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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

April 7, 2017

9:00 a.m.

Mabry Hall, Jerry Apodaca Public Education Building

300 Don Gaspar

Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
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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
MR. R. CARLOS CABALLERO, Member
MR. JAMES CONYERS, Member
MR. TIM CRONE, Member
MS. DANIELLE JOHNSTON, Member
MS. TRISH RUIZ, Member
MS. CARMIE TOULOUSE, Member

STAFF:

MS. KATIE POULOS, Director, Charter School 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 THE CHAIR: I'm going to bring to order
2 this meeting of the Public Education Commission. It
3 is Friday, April 7th, and it is 9:07 a.m.

4 We are going to ask Commissioner
5 Armbruster to do a roll-call vote, please.

6 COMMISSIONER ARMBRUSTER: Sure.

7 Commissioner Pogna?

8 (No response.)

9 COMMISSIONER ARMBRUSTER: Is not here.

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Present.

12 COMMISSIONER ARMBRUSTER: Commissioner
13 Armbruster is here.

14 Commissioner Conyers?

15 COMMISSIONER CONYERS: Present.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Peralta?

18 COMMISSIONER PERALTA: Here.

19 COMMISSIONER ARMBRUSTER: Commissioner

20 Gipson?

21 THE CHAIR: Here.

22 COMMISSIONER ARMBRUSTER: Commissioner

23 Johnston?

24 COMMISSIONER JOHNSTON: Present.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Crone?

2 COMMISSIONER CRONE: Yes, here.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Ruiz?

5 COMMISSIONER RUIZ: Here.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Caballero is not here.

8 So we have eight present. A quorum would
9 be five.

10 THE CHAIR: Thank you so much.

11 And we will start with the Pledge of
12 Allegiance led by Commissioner Crone, and the Salute
13 to the New Mexico Flag by Commissioner Peralta.

14 (Pledge of Allegiance and Salute to the
15 New Mexico Flag conducted.)

16 THE CHAIR: Okay. We are on to Item
17 No. 2, which is Approval of the Agenda.

18 Do we have any changes of --
19 modifications?

20 Hearing none, I will entertain a motion.

21 COMMISSIONER PERALTA: Madam Chair, we --
22 am I correct? I believe we -- I move to amend the
23 agenda to remove Item 7B. Is that my understanding?

24 THE CHAIR: Oh, okay.

25 MS. POULOS: (Indicates.)

1 THE CHAIR: I forgot about that. Thank
2 you for catching that.

3 Okay. We are going to remove Item No. --
4 the proposal is to remove Item 7B, which is -- is it
5 7B?

6 COMMISSIONER PERALTA: Yes.

7 THE CHAIR: Yes. Sandoval Academy of
8 Bilingual Education.

9 Do I have a motion to adopt the amended
10 agenda?

11 COMMISSIONER RUIZ: (Indicates.)

12 THE CHAIR: Motion by Commissioner Ruiz.

13 COMMISSIONER JOHNSTON: (Indicates.)

14 THE CHAIR: Second by Commissioner
15 Johnston.

16 All in favor?

17 (Commissioners so indicate.)

18 THE CHAIR: Opposed?

19 (No response.)

20 THE CHAIR: Hearing no opposition, we will
21 move on to -- the motion passes, and we are on to
22 Item No. 3.

23 We are on to Item 3, which is Public
24 Comment. And I actually have two people on the
25 agenda for Public Comment.

1 And the first one is -- I'm not sure if
2 it's -- Renee Olson? I'm sorry. We've got new
3 rules. So I want to make sure --

4 MS. FRIEDMAN: It's on the agenda.

5 THE CHAIR: Katie, I'm sorry.

6 MS. POULOS: Madam Chairwoman, I was just
7 going to help you out. So we -- the rules currently
8 reflect that we may limit it to no less than ten.
9 So it's up to the Commission.

10 THE CHAIR: Okay. Because I know our old
11 rules limit it per person.

12 I apologize. We've got brand new rules.

13 Good morning. Please introduce yourself
14 for the record. And I think that clip will keep the
15 mic on.

16 MS. RENEE OLSON: Oh. So I don't need to
17 do anything? Do I need to attach it?

18 THE CHAIR: The clip is on -- yeah, there
19 you go.

20 MS. RENEE OLSON: Great. Thank you. My
21 name is Renee Olson. I have four children attending
22 Estancia Valley Classical Academy.

23 My youngest, my daughter, she's in the
24 third grade.

25 I have three sons. They are in Grades

1 sixth, eighth, and tenth.

2 We have lived in the state of New Mexico
3 for about seven years. I am originally from the
4 Seattle area.

5 Due to educational and career
6 opportunities, my children have attended public
7 schools in Ann Arbor, Michigan; Fairfax County,
8 Virginia; Albuquerque Public Schools; and, since the
9 day the doors opened, Estancia Valley Classical
10 Academy.

11 I first want to state that this school is
12 a gem for the state of New Mexico. I want to share
13 a few experiences from my family, how this school
14 has impacted my children's lives and my life.

15 To give you a little bit of an insight to
16 what our day is like when we pick our children up
17 from school, I live about 15 miles from the school;
18 this is a 30-mile round trip. So we have some time
19 on the way home to hear the kids talk.

20 They are generally very excited to be out
21 of school; but they are also excited about what
22 they've learned. Our whole car ride home is about
23 what they've learned in their literature class, from
24 the stories they're reading, from science, from the
25 poems.

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1 This week, the topic in the car ride home
2 has been the sixth-graders reciting Edgar Allen
3 Poe's "The Raven." And my son was so excited
4 yesterday because he had half of it memorized. And
5 the first thought through my mind was, "We are eight
6 minutes in. Only eight more minutes to go."

7 This school has brought excitement to
8 academics for my children. And I think it's more
9 than just getting the kids excited about learning.
10 It's also the method that they use to teach.

11 I'm going to give an example of my second
12 son, who was in the fourth grade when we first
13 started at Estancia Valley Classical Academy. I had
14 volunteered almost every day at the public school.
15 This is my child that struggled to learn to read.
16 The school worked with him; volunteers worked with
17 him; I worked with him after school every day.

18 And those little DIBELS tests, I really
19 learned to dislike them, because they never -- it
20 didn't move for all the work I was putting into it.
21 And all the work that was going into it, it was slow
22 going.

23 And within a few months at this school, my
24 child, who you couldn't get to read -- it was so
25 painful; we tried everything, every type of book --

1 this boy had his nose in a book.

2 This boy is constantly, "Mom, can we go to
3 the library? I've -- you know, I've..." -- he's put
4 another book on reserve.

5 So I want to express how excited my kids
6 have become about learning and all kinds of
7 different things that would make you laugh. But I
8 don't want it on record, some of the things that
9 they've come home.

10 Another thing I want to -- so what my
11 concerns are -- and I do have a few concerns. I
12 have -- you know, I've got some kids who have been
13 speedy readers. And like I've mentioned, I have
14 some kids that aren't such speedy readers. And I've
15 had -- you know, as a mother of two kids who have
16 had IEPs, I am concerned about the space in the
17 school to meet the needs of a variety of students
18 with -- you know, who have different challenges.
19 And maybe it's they progress really fast, and some
20 don't progress as fast. The school is currently out
21 of space.

22 My -- I also have a concern about the
23 enrollment cap. And I think the school
24 representatives can speak a little bit more clearly
25 on this. But it is my understanding that as the

1 lower grades have reached their max, and the middle
2 and upper grades are -- you know, they don't have as
3 many students leaving the school, it is putting that
4 downward pressure on the upper classes.

5 It's -- and the impact is that, you know,
6 kids who -- and families whose students might really
7 thrive in this environment may not have the
8 opportunity in the future to be able to enroll their
9 students at the school.

10 In addition, you know, there's limited
11 class space and resources as far as teachers for a
12 variety of different classes. And to kind of give
13 you an example of what I have done in my home, I
14 have paid for my -- my children to have foreign
15 language classes. I have paid for music classes.

16 This is not available or within the budget
17 of most people at this school. And so I would
18 just -- you know, my plea today is to up the caps or
19 let the school -- you know, let that -- that high
20 school naturally increase from the lower grades, and
21 also that we need more space. And when you visit
22 the school, you feel like you're in an ant colony.

23 And I just want to end with we have loved
24 living in the state of New Mexico. I kind of gave
25 you an example of where we have lived. This has

1 been, by far, my favorite place. We have enjoyed
2 the culture. We love the mixing of all the
3 different cultures and have felt very loved and
4 accepted.

5 And I would like to see -- these are our
6 future leaders. And I am proud to say that I am
7 from New Mexico and from the state of New Mexico,
8 and I want my children to not only be proud, but to
9 make those that they meet from other states be
10 amazed at the education that they have received and
11 the opportunities that are here in the state of New
12 Mexico.

13 That was one of the things, as we started
14 to look into the state as we were moving here -- we
15 moved here from Washington D.C. And I can tell you
16 that my kids have had more opportunities here than
17 what they could have had in Northern Virginia.

18 Thank you.

19 THE CHAIR: Thank you so much. And the
20 second person is Jennifer Adams.

21 MS. JENNIFER ADAMS: Good morning.

22 THE CHAIR: Good morning.

23 MS. JENNIFER ADAMS: It's a pleasure to be
24 here.

25 My name is Jennifer Adams. And I am here

1 as a representative of a parent of Estancia Valley
2 Classical Academy. I currently have one child who
3 attends the school. Her name is "Tuesday," and
4 she's in first grade. And my second child -- thanks
5 to you all agreeing to approve the re-charter, my
6 second child will be a kindergartener in the school
7 next year. So I just want to thank you so much.

8 My husband and I really wanted both of our
9 kids to have the opportunity to attend the school
10 and to receive the very solid foundation in phonics
11 and reading and spelling and math. So just thank
12 you so much. My son will be able to receive that
13 same solid foundation.

14 I do have a very specific focus for being
15 here and speaking with you today. And that focus is
16 the hopes that you will approve an amendment that
17 the school will be asking for later today. One of
18 the amendments that we are asking about is being
19 able to move into a permanent school building.

20 And my main concern, as a parent, and my
21 main hope to be able to move into a permanent
22 school, is safety concerns. So right now, Estancia
23 Valley Classical Academy is located right next to
24 I-40. Not only is it located right next to I-40; it
25 is located at the bottom of a hill. Traffic that

1 travels east in the morning drives directly down the
2 hill and into the sun. And unfortunately, there is
3 history of that particular hill being extremely
4 dangerous in the morning. There have been previous
5 car accidents. People have lost their lives by
6 losing control of their vehicles traveling into the
7 sun.

8 There have also been vehicles that have
9 lost control going down that hill due to rain. And
10 it's just -- it's a dangerous hill. And EVCA is
11 located directly at the bottom of that hill.

12 Previously, maybe a year ago, there was a
13 car accident where somebody lost control, and their
14 vehicle actually hit a tree that is in the property
15 of Mountain View Elementary School, which is located
16 extremely close to Estancia Valley Classical
17 Academy. So it is a very real risk.

18 Also, because of the debris that comes off
19 the Interstate, just recently in January, there was
20 a fire that occurred in the field right next to
21 Estancia Valley Classical Academy. It was so close
22 to the school that the students who were located in
23 the west building had to be evacuated into a
24 different building.

25 In addition to the debris that might cause

1 fires, there is the real risk of debris flying and
2 actually hitting children. So those are real risks.
3 And being able to move into a permanent building
4 would move the school away from I-40 into a more
5 secluded location, where it wouldn't necessarily be
6 right next to the Interstate.

7 In addition to the fire, there was
8 recently a chemical spill that was on the
9 Interstate, and that affected the children.

10 And one thing that I just recently
11 noticed, when I went to the school two days ago on
12 Wednesday, there was a car that been pulled over by
13 Torrance County deputies. There were two deputies
14 behind the car. Both deputies and the people that
15 were in the car that had been pulled over had exited
16 their vehicles and were on the side of the road.

17 It occurred to me, as a parent, that there
18 is no control about what happens in that situation.
19 You know, there's always the "what if" concerns.
20 And having people that close to the school being --
21 you know, that proximity to the school, it's very
22 real risks. There's always the "what if" scenario,
23 having people and cars that close to a school.

24 I would also like to share some positives.
25 So there are some safety concerns about where the

1 school is now. And I would also like to say that if
2 the school is given -- if the amendment is passed,
3 and they can move into the permanent location that
4 they -- the address they've selected is in
5 Edgewood -- it would allow the children to also have
6 permanent things like playground equipment.

7 Right now, my daughter -- like I said,
8 she's in first grade. The playground equipment that
9 she has is big tires. So the permanent building
10 would allow her to have things like slides and
11 playground equipment that could be permanently
12 fixed.

13 In addition, as she gets older, it would
14 allow expansion of things like music and arts
15 programs. And the mission statement of Estancia
16 Valley Classical Academy includes a strong
17 humanities area; so that would help with that. And
18 it would also give middle and high school
19 opportunities more options when it comes to
20 electives that they would be able to take.

21 Thank you so much.

22 THE CHAIR: Thank you.

23 Okay, Commissioners, before we move on to
24 Item No. 4, we're going to quickly get -- do Item
25 No. 5, which is the minutes, and get that out of the

1 way. So if we can take a look at Item No. 5?

2 And 5A is approval of the February 21st,
3 2017, Special Meeting transcript and minutes.

4 Do I have any corrections on that? I'm
5 sure you've all pored over them diligently.

6 Hearing no --

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 move approval.

9 THE CHAIR: There is a motion --

10 COMMISSIONER RUIZ: Second.

11 THE CHAIR: -- by Commissioner Toulouse
12 and a second by Commissioner Ruiz.

13 All in favor?

14 (Commissioners so indicate.)

15 THE CHAIR: Opposed?

16 (No response.)

17 THE CHAIR: Hearing no opposition, the
18 motion passes.

19 We are on to item 5B, approval of Summary
20 Minutes for Special Meeting, February 21st, 2017.

21 Do we have any corrections?

22 Hearing none, I'll entertain a motion.

23 COMMISSIONER RUIZ: Move to approve.

24 THE CHAIR: Motion by Commissioner Ruiz.

25 COMMISSIONER CRONE: (Indicates.)

1 THE CHAIR: Second by Commissioner Crone.

2 All in favor?

3 (Commissioners so indicate.)

4 THE CHAIR: Opposed?

5 (No response.)

6 THE CHAIR: Hearing no opposition, the
7 motion passes.

8 5C, approval of the March 9th, 2017, PEC
9 Work Session minutes.

10 Any corrections?

11 If none, I'll entertain a motion?

12 And I'll make the motion.

13 COMMISSIONER RUIZ: (Indicates.)

14 THE CHAIR: And there's a second by
15 Commissioner Ruiz.

16 (No voice vote conducted.)

17 5D, approval of the PEC Meeting transcript
18 minutes from March 10th, 2017.

19 Any corrections? Hearing none, I'll
20 entertain a motion.

21 COMMISSIONER TOULOUSE: Madam Chair, move
22 approval of the --

23 THE CHAIR: Motion by Commissioner
24 Toulouse.

25 COMMISSIONER ARMBRUSTER: (Indicates.)

1 THE CHAIR: Second by Commissioner
2 Armbruster.

3 All in favor?

4 (Commissioners so indicate.)

5 THE CHAIR: Opposed?

6 (No response.)

7 THE CHAIR: Hearing no opposition, we are
8 on to -- the motion passes.

9 (Commissioner Caballero enters.)

10 THE CHAIR: On to 5E, Approval of PEC
11 Summary Minutes for March 10th, 2017.

12 And will the record reflect that
13 Commissioner Caballero has just joined us?

14 So 5E, approval of PEC Summary Minutes
15 March 10th, 2017.

16 Any corrections?

17 I'll entertain a motion?

18 COMMISSIONER RUIZ: (Indicates.)

19 THE CHAIR: Motion by Commissioner Ruiz.

20 COMMISSIONER JOHNSTON: (Indicates.)

21 THE CHAIR: Second by Commissioner
22 Johnston.

23 All in favor?

24 (Commissioners so indicate.)

25 THE CHAIR: Opposed?

1 (No response.)

2 THE CHAIR: Hearing no opposition, the
3 motion passes.

4 And we are now back to Item No. 4,
5 La Promesa Early Learning Center, Discussion of
6 Possible Action on Objection to Notice of Intent to
7 Revoke Charter and Request for Reconsideration of
8 Pending Action.

9 And this portion will be closed. So I
10 will -- and that is pursuant to NMSA 10-15-1(H)(1)
11 (3)(7). There will be no action taken while we are
12 in closed session. We will come back, and any
13 action that may be taken will be taken publicly.

14 I'm sorry. I need a roll-call motion
15 to -- to close the session. So I need a motion.

16 COMMISSIONER JOHNSTON: I so move.

17 COMMISSIONER RUIZ: (Indicates.)

18 THE CHAIR: Motion by Commissioner
19 Johnston.

20 COMMISSIONER RUIZ: (Indicates.)

21 THE CHAIR: Second by Commissioner Ruiz.
22 Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Toulouse?
3 COMMISSIONER TOULOUSE: Yes.
4 COMMISSIONER ARMBRUSTER: Commissioner
5 Armbruster votes "Yes."
6 Commissioner Ruiz?
7 COMMISSIONER RUIZ: Yes.
8 COMMISSIONER ARMBRUSTER: Commissioner
9 Gipson?
10 THE CHAIR: Yes.
11 COMMISSIONER ARMBRUSTER: Commissioner
12 Crone?
13 COMMISSIONER CRONE: Yes.
14 COMMISSIONER ARMBRUSTER: Commissioner
15 Johnston?
16 COMMISSIONER JOHNSTON: Yes.
17 COMMISSIONER ARMBRUSTER: Commissioner
18 Peralta?
19 COMMISSIONER PERALTA: Yes.
20 COMMISSIONER ARMBRUSTER: Commissioner
21 Caballero?
22 COMMISSIONER CABALLERO: Yes.
23 COMMISSIONER ARMBRUSTER: That is a
24 nine-to-zero vote.
25 THE CHAIR: Nine-to-zero vote. Okay.

1 (Executive session held,
2 9:25 a.m. to 12:22 p.m.)

3 THE CHAIR: I am bringing us back out of
4 closed session. And I want to let everyone know
5 that the only thing that was discussed during our
6 closed session was that item that is noted in No. 4,
7 La Promesa Early Learning Center. And during the
8 closed session, no votes were taken.

9 And to help us in our decision-making, we
10 asked for -- in our discussion -- in our
11 discussion -- sorry -- to help us in our discussion,
12 we included Christopher Jones from La Promesa,
13 Jackie Rodriguez from La Promesa, La Promesa's
14 attorneys, Patricia Matthews, and Ann McCollum, and
15 PEC attorney, Julia Barnes.

16 So at this point in time, I would like to
17 make a motion. And I'm going to turn it over to
18 Ms. McKee from the Attorney General's Office to
19 offer -- to offer the motion.

20 MS. McKEE: Chairwoman, Commissioner
21 Gipson, makes the following motion.

22 "I move that the request for
23 reconsideration of the pending action be granted and
24 that the Notice of Intent to Revoke the Charter of
25 La Promesa Learning Center be dismissed, and that a

1 subcommittee of members of the Public Education
2 Commission be appointed to negotiate a Corrective
3 Action Plan with the school, with the input of CSD
4 Staff.

5 "The Corrective Action Plan should include
6 a plan to resolve any outstanding issue with regard
7 to the school, not just known on February 10th,
8 2017, and that it should include, but not be limited
9 to, that the school must raise its letter to a "C"
10 by the fall issuance of the school letter grade --
11 that's the fall of 2018 -- or that the school shall
12 have obtained an average grade of "C," and that the
13 school will have completed a Financial Corrective
14 Action Plan presented to PED by the end of two
15 years, and that if this does not occur, the parties
16 agree that this would warrant revocation.

17 "This proposed agreement shall be prepared
18 and presented to the Commission at its regular
19 May meeting.

20 "The subcommittee will consist of
21 Commissioner Caballero, Commissioner Gipson,
22 Commissioner Ruiz, and Commissioner Armbruster."

23 THE CHAIR: Thank you.

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 second the motion.

1 THE CHAIR: There is a second by
2 Commissioner Toulouse.

3 Commissioner Armbruster, roll-call vote,
4 please.

5 COMMISSIONER ARMBRUSTER: Are there any
6 abstentions before we take a vote?

7 Seeing none, Commissioner Conyers?

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner
10 Gipson?

11 THE CHAIR: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner
13 Ruiz?

14 COMMISSIONER RUIZ: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Toulouse?

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Armbruster votes "Yes."

20 Commissioner Peralta?

21 COMMISSIONER PERALTA: No.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Crone?

24 COMMISSIONER CRONE: No.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Caballero?

2 COMMISSIONER CABALLERO: Yes.

3 COMMISSIONER ARMBRUSTER: There are six
4 votes for "Yes," and two votes for "No," and the
5 motion passes.

6 THE CHAIR: The motion passes with a
7 six-two vote. Thank you very much.

8 COMMISSIONER ARMBRUSTER: And five of --
9 there's nine? Oh.

10 THE CHAIR: There's nine of us here.

11 COMMISSIONER ARMBRUSTER: Danielle, I'm so
12 sorry.

13 COMMISSIONER JOHNSTON: Don't worry. I
14 was being quiet. They all --

15 COMMISSIONER ARMBRUSTER: I'm so sorry.

16 COMMISSIONER JOHNSTON: I vote "Yes."

17 COMMISSIONER ARMBRUSTER: These high
18 numbers. Sorry.

19 THE CHAIR: So the motion passes with a
20 seven-two vote. Thank you very much for the
21 correction. And thank you all for being patient out
22 there.

23 We are going to take a lunch break.

24 THE CHAIR: Commissioners, 1:15? 1:30?

25 COMMISSIONER TOULOUSE: 1:15, because you

1 won't be back until 1:30. Don't say "1:30," or
2 it'll be a quarter of 2:00.

3 THE CHAIR: Okay. 1:15.
4 (Luncheon recess held, 12:27 p.m.
5 to 1:25 p.m.)

6 THE CHAIR: So I'm going to bring us back
7 into session. And we are on Item No. 6, Discussion
8 and Possible Action on Charter School Amendments.

9 And "A" is Monte del Sol.

10 THE CHAIR: Welcome back.

11 MR. ROBERT JESSEN: Thank you. My name is
12 Robert Jessen. I'm the Head Learner at Monte del
13 Sol Charter School.

14 MR. MICHAEL SMITH: I'm Michael Smith.
15 I'll be the president of the board next school
16 session, starting in June.

17 THE CHAIR: Okay. Thank you.

18 MR. MICHAEL SMITH: I'm treasurer now.

19 THE CHAIR: Director?

20 MS. POULOS: Madam Chairwoman,
21 Commissioners, Monte del Sol has requested an
22 amendment to the material terms of its contract,
23 asking to increase the enrollment cap to 380 from
24 360. The school knows that the rationale is to be
25 able to consistently maintain an enrollment at 360,

1 based on -- I think we need some more
2 clarification -- what appears to be enrollment of a
3 higher number of students over the summer, with the
4 expectation of attrition that would then not be
5 replaced, which does raise some concerns for CSD.

6 We do expect that charter schools
7 establish what their cap is and they maintain that,
8 and if there are students on a wait list, that they
9 fill any vacancies in alignment with the Public
10 School Code, which would require behavior such as
11 that.

12 So that does raise one concern for CSD.

13 In addition, as you'll see, we do have our
14 regular report, which provides the school's history
15 and the school's performance. And that's what I'm
16 going to focus on, because that is the focus of our
17 recommendation.

18 In addition, we've provided some
19 additional detail about student body enrollment, as
20 well as specific proficiency comparisons to the
21 local school district.

22 But ultimately, you will see that CSD has
23 recommended the denial of this amendment request.
24 That is based on what we believe is pretty
25 prescriptive statutory language for schools that

1 have received a "D" or lower -- sorry -- "D" or
2 lower letter grade, that those schools must
3 prioritize their resources to improving student
4 achievement until they earn a letter grade of at
5 least a "C."

6 And we believe that actually should and
7 does prevent using resources to expand or to seek an
8 enrollment cap increase, which is, again, the
9 justification for our recommendation that this be
10 denied and reconsidered at a time when the school
11 has achieved at least a "C" letter grade for two
12 years consecutively.

13 THE CHAIR: Thank you.

14 MR. ROBERT JESSEN: I think the key thing
15 is how you define "resources." Because this has
16 been a tough year, I think.

17 THE CHAIR: I'm sorry. Is that mic
18 working?

19 MR. MICHAEL SMITH: I don't think it's
20 working.

21 MS. POULOS: You have to get quite close
22 to it.

23 MR. ROBERT JESSEN: Test.

24 Okay. The key part is how you define
25 "resources." Because I, you know, have been here

1 earlier this year talking about our lunch program,
2 which we had to suspend because resources were
3 pulled back in the middle of the year.

4 So resources are funds. Basically, the
5 funds come from the number you stood to have in the
6 SEG. So the closer we can get to 360, the more
7 resources we have, which then means we can use those
8 to prioritize our programs.

9 When I first came before the PEC three
10 years ago, in our charter application, I was
11 questioned about a previous Head Learner who had
12 allowed more students than the cap allowed for into
13 the school; because now that we have more charter
14 schools, we have more schools of choice, many more
15 students are applying for the lottery, and they can
16 get in more than one school.

17 So you let them in; but it doesn't mean
18 that they're coming. It's kind of like selling
19 tickets on a plane. You overbook.

20 What the previous Head Learner did was
21 overbook. And prior to that, it had always melted
22 down to about 360 by the beginning of the year.
23 That year, it didn't melt, and all the students that
24 we let in actually came to school, which meant we
25 were in violation of the material terms of the cap.

1 And we were part of Santa Fe Public
2 Schools, and we were chastised by them. And I was
3 questioned when we came before the PEC the first
4 time on how well we would stay within our cap. And
5 I promised that we would not exceed the cap.

6 And I was advised at that time by the then
7 Chair that we should look to increase our cap so
8 that we could more consistently actually hit 360 and
9 not risk going over. But it's important to our
10 programs that we be able to have 360 average between
11 80th -- or 40th day and the 80th day, so that we can
12 have the resources that we need to make our programs
13 work.

14 THE CHAIR: Commissioners, any questions?
15 Do you currently have a waiting list.

16 MR. ROBERT JESSEN: We are seven through
17 twelve. So we have, always, waiting lists for
18 seventh grade, eighth grade, and, almost always,
19 ninth grade. When you get into the upper grades,
20 then the waiting list goes down. Students are at
21 their schools, and they don't want to change.

22 So that's -- we can always load up our
23 seventh and eighth grade to make the cap. So to
24 have a balance, we would like to be able to add more
25 students in those upper grades at the beginning of

1 the year without risking going over the cap, so we
2 can make it in the beginning of the year.

3 THE CHAIR: So how many upper -- 'cause
4 I'm getting confused. How many upper-grade
5 students, if any, did you have to turn away this
6 year?

7 MR. ROBERT JESSEN: No juniors, no
8 seniors, a couple of sophomores; probably 20,
9 30 more ninth-graders and 100 eighth-graders and
10 100 seventh-graders.

11 THE CHAIR: That you had to say no to?

12 MR. ROBERT JESSEN: Yes.

13 THE CHAIR: Okay. And what's your
14 attrition rate between, say, eighth -- what's
15 your -- where is your biggest attrition rate?
16 Between eighth and ninth grade?

17 MR. ROBERT JESSEN: It's between eighth
18 and ninth grade, because that's the transition from
19 middle school to high school. And then we have have
20 a little bit between the ninth and tenth grade,
21 because they become eligible to go to the Masters
22 Program. And that's really the only consistent
23 school that students from Monte transfer to.

24 FROM THE FLOOR: So approximately how many
25 do you generally lose year-to-year with that?

1 MR. ROBERT JESSEN: Probably between -- on
2 an average year, 10 to 15?

3 THE CHAIR: Okay.

4 Commissioners, any questions?

5 COMMISSIONER CABALLERO: An explanation on
6 the Masters Program, please?

7 THE CHAIR: It's a school.

8 MR. ROBERT JESSEN: The Masters Program is
9 a school that operates in Santa Fe Community
10 College. And they begin to accept students in the
11 tenth grade.

12 COMMISSIONER CABALLERO: Anything
13 different from them to you?

14 MR. ROBERT JESSEN: In terms of what we
15 offer?

16 COMMISSIONER CABALLERO: Uh-huh.

17 MR. ROBERT JESSEN: Their program is all
18 at the Community College. So most of their classes
19 are dual-credit classes. And students in the
20 Masters Program go to school and live at the
21 Santa Fe Community College, as if they were college
22 students.

23 THE CHAIR: I'm having trouble with math.
24 Commissioner Armbruster?

25 COMMISSIONER ARMBRUSTER: So I'm having a

1 difficult -- I'm sorry -- wrapping my head around
2 these numbers. So -- and I understand what you're
3 asking, and I understand that point. So if you
4 accept 360 -- what was it? 360? 360. That's your
5 cap right now; right?

6 MR. ROBERT JESSEN: Yes.

7 COMMISSIONER ARMBRUSTER: So you accept
8 360, and you start a waiting list that would go for
9 the lottery. I don't understand why that would make
10 any difference if you had 20 more.

11 I understand the part about the money; but
12 I don't understand why you couldn't take people off
13 the lottery list.

14 MR. ROBERT JESSEN: People wait to make
15 their decision until the beginning of the school
16 year. So by the time we find out that they're not
17 going to come, we're one week or two weeks into the
18 school year. And then you have to go farther down
19 the lottery list, because they're in school; they've
20 got new friends there, and they just don't want to
21 leave, often.

22 COMMISSIONER ARMBRUSTER: Do you have to
23 wait that long? I mean, I don't know the rules. So
24 I'm asking that as -- so if, you know, John Smith
25 doesn't arrive on day one --

1 MR. ROBERT JESSEN: If parents don't tell
2 us, then a student is automatically disenrolled in
3 ten days. So they have ten school days until they
4 have to tell us. Or we call them to find out.
5 We'll be calling them, the attendance line, anyway;
6 but they might not know. They might say, "Well,
7 we're going to try this school, and then we'll
8 switch schools."

9 So there's a lot of flux at the very
10 beginning of the year.

11 COMMISSIONER ARMBRUSTER: I don't know if
12 this is law; but I'm sure Katie will tell me. And
13 if someone doesn't show up day one at a charter
14 school where there's a waiting list, as opposed to a
15 traditional public school -- and I understand why
16 you would wait there -- do they have to wait for ten
17 days, also, at a charter school, where they have a
18 lottery, and they have people who want to go?

19 MS. POULOS: Madam Chairwoman,
20 Commissioner Armbruster, there's no requirement to
21 wait ten days. What is permissive -- and, in fact,
22 some of our charter schools have policies that
23 establish -- what is permissive is -- it's in law
24 it's not a requirement -- a school may disenroll a
25 student after ten unexcused absences.

1 But, again, charter schools -- and really,
2 I think, any school, I mean -- could say, you know,
3 if a student is enrolled, they must attend -- at
4 least attend within the first five days, which I've
5 seen in charter school laws, or they will be
6 disenrolled and can be added to the waiting list at
7 the end.

8 And we do see many charter schools that
9 have that policy to clarify with parents that they
10 need to.

11 What the ten-day disenrollment thing is,
12 if we're in the middle of the year, and this child
13 doesn't show up for ten days, and they have no
14 communication, the school may, at that point -- may,
15 it's not required to -- disenroll that student
16 because there's a lot of issues that come up; right?
17 Are they enforcing the compulsory attendance law?
18 Are they -- you know, is that student just missing;
19 right? You know, they've got to figure out what
20 that is.

21 COMMISSIONER ARMBRUSTER: So in thinking
22 about alternatives for this school -- because I can
23 understand, you know, that it's difficult, if you're
24 waiting ten days -- could they just, on day one --
25 Johnny isn't there. Can you call and ask parents,

1 "Is he coming to our school? Is that 'yes' or
2 'no'?"

3 MR. ROBERT JESSEN: You can do that. And
4 we do do that. But I think probably that's one of
5 the factors. Probably a greater factor is that the
6 numbers for the school are 40th day is the first
7 day, and then 80th day is the next count. And so
8 you want to have enough students for your resource
9 count closer to 360 between those average days,
10 which is, when you're not at the beginning of the
11 year, you're well into the second quarter when that
12 happens. And so some students leave at that time,
13 and then it's more difficult to fill the slots in
14 the middle of the year.

15 COMMISSIONER ARMBRUSTER: So now we're on
16 a different group of kids, because we're not talking
17 about Johnny, who didn't come the first day, and you
18 give them ten. Now, we're talking about kids who
19 are leaving.

20 MR. ROBERT JESSEN: Right.

21 COMMISSIONER ARMBRUSTER: But you still
22 have that list.

23 MR. ROBERT JESSEN: But at that time, no
24 one wants to switch schools. Very few students want
25 to switch schools.

1 COMMISSIONER ARMBRUSTER: Oh, okay. I got
2 it. Took me a while. I hear what you're saying.

3 COMMISSIONER JOHNSTON: I have a -- may I?

4 THE CHAIR: Commissioner Johnston, yes.

5 COMMISSIONER JOHNSTON: Thank you. I
6 think we're all doing the math in our heads. You're
7 asking for an increase of 20 students at the
8 beginning of the year. Do you exhaust your waiting
9 list?

10 MR. ROBERT JESSEN: We exhaust our waiting
11 list for the twelfth grade and the junior class.
12 This year, we also exhausted it for the sophomore
13 class, which is one of the first times that's
14 happened to us.

15 COMMISSIONER JOHNSTON: Okay. The 80th
16 day is actually an October date. Is it October 10th
17 now -- I mean, the 40th day is October 10th or
18 something like that. The 80th day -- I'm sitting
19 here -- it falls in December; is that correct?
20 That's just before the change of the semester.
21 Funding is based on those 40- and 80-day counts.

22 How many children do you lose at semester,
23 or between the 80th and the 120th day, the end of
24 the year? Because if you're looking at increasing
25 funding based -- and they do go in and look at

1 those -- and is the 80th day -- that's your special
2 ed number; right? Is that when you report your
3 special ed numbers for funding for your program?

4 MR. ROBERT JESSEN: I wish I had my
5 special education coordinator here.

6 COMMISSIONER JOHNSTON: So those are your
7 funding dates, sort of. That 120th day counts.
8 But -- but manipulating your enrollment to get more
9 resources, which is what you call it, how many are
10 you losing between that 80th and 120th day at
11 semester and beyond? How many leave you then?

12 MR. ROBERT JESSEN: Probably about five to
13 six, total of 10 to 15 on the year, on an average
14 year.

15 COMMISSIONER JOHNSTON: All right. Thank
16 you.

17 MR. ROBERT JESSEN: And may I just also
18 say that every penny counts this year?

19 COMMISSIONER JOHNSTON: Oh, I know that.
20 But to --

21 THE CHAIR: Commissioner Conyers, can I
22 just tie -- how many do you have right now?

23 MR. ROBERT JESSEN: 343.

24 THE CHAIR: Okay.

25 Commissioner Conyers?

1 COMMISSIONER CONYERS: Just a question on
2 your overall grade. I know it had dropped from a
3 "B" to a "D." And I know frequently, that's
4 attributed to the change in tests. How do you --
5 how do you attribute that?

6 MR. ROBERT JESSEN: A couple of things
7 happened. The big deal was the change to the PARCC
8 test.

9 COMMISSIONER CONYERS: Uh-huh.

10 MR. ROBERT JESSEN: The other factor is
11 that our demographics have been changing over the
12 years, again, with the additional schools that have
13 come online. So we are a greater percentage of
14 free-and-reduced lunches. So statistics show that
15 also has an effect on grading and testing.

16 I would also like to add that those are
17 statistical predictions. Ms. Poulos nominated me
18 for the Principals Pursuing Excellence program this
19 year, which is -- if you don't know about it, it's a
20 great program, and I'm planning on doing that.

21 There are plenty of schools out there that
22 have high free-and-reduced lunches, but also high
23 scores on the PARCC. So we understand that that was
24 a factor in going to the "D"; but it's not a factor
25 that we accept over time.

1 COMMISSIONER CONYERS: So the factor is
2 the changing demographics? Is that what you're
3 saying?

4 MR. ROBERT JESSEN: Going from the SBA to
5 PARCC, that was the big "B" to the "D," and then
6 also the changing demographics. We did have some
7 progress last year between 2015-2016, which I think
8 Ms. Poulos points out.

9 COMMISSIONER CONYERS: Okay. Thank you.

10 THE CHAIR: Commissioner Caballero?

11 COMMISSIONER CABALLERO: The number, 360,
12 what -- how did you derive -- come out to that
13 number?

14 MR. ROBERT JESSEN: Monte was founded on
15 the -- see if I can remember the name of it --
16 Council of Essential Schools, which has an idea of
17 the sort of the perfect size for a school in order
18 to have everyone be able to know everyone at the
19 school. So we have seven through twelve; so that's
20 60 students per class.

21 And so it's part of the initial concept of
22 Monte del Sol that we remain no -- we do not grow
23 above 360 as a school, so that everyone at the
24 school is well-known by all the faculty and staff.

25 COMMISSIONER CABALLERO: Next question is

1 if -- if you were to enroll more than 360 -- or to
2 arrive at your average of 360, do you have the
3 ability to accommodate more students? Let's say
4 365? 370?

5 MR. ROBERT JESSEN: Yes.

6 THE CHAIR: What's your maximum cap for
7 your building?

8 MR. ROBERT JESSEN: We're way under the
9 max cap for the building. I think that's around
10 400.

11 THE CHAIR: Okay. Commissioners, any
12 further comments? Questions?

13 I'll be honest. I have difficulty in
14 increasing a cap with -- with the scores especially
15 in that lowest quartile. That, I just -- Director?

16 MS. POULOS: Okay.

17 THE CHAIR: That's all right.

18 MS. POULOS: Madam Chairwoman,
19 Commissioner, and Mr. Jessen, I just want to
20 clarify. This is something we will be working on
21 clarifying so that everyone understands this.

22 My real concern is -- and I hear yours.
23 But my real concern is if you say, "We have 380
24 spots, and we can fill 380 spots," then you can't,
25 at a later point in the year, say, "We only have

1 360 spots."

2 In fact, you, as a school, need to
3 establish annually, "This is how many spots we have;
4 this is how many we're going to fill," and continue
5 with that number through the year.

6 And that's my concern is we may, by
7 creating this idea that you can do that, create an
8 environment where schools are violating the law.

9 And I -- we will be, like I said,
10 clarifying that for the public and for all the
11 schools so they understand that, that the
12 expectation really is, at your lottery, you say,
13 "This is how many spots we have; this is how many
14 we're going to fill."

15 And we continue through the year, anytime
16 a vacancy opens, to fill that spot with a student
17 from the wait list. And if there is no wait list,
18 then if somebody were to come in the next day and
19 say, "I want to enroll," that student is eligible to
20 do so.

21 THE CHAIR: Right. Because that's --
22 that's what's somewhat been nagging at me. Are you
23 saying, "It's 380, but we're really going to keep it
24 at 360"?

25 If 380 show, are you keeping it at 380, or

1 are you -- do you want to just keep it at 360?
2 That's where it gets a little gray here.

3 MR. ROBERT JESSEN: I'd just like to point
4 out that this was recommended to me by the previous
5 Chair of the PEC. That's where I got the idea
6 there. And Michael would like to say something.

7 MR. MICHAEL SMITH: We just worked through
8 the budget. And our budget is 360. That's how many
9 students we plan on educating at Monte. And --

10 THE CHAIR: Then my question is why, then,
11 do you need a cap of 380 if you never want to go
12 over 360? Then why don't --

13 MR. MICHAEL SMITH: Because there's
14 natural attrition.

15 THE CHAIR: But you can do waiting lists.
16 That's what I don't get. You can do waiting lists
17 so that you can fill in. It's just -- that 380
18 becomes an artificial number.

19 MR. ROBERT JESSEN: If you use the waiting
20 list in the summer, they will come. If you go to
21 the waiting list in the middle of the year, it is
22 much less likely that they will come. So that's --

23 COMMISSIONER JOHNSTON: And --

24 THE CHAIR: Commissioner Johnston?

25 COMMISSIONER JOHNSTON: Madam Chair, my

1 concern would be the 40-, 80- and 120-day counts are
2 vitally important to the funding formula. And if I
3 remember correctly -- and I'm sure there are many
4 people who can correct me if I've got it wrong. But
5 the 40th day count is your first count. The 80th
6 day -- or -- now, it's October 10th, and the 80th is
7 in December. You're counting your students who are
8 receiving related services.

9 My concern would be is that the school
10 would increase to 275 [verbatim] for the first
11 semester, and then their attrition would take them,
12 at semester, down to the 360. But when you're able
13 to average those enrollments, your funding is
14 higher. You get extra dollars. And those are your
15 resources. That's what you all are talking about.

16 And so it's really messing with your
17 budget. It's manipulating it. And it's making the
18 beginning of the year larger classes, and the end of
19 the year smaller classes; but you still count those
20 numbers.

21 THE CHAIR: Right.

22 MR. MICHAEL SMITH: We're dealing with the
23 opposite of that right now.

24 COMMISSIONER JOHNSTON: Okay.

25 MR. MICHAEL SMITH: We're dealing with

1 345, as opposed to 360, which our budget is based
2 on. So that means that a year later, we're going to
3 be funded for 345.

4 COMMISSIONER JOHNSTON: Which is what you
5 served.

6 MR. MICHAEL SMITH: Right, what we served
7 the previous year. So it's always going to be based
8 on the previous year. We're trying to get it so
9 that we can be as close to 360 every year, year
10 after year, as possible. And in order to do that
11 and not go over our cap, we're asking simply to
12 raise the cap so that we have, built in, a little
13 attrition, so that when we're -- when we do those
14 counts, for the following year, we have the right
15 funding in place.

16 Right now, we're struggling with all the
17 State's done to the -- all the schools. And we're
18 dealing with having -- trying to stay under our cap
19 so rigorously that we've put ourselves into a
20 situation where we're going to get less funding the
21 following year.

22 COMMISSIONER JOHNSTON: And while I have
23 sympathy for you, I have sympathy for every district
24 and charter school in the state who faces that same
25 thing. And to mess with numbers of students that

1 you really have no intention of -- you don't believe
2 you'll need to educate -- that's 20 students.

3 THE CHAIR: Right. And I have a concern
4 that we're going to -- we'll be inundated --

5 COMMISSIONER JOHNSTON: Yes. And it's --

6 THE CHAIR: -- with similar requests.

7 COMMISSIONER JOHNSTON: You need to have
8 Mr. Aguilar come -- Deputy Secretary Aguilar come
9 and explain that.

10 THE CHAIR: Commissioners, do I have
11 anyone that wants to propose a motion?

12 If there's no other -- Commissioner Ruiz?

13 COMMISSIONER RUIZ: Madam Chair and
14 Commissioners, I move to deny the amendment request
15 presented by Monte Del Sol, one, to increase its
16 enrollment cap to 380, because the school has not
17 yet demonstrated sustained academic achievement, as
18 required by NMSA 1978, S. 22-2E-4E, which requires a
19 school that has earned a letter grade of "D" to
20 prioritize resources toward proven programs and
21 methods linked to improve student achievement until
22 the school earns a grade of "C" or better for two
23 consecutive years.

24 THE CHAIR: Do I have a second?

25 COMMISSIONER JOHNSTON: Second.

1 THE CHAIR: Second by Commissioner
2 Johnston.
3 Commissioner Armbruster?
4 COMMISSIONER ARMBRUSTER: I'm sorry?
5 COMMISSIONER CABALLERO: No. I'm going to
6 vote "No."
7 COMMISSIONER ARMBRUSTER: I didn't know
8 what that meant. Okay. I'm ready.
9 Commissioner Gipson?
10 THE CHAIR: Yes.
11 COMMISSIONER ARMBRUSTER: Commissioner
12 Peralta?
13 COMMISSIONER PERALTA: Yes.
14 COMMISSIONER ARMBRUSTER: Commissioner
15 Ruiz?
16 COMMISSIONER RUIZ: Yes.
17 COMMISSIONER ARMBRUSTER: Commissioner
18 Toulouse?
19 COMMISSIONER TOULOUSE: Yes.
20 COMMISSIONER ARMBRUSTER: Commissioner
21 Conyers?
22 COMMISSIONER CONYERS: Yes.
23 COMMISSIONER ARMBRUSTER: Commissioner
24 Crone?
25 COMMISSIONER CRONE: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Armbruster votes "Yes."

3 Commissioner Caballero?

4 COMMISSIONER CABALLERO: No.

5 COMMISSIONER ARMBRUSTER: So the vote
6 is -- and Danielle?

7 COMMISSIONER JOHNSTON: Yes.

8 COMMISSIONER ARMBRUSTER: And that was a
9 "Yes" vote?

10 COMMISSIONER JOHNSTON: Yes.

11 COMMISSIONER ARMBRUSTER: It will be eight
12 to one.

13 THE CHAIR: That is an eight-to-one vote.

14 Thank you very much. Motion passed. Thank you very
15 much.

16 We are now on to 7C -- oh, no. I'm sorry.

17 6B. Estancia Valley. Sorry. I jumped
18 ahead. We are on to 6B, Estancia Valley Classical
19 Academy.

20 MR. ROGER LENARD: Madam Chair, members of
21 the Commission, Ms. Poulos. I am Roger Lenard, the
22 president of the governing council of the EVCA.
23 This is Mr. Tim Thiery, who's the executive director
24 of EVCA.

25 I have with us Mr. Harlan Lawson, who's

1 the vice president of our governing council;
2 Charlotte Hetherington, who is our legal counsel;
3 and our -- a member of our governing council,
4 Ms. Kim Adams.

5 THE CHAIR: Good afternoon.

6 MR. ROGER LENARD: Good afternoon.

7 THE CHAIR: Director?

8 MS. POULOS: Madam Chairwoman,
9 Commissioners, Estancia Valley Classical Academy has
10 submitted three amendment requests. I know we don't
11 handle them together; but I'm going to address them
12 together, and then we can address any specific
13 questions. And I have provided motion language for
14 all three separately in the back of your materials.

15 So the first is a request for an
16 enrollment cap increase. This request was included
17 as part of the school's renewal application
18 submitted back in October.

19 The request is to increase the enrollment
20 cap to 780 from the current enrollment cap, which is
21 575. The school notes that the rationale for this
22 request is that the school has experienced growth
23 each year of their operation, beginning with
24 293 students in Grades K-10; and current enrollment
25 is 455 in Grades K-12.

1 Their current charter enrollment cap is
2 575, and they are anticipating moving to a new
3 facility as early as August 2017, depending on
4 availability of the funding, and expect enrollment
5 to surpass 575 before the next charter renewal.

6 The second request is to change terms in
7 their current charter regarding the location of the
8 facility so that they will be able to change
9 facilities at a later date. The school notes the
10 rationale for the amendment request is to remain
11 compliant with the provisions of Section 22-8B-4.2
12 NMSA 1978 of the Charter Schools Act.

13 Current facilities are leased from the
14 EVCA Foundation, and the initial five-year lease
15 term ends in August 2017. These buildings are
16 available on a month-to-month basis during the
17 2017-'18 school year. Current leased facilities
18 will not support the anticipated increase in
19 enrollment above their current enrollment. Their
20 anticipated enrollment growth to 575, which is their
21 current cap, cannot be housed in their existing
22 facilities.

23 Additionally, the current leased
24 facilities are very expensive per square foot. The
25 lease-purchase cost for the new facility is

1 anticipated to give them critically needed
2 additional space at a similar total lease cost. And
3 while they cannot use future SB-9 funds to pay lease
4 costs of their current leased facilities, they can
5 be used to pay lease-purchase costs in their new
6 facility.

7 This move will keep EVCA situated within
8 the NESD School District; although it will require a
9 short move from northern Torrance County to southern
10 Santa Fe County. And the language in their current
11 charter is very specific about staying in Torrance
12 County, and that's why they're seeking that change.

13 The third request is a request to change
14 language in the current charter related to their
15 instructional hours.

16 The school seeks to incorporate language
17 that clarifies the instructional hours provided,
18 which will continue to exceed the minimum
19 instructional hours, and, in fact, will not change
20 from the current instructional hours.

21 The application notes the rationale for
22 the amendment request is that in the 2011 charter
23 application there was a typographical error on the
24 total instructional hours for Grades 7 through 12,
25 and that based on feedback from the Charter Schools

1 Division, the calculations they have fail to account
2 for passing periods; and so it appears that they're
3 not meeting their instructional hours in their
4 charter, when, in fact, the intent was the amount
5 that they're providing currently.

6 And so there will be no change.

7 So, again, we have provided the school
8 history, the school performance, which the
9 Commission will note includes a three-year average
10 letter grade of an "A"; although, the current year
11 letter grade based on last year's performance, did
12 drop from an "A" in the prior year, to a "C."

13 But over the three years, they've had a
14 single-year letter grade of "A," "A," and "C."

15 In addition, there's proficiency
16 comparisons to the local school district, as well as
17 comparative subgroup and demographic information.

18 CSD has recommended the approval of all of
19 the amendment requests, based on the academic
20 performance of the school, the overall letter grade,
21 as well as the recommendation of approval of the
22 facility change, which is in alignment with other
23 requests that kind of preemptively assist a school
24 in being able to enter into some of the agreements,
25 obtain financing.

1 And then with the instructional hours,
2 again, the recommendation is approval, as we note
3 that there will be no change in instructional hours;
4 the students will continue to receive the same
5 instructional hours.

6 THE CHAIR: Thank you. Welcome, once
7 again.

8 MR. ROGER LENARD: Thank you.

9 THE CHAIR: So anything that you wish to
10 provide?

11 MR. ROGER LENARD: You know, it is
12 somewhat uncomfortable for us to not be able to
13 comply with 22, Section 8B-4.2. We are
14 grandfathered in, because when we started our
15 charter school, the statute was not yet in place.
16 So we're in a difficult position, because we don't
17 really want to be in violation of code; but we need
18 your approval to move.

19 The increase in enrollment is a collateral
20 benefit; but, primarily, we would like to get into a
21 facility that meets the intent of the law, which is
22 a lease-purchase, which the new facility would be.

23 THE CHAIR: Thank you.

24 Commissioner Peralta, do you want to add
25 anything in regards to the facility at this point?

1 COMMISSIONER PERALTA: Maybe if we could
2 kind of tie both in as far as the cap and the
3 increase request and the building?

4 MR. ROGER LENARD: Speaker sure, that's
5 fine.

6 COMMISSIONER PERALTA: I kind of want to
7 just kind of get my facts straight here. Currently,
8 you guys are on 132 Impala Court in Moriarty;
9 correct?

10 MR. ROGER LENARD: Yes, sir.

11 COMMISSIONER PERALTA: And you have
12 455 students in the building you've occupied for how
13 long?

14 MR. ROGER LENARD: Well, this is our fifth
15 year of occupancy of those facilities.

16 COMMISSIONER PERALTA: Okay. And so
17 now -- and your current enrollment cap is 575.

18 MR. ROGER LENARD: That is the enrollment
19 cap, but without exceeding per square foot and --

20 COMMISSIONER PERALTA: Right.

21 MR. ROGER LENARD: Well, primarily,
22 per-square-foot limitations.

23 COMMISSIONER PERALTA: You've got your
24 enrollment cap.

25 MR. ROGER LENARD: Actually, 515 is the

1 limit without cheating the per-square-foot occupancy
2 rate.

3 COMMISSIONER PERALTA: So, now, your
4 request for the increase in enrollment to 780, I
5 believe; is that correct?

6 MR. ROGER LENARD: That's correct, sir.

7 COMMISSIONER PERALTA: That's to be able
8 to -- your intent is to move into another place
9 temporarily?

10 MR. ROGER LENARD: No, sir.

11 COMMISSIONER PERALTA: Or a new facility?

12 MR. ROGER LENARD: This year, we expect to
13 be very close to the 515 enrollment, okay?

14 COMMISSIONER PERALTA: Yeah.

15 MR. ROGER LENARD: And if we are given
16 permission to move the facility, we will actually be
17 able to engage in the activities necessary to get
18 financing and to begin construction. And then we
19 anticipate being able to move in that facility in
20 about a year's time. We do not anticipate reaching
21 780 immediately, of course.

22 COMMISSIONER PERALTA: So where are you
23 going on August of 2017?

24 MR. ROGER LENARD: Well, we will remain in
25 our present facilities until a new facility is

1 complete.

2 COMMISSIONER PERALTA: Okay. All right.

3 So that makes sense now.

4 So now I'm going to go back and address
5 basically the enrollment cap request, the increase
6 in your enrollment cap. So if you're going to stay
7 in your current facility, already, at your
8 enrollment cap of 575, your building would be
9 insufficient to house those students.

10 FROM THE FLOOR: It would be a -- yes,
11 sir.

12 COMMISSIONER PERALTA: 575 is kind of
13 toeing the line.

14 MR. ROGER LENARD: Yes, in the current
15 facilities.

16 COMMISSIONER PERALTA: So if the
17 Commission were to vote in favor of the increase to
18 780, in my opinion, it wouldn't make sense that if
19 you're currently going to stay in the facility that,
20 you know, barely -- barely and feasibly meets the
21 needs of the students and staff at 455, I personally
22 can't see going to that number at 780, when you're
23 remaining in your old facility.

24 MR. ROGER LENARD: Well, our intent is to
25 not remain in the facility, because the facility

1 really isn't compliant with statute; so we've got to
2 do something.

3 COMMISSIONER PERALTA: I understand that.
4 Your number 780 is in -- in looking forward, looking
5 ahead at the new facility; right?

6 MR. ROGER LENARD: Yes, sir. Yes, sir.

7 COMMISSIONER PERALTA: But you don't have
8 that. You're currently in your old facility.

9 MR. ROGER LENARD: We are currently in our
10 old facility, yes.

11 COMMISSIONER PERALTA: So in my opinion,
12 again, I feel more comfortable at keeping the number
13 at 455, because even that's toeing the line about
14 that being adequate for the students in that old
15 facility.

16 MR. ROGER LENARD: We believe 515 is a
17 pretty good number.

18 COMMISSIONER PERALTA: All right. But 575
19 is your cap. And 575, according to the square
20 footage in that building, would be insufficient, if
21 you got to that number, would not be adequate space
22 to be able to house your staff and your students in
23 that building.

24 So in my opinion, I would say that 780 is
25 not a good number for a facility that you, right

1 now, can barely hold 455, maybe getting to 550. I
2 can't see about approving a number for a facility
3 you don't have yet. That's basically what I'm
4 telling you.

5 THE CHAIR: My understanding, with new
6 applications and renewals, has been that a school
7 can't -- the school's cap, when they're putting in
8 the applications and when we're renewing, the cap
9 has to match the facility that they are currently
10 in.

11 And right now, I feel we're almost
12 violating statute, because we're allowing them --
13 telling you -- that's how I feel. I'm not saying we
14 are. I'm telling you that's how I feel, that we're
15 saying you can do this, when they can't.

16 Commissioner Caballero?

17 COMMISSIONER CABALLERO: The only thing
18 that puzzles me about enrollment and buying a new
19 property and growth is that I heard some school say,
20 "We need to have approval for higher enrollment so
21 that we can make this deal," because you cannot
22 assure the payment of a new facility or a new lease
23 if you don't have an insured enrollment.

24 If your enrollment is 400, and your lease
25 is going to cost you having an enrollment of 770, it

1 won't work. So -- so I don't know what needs to
2 happen.

3 Are we allowed to approve an enrollment
4 growth conditioned on moving to new facilities?
5 Maybe that would work. But I'm stuck in -- in what
6 was previously presented on we've got to make this
7 deal happen and -- and what the existing statutes
8 have.

9 MR. HARLAN LAWSON: Madam Chair, Harlan
10 Lawson. The -- if I could just make a comment, we
11 don't need the money to pay for the new facility,
12 with that cap. It would obviously give us an
13 opportunity to open more programs that we don't
14 have.

15 What we find is that in talking to
16 investors, we can say between a half or a 1 percent
17 interest, if they know that we will eventually be
18 allowed to go to a 780 cap.

19 So we're not really asking for -- to
20 support the expenses when we first go into the
21 building. We can -- so it's not an immediate need
22 for money.

23 It's a risk aversion, I guess I think you
24 all would call it, for the investor to say that they
25 know that as we reach the demand, that we be allowed

1 to get to that size, because we want to build a
2 school. We would never ask for another school -- as
3 you heard a previous school say they had a cap they
4 didn't want to exceed, we don't ever really want to
5 exceed 780, either, because we're a K-through-12.

6 THE CHAIR: Do -- have you provided plans
7 and so on to PSFA for -- for this school so -- you
8 know, that's --

9 MR. HARLAN LAWSON: We are close to that.
10 We have not yet provided plans to them. We will be
11 reviewing our master facility plan shortly, and then
12 review the plans before we ever start construction.
13 So we expect that, I think, probably in the next
14 60 days.

15 COMMISSIONER PERALTA: So you're saying
16 you've had some preliminary conversation with PSFA?

17 MR. HARLAN LAWSON: We have.

18 COMMISSIONER PERALTA: So I have an e-mail
19 here from Martica Casias from -- and she's my usual
20 liaison to the PSFA. As of April 4, she said PSFA
21 has not had any interaction with the school. Plans
22 have never been submitted, nor reviewed by PSFA, for
23 compliance and adequacy standards.

24 MR. HARLAN LAWSON: Well, that's a true
25 statement. That's not what you asked me. I was

1 there on August 12th, myself. We've had the
2 Foundation and other reps talking with both Martica
3 and the Deputy -- I can't remember his name now
4 there -- but back in -- last year.

5 So we have had discussions. In fact, at
6 our enrollment now, they would say that we're
7 entitled to something like 90,000 square feet.
8 We're planning on a 66,000-square-foot facility,
9 because we don't have to have a cafeteria and
10 several other things that fit into that
11 99,000-square-foot figure [verbatim] that they
12 computed.

13 We haven't showed them any plans yet; but
14 we have had discussions.

15 COMMISSIONER PERALTA: So when do you
16 anticipate maybe having the facility fully
17 constructed and moving in? Do you have an estimate
18 of a time line?

19 MR. HARLAN LAWSON: Yes. In the
20 application, we said August 2017; but, of course
21 that's not going to happen now, because we've had to
22 put that on hold. So we would probably look at
23 sometime after January of 2018. I mean, January --
24 yes -- 2018.

25 COMMISSIONER PERALTA: So that would be

1 within less than a year.

2 MR. HARLAN LAWSON: Yes.

3 COMMISSIONER PERALTA: Because on average,
4 it's usually anywhere between 18 months -- beginning
5 when PSFA gets all the checklists done and they
6 looked at codes, compliance code, they looked at
7 your plans and all those kind of things, that, on
8 average, about 18 months to two years for a total
9 phase of construction to finish and have a school
10 ready for school to begin.

11 And at this point, you haven't submitted
12 anything yet to PSFA; so I find it hard to -- that
13 you're thinking of moving into a school in January
14 of 2018.

15 MR. HARLAN LAWSON: Well, I understand
16 your concerns. And I do see those.

17 But the -- what's pressuring us -- and it
18 could be as late as June of 2018, because we don't
19 know how quick this operation will go. It's not
20 only a PSFA approval process, but it's also a
21 funding process and whatnot. So it could be -- in
22 other words, it could be closer to 15 months than
23 12 months or nine months.

24 COMMISSIONER PERALTA: Okay. And so
25 you're -- the developers, or the people that you

1 plan on leasing from, are telling you that they need
2 the number in order to bring down the interest rate
3 for the loan, or for the -- whatever the lease
4 payments or whatever the agreement?

5 MR. HARLAN LAWSON: Yes.

6 COMMISSIONER PERALTA: So in order for
7 that to happen, it seems like you guys need to get
8 on it and start getting everything into PSFA, get
9 the checklist all done -- said and done -- so you
10 can start that process quickly.

11 MR. HARLAN LAWSON: We are. We're working
12 on that very hard right now. And like I said, we'll
13 have it in there very quickly.

14 COMMISSIONER PERALTA: And, again, I'm
15 still -- again, I'm just speaking on my own
16 behalf -- I can only work on a cap increase on the
17 current facility that you're in at this point. I
18 can't forecast what's going to happen down 18 -- two
19 years or possibly even three years, depending on how
20 long you guys take to get this whole process going.

21 MR. HARLAN LAWSON: That's why I would
22 think that if you could put some contingencies on it
23 that said that if these situations occur -- in other
24 words, if the funding gets done, if the building
25 gets built, and our enrollment continues to grow,

1 then I think an enrollment increase could be based
2 on those occurring.

3 COMMISSIONER PERALTA: Okay. That's all I
4 have at this time. I'll just -- I'll let other
5 Commissioners weigh in.

6 THE CHAIR: Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 think we're between a rock and a hard place. But I
9 have no problem doing one, as has just been
10 suggested, with a cap approval at the point that
11 these conditions have been met; but not for
12 immediate. But if their facility won't even hold
13 what they have now, they're not going to increase
14 that cap.

15 But I can also understand needing it to
16 get the financing and with the agreement that there
17 would be no increase in students -- they still can
18 increase quite a bit without a cap increase. But I
19 can see, if that's what's needed to get this move
20 underway, that that could be the contingent, that if
21 all of this falls into line, they could have that
22 increase; and, if not, they don't get an increase.
23 I don't see a problem with that.

24 THE CHAIR: And I concur with most of what
25 you said. And -- 'cause we had -- we looked at

1 another school that we did do this for. However,
2 they already had their school plans approved. So
3 that was already in place. And it's my second
4 nagging issue, which is increasing enrollment in a
5 school whose consistently lowest quartile is not
6 improving. So I have issues with adding students
7 into -- into that.

8 But the other school that we did do it for
9 most recently, they already had their plans for us.
10 So that was -- that piece was already in place.
11 Their financing was almost in place. And we -- PSFA
12 had already approved their plans, so that it was
13 the -- the building was a done deal.

14 Commissioner Johnston?

15 COMMISSIONER JOHNSTON: Mr. Thiery, I'll
16 direct this at you, and to all of you. I feel a
17 particular attachment to the successes of the
18 Classical Academy, because I directly know so many
19 people involved in the successes that you have.

20 But last night -- so last night, as I was
21 really looking at the last three years of academics,
22 and I looked at 2014, 2015, and 2016, for that
23 lowest performing quartile that we've talked so much
24 about, and consistently, you had an "F" in '14 for
25 those kids in growth, and you had a "D" in '15 and,

1 again, an "F" in '16.

2 Can you -- and looking forward with the
3 growth, I need to know about right now, and how,
4 with adding these students, you're looking at
5 continuing, at the same time, to meet the needs of
6 these students that you've identified as who are
7 struggling, but have not been able to find a key to
8 turn some of these struggles around, or -- I have to
9 understand that more before I can determine how I'll
10 vote on this.

11 MR. TIM THIERY: Thank you for the
12 question. I -- would you please clarify what your
13 question is?

14 COMMISSIONER JOHNSTON: I sure will. That
15 lowest performing quartile, the student growth and
16 the part of the report card for each year.

17 MR. TIM THIERY: Right. I understand,
18 uh-huh.

19 COMMISSIONER JOHNSTON: That indicator was
20 an "F" in 2014, a "D" in 2015 and an "F" again. And
21 what are you doing now with the currently enrolled
22 students, before we add anybody else into the mix,
23 to increase attention and work and -- what are the
24 systems that you're putting in place?

25 MR. TIM THIERY: Good. Thank you for the

1 question. And I will reference a list that we
2 presented a couple of meetings ago and then reviewed
3 at our last meeting, that, for example, some
4 computer programs that we have, IXL and some others,
5 that are used to identify math gaps and to close
6 those gaps; and we have tutoring going on, summer
7 school, items like that.

8 I will also remind the Commissioners that
9 we understand that grade was based on one
10 measurement, one element on the PARCC scores, which
11 is a one-day snapshot of students; too, I guess math
12 and language arts which were involved in that.

13 And we've looked at individual students,
14 and on other measures. And I brought some of that
15 information last time -- and I don't have it with me
16 today -- which showed that they were rating well on
17 growth and some other measures that we've
18 implemented; easyCBM was one that I brought up, in
19 particular.

20 So we are confident that we are making
21 strides with those students. Parents are confident,
22 as well. Many letters were submitted in support of
23 that.

24 And -- but I think the mystery of PARCC
25 still remains; although, we're interested in seeing

1 that move. We'd like to move all measures up. So
2 I'll state that, as well.

3 COMMISSIONER JOHNSTON: And I must -- just
4 to respond to you, you have brought all of those
5 things forward. But my concern continues to be you
6 have had a great deal of support, and the Classical
7 Academy has many successes. But there is the
8 reality of that lowest quartile and the
9 identifications of ways to remediate or support or
10 provide assistance to those students.

11 And I'm not getting a clarity from your
12 responses that makes me feel comfortable that with
13 the current population, that there truly is a
14 commitment to serving those students, as you are
15 working with the other students who are being
16 successful.

17 But those alternative ways of addressing
18 the needs of those students, I still am missing some
19 of the clarity that I need from that. That's why I
20 keep asking you those same questions. And -- and I
21 have many questions just about that instruction.
22 And that's the reason that I really question growth,
23 which is a wonderful thing. And I know, knowing the
24 reputation of the Classical Academy, that anything
25 that you do to increase the size or to go to a new

1 building will be done the right way, with quality,
2 and everything will happen.

3 But I'm still concerned about that lowest
4 quartile of students and -- Madam Chair, may I
5 recognize Mr. Lawson? He's about to jump out of his
6 seat. He's hopping along.

7 MR. HARLAN LAWSON: Thank you,
8 Madam Chair, and Commissioner Johnston.

9 A couple of things. We have 75 LOIs in
10 place right now this year, where we only had 60 last
11 year, as an example. I also talked to our student
12 services director yesterday about some of the things
13 that you just questioned.

14 We actually removed one student from an
15 IEP year. We've removed certain services from four
16 students this year, already; but they are still
17 remaining on an IEP, because they have, in fact,
18 needed some services to continue.

19 COMMISSIONER JOHNSTON: To be followed.

20 MR. HARLAN LAWSON: The other thing that
21 they've done this year that we haven't done before
22 is they're doing what I call an "early recognition"
23 of a struggling student.

24 So we had 18 students at the beginning of
25 the year that we identified as possibly needing some

1 assistance. And so far, we've only put two of
2 those, I believe, on an IEP. But the others all
3 have other interventions that have been applied, be
4 it mentoring, tutoring, those sorts of things, that
5 are actually increasing the students' performance.

6 Of course, we're right -- right in the
7 middle of the PARCC testing right now; so we won't
8 have those results until October. But we're
9 confident that these measures that have been put in
10 place to help our struggling students are going to
11 make a significant difference this year. And I
12 think you'll see our grade change from that day.

13 COMMISSIONER JOHNSTON: Thank you. And
14 that's -- I would like to see those results before I
15 vote to add more students to the mix, because I know
16 that things are being done, and I have confidence in
17 that. But thank you all very much.

18 And I appreciate Mr. Thiery, you're going
19 over it again with me.

20 COMMISSIONER CABALLERO: One more
21 question.

22 THE CHAIR: Commissioner Caballero? Sure.

23 COMMISSIONER CABALLERO: You anticipate to
24 move. How far away from your current location are
25 you going to move? And will that either diminish

1 attendance by some students or increase the
2 attendance by other students?

3 MR. ROGER LENARD: That's a good question,
4 sir. It's about five miles, and it's well within
5 the Moriarty-Edgewood area, which is what our
6 charter said we were going to do.

7 Candidly, it's a more ideal location,
8 number one. It increases our area from 4 acres to
9 20 acres. It allows us to put in some sports
10 complexes, which we cannot do now.

11 One of the problems we have is, with the
12 limitation in the available real estate, we just
13 can't provide the types of extracurricular
14 activities, or even in-school activities, we would
15 like to provide, due to limitations of space.

16 This will allow us to do that. And we
17 believe it will make the school much more attractive
18 to a larger cross-section of our community.

19 COMMISSIONER PERALTA: I have one
20 question.

21 THE CHAIR: Oh, sure.

22 COMMISSIONER PERALTA: Have you guys
23 broken ground yet already on your facility?

24 MR. ROGER LENARD: Oh, absolutely not.
25 No, sir. We have done a great deal of preliminary

1 activities with our foundation. We have plans --
2 architectural plans drawn up. But, you know, we
3 can't -- we're sort of at a standstill, because we
4 can't go any further without an approval by the
5 Commission to allow us to move.

6 Actually, that's -- that sort of starts
7 the whole process.

8 COMMISSIONER PERALTA: Let me correct you
9 on that. You can't go any further without approval
10 of PSFA, before it comes to the Commission.

11 MR. ROGER LENARD: I think we are awaiting
12 the approval of the PEC to allow us to move; is that
13 not correct?

14 THE CHAIR: You just have to give us a
15 notification of an intent to move. But then the
16 amendment comes -- the charter is amended when you
17 actually have the facility and everything is -- but
18 you just have to give us an intent that you're
19 looking to move. That's all you need to do.

20 MR. ROGER LENARD: Well, we've been
21 wasting your time on that amendment. We were under
22 the impression that we -- we actually had to get
23 your permission beforehand.

24 THE CHAIR: Just notification of intent to
25 move.

1 MS. POULOS: You definitely have to get
2 permission before you move.

3 THE CHAIR: Correct.

4 MS. POULOS: But when there is an address
5 is when you --

6 THE CHAIR: Right. When you have the
7 facility and the actual address, and you're good to
8 go, then you amend your contract for the change of
9 address.

10 MR. ROGER LENARD: Well, okay. I'm sorry
11 we wasted your time on that particular amendment.
12 We will notify you forthwith of our intent, okay?
13 I'm really sorry.

14 THE CHAIR: That's fine.

15 MR. ROGER LENARD: We were just under the
16 impression that we had to get approval from you
17 beforehand.

18 THE CHAIR: We just need to be -- we like
19 to be in the loop to know that you are planning on
20 moving. But until you've got -- 'cause truthfully,
21 we're uncomfortable with that amendment, because you
22 don't have your plans in. You don't have any
23 approval from PSFA. So we're giving you an
24 amendment for --

25 MR. ROGER LENARD: A hypothetical.

1 THE CHAIR: Correct. Correct. But the
2 notice that you intend to move, I think, is duly
3 noted.

4 MR. ROGER LENARD: I was just going to
5 say, given all the rhetoric here, I suspect it
6 would -- somebody would have to be asleep if they
7 didn't realize at least that was our desire.

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 think we need to point out -- we have had problems
10 with people who already get a new place, move, and
11 then come to us two months later and say, "We've
12 moved." And I think that's why there's become this
13 real emphasis on notifying us when you're looking
14 for a place. Then notify us when you're ready to
15 move for us to do the approval then; because it's --
16 you know, the law says we have to approve that move,
17 but not after you're in the building.

18 And I think that's been the emphasis
19 everybody's been given lately is -- so I think we
20 must have gotten that message out, finally.

21 MR. ROGER LENARD: We got a little more
22 severe interpretation of it, I suspect.

23 COMMISSIONER TOULOUSE: A school my
24 grandson went to moved and, I came in here and said,
25 "Did they tell us they were going to move?"

1 "No."

2 THE CHAIR: I'll ask the Director if that
3 has to come in writing, a request to rescind that
4 amendment at this point in time. Because you're
5 giving us notice of moving. You're not asking us to
6 amend that; correct?

7 MS. POULOS: So, Madam Chairwoman, we
8 actually already have written notification from the
9 school of an intent to move. Are you asking do we
10 need written notice of their rescission of the
11 request?

12 THE CHAIR: Correct.

13 MS. POULOS: I don't believe so. We've
14 done that before, where we've accepted it.

15 THE CHAIR: Okay. We're good. So I'll
16 just ask the school to, at this point in time, for
17 the record, rescind that amendment request.

18 MR. ROGER LENARD: You mean verbally here?

19 THE CHAIR: Yes.

20 MR. ROGER LENARD: I suspect that we
21 believe you have been notified; therefore, we
22 rescind the amendment request.

23 THE CHAIR: Duly noted. Thank you. We
24 still have the enrollment cap question.

25 COMMISSIONER TOULOUSE: Madam Chair, can

1 we table that request until such time as they have
2 their plans in and -- and so may I move to table
3 this?

4 THE CHAIR: We can table it.

5 COMMISSIONER TOULOUSE: I move to table
6 the enrollment cap request until such time as you
7 have your plans in place and approved.

8 MR. ROGER LENARD: And we'll be back to
9 visit you.

10 COMMISSIONER RUIZ: Second.

11 THE CHAIR: I need a second on that.

12 There's a second on the motion to table by
13 Commissioner Ruiz.

14 Would you please start with Commissioner
15 Johnston?

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Johnston?

18 COMMISSIONER JOHNSTON: Votes "Yes."

19 COMMISSIONER ARMBRUSTER: Okay. Okay.

20 Commissioner Armbruster votes "Yes."

21 Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Crone?

25 COMMISSIONER CRONE: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Ruiz?

3 COMMISSIONER RUIZ: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner
5 Caballero?

6 COMMISSIONER CABALLERO: Yes.

7 COMMISSIONER ARMBRUSTER: Commissioner
8 Peralta?

9 COMMISSIONER PERALTA: Yes.

10 COMMISSIONER ARMBRUSTER: Commissioner
11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER ARMBRUSTER: I can stop, but
14 I know you're really there. That is a nine-to-zero
15 vote. It passes.

16 THE CHAIR: Okay. And then I need a
17 motion for the third amendment, which -- and I'll do
18 it, because I've got it right here.

19 I move to approve the amendment request
20 presented by Estancia Valley Classical Academy to
21 change the language in the charter that currently --
22 long pause -- that currently states Grades K-6,
23 school day will begin at 8:15 and end at 3:15, which
24 includes the required 30 minutes for lunch. The
25 number of instructional hours will be 6.5 hours per

1 day. The number of school days will be 5 per week.

2 For Grades 7 to 12, the school day will
3 begin at 8:00 and end at 3:30. A 30-minute lunch
4 break is included in the schedule. The number of
5 instructional hours will be 7 hours per day. The
6 number of school days will be 5 per week. The
7 length of the school year will be 175 days, with a
8 total number of 1,137-and-a-half instructional hours
9 for Grades K-6, and 1,226 instructional hours for
10 Grades 7-12.

11 2. For grades K-6, the school day will
12 begin at 8:15 and end at 3:15, which includes the
13 required 30 minutes for lunch. The number of
14 instructional hours will be 6-and-a-half hours per
15 day. The number of school days will be 5 per week.

16 For Grades 7 to 12, the school day will
17 begin at 8:00 and end at 3:30. A 30-minute lunch
18 break is included in the schedule. The number of
19 instructional hours will be 7 hours per day. The
20 number of school days will be 5 per week. The
21 length of the school year will be 175 days with a
22 total number of 1,137.5 instructional hours for
23 Grades K-6, and 1,172.5 instructional hours for
24 Grades 7 to 12.

25 This amendment is approved, because it

1 will not impact the amount of instructional time
2 students receive, and it is necessary to correct a
3 misstatement in the charter.

4 COMMISSIONER PERALTA: Second.

5 THE CHAIR: There's a second by
6 Commissioner Peralta.

7 Commissioner Armbruster?

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Caballero?

10 COMMISSIONER CABALLERO: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Ruiz?

13 COMMISSIONER RUIZ: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Crone?

16 COMMISSIONER CRONE: Yes.

17 COMMISSIONER ARMBRUSTER: Commissioner
18 Johnston?

19 COMMISSIONER JOHNSTON: Yes.

20 COMMISSIONER ARMBRUSTER: Commissioner
21 Gipson?

22 THE CHAIR: Yes.

23 Commissioner Peralta?

24 COMMISSIONER PERALTA: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Armbruster votes "Yes."

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER ARMBRUSTER: That is nine to
8 zero.

9 THE CHAIR: Thank you. I'm sorry we
10 couldn't have cleared this up earlier.

11 MR. ROGER LENARD: I think we got to know
12 each other a little better; so it wasn't a total
13 waste of your time, I hope. But we don't want to
14 keep you any longer on this stuff. Thank you very
15 much.

16 THE CHAIR: Thank you very much. Have a
17 good safe trip home.

18 Okay. Before we move on to Item No. 7, we
19 have to amend our motion from this morning.

20 COMMISSIONER ARMBRUSTER: Already?

21 THE CHAIR: Yes, yes. So I have a
22 motion -- I have an amendment to a motion. And
23 Ms. McKee is going to read it.

24 MS. MCKEE: All right. So this was --
25 this has to do with our -- this has to do with

1 Chairwoman Gipson's motion on La Promesa with
2 Request for Reconsideration and the dismissal of the
3 Notice of Intent to Revoke.

4 When we read the motion and we talked
5 about what the Corrective Action Plan would include,
6 but not be limited to, we -- we moved to state that
7 the parties agree that this would warrant revocation
8 if they didn't get a "C" grade, or an average of a
9 "C" grade, rather than it should have been that this
10 would warrant immediate revocation in the fall of
11 2018.

12 So that's the difference in those -- in
13 the two sentences. One was that it would warrant
14 revocation, which is what you approved. It should
15 have said it would warrant immediate revocation in
16 the fall of 2018, if they didn't get their -- if
17 they didn't comply with the required "C" grade or
18 average "C" grade. So that would be the amendment
19 that we need to do.

20 COMMISSIONER ARMBRUSTER: Can I ask a
21 question? Is that a motion, and we need take --

22 MS. McKEE: That was Chairwoman Gipson's
23 motion; so...

24 THE CHAIR: We need a second so we can
25 have a discussion.

1 COMMISSIONER ARMBRUSTER: Fine. I'll
2 second it so we can have discussion.

3 THE CHAIR: There's a second by
4 Commissioner Armbruster.

5 COMMISSIONER ARMBRUSTER: So if the grades
6 come out in -- like, August; right? Katie? School
7 grades come out in August?

8 MS. POULOS: Madam Chairwoman,
9 Commissioner Armbruster, there is not an exact
10 letter grade release date. The PED continues to
11 work as diligently as possible to get data sooner
12 and be able to release sooner.

13 Last year, I believe they were released
14 early August; potentially, even a little earlier.
15 And so we are anticipating July-August time, but
16 there is no guarantee.

17 COMMISSIONER ARMBRUSTER: So my question
18 is, I'm not against this. When they get the grades,
19 even if it's, let's say, July, school starts in
20 August. So we would have revoked their charter?
21 You know, isn't that what it's saying? What did you
22 say? "Immediately"?

23 MS. McKEE: That is what it says.

24 COMMISSIONER JOHNSTON: In August.

25 THE CHAIR: It would -- my understanding

1 is it would -- there is no necessity for a
2 revocation hearing at that -- so that a yes.
3 That's -- yes.

4 COMMISSIONER ARMBRUSTER: So where are
5 those kids going to school in 2018-2019?

6 COMMISSIONER PERALTA: You can vote to
7 revoke. But, say, a semester in, it's going to
8 close.

9 COMMISSIONER CABALLERO: What is the
10 discussion?

11 COMMISSIONER ARMBRUSTER: Well, my -- and
12 it could just be that I don't understand. If we
13 close the school immediately after those grades, and
14 it's not a "C," we're going to say, then that's not
15 really time for kids to quickly find a school. I
16 mean, what do they have? Two weeks?

17 And I'm just assuming that's July that
18 they get their grades. If they don't get their
19 grades until August, they already could be in
20 school, for example. So I wasn't sure what that
21 meant for kids.

22 MS. McKEE: Yes. Yes, Commissioner
23 Armbruster, it's my understanding that's what the
24 parties are agreed to, just so you know. But, yes,
25 that's a good point. But it's a discussion point.

1 It doesn't mean --

2 COMMISSIONER CABALLERO: For discussion.

3 MS. McKEE: It doesn't mean that that's
4 what you have to do.

5 COMMISSIONER ARMBRUSTER: I mean, I like
6 part of it; but you can't just, like --

7 COMMISSIONER CABALLERO: The only thing
8 that we don't have are the parties and getting their
9 intent. I mean, we -- we kind of heard that intent,
10 and the language was thrown out by -- by folks. And
11 so I don't know whether we're now having second
12 thoughts and adding language.

13 But I did vote with the intent of the
14 meaning of the motion. Now, the meaning of the
15 motion is changing. It falls more than an amendment
16 of a motion; it falls into the realm of
17 reconsideration of a -- of a decision made, which
18 will require a lot more than what we're having now.
19 And we would probably have to have the parties here
20 to -- to help us explain.

21 THE CHAIR: And -- well -- and I can speak
22 for myself, because we -- there was, as far as I was
23 concerned, the understanding that it was immediate
24 revocation. So that was -- that was my intent when
25 I voted, that the understanding was that the

1 revocation hearing would not take -- that was the
2 agreement that was made.

3 So this change was to clarify that. But
4 that was my understanding when I voted. So I don't
5 have -- I don't have a concern with it. But that's
6 me. And you can chime in.

7 COMMISSIONER ARMBRUSTER: Since I brought
8 it up, okay. Now, thinking about what everyone
9 said, I guess, in a way, we're saying that they to
10 have a "C," "C" average. So in this next report
11 card, that they will, say, get in July of 2017, in a
12 sense, they will have a warning.

13 But if that grade is an "A," they're in
14 pretty good shape. They don't have to worry. Or
15 even a "B." If it's a "C," they're okay.

16 But if it's a "C," they're kind of on
17 notice that they have to keep that "C," because they
18 have to have an average of a "C"; correct, you guys?

19 So I guess in a sense they are -- they're
20 on note, "Hey, if this next year's school grade
21 isn't okay, you're out."

22 So I guess they would be making plans. I
23 mean -- right? -- because they can -- they can go to
24 another school and still be enrolled in this one.
25 People do that all the time.

1 THE CHAIR: This doesn't change, to a
2 great extent, what we voted on. We voted so that --
3 I don't think the debate is whether we want the --
4 the -- the idea of revocation completely taken out.
5 It's to clean up the wording of the motion a bit, if
6 everyone was clear when they voted that they voted
7 with the idea that there was immediate revocation,
8 without the hearing.

9 COMMISSIONER CABALLERO: This discussion?
10 Everybody received a copy -- and I have a copy
11 here -- by the party that was agreeing to -- to the
12 terms. And if this does not occur, it warrants
13 revocation. And it doesn't say "immediate
14 revocation."

15 THE CHAIR: We didn't vote to agree to
16 that. That was something that was brought --

17 COMMISSIONER CABALLERO: This was the
18 intent. It goes to the intent, if not by the
19 parties, to the understanding of the Commissioners.
20 If we were talking about immediate revocation, which
21 has a consequence -- immediate revocation has a
22 consequence, rather than just revocation.

23 And so had we -- had the intent been
24 clear, we would have had a more clear discussion on
25 the area, which we didn't. So I feel comfortable

1 understanding that I understood at the time that it
2 was not immediate.

3 And now, to come back and change it --
4 that's why I'm saying it's a -- it's a motion to
5 reconsider, and it requires a lot more. It requires
6 more votes than a simple majority, I can tell you.

7 THE CHAIR: And I can -- and once again,
8 I'm speaking for myself. But that was part of the
9 materials that were provided for us. But it was
10 made clear to everyone that that was not what the
11 agreement was. The agreement was in the motion.

12 And it was brought forward by our attorney
13 that this -- there was an agreement made for
14 immediate revocation; so...

15 COMMISSIONER PERALTA: Madam Chair, I call
16 for the vote.

17 THE CHAIR: There's been a call for the
18 vote.

19 COMMISSIONER ARMBRUSTER: Are there any
20 abstentions?

21 Commissioner Peralta?

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Crone?
3 COMMISSIONER CRONE: Yes.
4 COMMISSIONER ARMBRUSTER: Commissioner
5 Johnston?
6 COMMISSIONER JOHNSTON: Yes.
7 COMMISSIONER ARMBRUSTER: Commissioner
8 Ruiz?
9 COMMISSIONER RUIZ: Yes.
10 COMMISSIONER ARMBRUSTER: Commissioner
11 Caballero?
12 COMMISSIONER CABALLERO: No.
13 COMMISSIONER ARMBRUSTER: Commissioner
14 Conyers?
15 COMMISSIONER CONYERS: Yes.
16 COMMISSIONER ARMBRUSTER: Commissioner
17 Armbruster votes "Yes."
18 Commissioner Gipson?
19 THE CHAIR: Yes.
20 COMMISSIONER ARMBRUSTER: So it's eight
21 votes for the motion.
22 I did call you, didn't I?
23 COMMISSIONER CRONE: Did you call me?
24 Yeah.
25 COMMISSIONER ARMBRUSTER: Okay.

1 THE CHAIR: So the motion passes, eight to
2 one. Thank you.

3 We are now on to No. 7, Discussion and
4 Possible Action on Governance Membership Updates.

5 MS. POULOS: Madam Chairwoman,
6 Commissioners?

7 So we have three schools. But remember,
8 we amended the agenda to only have one school -- or
9 sorry, I apologize -- two schools that we will be
10 discussing.

11 The first is Monte del Sol Charter School.
12 This is a school we brought to your notice a couple
13 of months ago. Due to e-mail difficulties, the
14 school was not at the last meeting to discuss this
15 with you. But you'll recall, one of our concerns
16 was it was unclear that the school has sufficient
17 board members.

18 We do know that they do have the five
19 board members. But what was also brought to your
20 attention was the content of the resignation letters
21 from prior board members that presented concerns to
22 the Commission, which was why you did want this
23 board to come and address you.

24 THE CHAIR: Good afternoon.

25 MR. ROBERT JESSEN: Commissioners, Madam

1 Commissioner, thank you for calling us again.

2 I'm unclear on what your question is to
3 us. Or would you just like us to explain the
4 dynamics of what happened?

5 THE CHAIR: Right.

6 COMMISSIONER JOHNSTON: May I ask a
7 question?

8 THE CHAIR: Sure, if you --

9 COMMISSIONER JOHNSTON: Thank you. Could
10 you -- and I went through it last night. But just
11 so that I'm certain, how many board members do you
12 have today?

13 MR. ROBERT JESSEN: We have nine board
14 members.

15 COMMISSIONER JOHNSTON: All right. The
16 four members who resigned, that was the concern.
17 And then the two letters that were -- there was --
18 there was some turmoil. Can you explain how you've
19 come through that and, on this side of it, where you
20 are?

21 MR. ROBERT JESSEN: It was one of those
22 little "perfect storm" things of resignations. Two
23 of them are completely unrelated.

24 (Cell phone interruption.)

25 COMMISSIONER JOHNSTON: I apologize. This

1 is very serious. Yes, I've studied this.

2 COMMISSIONER RUIZ: I'm terrible sorry.

3 COMMISSIONER JOHNSTON: Please, don't
4 think that --

5 MR. ROBERT JESSEN: The two are completely
6 unrelated. One was someone moving, and one was
7 someone just leaving the board. Two were related to
8 one board member overstepping the bounds of
9 communication between the board and staff.

10 COMMISSIONER JOHNSTON: Yes.

11 MR. ROBERT JESSEN: And an e-mail that I
12 think she probably considered was only going to a
13 select group of people actually went to everyone.

14 COMMISSIONER JOHNSTON: Uh-huh.

15 MR. ROBERT JESSEN: She resigned upon
16 request of the board president.

17 COMMISSIONER JOHNSTON: Okay.

18 MR. ROBERT JESSEN: And another board
19 member, who sympathized with her, also resigned at
20 that time.

21 COMMISSIONER JOHNSTON: Okay.

22 MR. ROBERT JESSEN: Since then, we are --
23 have added four new board members; so we're back up
24 to nine. We're very happy with the board members
25 that we have added. Two of them are long-term

1 educational professionals who are not parents of
2 children at Monte del Sol. We're trying to find
3 more balance between a board that has parents and a
4 board that are professionals in education or former
5 professionals.

6 COMMISSIONER JOHNSTON: Thank you. It
7 sounds like you have weathered this, then, because
8 that was my concern.

9 THE CHAIR: Right.

10 COMMISSIONER JOHNSTON: Thank you.

11 THE CHAIR: I guess it always becomes, you
12 know, a little problematic for us when there seems
13 to be that big a flight from a governance board,
14 even when -- and some of the letters -- do you -- do
15 you still not have a PTO, or -- there was one letter
16 that indicated that you didn't have a functioning
17 PTA. Isn't that this --

18 COMMISSIONER JOHNSTON: Yes. Uh-huh.

19 THE CHAIR: Yeah.

20 MR. ROBERT JESSEN: We have -- the
21 board -- we have a foundation. We don't have a PTA
22 or a PTO. What is beginning to organically arise in
23 that stead is actually an athletics booster club,
24 which is beginning to function more like a PTA in
25 terms of getting parents together for a common cause

1 and to support the school.

2 THE CHAIR: But you did at one point have
3 a PTA.

4 MR. ROBERT JESSEN: Yes.

5 THE CHAIR: And it disbanded because?

6 MR. MICHAEL SMITH: It's been many years.
7 They've tried to have parent involvement, different
8 levels. And two years ago, we realized we weren't
9 able to support, financially, athletics any longer
10 at our small charter school. So that was an
11 opportunity actually for the parents to become
12 involved.

13 And that's what's happened. We have a
14 group of about 20 parents now involved in trying to
15 raise all the money needed for athletic programs at
16 Monte del Sol, which have volleyball, baseball,
17 soccer, and basketball for both genders. So there's
18 quite a few programs, and we're trying to raise the
19 money, as parents.

20 THE CHAIR: Well, thank you. And I
21 applaud you for that, because so many of the
22 charters don't have a lot of athletic opportunities,
23 because they are so challenging with small numbers
24 and so on. So I appreciate that.

25 COMMISSIONER JOHNSTON: I have one final

1 question.

2 THE CHAIR: Sure.

3 COMMISSIONER JOHNSTON: With the changes
4 in the board and the restrengthening of the board,
5 do you have a plan for training of this board?

6 MR. MICHAEL SMITH: Well, we're aware of
7 the requirement. And actually, just last week, we
8 signed up for a training that's coming to the school
9 to train all of us. I think it's Saturday, two
10 weeks from today.

11 COMMISSIONER JOHNSTON: So you're already
12 looking into that.

13 MR. MICHAEL SMITH: Yes, ma'am. We'll all
14 be trained this year, for sure.

15 COMMISSIONER JOHNSTON: Thank you.

16 THE CHAIR: Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: I hesitate. As
18 a former AFT president, on these issues that are
19 addressed in these letters, have -- I'm not talking
20 about firing teachers. I'm talking about due
21 process and looking to address these concerns.

22 Now, of course, I don't know that these
23 concerns are true or not. I don't -- I've not even
24 been to the school. But if those were brought up,
25 and I saw them in writing, I think you would

1 probably want to address them in what -- with
2 whomever these people are being referred to.

3 And I wanted to know if that's -- because
4 to me, it was upsetting that someone even observed
5 that.

6 MR. ROBERT JESSEN: We actually are a
7 charter school that has a union. We are NEA. I
8 think we're one of two charter schools in the state
9 that is unionized. So any interaction with
10 teachers, we have to follow due process, and
11 everybody that's in the CBA, which we have been
12 doing with the people who have been -- who were
13 referred to in the letters. And I don't think I can
14 say really much more about it than that.

15 COMMISSIONER ARMBRUSTER: No, I don't -- I
16 just wanted to know if it had been addressed with --
17 and I'm thrilled that you are a union school, by the
18 way. So I'm glad, because that is the better way of
19 going through things, because then both sides know
20 your limits and your obligation.

21 MR. ROBERT JESSEN: I was on the faculty
22 side when we formed the union. So now I'm on the
23 admin side, implementing.

24 THE CHAIR: Commissioners, anything else?
25 We appreciate this -- oh, I'm sorry.

1 MS. POULOS: Madam Chairwoman,
2 Commissioners, I just have to say my staff keeps
3 sending me messages asking me to say this.

4 They do want the Commission to be aware,
5 but also the school to be aware, that there is a
6 regulation -- a statute that requires every school
7 to have an advisory council that is a parent -- with
8 parent members and that advises the governing
9 council, and also specifically in relation to
10 bilingual matters.

11 And so I just ask that the school be aware
12 of that and make sure that they're complying with
13 that.

14 MR. ROBERT JESSEN: We do have a bilingual
15 advisory council.

16 THE CHAIR: Okay. But you do not have a
17 parent advisory council, outside of the bilingual
18 advisory council.

19 MR. ROBERT JESSEN: We don't have a --

20 THE CHAIR: Besides a booster club.

21 MR. ROBERT JESSEN: We don't have a
22 specific advisory counsel. But up until this time
23 the problem was the entire board was made up of
24 parents. So we don't have an advisory -- a parent
25 advisory council. It seems redundant to have a

1 board made of parents. But now, we take that into
2 account, and forthwith, we'll establish a parent
3 advisory council so that they can advise the board.

4 THE CHAIR: My perspective with the
5 governance council being made up with parents, that
6 doesn't make them an advisory council, because I
7 think it -- the handout has to be for more people to
8 be involved in it than just the governance; because
9 then it becomes the same people doing the same
10 thing. And you're not opening up for greater -- you
11 know, which I know happens in schools. You know,
12 you --

13 MR. MICHAEL SMITH: We're a small school,
14 too.

15 THE CHAIR: I understand that. But if it
16 is, in fact, a requirement, then it can't be
17 ignored.

18 COMMISSIONER JOHNSTON: And it is a
19 requirement. That was a good reminder. It is.
20 That's that training.

21 THE CHAIR: Commissioners, anything else?
22 Thank you very much.

23 MR. ROBERT JESSEN: Thank you.

24 THE CHAIR: We are now on to letter "C,"
25 which is Alma D'Arte.

1 MS. POULOS: Madam Chairwoman,
2 Commissioners, during the annual charter school site
3 visit, PED first learned that this charter school
4 governing body has only four members.

5 And one of the things that we want to note
6 with that is we had received no notice by any --
7 anyone at the school of this -- these changes that
8 have occurred.

9 And as the Commission knows, they had a
10 policy -- it was approved last February and amended
11 this February -- that does require every school to
12 report that. And it's not new, because that's
13 actually in every charter contract, that requirement
14 of notice within 30 days. We just did the policy to
15 help clarify and give guidance to every school.

16 So it is a concern for us that we had no
17 notice and no awareness of any changes.

18 But even more concerning is it appears to
19 us that this board has been under the statutory
20 required number of five for some period of time now.
21 What we did receive from the school is a governance
22 directory dated November 28, 2016, that identifies
23 only four members.

24 This does raise a concern for us as to
25 whether this school is even eligible to have their

1 board act as a Board of Finance, because it does not
2 have that statutory number.

3 So these are some pretty severe concerns
4 for us at the CSD.

5 THE CHAIR: Good afternoon.

6 MS. ANN McCOLLUM: Hello, Commissioners.
7 First, I want to say that the -- the school received
8 -- I'm Ann McCollum, by the way. The school
9 received notice about being on this agenda on
10 Tuesday. And so the -- the head of the school and
11 the governing council president regret that they
12 could not get here.

13 Also, the governing council president,
14 Gene Elliott, asked me to extend his personal
15 apology to the PEC on behalf of the governing
16 council for the errors made in reporting changes in
17 the membership over the past nine to twelve months.
18 He says rest assured they were not errors in
19 procedure due to oversight -- they were errors in
20 procedure due to oversight, and that they will not
21 occur again.

22 We appreciate the Charter Schools Division
23 bringing this to the school's attention in the
24 oversight and notifying -- oversight and notifying
25 the Division of the changes in the governing

1 council.

2 I have, by the way, a completed
3 notification form, plus the supporting documentation
4 that the school sent, that explains the vacancies.

5 One vacancy -- so they list their
6 positions in their -- their GC position also in
7 positions. So Position 4, Member resigned due to a
8 serious illness.

9 As a matter of fact, he resigned verbally
10 because he couldn't write. And they have replaced
11 that -- they replaced that in November --
12 November 14th.

13 In Position 2, the member resigned for no
14 reason. There's just a one-sentence letter, which I
15 have. And I'm happy -- do you want this? Can I
16 hand this to you? I also have copies of this
17 packet, this supporting packet, for Commissioners,
18 if you'd like to see it. But this is the signed
19 notice.

20 And then Position 6, the member stopped
21 attending meetings. They have no idea why. They
22 made multiple attempts to contact the member by
23 e-mail. They even -- and phone -- with no avail.
24 They sent a certified letter, and it was returned
25 undelivered. So I'm not clear even if they know

1 why.

2 So right now, they have four members.

3 The oversight in notifying the Division --
4 and this is -- in my opinion, does not reflect a
5 lack of due diligence in trying to replace GC
6 members.

7 "The governing council is committed to
8 identifying and designating members who are
9 interested, dedicated, motivated, and qualified to
10 serve the students of Alma D'Arte Charter School in
11 their best of their collective abilities."

12 And that's a quote from Mr. Elliott.

13 I'm impressed with what they do do to fill
14 a vacancy. They advertise through news releases.
15 They identify community groups that might provide
16 referrals. They have developed a written
17 recruitment plan in a meeting. And they provide a
18 nomination packet.

19 Since July, when the first vacancy came
20 up -- I believe it was the first vacancy; I'm not
21 sure -- they've handed out six nomination packets to
22 interested community members, and none of them were
23 returned.

24 So for what it's worth, they're trying to
25 fill these vacancies. And Mr. Elliott made it clear

1 that they don't just want warm bodies. And that's
2 been their effort. So they're not sitting around
3 under the radar; they're actually trying to fill
4 these.

5 But that said, they do regret the
6 oversight and reporting the changes.

7 Once -- the nomination form itself
8 includes -- it requires three references, a
9 description of the candidate's relevant knowledge,
10 and comments from the candidate. So that --
11 that's -- that's the school's statement. I hope
12 that you'll just allow for them to continue to try
13 and fill that position.

14 THE CHAIR: It's two positions, not one
15 position.

16 MS. ANN McCOLLUM: They have four
17 positions right now. They have four.

18 THE CHAIR: I'm looking at -- right. It's
19 one to get them to five.

20 MS. ANN McCOLLUM: Right. Right.

21 THE CHAIR: See, that's my concern, that
22 right now, you fall below the --

23 MS. ANN McCOLLUM: Right.

24 THE CHAIR: And they continue to be in
25 material violation.

1 MS. ANN McCOLLUM: Right.

2 THE CHAIR: So, you know -- but then the
3 big question mark is what do you do?

4 COMMISSIONER TOULOUSE: Well,
5 Madam Chair --

6 THE CHAIR: And I'm -- this one vacancy
7 has gone on for three-quarters of the school year;
8 because it was in the summer that the first vacancy
9 took place.

10 MS. ANN McCOLLUM: The first vacancy took
11 place in June. And they have filled that vacancy;
12 in November, they filled it.

13 THE CHAIR: But there's still -- you're
14 still one short.

15 MS. ANN McCOLLUM: Right.

16 THE CHAIR: Right.

17 MS. ANN McCOLLUM: I think the second
18 member that resigned -- well, you're right. We're
19 one short. I mean, we could go and, like, do this
20 with the calendar; but...

21 THE CHAIR: I'm pretty sure that the --
22 what's the letter dated on that resignation letter?
23 Because I'm pretty sure that happened in the summer.

24 MS. ANN McCOLLUM: Well, the
25 resignation -- sorry. Actually, I have it on the

1 form. The first resignation was -- you're right --
2 August 31st. And then it was filled -- you're
3 right. The first one was in June.

4 THE CHAIR: So there's one in June and one
5 in August.

6 MS. ANN McCOLLUM: That's right.

7 THE CHAIR: So we've gone, three-quarters
8 of the school year, one short.

9 MS. ANN McCOLLUM: It appears that that's
10 true.

11 THE CHAIR: And, you know, I have
12 difficulties with the idea that they -- that this
13 was just an oversight.

14 MS. ANN McCOLLUM: It was an oversight in
15 reporting.

16 THE CHAIR: I have problems with that, you
17 know. And it's not just them. You know, we're
18 constantly dealing with it's always better to ask
19 for forgiveness than permission. So I don't know
20 whether there's this idea that, "Oh, we're better
21 off letting it go and trying to fill it and let
22 people know after the fact; so let's not tell them
23 that the vacancy exists, and let's not tell them
24 we're in material violation of our contract and that
25 we know that."

1 And that -- that's just a -- you know, I'm
2 shooting the messenger at this moment in time.

3 MS. ANN McCOLLUM: May I respond?

4 THE CHAIR: But that's the concern. Sure.

5 MS. ANN McCOLLUM: I -- I have not had
6 that conversation with the school representatives.
7 But I feel confident that they weren't intentionally
8 sort of playing the, "Let's ask for forgiveness"
9 game. I -- otherwise, I can't explain -- and I'm --
10 I'm sorry to be the messenger, and I hear that that
11 this is not a one-school thing.

12 THE CHAIR: But my -- you know, my dilemma
13 is what do you do, you know?

14 Commissioner Johnston first.

15 COMMISSIONER JOHNSTON: Thank you,
16 Madam Chair. I have a question. Is it -- the
17 board, according to the charter, has a membership of
18 six.

19 THE CHAIR: Nine.

20 COMMISSIONER JOHNSTON: The State --

21 THE CHAIR: There's seven, eight, nine.

22 COMMISSIONER JOHNSTON: Right. I had
23 ignored seven, eight, and nine. I had gotten to the
24 six.

25 So they have six. And they've had -- of

1 those six, they've had three resignations. They had
2 Position 4 that they have filled.

3 MS. ANN McCOLLUM: Right. So --

4 COMMISSIONER JOHNSTON: And so they still
5 have Position 2 and Position 6 vacant. Now, to get
6 to the State-required number, they just have to fill
7 one of those. And all three of those vacancies have
8 occurred since June; is that correct? Am I correct?

9 MS. ANN McCOLLUM: Yes.

10 COMMISSIONER JOHNSTON: One was an
11 illness, you said.

12 MS. ANN McCOLLUM: The statement is, "Due
13 to the onset of a very serious medical condition
14 Mr. Grogan submitted a verbal resignation to the
15 president because he could not write at that time."

16 COMMISSIONER JOHNSTON: And the other two?

17 MS. ANN McCOLLUM: "Ms. Ross submitted a
18 written resignation, which she did not -- and did
19 not provide a reason."

20 COMMISSIONER JOHNSTON: So that's half of
21 those six who have resigned. That's the concern to
22 me, that of six, three have gone. So even with the
23 two, that's a concern with the governing -- for
24 the -- the head of school, for this school, to deal
25 with that, feeling that there was no place for him

1 to reach out to work on this, that he had to take
2 care of it on his own, without informing CSD or PED,
3 when half of his board was changing.

4 THE CHAIR: Director?

5 MS. POULOS: Madam Chairwoman,
6 Commissioners, my understanding is the statement was
7 made by the school leader that that was not his job;
8 it was the job of the board. And so I think that,
9 you know, he certainly did not reach out to us.

10 But that was his -- my understanding was
11 that was his belief, is it is the board's
12 responsibility, which is accurate. It is the
13 board's responsibility. Head administrators should
14 not be selecting their board members.

15 COMMISSIONER JOHNSTON: No. But to have
16 half of your board turn over, as a head of school,
17 would it not be -- I would have a sense of urgency
18 about -- I would reach out. That's what I was
19 intending.

20 THE CHAIR: Right. Right.

21 MS. ANN McCOLLUM: And that's my
22 understanding from Mr. Elliott, the GC president, is
23 that it is the role of the board.

24 THE CHAIR: Correct. Right. Right,
25 because, in theory, you don't want the head

1 administrator to be "packing the court."

2 COMMISSIONER JOHNSTON: No. But you want
3 that head administrator to feel a sense of urgency
4 when the board -- you have three gone.

5 THE CHAIR: Correct. Because it's the
6 school he's running who's in material violation of
7 the contract. So, yes, there should be at least
8 discussion going on between the two entities.
9 "There's this vacancy. What's happening with it,
10 that it..." -- that dialogue should be happening.

11 MS. ANN McCOLLUM: May I propose that we
12 fill that vacancy in the next 30 days?

13 THE CHAIR: You can propose that.

14 MS. ANN McCOLLUM: I thought I'd just
15 help.

16 THE CHAIR: I think Commissioner Peralta
17 may have some alternative.

18 MS. ANN McCOLLUM: Okay.

19 COMMISSIONER PERALTA: I don't know if
20 it's the right one or not. When is the last day of
21 your school?

22 THE CHAIR: Before Memorial Day; right?
23 Cruces always finishes --

24 COMMISSIONER PERALTA: 26? 27?

25 MS. ANN McCOLLUM: I don't know.

1 COMMISSIONER PERALTA: Okay. I guess I
2 can speculate. Before then, how many more
3 governance council meetings do you think are
4 scheduled? Roughly, just an estimate.

5 MS. ANN McCOLLUM: Two.

6 MS. PATTY MATTHEWS: Maybe two.

7 COMMISSIONER PERALTA: Seems to me you've
8 gotten this far, hampered with three governing
9 council members, for three-quarters of the year.

10 MS. ANN McCOLLUM: We have four.

11 COMMISSIONER PERALTA: Or four. Excuse
12 me. I'm sorry. That my suggestion would be that we
13 give you the opportunity to finish up the year and
14 the remaining time with the governing council and
15 meeting schedule. And by June 16th, which is the
16 next PEC meeting, that we require you to have
17 someone in place by then to meet the minimal
18 members.

19 If not, then I suggest that it be the
20 Councilors' purview to decide on how we -- what
21 action we take, whether we suspend the board --
22 Councils [verbatim] and we, much like PED does. I
23 don't know if that's in our -- I believe so -- that
24 we could oversee the council until we get it all
25 ironed out.

1 I mean, that's just my suggestion. I
2 would like to hear what other Councils --
3 Commissioners -- have to say.

4 MS. POULOS: Madam Chairwoman,
5 Commissioners, I did want to add to one additional
6 piece of information which was brought to my
7 attention by my staff.

8 My staff does look at board maintenance.
9 And as part of that review, it appears that that --
10 this governing council has been unable, for the most
11 part, to conduct any activities, because they have
12 been unable to make a quorum, which means that there
13 is really no governance going on. And it is a very
14 severe concern.

15 THE CHAIR: That brings up a good point;
16 because they have -- technically, they have nine
17 members. So the quorum is based on the nine.

18 COMMISSIONER JOHNSTON: Uh-huh.

19 THE CHAIR: So --

20 MS. PATTY MATTHEWS: I don't mean to
21 interrupt.

22 THE CHAIR: But -- so my question is, have
23 they been having and conducting business as -- as a
24 governance council, when, in fact, they haven't been
25 able to meet quorum?

1 MS. PATTY MATTHEWS: Madam Chair, members
2 of the Commission, these are very serious and
3 important questions. And I appreciate what
4 Ms. Poulos just raised.

5 But when you give someone notice on
6 Tuesday, and you want them to be here on Friday --
7 they're coming from Las Cruces; I apologize -- we're
8 woefully unprepared to respond to information that
9 you need from these board members. And that is not
10 fair to you or to the school for me to try to pitch
11 it.

12 I don't know what the minutes say. I can
13 tell you, I have worked with Alma D'Arte since its
14 inception. That has been a strong board. And I
15 think you probably personally know Mr. Elliott.
16 This is not a school that flagrantly disregards its
17 obligations to that school.

18 So I don't know. I can't answer your
19 questions specifically about what the -- what
20 quorums or not meeting quorums have resulted in with
21 that school. It's my understanding that the bylaws
22 allow the charter to have up to nine members. They
23 don't have to have nine members. If they choose to
24 have five, their quorum is three, et cetera. So
25 that is my understanding from speaking to

1 Mr. Elliott earlier this week.

2 So I apologize. I certainly want them to
3 answer your questions. They're not trying to
4 deflect; so...

5 COMMISSIONER PERALTA: So with that, let
6 me --

7 MS. PATTY MATTHEWS: I totally agree with
8 you, Mr. Peralta.

9 COMMISSIONER PERALTA: On top of what I
10 said, I would ask that you be placed on the next --
11 on May's agenda, so that way, you're on notice that
12 you'll be here on May -- whatever date that is --
13 allow you to finish up the school year.

14 And by June 16th, when we do have our
15 summer PEC meeting, we expect you to have at a
16 minimum of five on the council. If not, then I will
17 leave that up to our Commissioners to decide how we
18 will proceed.

19 THE CHAIR: And that's May 12th.

20 MS. MATTHEWS: May 12th.

21 COMMISSIONER CABALLERO: I second that
22 motion. I thought it was in the form of a motion.
23 I'm sorry.

24 COMMISSIONER PERALTA: Right now, it's
25 just an idea. I'm allowing the Commissioners to

1 weigh in on that. If I don't hear from anybody,
2 then I will proceed with the motion.

3 THE CHAIR: Okay.

4 COMMISSIONER JOHNSTON: Question,
5 Madam Chair?

6 THE CHAIR: Commissioner Johnston.

7 COMMISSIONER JOHNSTON: When did the CSD
8 become aware of the difficulties with the governing
9 council?

10 MS. POULOS: Was it during the site visit,
11 which was --

12 MR. GLOUDEMANS: I can get the exact date.

13 MS. PATTY MATTHEWS: It was my
14 understanding it was about two weeks ago.

15 COMMISSIONER JOHNSTON: And just the
16 notice with the request to be here.

17 MS. POULOS: Madam Chairwoman,
18 Commissioner Johnston, it was on the 27th. The
19 agenda was amended and released, Beverly, on Monday
20 night; is that correct? Or Monday morning?

21 MS. FRIEDMAN: Agenda, yes, Monday.

22 MS. POULOS: And I sent a personalized
23 note -- I don't know if it's necessary for notice.
24 I did send a personalized note on Tuesday. As you
25 all know, I have been quite ill and have been out of

1 the office. So I'm doing my best to catch up.

2 COMMISSIONER JOHNSTON: Here's -- that was
3 leading up to my question. If you discovered this
4 on the site visit, was there any discussion with
5 Mr. Elliott during the site visit regarding your
6 concerns?

7 MS. POULOS: Again, Madam Chairwoman,
8 Commissioner Johnston, my team was meeting at the
9 site visit only with school staff, and was told it
10 was not the staff's responsibility; it was the
11 board's. And that was the extent of the
12 conversation.

13 COMMISSIONER JOHNSTON: So Mr. Elliott was
14 present or wasn't?

15 MS. POULOS: No. He is not staff and
16 wasn't present. Again, it was only the staff. And
17 the staff stated as I stated.

18 COMMISSIONER JOHNSTON: Mr. Elliott was
19 not -- not present. Okay. Thank you.

20 THE CHAIR: So there wouldn't have been
21 any indication that they'd be on the next agenda as
22 a result of that -- as a result of that visit. And
23 I -- we will look at the contract to see whether
24 it's up to, or it's nine. And if it's up to, then
25 that's not necessarily an issue.

1 MS. ANN McCOLLUM: I do have the bylaws.

2 MS. PATTY MATTHEWS: I do not have the
3 contract.

4 THE CHAIR: I think we'd have to look at
5 the contract, as opposed to bylaws, to see what the
6 number of the governance council in the contract
7 says. But that's -- that's to be cleared up at a
8 later date.

9 And I will say, I have attended governance
10 council meetings, not recently. So -- and,
11 absolutely, they are -- you know, they're -- they've
12 always been -- I'm amazed at the commitment that the
13 folks on that board do have to -- to the school.

14 And this isn't an issue -- you know, with
15 the -- with the school; but there is that concern
16 that they're in material violation and continue to
17 be. So I think it's a reasonable resolution here,
18 hopefully.

19 COMMISSIONER CABALLERO: Discussion? I
20 believe that Commissioner Peralta is right on target
21 with what he's proposing, primarily, because I saw
22 what is being proposed in terms of new policy for
23 training. It's quite extensive. I was amazed of
24 all that was in there, things that I wouldn't have
25 thought that it would be needed. And I'm glad it

1 was drafted that way. We've seen a lot of this
2 recurring problem all the time.

3 One of the things that I do remember is
4 that Deputy Secretary saying that in some of these
5 trainings with boards, he mentions the issue of
6 insurance, and that all the board members' eyes grow
7 this big. And I would say you probably won't see
8 too many of them coming back.

9 And so rather than -- I think that to some
10 extent, the training is part of it. And another is
11 trying to resolve the issue of facilitating,
12 somehow, the schools to provide that to board
13 members.

14 I'm not going to participate in a board
15 without that insurance. I was with a nonprofit who
16 had to reduce costs everywhere. And somebody
17 proposed to do away with that. The next board
18 meeting, we didn't have quorum. And so we had to
19 send a letter to everybody else that that wasn't an
20 item to be cut. And they all came back.

21 So it's very hard to have parents or
22 community members volunteer without exposing them
23 to -- to liability. And I just think that we have
24 have proposed a solution, which is the training; but
25 still, the outstanding solution that needs to be

1 addressed is the insurance. And I don't know how
2 that needs to be done.

3 MS. PATTY MATTHEWS: Ms. McKee, should you
4 address that or should I? Or should we do that at
5 all? Maybe that's --

6 MS. McKEE: You can respond. You can
7 actually respond to Commissioner Caballero.

8 MS. PATTY MATTHEWS: Commissioner
9 Caballero, thank you very much. Ms. McKee, members
10 of the Commission. This is information because I
11 was at the meeting where Mr. Aguilar said that these
12 governing council members are personally liable.

13 After that meeting, because I already knew
14 the answer, I sent an e-mail to Ms. -- what was her
15 last name? -- the lady who is head of POMS, and Greg
16 Ramirez, who's head of the CCMSI, which is the
17 agents for the -- the adjusters for POMS.

18 And I -- because I wanted to confirm this
19 issue of insurance, I was told by both of them --
20 again, because I already asked them in the past --
21 that the board members or the governing bodies of
22 charter schools are covered just as if they were a
23 board -- a member of the board of education; so
24 they -- they have the same immunities and the same
25 coverage as a board of education member.

1 So that information was unnecessarily
2 alarming. And they do have some level of personal
3 liability, of course, if they did something
4 intentionally wrong or criminal malfeasance. But
5 very -- you know, and there's always an opportunity
6 to purchase D&O through the schools, if they want to
7 have extra coverage. But I wanted to have that out.
8 I won't say any more.

9 THE CHAIR: Okay.

10 COMMISSIONER JOHNSTON: Do we need a
11 motion?

12 THE CHAIR: Motion?

13 COMMISSIONER PERALTA: Okay. Before I --
14 before I make a motion, would it be necessary to
15 state that I want them on next month's agenda? Or
16 will that be pretty much done through the Executive
17 Committee.

18 MS. McKEE: Through the Executive
19 Committee.

20 COMMISSIONER PERALTA: So I will move that
21 Alma D'Arte Charter School return back to the
22 Commission on June 16th with -- with the idea that
23 they have the minimal amount of --

24 THE CHAIR: May 12th. That's the next
25 month's meeting, May 12th.

1 COMMISSIONER PERALTA: Okay. Let me go
2 back. May 12th was for you to have notice so that
3 we had the proper people here to answer any more
4 questions.

5 THE CHAIR: Okay. Got you. Sorry.

6 COMMISSIONER PERALTA: The June 16th is
7 the date that I would let them have the minimum
8 number of governing council members on board. And
9 if they didn't, then it would be the Commission's
10 discretion to act accordingly how they feel
11 necessary. I don't know if that was a good enough
12 motion or not.

13 COMMISSIONER JOHNSTON: I'll second that
14 motion. I'll second it, if --

15 THE CHAIR: Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: Okay.

17 Commissioner Crone?

18 COMMISSIONER CRONE: Yes.

19 COMMISSIONER ARMBRUSTER: And before I go
20 forward, are there any abstentions? Okay.

21 Commissioner Johnston?

22 COMMISSIONER JOHNSTON: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Ruiz?

25 COMMISSIONER RUIZ: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Caballero?
3 COMMISSIONER CABALLERO: Yes.
4 COMMISSIONER ARMBRUSTER: Commissioner
5 Peralta?
6 COMMISSIONER PERALTA: Yes.
7 COMMISSIONER ARMBRUSTER: Commissioner
8 Gipson?
9 THE CHAIR: Yes.
10 COMMISSIONER ARMBRUSTER: Commissioner
11 Toulouse?
12 COMMISSIONER TOULOUSE: Yes.
13 COMMISSIONER ARMBRUSTER: Commissioner
14 Armbruster votes "Yes."
15 Commissioner Conyers?
16 COMMISSIONER CONYERS: Yes.
17 COMMISSIONER ARMBRUSTER: That is a
18 nine-to-zero vote. Passes.
19 THE CHAIR: Motion passes nine to zero.
20 See you next month. Thank you.
21 And, Commissioners, can we take a short
22 break?
23 COMMISSIONER ARMBRUSTER: Yes.
24 (Recess taken, 3:18 p.m. to 3:26 p.m.)
25 COMMISSIONER PERALTA: At this time, I'd

1 like to call the Commission back into order.

2 Will the record please note that
3 Commissioner Gipson has left the meeting, and I will
4 preside in her absence.

5 COMMISSIONER PERALTA: We are now at item
6 No. 8. This is the Budget Reporting Status Changes
7 and Budget Concerns, Discussion and Possible Action,
8 for Cariños De Los Niños Charter School. And this
9 will be reported by Ms. Poulos, our director.

10 MS. POULOS: Madam -- sorry. Vice Chair
11 Peralta, Commissioners, this item is coming to you
12 based on a report from the School Budget and
13 Financial Analysis Bureau, that they had recently
14 moved Cariños De Los Niños Charter School to monthly
15 reporting from quarterly reporting.

16 That changed, as you can see in the
17 enclosed material, which includes -- and I
18 apologize; you should ignore the second sheet of
19 paper -- as you look at the letter from the School
20 Budget and Finance Office and the materials behind,
21 which were provided from the school's business
22 manager.

23 That change is based on financial
24 quarterly reporting for the school, which has shown
25 some encumbrances and expenditures that when

1 compared to budget amounts, could exceed total
2 available revenues for the fiscal year. And much of
3 that issue is related to the projected growth the
4 school chose to budget during last year's operating
5 budget development, which did not materialize, and,
6 therefore, resulted in decreased revenues, which is
7 impacting cash flows.

8 As I noted, the school is being moved to
9 monthly reporting. And the Budget Office has asked
10 for the school and the business manager to work
11 together to make adjustments to their -- their
12 expenditures.

13 COMMISSIONER PERALTA: Thank you.

14 Good afternoon and welcome. If you could
15 please state your name to the reporter and proceed?

16 MR. VERNON JARAMILLO: Commissioner Perea
17 [verbatim], members of the Commission, my name is
18 Vernon Jaramillo. I'm the chancellor for Cariños
19 Charter School. To my left is our board president,
20 Dr. Cata. She's also a founder. And also we have
21 Mr. Leo Marquez; he's also a member. And also, as
22 you well know, he's also the Deputy State Treasurer
23 for New Mexico. He's one of our board members, very
24 well with finances.

25 We're here to respond to any questions

1 that you might have and to tell you that we're here
2 to cooperate with the mandates given to us by the
3 PED, as well.

4 COMMISSIONER PERALTA: Is that all you
5 have?

6 MR. VERNON JARAMILLO: Yes.

7 COMMISSIONER PERALTA: Commissioners, any
8 questions?

9 Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Mr. Jaramillo,
11 what is your enrollment projection for next year?
12 Do you think you're going to enroll additional
13 students now?

14 MR. VERNON JARAMILLO: Our projection --
15 we're not certain. Our projection as of today is
16 probably 110. We're hoping to have possibly 120 for
17 next year.

18 This is what happened, members of the
19 Commission, is that we projected 175, as you well
20 know, because we have a history of having 220. We
21 relocated from Cordova to Española. And we had our
22 Certificate of Occupancy of -- on August the 14th.

23 School started August 17th. We only had
24 three days to get our enrollment. By that time, all
25 of our kids had selected other schools. So it was a

1 challenge.

2 That's not an excuse; that's a reason. We
3 did our very best. It wasn't that we didn't try.
4 We did our darndest.

5 So we're back in the Valley. So we're the
6 only dual-language school in the Valley, and we're
7 there with commitment. The building that we have is
8 deeded to Cariños. We're the only charter school
9 with a deed to the building. The property and the
10 building is ours; so we have an asset there.

11 COMMISSIONER TOULOUSE: Are you
12 recruiting?

13 MR. VERNON JARAMILLO: Yes. We are
14 recruiting, yes.

15 COMMISSIONER TOULOUSE: How are you doing
16 that? Are you doing it radio? Are you doing it --

17 MR. VERNON JARAMILLO: We're doing it
18 through radio; we're doing it through word-of-mouth;
19 we're doing it through parents. And we're taking
20 [inaudible] time, as well, yes.

21 COMMISSIONER TOULOUSE: You're holding a
22 fair at the school, that kind of thing?

23 MR. VERNON JARAMILLO: We have a very
24 active parent involvement organization. As a matter
25 of fact, on April 29th, we have an evening, Dia De

1 Los Niños, celebrated on April 20th. We have an
2 activity on a Saturday for that purpose.

3 We have "Sumos Son Pueblo Unido" and
4 organizations helping us out in the Valley. And we
5 plan to have activities and also recruiting
6 organizations helping us out to do that, yes.

7 COMMISSIONER TOULOUSE: Thank you.

8 MR. VERNON JARAMILLO: You're welcome.

9 COMMISSIONER PERALTA: Commissioners?
10 Commissioner Crone?

11 COMMISSIONER CRONE: May I ask an
12 unrelated question, Mr. Jaramillo?

13 Vernon, I'm curious if you're comfortable
14 with the role reversal.

15 MR. VERNON JARAMILLO: Am I comfortable?

16 COMMISSIONER CRONE: With the role
17 reversal. Vernon was on the Board of Regents of
18 Northern New Mexico College.

19 MR. VERNON JARAMILLO: Yes, yes. Yes, I
20 am.

21 COMMISSIONER TOULOUSE: Well, on an
22 unrelated point, you know, Commissioner Crone, the
23 Governor just vetoed the entire higher education
24 budget.

25 COMMISSIONER CRONE: Oh, thank you.

1 COMMISSIONER TOULOUSE: So just to let you
2 know.

3 COMMISSIONER PERALTA: Commissioners, any
4 other questions that you'd like to weigh in at this
5 time?

6 Director Poulos, this is an ongoing
7 monthly reporting from the school; is that correct,
8 as you mentioned? Does this stop at the end of
9 June, or do we continue through this year?

10 MS. POULOS: Vice Chair Peralta,
11 Commissioners, it is ongoing monthly reporting. The
12 change from quarterly to monthly reporting will --
13 will change back to quarterly when the Budget Office
14 feels that this school has gotten its finances under
15 control.

16 Right now, I think the one thing that
17 we're waiting to hear from the school is how they
18 plan on doing that. I don't know that a plan has
19 yet been received. And that may be something the
20 Commission wants to hear about.

21 COMMISSIONER PERALTA: So could you please
22 address that, as far as the plan and what your
23 school is doing to begin that process, or if anyone
24 from PED that you're working with or talking to, if
25 you could please expand on that, as well?

1 MR. VERNON JARAMILLO: I believe that one
2 of the plans that is presented to you is an exhibit
3 that you have in your attachment. And it is what I
4 received as an attachment. That's a beginning.

5 We will have a meeting with our board to
6 finalize our budget. Once we have an idea where
7 we're at, we'll either implement plans to either
8 reduce funding, of course. And our parent
9 organization has made a commitment to do some
10 fundraising to help us out, as well, and to support
11 the school if need be. And we will make sure that
12 we don't override our budget, as well. That's the
13 commitment we have.

14 COMMISSIONER PERALTA: Is there anyone --
15 anyone directly that you're having a contact with at
16 PED?

17 MR. VERNON JARAMILLO: Our person that --
18 David Craig is working with us. Michael Vigil from
19 the Vigil Group, he's our contractor. And we also
20 work with Ernestine, of course, Romero. So they're
21 our contract people. PED is being very supportive.

22 COMMISSIONER PERALTA: Commissioner
23 Johnston?

24 COMMISSIONER JOHNSTON: Thank you,
25 Commissioner Peralta.

1 I'm going to show my ignorance here. I'm
2 looking at your budget that's been included here,
3 trying to sort through. And what I don't see -- I
4 see what you've budgeted. Maybe you or Deputy
5 Secretary Aguilar could explain to me, I don't see
6 that this shows me where you're looking at a
7 possibility of having -- going into negative
8 amounts.

9 And -- and the plan that we were talking
10 about, the projections, have you moved money? Have
11 you made budget adjustments so that -- so that you
12 can get through? I really don't understand what the
13 plan is and what this represents. Have you seen
14 this, Deputy Secretary?

15 MR. VERNON JARAMILLO: I can answer from
16 our point of view. What was asked of Mr. Vigil,
17 Michael Vigil, was to prepare a plan as to what a --
18 if we had enough money to end the year with payroll.

19 COMMISSIONER JOHNSTON: Did Mr. Vigil give
20 you that?

21 MR. VERNON JARAMILLO: Yes, Michael Vigil.

22 COMMISSIONER JOHNSTON: Is there someone
23 on staff that is working with Mr. Vigil to make sure
24 that his guidance --

25 MR. VERNON JARAMILLO: This is what we

1 presented to the State Department for their review.
2 Mr. Vigil and the State Department would be working
3 together.

4 COMMISSIONER JOHNSTON: So this doesn't
5 show us what you had projected, where the short is,
6 where you've adjusted the budget. All this is -- is
7 should I take this to Mr. Aguilar so he can see it?
8 I really have been puzzling over this since last
9 night.

10 I don't see a budgeted amount and a
11 change. And that's the letter on the other side.
12 And that's my concern, is if you are having -- if
13 you have exceed- -- if there's a potential to exceed
14 what's budgeted, we would be able to tell how much
15 in excess it is. And I can't get that from that.

16 That doesn't mean it's not there. It's me
17 looking at that. Have you made any changes thus
18 far?

19 MR. VERNON JARAMILLO: No. We received
20 the letter on May 22nd; so we still have another
21 special meeting that we do, and make a gross
22 analysis, yes.

23 COMMISSIONER JOHNSTON: But you are
24 relying on Mr. Vigil's expertise, really,
25 100 percent.

1 MR. VERNON JARAMILLO: Yes. Mr. Vigil --
2 Michael Vigil, Sr., is an auditor, as well.

3 COMMISSIONER JOHNSTON: And is -- your
4 budget analyst is Ms. Romero? Is that -- who is
5 your budget analyst?

6 MR. VERNON JARAMILLO: For the State, yes.

7 COMMISSIONER JOHNSTON: And so you're
8 working with her, also.

9 MR. VERNON JARAMILLO: Mr. Vigil is, yes.

10 COMMISSIONER JOHNSTON: But you all aren't
11 at all. You're not.

12 MR. VERNON JARAMILLO: I'm sorry?

13 COMMISSIONER JOHNSTON: You're not
14 involved in this conversation.

15 MR. VERNON JARAMILLO: We will be, yes.

16 COMMISSIONER JOHNSTON: As soon as you
17 have time?

18 MR. VERNON JARAMILLO: Yes.

19 COMMISSIONER JOHNSTON: I'm asking these
20 questions, because I understand -- it's like
21 looking -- it's that deer in the headlights.

22 MR. VERNON JARAMILLO: We will be
23 involved, yes. Yes.

24 COMMISSIONER JOHNSTON: Okay. All right.
25 Because I don't know -- Deputy Secretary, was that

1 clear to you about how that would resolve any of
2 their issues?

3 COMMISSIONER PERALTA: Deputy Secretary
4 Aguilar, you're welcome. Take a seat here, please.

5 DEP. SEC. AGUILAR: I apologize for the
6 jeans today. I didn't expect to be in front of you.

7 Mr. Chairman and Commissioner, what you
8 have here, this is a document that we ask every
9 school that looks like they're having -- that
10 they're going to be having difficulties closing the
11 year out. This is a month-over-month projection of
12 expenditures. That's all it is.

13 COMMISSIONER JOHNSTON: Doesn't show me --

14 DEP. SEC. AGUILAR: That document does not
15 show the revenue side of the situation.

16 So that's what this is. It shows -- it
17 shows that the school district is going -- the
18 charter school is projected to have expenditures of
19 about \$269,000 over the remaining three months.

20 COMMISSIONER JOHNSTON: And what I don't
21 know is how much they have.

22 DEP. SEC. AGUILAR: Mr. Chairman and
23 Commissioner, that's where our School Budget has a
24 number of concerns. So -- so the expenditures --
25 the revenues and expenditure comparison -- and I

1 don't know the exact number -- is overspent as it
2 is.

3 The concern that we have -- and I
4 appreciate Mr. Jaramillo's comments. But to date,
5 even with the guidance of Mr. Vigil, the charter
6 school has not made adjustments to their budget. So
7 as of today, they are projected to be in the red at
8 the end of the year.

9 We are going to be requiring them very,
10 very quickly -- I'm going to say in the next week or
11 so, they're going to have to make some hard
12 decisions on how this budget gets in the black.

13 The Chancellor mentioned that there was --
14 that there were a couple of things, that their
15 foundation was going to be working to try to
16 fundraise. We have some concerns about that. And I
17 want to be very -- and Mr. Jaramillo is aware of
18 them.

19 The idea of soliciting donations, we
20 believe -- and we would need them to talk to their
21 attorney. But we believe that that may be
22 tantamount to charging -- to charging tuition. So
23 there may be some implications about a Free
24 Appropriate Public Education that may be implicated.
25 I'm not saying they are or not. It's a question

1 that we have.

2 The other question that Mr. Jaramillo has
3 asked about and that received a response from
4 Mr. Craig in our School Budget, and then has asked
5 for further clarification, is the idea of starting a
6 GoFundMe account so that the public can raise
7 dollars to help the school.

8 We have some concerns with this, because
9 our guidance and our rules do not provide for any
10 outside resources to be placed into the operational
11 fund, even from the foundation's help. They can be
12 placed to help with after-school programs, with
13 snack programs, with things of that nature. But to
14 put money into the operational fund from sources
15 other than the SEG and the three revenue sources
16 that credits are generated, which is Impact Aid, the
17 half mill levy at a district level, and the Federal
18 Forest Reserve, we believe implicates the Equal
19 Funding components of the funding formula, and we
20 would not allow those dollars to be budgeted there.

21 What we're concerned about -- and, again,
22 Mr. Jaramillo has agreed to be cooperative -- is
23 they're going to have to adjust their budget and
24 make some pretty hard decisions. An analysis of
25 their budget indicates that they're fairly top-heavy

1 in administration. We're going to suggest that they
2 look at that very, very clearly on how to make --
3 how to make those adjustments and other expenditures
4 for the year.

5 As you know -- and I'm looking right at
6 you, but -- I'm sorry -- for the whole Commission --
7 personnel expenditures in any -- in any school or
8 school district make up anywhere from 85 to
9 93 percent. I'm not sure of the exact percentage in
10 this case. But there are going to have to be some
11 pretty hard decisions made in the next few days,
12 since there are only -- we're within 90 days --
13 83 days of the end of the fiscal year. And so
14 there's going to be some hard decisions that need to
15 be made very, very quickly.

16 And so we're going to be putting some
17 restrictions on expenditures. We're going to ask
18 the charter school to make those decisions
19 themselves. If they are unwilling or unable to make
20 those decisions, then we're going to have to impose
21 budget restrictions on them to make sure that they
22 finish in the black.

23 So we don't want to be in an oppositional
24 position with the charter school. We want to work
25 with them. But again, there are going to be some

1 hard decisions that need to be made.

2 COMMISSIONER JOHNSTON: So you're looking
3 at an expenditure amount for those items that were
4 there of about \$269,000.

5 DEP. SEC. AGUILAR: I haven't examined
6 this. That's the bottom-line number that I see in
7 front of me, Mr. Chairman and Commissioner.

8 COMMISSIONER JOHNSTON: We don't know what
9 the revenue is. But you are working with the
10 charter to --

11 DEP. SEC. AGUILAR: I, personally, am not.
12 Mr. Craig and School Budget is. They are keeping me
13 apprized of the situation. As you know the
14 Constitution precludes deficit spending. So we're
15 going to have to get them to a position where they
16 can finish the year out.

17 As Mr. Jaramillo suggested, the number was
18 110. The discussions with our budget folks have
19 been projections of 118 for next year. We're
20 concerned about budgeting any more than their actual
21 80th-120th-day numbers, which will be tight. If
22 that growth shows up, those dollars will be
23 available on 40th day, anyway. We're concerned
24 about over-budgeting and then having to pull back
25 again.

1 So those are conversations, as we move
2 into the budget season for FY '18, that we're
3 working -- we want to work very closely with them.

4 Our School Budget asked them not to budget
5 these extra 75 people last year. Mr. Jaramillo came
6 to me, and he made a persuasive argument. And so I
7 approved those extra 75 positions. And now, it's
8 put them in kind of a bad situation.

9 So I'm not inclined to do that for the
10 following year. I'd rather they go flat, work on a
11 flat budget, which may be tight; but then if the
12 extra money comes in after the 40th day, then that's
13 to their advantage, as opposed to having to pull
14 back expenditures.

15 COMMISSIONER JOHNSTON: Thank you. And we
16 faced that earlier. You're not the only charter
17 facing it, because we faced that just earlier today.
18 That was that 380.

19 So you all have -- what you have is you
20 have some really serious budget conversations to
21 have with PED.

22 MR. VERNON JARAMILLO: We understand.

23 COMMISSIONER JOHNSTON: I know you do.

24 MR. VERNON JARAMILLO: And I applaud
25 Mr. Aguilar for having a good heart. Please

1 understand that the funds that were expended -- when
2 we went from -- to a new building, we had to expend
3 money to make that accommodate, to meet the
4 standards for a school.

5 It was an office. So we had to spend
6 about \$180,000, maybe \$200,000, to meet the needs
7 for classrooms. So it wasn't like it was misspent
8 or anything like that. It was to meet the needs of
9 students, to meet the time line.

10 We barely made it. But we were -- we made
11 it in time. But now, I have to find ways and means,
12 with God's help, to make this happen. So let's see
13 if I can make it happen, for the good of the kids.

14 COMMISSIONER JOHNSTON: Thank you.

15 COMMISSIONER PERALTA: Any other
16 Commissioners that would like to have any questions
17 or would like to weigh in?

18 Ms. Poulos, do you have anything else
19 other -- well, Mr. Jaramillo, thank you for coming.
20 It looks like your window is really tight, as
21 Mr. Aguilar indicates. I know you're working very
22 closely with Mr. Vigil; but I would strongly
23 recommend that you follow the -- the guidelines that
24 the Public Education Department, particularly,
25 Mr. Craig, and how they can get you to where you

1 need to be, so that you're not having to face any
2 deficits or what have you.

3 MR. VERNON JARAMILLO: I understand.
4 Thank you for your time.

5 COMMISSIONER PERALTA: Appreciate you
6 coming. Thank you.

7 COMMISSIONER TOULOUSE: Thank you for
8 sitting all of this time.

9 COMMISSIONER JOHNSTON: And our thoughts
10 go with you, because everybody's been in that same
11 position.

12 MR. VERNON JARAMILLO: Thank you. God
13 bless you.

14 COMMISSIONER PERALTA: Okay. We're going
15 to move down to No. 9, Item No. 9.

16 This is the report from Options for
17 Parents and Charter School Division, Discussion and
18 Possible Actions, by Director Poulos. We will begin
19 with Charter School Division Update.

20 MS. POULOS: Vice Chair Peralta,
21 Commissioners, as you know, on a monthly basis, you
22 do have the kind of update of monitoring. And there
23 are really no new updates to this, except to the
24 degree that -- and this kind of addresses -- I
25 apologize -- on Page 7, one of the items that's

1 coming up, which is on that, we have our list of
2 schools that are looking for a new facility.

3 I have not added North Valley Academy,
4 because they're not looking for a new facility.
5 They're looking for new funding structure or a
6 grading structure for their facility.

7 If you feel like that needs to be on
8 there, please let me know. I think we're still kind
9 of getting clarity on this.

10 The only other item that we do have on
11 here that has been updated is the ongoing tracking
12 of governing body resignations. This is the
13 information we have to date, and that's Page 6.

14 On that, you'll see that, as far as the
15 notices we have received -- and I think that's
16 important -- we do not have any -- for the schools
17 that have notified us of resignations, none of those
18 are currently below their statutory required number;
19 but some of them have passed the deadline for
20 filling the vacancy.

21 As you know in your contract, it states
22 that vacancies must be filled within 45 days, and
23 schools, based on your policy, can receive a 30-day
24 extension. Schools really haven't been requesting
25 that extension.

1 We did finally have one school request
2 that, and that was North Valley Academy. But the
3 other schools are not making use of that, and also
4 tend not to be filling their vacancies within that
5 45-day period. I think that's something you just
6 want to remain aware of.

7 And then in the next -- starting on
8 Page 8, the report on governing body changes, we do
9 prepare a packet for you of those changes that we
10 receive, once we've got a complete package and have
11 everything we need. And when we're working that
12 process out, my team is doing a great job of
13 communicating with the schools and asking them to
14 provide that information.

15 You may -- again, I would encourage you,
16 actually, to, when we provide these packets, take a
17 close look; because as we -- we did discuss with one
18 of the schools earlier -- sometimes these will raise
19 flags for you when you see the resignation letters,
20 or when you continue to see the same school coming
21 up with lots of resignations.

22 But I don't have anything to point out to
23 you within that, just that that's information that's
24 available for you.

25 And then beginning on Page -- sorry, I'm

1 just going to keep jumping forward.

2 Beginning on Page 84, I believe -- yes --
3 we have the two closure checklists for the two
4 schools that were not renewed back in December,
5 Uplift Community School, and then, following that
6 about 40-or-so pages, this is Sage Montessori
7 Charter School.

8 These are completed by a contractor who
9 helps us go through this closure process with the
10 schools. So you'll see in the status where she's
11 provided an update on the action steps that have
12 been taken. So that's something else that you may
13 want to just take a look at and make yourselves
14 familiar with.

15 I don't have any specific items that I
16 want to bring up for you in there; just wanted to
17 provide that information to you.

18 COMMISSIONER PERALTA: Okay. Thank you
19 for that. Commissioners, anyone have any questions
20 for Director Poulos at this time?

21 Okay. Thank you for the update, Director.

22 MS. POULOS: Sorry, Commissioner -- Vice
23 Chair Peralta. I did want to make one announcement.
24 I apologize. Just as an update in the Charter
25 Schools Division, some of you met Icela -- Dr. Icela

1 Pelayo. But she has been hired on to our team as
2 the Deputy Director.

3 And I was asked yesterday what that meant.
4 And it -- as time goes on, you'll be hearing a lot
5 more from her and a lot less from me; although, I
6 still will be here, will be providing counsel and
7 advice and guidance and information.

8 But Dr. Pelayo will really be taking over
9 most of the work that I've been doing, so I can do a
10 lot of the work that I should have been doing.

11 COMMISSIONER PERALTA: Excellent. And
12 welcome. I didn't get a chance to meet you
13 yesterday.

14 MS. POULOS: And one more, I believe.
15 Were you at the last meeting?

16 Okay. So for any of you that did not
17 meet, Baylor [ph] has also joined our team from a
18 charter school in Albuquerque. He's been here now
19 more than a month, I suppose. And we're excited to
20 have him.

21 So you now see in front of you our team,
22 all here in the first three rows. And we're just
23 excited. We've been growing this team, and they're
24 a group of really smart, really dedicated folks.

25 COMMISSIONER PERALTA: Thank you. And

1 congratulations. It's good to see the growth
2 happening in the Division, something that's really
3 needed.

4 Okay. So now we'll proceed to No. 10.
5 This is School Requested Reports on North Valley
6 Academy.

7 Director Poulos?

8 MS. POULOS: So that was a report that was
9 requested from the school. And unfortunately, the
10 school leader needed to leave and so is not with
11 you. My understanding from him is that that he just
12 wanted to make the Commission aware of some options
13 they're exploring for financing and leasing of their
14 facility.

15 And so they are looking to -- although,
16 they don't have a specific date -- enter into a
17 lease-purchase agreement. That is not something
18 this Commission has traditionally dealt with or
19 approved or even really heard about.

20 If it is something you want to be hearing
21 more about, let us know. But otherwise, we will
22 just continue that process. It's not something the
23 CSD really does a lot of work on.

24 As a matter of fact, most of that goes
25 through a couple of different bureaus in the PED who

1 are responsible for approving lease purchase
2 agreements, in conjunction with any needs that the
3 PSFA has or any information that they have already.

4 COMMISSIONER PERALTA: All right. Thank
5 you for that.

6 All right. Next is the Discussion of PED
7 Draft of Governing Body Rule.

8 Director?

9 MS. POULOS: Vice Chair Peralta,
10 Commissioners, this information is being put in
11 front of you for your feedback.

12 We have been working, quite honestly, for
13 about two years on revising the rule for governing
14 body training. And we are very excited to be at the
15 place that we are now.

16 This draft -- which it still is a draft,
17 it's not been published -- has come to fruition out
18 of a lot of feedback from the field. We've worked
19 closely with the Coalition of Charter Schools. I've
20 sent it directly to governing board members, to
21 future charter school leaders, or at least
22 individuals that are hoping to be future charter
23 school leaders, current charter school leaders, just
24 interested stakeholders, and gotten a lot of
25 feedback. And I believe the rule is in a really

1 good place.

2 It will add additional work to the CSD;
3 but we think it's important work, to make sure that
4 our governing boards are getting the work -- the
5 training that they need, are prepared and capable on
6 day one, the first time they vote on an item at
7 their governing board, and really understand their
8 responsibilities and obligations.

9 But we would love to get additional
10 feedback from the Commission, if you do see or have
11 seen any areas where you believe there's information
12 or things that are missing from the rule that should
13 be there, or things that shouldn't be there that
14 are.

15 So I know you have not had it for a very
16 long time; but I hope each of you have had the
17 opportunity to review the rule. And if you have
18 feedback, we'd love to hear that now. If you do
19 not, but you might in the future, we would also love
20 to hear it then.

21 We will be following the following
22 calendar. We will be publishing our proposed rule
23 on April 25th. We will be holding a public input
24 hearing on May 26th. I believe that will be here in
25 Mabry Hall. And our hope is to have a rule

1 finalized and filed on June 27th to be effective
2 July 1st.

3 And this will govern governing body
4 training, as well as reporting each fiscal year
5 moving forward, and will actually help us with the
6 reporting process and provide us additional
7 information for you, the Commission, to consider if
8 governing boards are not meeting their training
9 responsibilities.

10 COMMISSIONER TOULOUSE: Mr. Chair?

11 COMMISSIONER PERALTA: Commissioner
12 Toulouse?

13 COMMISSIONER TOULOUSE: I'm concerned that
14 down here on the bottom of Page 1, where your
15 training times at 10 hours for the new board member,
16 you have only 2 hours of training on charter school
17 fiscal requirements? Five hours hasn't been enough.

18 MS. POULOS: Vice Chair Peralta,
19 Commissioner Toulouse, they've never been required
20 to have five hours of fiscal training. They've been
21 required to have five hours of training, total. And
22 that's across the whole world.

23 If you're indicating that you believe more
24 than two hours of fiscal training is needed --

25 COMMISSIONER TOULOUSE: I very definitely

1 am, yes. Two hours can barely explain to you what a
2 school budget looks like, I think. And if you're
3 going to be responsible for it, then you really need
4 it possibly not in that first session, but the
5 second month and the third month and follow-up
6 sessions on budgets. Because, again, we all know
7 that's where so many of our problems for closing
8 schools come in.

9 MS. POULOS: Vice Chair Peralta,
10 Commissioner Toulouse, one of the things you'll see,
11 if you go on to the next page, top of Page 2 on C --
12 so our initial training that they must complete with
13 the CSD or the PED is 7 hours. The 2 hours of
14 ethics and responsibilities, 2 hours on fiscal, 1 on
15 academics, 1 on open government, 1 on organizational
16 legal performance requirements. And then there's an
17 additional 3 hours that they can make up.

18 It sounds like maybe you're indicating
19 that we should actually put some limits on that or
20 some expectations on that related to more fiscal
21 training?

22 COMMISSIONER TOULOUSE: Mr. Chair, Madam
23 Poulos, yes, definitely. I think that's where we've
24 got to get it at the very beginning, and especially
25 the responsibilities that come with that.

1 Thank you.

2 COMMISSIONER PERALTA: Commissioner
3 Johnston?

4 COMMISSIONER JOHNSTON: Commissioner
5 Peralta. Thank you. I read through this last
6 night. And I agree with you with the fiscal. I am
7 pleased to see this. And this draft document
8 answered many of the ongoing questions I've had
9 about duplications of training and monitoring of
10 quality of training, because there are many ways.

11 I really appreciate the collaboration and
12 the Charter Schools Division and the Coalition,
13 because those are our two main areas now. I
14 appreciate the oversight and the requirement.

15 And you're right; it will require a lot
16 more work of you guys, because within this document,
17 you're asking -- I mean, these teachers are having
18 to submit lesson plans and goals and everything,
19 objectives and -- but I make light of that; but I
20 think it's very necessary to meet the quality.

21 The English teacher in me sent the little
22 note that some of the formatting and some of the --
23 some of the small things in here -- and that's just
24 humorous. Only an English teacher would read it
25 that way.

1 But it's a wonderful first step. And now,
2 I understand you're looking at -- to adopt this
3 rule, you're looking at -- at submitting it on what
4 date, did you say? Opening at -- you gave us three
5 dates. I got the public input date.

6 MS. POULOS: Vice Chair Peralta,
7 Commissioner Johnston, the dates that we would be
8 planning to submit for initial publication is I
9 believe April 27th. It may be one or two days
10 around that.

11 COMMISSIONER JOHNSTON: Something like
12 that.

13 MS. POULOS: And then there's a 30-day
14 comment period, which could result in big changes.
15 If it did result in big changes, we would actually
16 have to probably go through an additional period.
17 It would be delayed. We believe, based on our
18 input, our feedback, and stakeholder engagement,
19 that that's not going to be necessary for large
20 changes.

21 And so then the hearing would be on the
22 26th of May. And then the final rule, our hope,
23 would be at the very end of June, really becoming
24 effective at the beginning of July.

25 COMMISSIONER JOHNSTON: Thank you. That

1 is a great document, the beginnings of one. Thank
2 you.

3 COMMISSIONER PERALTA: Commissioners, any
4 more discussion?

5 All right. I'm sorry. Karyl Ann?

6 COMMISSIONER ARMBRUSTER: Hey. If I can
7 forget someone, you can, too.

8 COMMISSIONER PERALTA: Commissioner
9 Armbruster.

10 COMMISSIONER ARMBRUSTER: Thank you,
11 Commissioner. I'm not sure where or if this should
12 be included; but -- or I could have missed it, let
13 me say that.

14 But I'd like to see governing council
15 folks have a requirement -- and maybe that's within
16 those hours, or in additional hours; I don't know
17 how to say that -- actually going into classrooms at
18 that school. Did I miss it?

19 COMMISSIONER JOHNSTON: No. You had said
20 that to me. I forgot.

21 COMMISSIONER ARMBRUSTER: And the reason
22 I'm saying that is you never really -- you know, a
23 little item of expense is -- you don't really know
24 how someone is until you put on a skin and walk
25 around it.

1 It's really easy for people to say, "Well,
2 you know, you can teach this and do these seven
3 differentiations of instruction," unless you've
4 actually been there. I think it's, depending on the
5 person's ability to do this -- because some people
6 are working one or two jobs and still doing this --
7 I would make that flexible somehow, or maybe even
8 just a suggestion.

9 I'm not sure how to tell you to do that,
10 Katie. But I just think if it's a K-12 school, you
11 need to spend some time in elementary, some time in
12 middle, some time in the upper, something in each of
13 those grades. And I think that you don't really
14 need to spend a long, long time in any of the
15 classes, but, you know, even 20 minutes, because I
16 think then, you know what people are going through
17 with what -- your teachers, since you're sort of
18 part of their existence, that the governing council
19 understands what it's like to teach.

20 Because many people have not been in a
21 classroom since they left school. And school has
22 changed dramatically since we all grew up and since
23 I, even, started teaching.

24 So that's my suggestion. I haven't
25 figur- -- I can't tell you where to put that or how

1 to put it; but I -- I actually really do think it's
2 important. Even substitutes, at least, in my school
3 district, have to go to one day in elementary, one
4 day at high school, one day at middle school, and
5 spend a day at the school, just to see what they're
6 getting into. So that's my --

7 COMMISSIONER PERALTA: Thank you for that,
8 Commissioner Armbruster.

9 Any other Commissioner would like to have
10 further discussion?

11 All right. So if this is a draft, now
12 you've heard some recommendations, Director. You'll
13 have a draft coming back potentially in the next
14 meeting or so? Is that --

15 MS. POULOS: Vice Chair Peralta,
16 Commissioners, there's no need -- if you'd like me
17 to give it back to you just so that you can see it
18 again, this is a process that is going to actually
19 apply to all charter schools, not just
20 PEC-authorized, both district and PEC-authorized
21 charter schools.

22 If the Commission feels like it would like
23 to vote in support of or opposed to this, I can add
24 it again to the agenda. Otherwise, we're just going
25 through the rule-making process that PED goes

1 through.

2 COMMISSIONER PERALTA: Okay. Thank you.

3 All right, No. 12 is the Discussion and
4 Possible Action on the Performance Framework.

5 This was one of two focus areas on
6 yesterday's work session. I was not present for
7 that.

8 I believe it states that Patricia --
9 Commissioner Chair Gipson would be the presenter in
10 this case. But I'm going to defer to the Director
11 in this case. And I believe that this is important
12 that the Commission consider taking action on today
13 so that we can move on and proceed with the
14 framework that we need to.

15 MS. POULOS: Vice Chair Peralta,
16 Commissioners -- so we did have a great discussion
17 yesterday. And I think we learned a lot about all
18 the topics we talked about.

19 What I am asking of the Commission today
20 is I have presented in your materials -- the first
21 item you'll see is a proposal. So as we left the
22 last work session and the last Commission meeting,
23 the Commission asked that I go forward and do some
24 work to flesh out the ideas that we had come up with
25 during our work session about improving the

1 performance framework.

2 Began that work and quickly realized that
3 if we're going to do this well, we're going to need
4 additional support, especially as we talk about the
5 academic performance framework and gathering data,
6 analyzing data, and coming to a roll-up score and
7 making some policy decisions for this Commission.

8 So I quickly reached out to the one entity
9 I know does this work across the nation -- that
10 organization is Public Impact -- and asked them what
11 they do, who they've worked with, and if they would
12 be able to, if this Commission was interested, to
13 support this Commission in improving the performance
14 framework.

15 And so what they've provided here in the
16 materials is kind of a -- a menu of the services
17 that they can provide and an estimated budget.

18 And so what I would be asking the
19 Commission is, if you are interested in pursuing
20 this and having support as we move forward with
21 improving the performance framework, that you vote
22 today to have me go ahead and take action on moving
23 forward with getting a contract, and then
24 potentially having either the Executive Committee or
25 a subcommittee of this Commission work directly with

1 me and Public Impact, or just Public Impact, to
2 establish the scope of work that you would like them
3 to provide to support you moving forward, so that we
4 can start moving and don't get delayed, because we
5 do know that this is important to go ahead and move
6 on.

7 So that's what I would ask you today. I
8 do want to let you know, in addition, that what I've
9 provided to you is kind of that initial work.
10 There's three packets. The first is the initial
11 work on thinking through the methodology of changing
12 the academic performance framework and really
13 getting that to a place where we're able to run
14 clear data.

15 The other is some changes to the
16 organizational performance and just laying out with
17 more clarity what does it mean for a school to meet
18 the standard, to be working to meet the standard, to
19 fall far below the standard.

20 And then the specifics, so that all
21 schools understand what the Commission has asked the
22 CSD staff members and the PED team that goes out and
23 does the site visits to look at and analyze and
24 gather information about.

25 And then, lastly, just a one-pager, where

1 we thought about the financial performance
2 framework. What we have asked out of the meeting
3 yesterday, and what we came to, is that the Deputy
4 Secretary Aguilar would be working with the team up
5 in School Finance and Budget to flesh out even more
6 some additional indicators that might be used in a
7 financial performance framework.

8 So that's what I have in here. And,
9 again, my request is that if you take action today,
10 it would be to identify how you want to move
11 forward, if you want to move forward, and then if
12 you do, how, on working with Public Impact to get
13 additional support in improving your performance
14 framework.

15 COMMISSIONER PERALTA: Commissioners, any
16 questions?

17 Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Mr. Chair, I just
19 want to say I support the idea of bringing in the
20 contractor. I think that's a very good idea. And
21 if it's appropriate, I would like to move that we
22 authorize Ms. Poulos to contact this contractor,
23 making sure that it's -- whatever contract we have
24 that it is under the State amount of money that we
25 can single-source contract without going through a

1 bid process.

2 Thank you.

3 MS. McKEE: Commissioner Toulouse, do you
4 also want to authorize Director Poulos to -- and I
5 forget exactly how you phrased it -- but to set the
6 parameters of that contract?

7 MS. POULOS: To work on the scope of work.
8 And I will say, quite frankly, I don't feel
9 comfortable doing it on my own. I do think this
10 Commission, or a subcommittee of this Commission,
11 should have input into that. If it's that you
12 authorize the subcommittee to make that decision or
13 to kind of move forward on those items and get us
14 going in the right direction, I think we can
15 certainly create a broad scope of work.

16 But I think the Commission needs to help
17 me understand what they want specifically from this
18 organization.

19 COMMISSIONER TOULOUSE: And, Mr. Chair, I
20 would add to the motion that we include a
21 subcommittee to work, and the subcommittee's
22 composition can be decided at a later date by the
23 Chair.

24 COMMISSIONER PERALTA: We have a motion by
25 Commissioner Toulouse.

1 COMMISSIONER RUIZ: Second.

2 COMMISSIONER PERALTA: Commissioner Ruiz
3 with the second.

4 Discussion?

5 The Secretary, go ahead and have a
6 roll-call vote, please.

7 COMMISSIONER ARMBRUSTER: Certainly. Any
8 abstentions?

9 Okay. There's eight of us here, guys.
10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner
13 Caballero?

14 COMMISSIONER CABALLERO: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Armbruster votes "Yes."

17 Commissioner Ruiz?

18 COMMISSIONER RUIZ: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Conyers?

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Crone?

24 COMMISSIONER CRONE: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Peralta?

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Johnston?

5 COMMISSIONER JOHNSTON: Yes.

6 COMMISSIONER ARMBRUSTER: That is an

7 eight-to-zero vote. The motion passes.

8 Did I get everybody?

9 COMMISSIONER PERALTA: Thank you,

10 Secretary Armbruster. That is eight to zero in

11 favor of the motion.

12 All right. No. 13, Report from the Chair.

13 I do believe that we've been kind of

14 kicking this can down the road with the liaison

15 roles. And I'm not sure if -- I believe that

16 Ms. Shearman -- I mean Commissioner Gipson, Chairman

17 Gipson, may have had some ideas about roles assigned

18 for particular committees. And so I would not want

19 to speak for her in this regard. So I'm going to go

20 ahead and move this to the next --

21 COMMISSIONER TOULOUSE: Kick it down the

22 road.

23 COMMISSIONER PERALTA: Kick it further, so

24 we move it down --

25 MS. FRIEDMAN: Commissioner Peralta?

1 COMMISSIONER PERALTA: Yes, ma'am.

2 MS. FRIEDMAN: Chair Gipson sent me the
3 list of the liaison roles. And she was intending to
4 go over them. And so I believe these were her --

5 COMMISSIONER PERALTA: Okay.

6 MS. FRIEDMAN: -- selections for this
7 particular meeting.

8 COMMISSIONER PERALTA: Thank you for that,
9 Ms. Friedman.

10 Okay. So I believe what's in our binders
11 is what Commissioner -- Chair -- Gipson is
12 comfortable with. And so if there are -- give a
13 minute or two for the Commissioners to look these
14 over. If there are any questions or suggestions for
15 changes or any swaps, please feel free to speak out.

16 COMMISSIONER CABALLERO: Mr. Chair?

17 COMMISSIONER PERALTA: Commissioner
18 Caballero?

19 COMMISSIONER CABALLERO: Yes. I didn't
20 submit my wish list to the Chair. I don't know
21 if -- if I can submit that now and have her review
22 that and see if the assignment is proper.

23 But the two that -- that I think are
24 within what I know is Coalition of School
25 Administrators and School Boards. And as a third

1 item, as an alternative, is the Association of
2 School Board Officials -- Budget Officials. I know
3 very little about budget. And I think I need to
4 learn more. But the other two, I'm interested in,
5 and, of course, I'll leave it up to the Chair to
6 make that decision.

7 COMMISSIONER PERALTA: Thank you for that,
8 Commissioner Caballero. And by all means, do send
9 her an e-mail. And please copy Ms. Friedman with
10 your requests.

11 COMMISSIONER CABALLERO: Okay.

12 COMMISSIONER PERALTA: I do see one that I
13 do sit on. And I think it's important to have a
14 backup. And I think it's always important to have a
15 backup.

16 So in areas, or in the liaison roles,
17 where you see only a single Commissioner on there, I
18 think those people seem to be the -- the lead
19 Commissioners in these liaison roles. And so I
20 think it's important that you strongly think about
21 who you might want to recommend or have some
22 conversation with about having someone be as your
23 backup.

24 It's -- there's a time where you cannot
25 attend. And the one where I'd like to speak to that

1 that I am part of is that's the Public School
2 Capital Outlay Council. And so it is -- I think
3 it's important, in the fact that sometimes when I
4 can't be there or something comes up, it's usually
5 on the spur of the moment.

6 And so I'm -- just for strategic purposes,
7 I would ask Commissioner Crone if he would be
8 interested in being my backup, just for the fact
9 that all Capital Outlay Council meetings are here in
10 Santa Fe. You're so close, then. It would be much
11 easier to get there in a timely manner.

12 So if you don't mind, I would like to
13 include you on the Capital Outlay Council.

14 COMMISSIONER CRONE: Okay. Thank you.

15 COMMISSIONER PERALTA: Anybody else like
16 to weigh in --

17 COMMISSIONER JOHNSTON: Other than you
18 just suggested right now, the two where I am sole,
19 he would be the backup; so there would be the two of
20 us. So as you go forward to the Chair, if you'll
21 include that, what we talked about, the two of us,
22 as you e-mail.

23 COMMISSIONER PERALTA: If any other
24 Commissioners have any other requests or
25 suggestions, please do e-mail Chair Gipson on that,

1 please.

2 Thank you for that.

3 Item B, the PEC calendar.

4 Ms. Friedman, do you have anything on that
5 at this time?

6 MS. FRIEDMAN: Commissioner Peralta, this
7 calendar is the calendar. I've taken off the
8 August 4th meeting. And we have the listening tour
9 that we'll talk about in just a few minutes.

10 This is the calendar. It's been updated
11 on the website, also.

12 COMMISSIONER PERALTA: Okay.
13 Commissioners, anybody have anything on that? Are
14 we -- any work session coming up for the next month,
15 that you know of?

16 MS. FRIEDMAN: I believe that we are
17 scheduled for a work session in May on the 11th.

18 COMMISSIONER PERALTA: Okay. And then the
19 next meeting is scheduled here in Santa Fe; right?

20 MS. FRIEDMAN: That's correct.

21 COMMISSIONER PERALTA: Okay. Thank you.

22 All right. If we can speak to, now, the
23 listening tour schedule?

24 Oh, I'm sorry. Commissioner Crone?

25 COMMISSIONER CRONE: Yeah. I noticed that

1 in our agenda, it's scheduled at Northern from 4:00
2 to 6:00. But in the binder itself, it says 3:30;
3 so...

4 MS. FRIEDMAN: Commissioner Peralta and
5 Commissioner Crone, the sheet in your binder is a
6 draft. And in talking with the Executive Committee
7 in setting the agenda, we set the times for the
8 listening tour.

9 And the listening tour will be from -- on
10 Tuesday, April 25th, from 4:00 to 6:00 at Northern
11 New Mexico College, the Board of Regents Board Room.
12 And there is a -- a map there and an address. There
13 will be more specific directions for you to get to
14 that board room that I will send out to you.

15 On Wednesday, we will be meeting at the
16 Albuquerque Public School Board Room from 4:00 to
17 6:00 again. And the address is there. And, again,
18 I think most people know where that is. But I can
19 send directions for that.

20 On Thursday, April 25th -- 27th, we'll be
21 meeting in Las Cruces in the commons area of the
22 Centennial High School. And that listening tour
23 will be from 5:00 to 7:00 p.m.

24 We are working on the final logistics of
25 basically the setup and what will be said and so

1 forth, back and forth. But the first two will be
2 4:00 to 6:00 p.m.

3 COMMISSIONER CRONE: Thank you.

4 May I continue?

5 COMMISSIONER PERALTA: You can.

6 COMMISSIONER CRONE: I know most of you
7 have been to Española. So the map is a little bit
8 confusing. If I followed this, I probably wouldn't
9 be able to find the place where I've worked for
10 43 years.

11 So you basically -- instead of going to
12 Taos, you go to Chama. So when you get on the west
13 side, it's on Paseo de Oñate, just past the
14 government buildings on that highway.

15 On the campus itself, there's only one
16 main entrance off Paseo de Oñate. Take that. The
17 administration building is right in front of you.
18 You go to the parking lot on the north side of that
19 building, and there's two entrances -- pardon?

20 COMMISSIONER ARMBRUSTER: I do better with
21 left and right, not north and south.

22 COMMISSIONER CRONE: Okay. You turn onto
23 campus. Take the first right -- I'm sorry -- first
24 left and then the first right. I mean, it's a tiny
25 campus. Even if you get lost, you eventually

1 wouldn't be.

2 And the board room, if you take the
3 entrance closest to the parking lot -- and that
4 would be -- for you, especially, you just go in
5 to -- and there's a big -- the bookstore. Take a
6 left at the bookstore into the cafeteria, and the
7 board room is in the left-hand corner. But I will
8 provide a campus map to Beverly.

9 MS. FRIEDMAN: Commissioner Peralta?

10 COMMISSIONER CRONE: Does that work?

11 MS. FRIEDMAN: I'd like to mention that
12 Commissioner Crone did send me those directions.
13 But I wanted to save those until you were getting
14 ready to come there to get those directions. And
15 we'll clarify those directions, so that it'll be
16 easier for you to get there.

17 COMMISSIONER TOULOUSE: And, Mr. Chair, I
18 would like to point out to our secretary that there
19 are at least two of us here who don't do well with
20 left and right and do much better with north and
21 south and east and west.

22 COMMISSIONER ARMBRUSTER: That's why we
23 would do both and differentiate instruction.

24 COMMISSIONER CRONE: Paseo de Oñate and
25 east onto the campus, and then park on the north

1 side of the building. It's the Joseph M. Montoya
2 Administration Building.

3 COMMISSIONER PERALTA: Cindy, you know you
4 didn't have to get all this; right?

5 THE REPORTER: I'm writing all this down
6 like -- I know how to get there now.

7 COMMISSIONER PERALTA: Thank you for that.
8 We'll be expecting to get more from Ms. Beverly on
9 easy reading maps.

10 COMMISSIONER CRONE: I believe there's a
11 campus map on the college website. And I'll provide
12 a copy of that.

13 COMMISSIONER PERALTA: Thank you for that.
14 Okay. We are at item 14.

15 And I know Commissioners have a lot of
16 comments to say right now --

17 COMMISSIONER TOULOUSE: No. We need the
18 update. We need the Coalition.

19 COMMISSIONER PERALTA: Oh. Excuse me.

20 MS. CALLAHAN: I had my dance all ready.
21 I promise it'll be short.

22 COMMISSIONER PERALTA: Take your time.

23 MS. CALLAHAN: Mr. Chair, Commissioners,
24 again, Kelly Callahan, the co-executive director of
25 the New Mexico Coalition for Charter Schools. And

1 we just have a couple of things.

2 In May, on the 30th and the 31st, we are
3 having our second annual spring -- and it's
4 primarily an instructional conference. We are
5 having some GC training.

6 But this is going to be a very, very
7 dynamic -- we have a lot of great presenters that
8 are coming forward, best practices, practitioners --
9 by practitioners for practitioners, a lot of work
10 with educationally disadvantaged students and how to
11 work with them academically and in non-academic
12 situations.

13 And so we have a lot of things. And we
14 want to definitely invite you. My office manager,
15 Donna Vanlandingham, probably, I think, has sent an
16 invitation. We just have been finalizing locations
17 and times. We're working on the presenter agenda on
18 Monday.

19 So we will absolutely send all that. But
20 you are all invited. And we'll have complimentary
21 admission to the conference. It's two days.

22 Just an interesting kind of take on
23 things, we're going to do the food trucks for the
24 lunch. And so we're going to have -- they're having
25 one in Albuquerque tomorrow with 25 or 30 trucks.

1 We're not having that many. But it's going to be
2 300-plus people.

3 And we're having it at the Performing --
4 Public Academy for Performing Arts, PAPA, in
5 Albuquerque.

6 It's going to be a great conference. We
7 would love to have any and all of you attend.

8 Also, just one other thing. I'd like to
9 thank Director Poulos. She has been very
10 forthcoming with us in working on the GC training
11 rule. We have had a lot of input, as well as many
12 stakeholders; so I think there's been a lot of
13 preliminary work on this rule.

14 And we have been involved in the process
15 and are looking forward to the public comment and
16 developing that application and putting together
17 some very strong GC training.

18 You have always mentioned it, and I'm
19 going to reiterate it, is that this is where we
20 really need to ramp up our efforts. And the
21 Coalition is very committed about working with the
22 Public Education Department, as well as other
23 authorizers, to ensure that the governing council
24 training is the highest quality and the most
25 relevant for the work that our GCs are doing.

1 Anyway, thank you, Katie. I appreciate
2 it. And we're looking forward to working with the
3 rest of the CSD team, and, as always, with the
4 Commission.

5 If you have any questions, please fire
6 away.

7 COMMISSIONER PERALTA: Commissioners, any
8 questions for Ms. Callahan?

9 COMMISSIONER JOHNSTON: A comment. I
10 appreciate the collaboration that we're getting on
11 this. I think this rule is -- that's a good thing.
12 And is it PAPA's new facility? Are they all moved
13 in? Are they at the new school?

14 MS. CALLAHAN: Mr. Chair, Commissioner
15 Johnston, yes, this is their new facility. APS and
16 PAPA, working in collaboration, have reconstituted
17 Acoma Elementary School in Albuquerque. It's a
18 gorgeous facility, and it's growing. They're going
19 to do a lot more to it.

20 So, yes, it's going to be really nice.
21 And this is a new way of kind of doing a conference
22 and using a school building and really bringing in
23 practitioners.

24 And we're partnering with Albuquerque
25 Public Schools, as well. And so there's going to be

1 not only charter schools, but magnet schools and
2 other schools of choice that will be presenting at
3 this conference.

4 COMMISSIONER JOHNSTON: Thank you.

5 COMMISSIONER PERALTA: Thank you,
6 Ms. Callahan. It's good to see you. And I
7 apologize for missing out on getting you up there;
8 so it won't happen again, I promise.

9 MS. CALLAHAN: Thank you, Mr. Chair.
10 Appreciate it. Commissioners, have a great evening.

11 COMMISSIONER PERALTA: Commissioners, now
12 is your time to shine, if you haven't already.

13 Any comments, Commissioner Caballero?

14 COMMISSIONER CABALLERO: No comments at
15 this time.

16 COMMISSIONER PERALTA: Thank you for that.
17 Commissioner Johnston?

18 COMMISSIONER JOHNSTON: I just appreciate
19 the hard work that the Commission is doing -- has
20 done, is doing, and looks forward to doing, and the
21 hard work of the Charter Schools Division and the
22 collaboration with the Coalition, with the Division,
23 with the schools. I've been around charters, like I
24 said, since 2001. And it's exciting to see how far
25 it's come.

1 Thank you.

2 COMMISSIONER PERALTA: Thank you.

3 Commissioner Conyers?

4 COMMISSIONER CONYERS: No comment.

5 COMMISSIONER PERALTA: Commissioner
6 Toulouse?

7 COMMISSIONER TOULOUSE: Yes, Mr. Chair. I
8 know I shouldn't do this, because it's late. But
9 there is something I want to put on the record so
10 it's in a transcript.

11 I have a daughter who is absolutely
12 philosophically opposed to requiring the kids to all
13 take the PARCC tests. She has opted my grandson,
14 who is now in fifth grade, out of his PARCC test,
15 third, fourth, and now fifth grade.

16 His principal at his school at Cien Aguas,
17 which is in limbo, because they did not renew with
18 us, because their charter is still ours until the
19 30th of June, and then they renewed with APS -- by
20 the way, they're being moved into the old PAPA
21 facility without any advance notice to their
22 parents, the schools, or anything. They were just
23 told, "APS is moving us here, so we're going," which
24 is another -- but my grandson, who is ten years old,
25 was called into the principal's office and was sat

1 down and said, "You need to take the PARCC because
2 if every student in school takes the PARCC, we're
3 going to have a party for pizza and ice cream. If
4 even one of you doesn't take it, there will be no
5 party."

6 My daughter got phone calls from several
7 of the other parents who opted out, one of whom
8 happens to be a judge in Albuquerque, whose students
9 were all told the same thing.

10 She went -- took her two days to get in to
11 see the principal. She talked to him. And his
12 statement was, "Oh..." -- there are two points.

13 One of them is, "Oh, I thought all of
14 these kids were -- didn't want to take it, so their
15 parents were letting them out."

16 I can tell you, my grandson, who has had
17 an awful lot of fun with the pre-tests, he's begging
18 to take it. And my daughter is saying no.

19 I tried to tell her, "Let him take it."

20 She said, "Next year."

21 So that isn't what this is.

22 And then he said, "And the reason we need
23 to do this, we had so many who opted out, our grade
24 two years ago went down to a 'C,' and our grade last
25 year went down to a 'D.'"

1 I know that isn't true. But that's what
2 he said. He wasn't at the school either of those
3 years.

4 I ask every year -- Ms. Poulos can tell
5 you -- for the list of schools whose grades were
6 lowered by not taking PARCC. Their grade was an "A"
7 two years ago; so it was not lowered, because you
8 can't -- there isn't anything higher than the "A" to
9 lower it. And they had a "C" because of the first
10 year of the PARCC test. Last year, it was not
11 lowered to a "D."

12 I have great concerns that, to me, this is
13 bullying behavior. You do not bully children. And
14 that was what it was, saying, "You're going to make
15 everybody miss a pizza and ice cream party."

16 If you're going to -- and there are
17 anti-bullying signs all over the school. If you are
18 going to bully anybody, you call the parents, and
19 you do it to them.

20 And that's why, because I think this was
21 just an egregious thing to do to kids, I want it in
22 a transcript, so sometime if anything comes up
23 again, it's on record somewhere.

24 Thank you all for listening to that.

25 COMMISSIONER PERALTA: Thank you.

1 Commissioner Ruiz?

2 COMMISSIONER RUIZ: Just thank you to the
3 Commission and to Katie Poulos and Audrey and our
4 lovely transcriber, and to all of you for sitting
5 there all day.

6 Thank you.

7 COMMISSIONER PERALTA: Commissioner Crone?

8 COMMISSIONER CRONE: Well, blame this on
9 Ms. Toulouse. Since I may not have a job next year,
10 because all of the higher education budgets have
11 been zeroed out, the Governor stated the reason she
12 did it was because it was revenge against the --
13 particularly, the Senate Rules Committee, Linda
14 Lopez, Senator Linda Lopez, because she said that
15 the committee didn't hear regent appointments.

16 And I know for a fact, I went into her
17 office virtually every day asking about two regents
18 at Northern.

19 They were never sent down. So I just
20 wanted to clarify the facts.

21 COMMISSIONER PERALTA: Very well.

22 Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: I'm fine. I
24 remember all of you.

25 COMMISSIONER PERALTA: Well, I think, for

1 a while there, I thought maybe it rubbed off on me,
2 being that I forgot Ms. Callahan.

3 All right. So we're now to an
4 adjournment.

5 Do I have a motion for adjourn- --
6 Commissioner Ruiz.

7 A second?

8 COMMISSIONER TOULOUSE: Karyl Ann.

9 COMMISSIONER PERALTA: Commissioner
10 Armbruster.

11 We are adjourned.

12 How do you undo a gavel? All in favor of
13 adjourning?

14 (Commissioners so indicate.)

15 COMMISSIONER PERALTA: Opposed?

16 (No response.)

17 COMMISSIONER PERALTA: All right. We're
18 good.

19 (Proceedings concluded at 4:30 p.m.)
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22
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25

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3
4
5 REPORTER'S CERTIFICATE

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

13 In testimony whereof, I have hereunto set my
14 hand on April 21, 2017.

15
16
17 -----
18 Cynthia C. Chapman, RMR-CRR, NM CCR #219
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