is,  
22 again, devastating. We have one school already that  
23 has had to do a furlough, and there are several school  
24 districts that are having to face that consideration  
25 as well, so drastic, drastic changes that need to



1 happen as a result of these funding cuts. So if you  
2 have any influence, please tell them to try to not cut  
3 education any more.

4 And so those are the main bills that we have  
5 been working on throughout the session. And then I'm  
6 going to turn it over to Greta on updates of what's  
7 happening at the coalition.

8 MS. GRETA ROSKOM: Mr. Chairman, members of  
9 the Commission, can you hear me okay?

10 COMMISSIONER CABALLERO: Yes. Should I -- I  
11 just wanted a -- more clarification on a particular  
12 item, on SB 30. Should I wait until the end of the  
13 presentation?

14 COMMISSIONER PERALTA: No, I think it's  
15 okay. Go ahead and ask the question now.

16 COMMISSIONER CABALLERO: Yes, can you give  
17 me more detail on the SB 30, the funding for at-risk  
18 and the possible benefit?

19 MS. KELLY CALLAHAN: Mr. Chair, Commissioner  
20 Caballero, the provision in SB 30 for at-risk, right  
21 now there is a multiplier that school districts and  
22 charter schools use to add units to their state  
23 equalization guarantee based on the conditions of  
24 at-risk -- so mobility, English language learners, and  
25 Title 1 membership. And what the SB 30 is doing is

1 it's adding every year an incremental increase,  
2 because the sponsors realize that working with at-risk  
3 students who are -- you know, have a lot of challenges  
4 outside of a classroom, that that requires extra  
5 funding. So what they have done is they have done  
6 incremental increases over the next five years that  
7 will increase the amount of units that a school can  
8 generate that would increase ultimately their funding  
9 to assist at-risk students.

10 COMMISSIONER CABALLERO: Very good. Thank  
11 you.

12 MS. KELLY CALLAHAN: Thank you.

13 MS. GRETA ROSKOM: Mr. Chair, members of the  
14 Commission, the other side of our work, we do two  
15 things. One is advocacy, which Kelly just referred  
16 to. The other side of our work is professional  
17 development and technical support. We have a  
18 conference planned, scheduled for May 30th and 31st,  
19 to which you will each be invited. It will be a  
20 two-pronged event. Part of it will include governance  
21 council training for governance council members around  
22 the state who still have not completed their required  
23 five hours. But the majority of the conference is  
24 really intended to -- for teachers and administrators  
25 in schools.

1           The title of the conference is Keeping It  
2 Real in New Mexico Education, Best -- For  
3 Practitioners By Practitioners. So as the title  
4 implies, it's really going to be for teachers by  
5 teachers and other education professionals in the  
6 state. So we're very excited about that.

7           And then the other piece I wanted to let you  
8 know about, we'll be launching this summer, late  
9 summer, probably July or August, will be an intensive  
10 training for school business officials. And we hope  
11 that -- we're going to do what we're calling an  
12 institute. It will be an intensive 40 hours of  
13 training in the late summer, which we then hope to  
14 continue throughout the year. We hope ultimately, if  
15 we have the funding to do so, that we'll be able to  
16 assign mentors to school business officials. So we  
17 see that as a way to support some of the work that's  
18 happening in the financial arena of charter  
19 schoolwork.

20           And I think that's all that we had. I will  
21 stand for any questions you may have.

22           COMMISSIONER PERALTA: Commissioner  
23 Toulouse.

24           COMMISSIONER TOULOUSE: Mr. Chairman,  
25 members. I know there is a bill on ethnic studies

1 that Senator Lopez put in, and I know it passed the  
2 House committee last night, and I know it impacts all  
3 public schools. I wondered if you -- just -- I  
4 couldn't remember the number, and I kept asking for  
5 the number, but she hasn't gotten back to me with the  
6 number for that bill. I was wondering if you were  
7 following that.

8 MS. KELLY CALLAHAN: Madame Chair,  
9 Commissioner Toulouse, we have not been following  
10 specifically. However, if -- there is a provision in  
11 statute that this law comes into play, that charter  
12 schools are public schools, so if there is a  
13 requirement for an ethnic studies focus or an ethnic  
14 studies option, all charter schools would definitely  
15 be a part of that implementation. However, just as an  
16 aside, there are already many charter schools who  
17 offer the ethnic studies focus in their particular  
18 mission. And so once again, hopefully charter schools  
19 will be able to lead the way in how to implement an  
20 effective ethnic studies program.

21 And so we think -- I think it's a tremendous  
22 idea, and I know a lot of teachers that, I think we  
23 have something that we could probably cover in our  
24 conference because the -- those practitioners that are  
25 doing ethnic studies, this would be a perfect timing

1 because the conference is not just for charter  
2 schools, we are also working with Albuquerque Public  
3 Schools and local districts. And so this would be a  
4 great place to collaborate on best practices in  
5 offering an ethnic studies program. So we are very  
6 much in support of it. And so if it does happen, then  
7 charter schools will be held to those provisions.

8           COMMISSIONER TOULOUSE: Thank you. I didn't  
9 think about it earlier, and I just thought about it  
10 this morning, because considering that Senator Lopez  
11 does happen to be a relative, she texted me last night  
12 that she was so excited that it passed the committee,  
13 that it just now occurred to me. So I texted her to  
14 make sure it was all public schools, but she didn't  
15 get back to me with the bill number yet. I thought it  
16 was something that would be very helpful for many of  
17 our charter schools, because I know we have the  
18 program. So thank you.

19           MS. GRETA ROSKOM: Madame Chair,  
20 Commissioners, Kelly just reminded me of an important  
21 point that I forgot to enter, which is that the  
22 conference coming up at the end of May is a  
23 collaboration with the Albuquerque Public Schools and  
24 also education -- I mean, excuse me, Excellent  
25 Schools, New Mexico, and with one of our school

1 leaders, and the event will be held at PAPA, the  
2 Public Academy for Performing Arts. And there are  
3 three strands, Commissioner Toulouse, one of which I  
4 think really will address the kinds of issues that you  
5 just raised. Thanks.

6 COMMISSIONER JOHNSTON: Ms. Roskom, the  
7 school business official training that you are  
8 providing, does that, is that a secondary step for  
9 what the school business officials organization does  
10 with their training for school business officials, or  
11 how does it differ or work with?

12 MS. GRETA ROSKOM: Madame Chair,  
13 Commissioner Johnston, that a very good question. And  
14 we have been working with New Mexico ASBO, A-S-B-O,  
15 which is the Association for School Business  
16 Officials. Joey Montano is the director of that  
17 organization. We have worked with him to express the  
18 concerns that we have heard from charter school  
19 business officials that they feel that there's kind of  
20 a lack of targeted training that's appropriate for  
21 them in the field, and so that's the gap that we're  
22 attempting to fill. I think that there will be some  
23 collaboration with New Mexico ASBO, but this is an  
24 initiative that we're actually taking a lead on.

25 COMMISSIONER JOHNSTON: Thank you very much.

1 MS. KELLY CALLAHAN: Thank you,  
2 Commissioners.

3 COMMISSIONER PERALTA: Thank you.

4 CHAIRMAN GIPSON: Thank you. Sorry. And I  
5 have to apologize for 9A, because I know Commissioner  
6 Johnston asked for an additional liaison role be  
7 added, and I don't believe it's been added here. Had  
8 it?

9 COMMISSIONER JOHNSTON: No, it hasn't. It's  
10 not on this.

11 CHAIRMAN GIPSON: So that's my error because  
12 I honestly, I couldn't remember what it was. So if  
13 you could tell me what it is now and then I'll work on  
14 it for --

15 COMMISSIONER JOHNSTON: It is the New Mexico  
16 Association of School Business Officials, NMASBO.  
17 It's what we have just been talking about.

18 CHAIRMAN GIPSON: All right. So if we'll --  
19 we'll table that for --

20 COMMISSIONER JOHNSTON: That's fine.

21 CHAIRMAN GIPSON: -- and I'll rework it. So  
22 I just -- because I had a moment.

23 COMMISSIONER JOHNSTON: It's fine.

24 CHAIRMAN GIPSON: And I just couldn't  
25 remember. Thank you.

1           And we are on to B, which is the PEC  
2 calendar. And I think we have already voted on all of  
3 the changes that we have made, including the listening  
4 tour.

5           I will let Beverly know I heard back from  
6 the Centennial High School, which is right by the Farm  
7 & Ranch. They indicated that they could be used on, I  
8 think is the 27, the last day. However, this is what  
9 I wanted to add for the conversation. They don't get  
10 out of school until 3:30, so that it is their  
11 recommendation that we wouldn't really be able to  
12 adequately start until closer to 5:00 there because --  
13 so they could get everyone out and staff out and  
14 parking available. So I don't -- I don't think that  
15 matters as much when we start because I'm presuming  
16 that just about everyone that's coming would stay down  
17 there, anyway, that Thursday night, and not travel  
18 back to Albuquerque or whatever that evening, but we  
19 would still be done by 7:00, I would think. I can't  
20 see -- I mean, I'm not going to put a time limit on  
21 it, but I can't see it going more than two hours for  
22 each session. Obviously it depends on how many people  
23 show up.

24           So if that's amenable to everyone, then I  
25 will go ahead and meet with them next week, because



1 they wanted me to go see what room we might think is  
2 appropriate. So if that's -- I'll go ahead with that.

3 Are we okay with 5 o'clock?

4 Okay. All right.

5 MS. FRIEDMAN: And Madame Chair, I would  
6 like to just mention that the calendar that I put at  
7 every Commissioner's place, reflects the new location  
8 of the June 16th PEC meeting, since it will be not be  
9 here in Mabry Hall. It will be in Room 307 in the  
10 State Capital.

11 CHAIRMAN GIPSON: Correct. Thank you for  
12 reminding us of that because this room is used, yes.

13 MS. FRIEDMAN: And I will make another  
14 calendar and post it, taking off August 4th as a  
15 meeting date. The other two locations, I had asked  
16 Commissioner Crone about Espanola.

17 COMMISSIONER CRONE: Yes. Pardon me. I  
18 will have to mention, I left a message with the  
19 scheduler. I wanted to make sure that it was free  
20 since I'm an employee, and I haven't heard back from  
21 her yet. I will check my messages when I get home,  
22 and if I have heard I will E-mail you, but I don't  
23 think it will be any problem.

24 MS. FRIEDMAN: And Madame Chair, I also  
25 spoke briefly with Mr. Escobedo from Albuquerque

1 Public Schools, and he is checking into getting the  
2 Albuquerque Public Schools board room for a meeting on  
3 the 26th.

4 CHAIRMAN GIPSON: Okay.

5 MS. FRIEDMAN: And would you want those  
6 meetings to start at 3:30?

7 CHAIRMAN GIPSON: Well, the preliminary  
8 discussion we had was it had to be at least 3:30  
9 because we're asking folks to come after school, so  
10 that we're not interrupting their school day. So, you  
11 know, I think any time after 3:30. If there's a  
12 difficulty with the venue with 3:30, I think 4:00,  
13 4:30, I think we're flexible that way. We're trying  
14 to accommodate the charter community so that they can  
15 come.

16 MS. FRIEDMAN: Okay. All right. I'll  
17 follow up with people.

18 CHAIRMAN GIPSON: Thank you.

19 MS. FRIEDMAN: Thank you.

20 CHAIRMAN GIPSON: Thank you very much. We  
21 are now on to item number 10, which is PEC comments.  
22 Commissioner Ruiz?

23 COMMISSIONER RUIZ: Yes.

24 CHAIRMAN GIPSON: Excuse me.

25 COMMISSIONER RUIZ: Sorry. I'm just glad

1 that we're here and doing the work, that of the  
2 Commission.

3 CHAIRMAN GIPSON: Thank you. Commissioner  
4 Crone?

5 COMMISSIONER CRONE: No comment.

6 CHAIRMAN GIPSON: Commissioner Pogna?

7 COMMISSIONER POGNA: No comment.

8 CHAIRMAN GIPSON: Commissioner Armbruster?

9 COMMISSIONER ARMBRUSTER: No.

10 CHAIRMAN GIPSON: I just want to thank  
11 everyone for the work yesterday. It was -- you know,  
12 these work sessions have really been going positively,  
13 and I appreciate the work by CSD and all the  
14 Commissioners in digging in on this really important  
15 work. So I just want to say thank you.

16 Commissioner Peralta?

17 COMMISSIONER PERALTA: I thank you.

18 CHAIRMAN GIPSON: Commissioner Toulouse.

19 COMMISSIONER TOULOUSE: Madame Chair, just  
20 two brief things. The ethnic studies bill I was  
21 talking about is Senate Bill 219.

22 And the other thing I would like to say on  
23 the June meeting, for the ones of us with the  
24 handicapped placard, we should be able to park  
25 underneath the Capital building with that placard, and

1 we show it to the guard and they should allow to us go  
2 in. And I will try to get someone to make sure they  
3 know that it would be several people that day with the  
4 handicapped placards. Thank you.

5 CHAIRMAN GIPSON: Thank you.

6 Commissioner Johnston?

7 Oh, I'm sorry, Commissioner Armbruster.

8 COMMISSIONER ARMBRUSTER: Thank you for  
9 doing that, Commissioner Toulouse. I just wanted to  
10 remind you that Trish needs two parking places, if  
11 not --

12 COMMISSIONER TOULOUSE: Well, Madam Chair,  
13 you need to put handicapped places under the Capital,  
14 so they are pretty wide, but we can't guarantee two  
15 spaces that way, but she should be able to find and to  
16 pull into one. I'm just saying if those are available  
17 to the public with the handicapped placard.

18 CHAIRMAN GIPSON: Commissioner Johnston.

19 COMMISSIONER JOHNSTON: Thank you, Madame  
20 Chair. I would like to thank everyone for the hard  
21 work that we did yesterday. I feel like it was  
22 getting some things accomplished and some first steps  
23 were being taken.

24 I would also like to thank our attorney,  
25 Ms. McKee, and the Director, Ms. Poulos, for the hard

1 work they did in taking all of the work that we did on  
2 the Rules of Procedure and the Open Meetings Act and  
3 putting that into a document for us so that we could  
4 vote on that. I really appreciate it. That's two  
5 things. I'm just really excited about the work.

6 Thank you.

7 CHAIRMAN GIPSON: Thank you. Commissioner  
8 Caballero?

9 COMMISSIONER CABALLERO: Yes. On the -- the  
10 disabled parking at the Capital, if both doors, as you  
11 go into the parking lot, there's two doors that go  
12 into the Round House, and at each door there's four or  
13 five spaces, and they are for handicapped. And so I  
14 don't think, Trish, you're going to have a problem  
15 getting into -- and just put a note on your window on  
16 the other ones that may not have the handicapped  
17 placard. So she should be okay.

18 CHAIRMAN GIPSON: Thank you. Appreciate it.  
19 Thank you.

20 We are now on to what is noted as item  
21 number 12. We moved it up to -- the Public Forum and  
22 Public Comments. The last time I checked there wasn't  
23 anyone on there.

24 DIRECTOR POULOS: There was one that I  
25 checked.

1 CHAIRMAN GIPSON: Okay. Thank you.

2 The first person on the list is Bill  
3 Robinson?

4 Thank you. And if you will state your name  
5 for the record? And I will remind you that you have  
6 four minutes.

7 MR. BILL ROBINSON: Yes, ma'am.

8 My name is Bill Robinson. I'm a parent of a  
9 2016 graduate of Estancia Valley Classical Academy.

10 To give a little background on how I got  
11 here, I'm not a native of New Mexico. So -- but the  
12 Army dropped me off here 22 years ago for a three-year  
13 assignment which we never left from. So my kids  
14 pretty much grew up here in New Mexico. My two oldest  
15 sons started in the Moriarty-Edgewood District at  
16 school, and we pulled them out after a couple of years  
17 to put them in private schools because of a couple of  
18 things. We were disappointed with what they were  
19 getting and what they were not getting at the public  
20 schools. They went on to private schools and  
21 eventually made it to university on Fulbright  
22 scholarships in academics, and are both in the  
23 military today as Army officers.

24 My youngest daughter, who we adopted from  
25 South Korea in 1998, '99, just before I retired from

1 the Army, basically has grown up in New Mexico, and we  
2 also thought at great financial difficulty we would  
3 put her in private schools also because, again, there  
4 was no alternative for us out there in the  
5 Edgewood-Moriarty area.

6           When EVCA opened in 2012, we were the first  
7 ones at the door that morning to enroll her. She was  
8 at that point a freshman in high school. And she is  
9 an immigrant, an Asian kid, and she can hold her  
10 mettle with anybody on the merits of the founding of  
11 this country and exceptionalism of America. The  
12 education she received at EVCA, in my opinion, equals  
13 or exceeds the private school education my kids got in  
14 their growing up years. And in that -- in that  
15 respect, she was able to get a three-year Army ROTC  
16 scholarship to Montana State herself, and she is now  
17 studying civil engineering there, finishing her first  
18 year.

19           EVCA has been a dynamic force in the  
20 community, not only for my kids, but a number of other  
21 kids from all races, religions, economic, social,  
22 structures. The curriculum at ECVA is not easy. I  
23 will be the first one to tell you, my daughter will be  
24 the first one to tell you, I heard her complain many  
25 nights about having to do this, that or the other.

1 But in the long run it benefited her.

2 We don't keep a lot of kids there because it  
3 is hard. We do have kids that go to other schools  
4 because they know they can get by on doing less work.  
5 But what it's taught her and what it teaches the kids  
6 that go there is how to be active members of society.  
7 They can critically think. I can tell you my daughter  
8 can probably hold her two brothers to any kind of  
9 debate on any topic when it comes to philosophical or  
10 moral issues.

11 We don't teach Christianity. I have heard  
12 that has been a big rumor that goes around with people  
13 that we teach Christianity. We do not. We teach kids  
14 how to be critical thinkers.

15 Now, they can have any belief they want  
16 coming into our school. They must be able to defend  
17 whatever that belief is. That's all we ask them to  
18 do, is use facts to defend your belief. And when we  
19 give kids that ability to stand on their own two feet,  
20 then they become active members to be able to do in  
21 society what we want our kids to do later on in life.

22 So I know there are some -- there has been  
23 some -- a lot of issues here with the board on what we  
24 teach, and I think there has been a lot of  
25 misrepresentation on what we teach and how we teach or



1 what the school teaches. I'm not a teacher there.  
2 But I think what I can show you from our history of  
3 what we're doing with our kids and the quality of  
4 education those kids are getting, I think there has  
5 been some misrepresentation to the board.

6 And I will stop right there, Madame Chair.

7 CHAIRMAN GIPSON: Thank you very much.

8 The second person on the list is, I believe  
9 it's Kim Adams.

10 MS. KIM ADAMS: My name is Kim Adams.  
11 Madame Chair and Commissioners, thank you for hearing  
12 me today.

13 CHAIRMAN GIPSON: That was my timer. Sorry.

14 MS. KIM ADAMS: Okay. Well, that was a  
15 quick four minutes, and I'll go sit down.

16 Thank you for making me laugh because I'm  
17 really nervous.

18 I am first and foremost at EVCA a parent of  
19 three students. My two boys are in normal education,  
20 but my daughter has a very rare neurological disorder,  
21 myoclonus-dystonia. And she was in a public school  
22 setting and was marginalized in all of the things we  
23 don't want our Special Education kids to do. At EVCA  
24 Lauren has excelled. She has in the last two years,  
25 her self-esteem and her interactions with her peers

1 has gone through the ceiling.

2           So I just, as a Special Education mom, it's  
3 a tough world out there sometimes for our kids. They  
4 need a place where they feel safe in their  
5 disabilities, in their circles, to learn and be  
6 educated, and Lauren definitely finds that at EVCA.

7           The other thing, I have a pile of letters of  
8 support from parents, both Special Education parents  
9 as well as our regular education parents, that I would  
10 like to give to the Chair, if that's acceptable.

11           CHAIRMAN GIPSON: Certainly. When you are  
12 done. I'll take them.

13           MS. KIM ADAMS: I'm done because I'm so  
14 nervous, so -- I will be done.

15           I just -- Lauren is excelling. She has  
16 learned to read. She entered EVCA as a 4th grader,  
17 not learning, and she tested for kindergarten math,  
18 and she is currently in pre-algebra as a 7th grader,  
19 which is amazing for her. Because of the  
20 myoclonus-dystonia, she never will be reading at her  
21 grade level, but she is able to read, which is huge.  
22 Lauren will, because of EVCA and the education they  
23 are providing her, I feel like as a parent, she will  
24 be able to contribute to society and make it on her  
25 own a little bit, which is what I need for her.

1 Thank you for your time.

2 CHAIRMAN GIPSON: Thank you so much.

3 Commissioners, we are now on to item number  
4 11 on the agenda, and that is discussion of possible  
5 action on, and it is an executive session. So I will  
6 ask the indulgence for a 10-minute break, and we have  
7 to close the meeting, anyway, so those that are not  
8 involved in this I will ask to leave, and we'll -- the  
9 only thing that we'll be speaking about in executive  
10 session is that item that is on the agenda, and we'll  
11 come back into public session afterwards.

12 Oh, I need a motion to go into executive  
13 session.

14 Motion by Commissioner Ruiz, second by  
15 Commissioner Armbruster.

16 All those in favor?

17 (Ayes.)

18 CHAIRMAN GIPSON: Any opposed?

19 There is no opposed. Thank you very much.

20 (From 11:15 a.m. through 1:57 p.m. the

21 Commission was in executive session.)

22 CHAIRMAN GIPSON: I want to bring us back  
23 into public session. We're coming out of closed  
24 session.

25 And nothing that was discussed in closed

1 session was anything but what related to Estancia  
2 Valley Classic Academy.

3 And let the record reflect also that  
4 Commissioner Peralta had to leave.

5 And at this point in time, there will be no  
6 new action by the Public Education Commission on this  
7 matter. Thank you.

8 That being said, Commissioners, I will  
9 entertain a motion to adjourn.

10 There is a motion by Commissioner Ruiz, a  
11 second by Commissioner Johnston.

12 All in favor?

13 (Ayes.)

14 CHAIRMAN GIPSON: Opposed?

15 There is no opposition.

16 Safe travels.

17 (The meeting adjourned at 1:58 p.m.)  
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1                   BEFORE THE PUBLIC EDUCATION COMMISSION

2                                 STATE OF NEW MEXICO

3

4                                 PUBLIC MEETING

5                                     March 10, 2017

6   9:00 a.m.

7                   Jerry Apodaca Education Building - Mabry Hall

8                                     300 Don Gaspar

9                                     Santa Fe, New Mexico

10                                 REPORTER'S CERTIFICATE

11

12                   I, MABEL JIN CHIN, CCR #81, DO HEREBY

13 CERTIFY that on March 10, 2017 the Proceedings in the

14 above-captioned matter were taken before me, that I

15 did report in stenographic shorthand the Proceedings

16 set forth herein, and foregoing pages are a true and

17 correct transcription to the best of my ability.

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