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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

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A P P E A R A N C E S

COMMISSIONERS:

- MS. PATRICIA GIPSON, Chair
- MR. GILBERT PERALTA, Vice Chair
- MS. KARYL ANN ARMBRUSTER, Secretary
- MS. MILLIE POGNA, Member
- MS. CARMIE TOULOUSE, Member
- MR. TIM CRONE, Member
- MS. TRISH RUIZ, Member
- MS. DANIELLE JOHNSTON, Member
- MR. R. CARLOS CABALLERO, Member

STAFF:

- MS. KATIE POULOS, Director,
Charter Schools Division
- MS. AUDREY MCKEE, Assistant Attorney General
Counsel to the PEC
- 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."

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.

18

19 _____

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